

Cabinet 6 th September 2016	
Report of: Corporate Director Communities, Localities & Culture	Classification: Unrestricted
Review of Boroughwide 20mph limit	

Lead Member	Councillor Ayas Miah, Cabinet Member for Environment
Originating Officer(s)	Margaret Cooper, Head of Engineering Tom Rawlings Acting Team Leader Design (Road Safety & Cycling)
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Good Place to Live

Executive Summary

- 1.1 At Cabinet on 4th February 2015, it was agreed to introduce an experimental 20 mph borough-wide speed limit. This was introduced in April 2015 covering all borough roads (i.e. not TfL roads) not already included in 20 mph zones. It expires on 13th October 2016. This report therefore provides as full an assessment as is feasible within this time period of the impacts of the scheme in order to inform a decision by the Mayor in Cabinet on whether to make the borough-wide speed limit permanent.
- 1.2 This report summarises the key findings of the review of the scheme, which are broadly positive. The review is attached as an appendix and includes the survey of residents' perceptions. It recommends that the speed limit be made permanent subject to a number of roads being omitted; that work continues to be undertaken to improve traffic calming and that road safety throughout the borough is reviewed.

Recommendations:

The Mayor in Cabinet is recommended to:

- Agree that the 20mph speed limit Experimental Order is made permanent subject to the roads listed in section 5.8 and 5.9 being omitted from the traffic order and reverting to 30mph.;
- Agree that the roads listed in 5.10 be prioritised for additional traffic calming to reinforce the 20 mph speed limit.
- Note that that further work will continue to review road safety throughout

the borough in order to target ongoing traffic calming work to those areas most in need of improvements

- Note that further awareness and education programmes will be delivered to build awareness and ownership of the 20 mph limit.

1. REASONS FOR THE DECISIONS

- 1.1 A decision on whether to make the experimental 20mph borough speed limit permanent or not, in its current or modified form, must be taken before the experimental traffic order expires in October 2016.

2. ALTERNATIVE OPTIONS

- 2.1 The alternative options available for Cabinet are :
- To agree the speed limit in full as it has operated experimentally since April 2015;
 - To reduce the extent of the speed limit by removing some roads from the traffic order and reverting to 30 mph on those prescribed roads;
 - To remove the 20 mph limit entirely from those impacted by the experimental order (which would not however affect the 85% of residential roads previously included in 20 mph zones)
 - In addition Cabinet may identify specific roads where additional traffic calming could be introduced to reinforce the 20 mph speed limit. Cabinet may not however extend the scope of the limit at this stage

3. DETAILS OF REPORT

3.1 Original Justification for introducing the limit:

The Department for Transport (DfT) publication 'Setting Local Speed Limits' states that the standard speed limit in urban areas is 30 mph, which represents a balance between mobility and safety factors. However, for residential streets and other town and city streets with high pedestrian and cyclist movement, local authorities are encouraged to consider the use of 20 mph limits. Collision rates are reduced at lower speeds and if they do occur, there is a lower risk of fatal or serious injury. Other significant benefits of 20 mph limits include quality of life and community advantages that encourage healthier and more sustainable transport usage such as walking and cycling. Based on this positive effect on road safety, and a generally favourable reception from local residents, traffic authorities are able, and encouraged by the DfT, to use their power to introduce 20 mph speed limits or zones.

- 3.2 Successful 20 mph zones and 20 mph speed limits should be self-enforcing, i.e. the existing conditions of the road together with measures such as traffic calming or signing, publicity and information as part of the scheme, lead to a mean traffic speed compliant with the speed limit. To achieve compliance

there should be no expectation on the police to provide additional enforcement beyond their routine activity, unless this has been explicitly agreed.

- 3.3 Speed is only one of many causes that contribute to traffic collisions. However, a reduction in vehicle speeds in the majority of residential areas would, over time, reduce the number and severity of collisions. Early studies of existing sign-only 20 mph speed limit schemes find that they generally produce an average reduction in speed of between 1 and 1.5mph. The associated reduction in collision rates is dependant to a degree on the average 'before' speeds.
- 3.4 It was in order to confirm the validity of this empirical evidence at the local level that a decision to introduce a 20 mph limit by way of an Experimental Traffic Order under Section 9 of the Road Traffic Regulation Act 1984 was taken.
- 3.5 An Experimental Traffic Order is a legal order to test a new traffic management scheme and this can last up to 18 months. It has allowed impacts of the scheme to be monitored and assessed, as well as allowing a prolonged period of consultation when residents themselves can provide their opinions on how effective the scheme has been. Having carried out consultation, it is for a local traffic authority acting reasonably and taking all relevant considerations into account, to determine whether a speed limit is appropriate for an area, having regard to national guidance issued by the Department for Transport (referred to above). The consent of the Secretary of State is not required for a 20mph speed limit order.
- 3.6 It is particularly important to note that the consultation should comply with the following criteria:
 - it should be at a time when proposals are still at a formative stage;
 - the Council must give sufficient reasons for any proposal to permit intelligent consideration and response
 - adequate time must be given for consideration and response; and
 - the product of consultation must be conscientiously taken into account.
- 3.7 Whilst there was no statutory requirement to consult with residents prior to making an experimental traffic order, a common law duty on the Council to do so arose. This was reported to Cabinet in February 2015, where Legal comments considered that the consultation carried out complied with the necessary criteria set out above.
- 3.8 The experimental order commenced in April 2015 and lines and signs were introduced to meet traffic regulation standards for defining this limit on the roads affected. Awareness was reinforced with banners, bus back advertising and community Speedwatch campaigns, alongside enhanced Police speed enforcement activity and press articles, though these activities were kept within reasonable budgets given that the scheme was experimental in nature. Whilst Police enforcement activity was increased in response to increased complaints about anti-social driving behaviour, warnings were given but no

tickets were issued for contraventions between 20-30 mph whilst the limit is experimental.

- 3.9 Approximately 85% of the Borough is currently within local 20mph zones: the majority of these zones have experienced a reduction in the total number of casualties of up to 70% since implementation although 4 have experienced an increase in those killed or seriously injured (Weavers, Campbell, Narrow Street and Antill zones). The speed limits in these zones will not be affected by the decision on the speed limit, which applies to roads outside those areas. Traffic calming measures in these zones are also being reviewed to design out further risk. Various methods of traffic calming are available and can include but not limited to
- Vertical deflection – Speed tables, sinusoidal humps and speed cushions
 - Horizontal – Width restriction and chicanes.
 - Speed indication devices and safety cameras
 - Signs and lines
 - Local police events – community speed watch and CUBO

4 FRAMEWORK FOR REVIEW

- 4.1 A review of the impact of the experimental scheme order has been carried out over the first 12 months of its operation, seeking to be as thorough and wide ranging as possible. It has collated all available relevant traffic data and best practice advice has been sought from recognised experts such as TfL Road Safety Unit and the Met Police Traffic Division.
- 4.2 Consultants were commissioned to carry out an independent review of the effectiveness of the 20 mph limit. Their report is attached as an appendix to this report and has covered:-
- Analysis of collision records comparing the average numbers of killed, seriously injured and slight accidents over the three calendar years prior to implementation of the limit to the twelve months post operation.
 - Analysis of before and after speed survey data from 55 sites through the borough.
 - Summary of comments received throughout the year on issues relating to the 20 mph limit
 - Consultation with statutory bodies including the Police, London Ambulance Service and Transport for London to gain their impressions and any quantitative data available.
- 4.3 The objectives of the report were to consider whether the experiment had been a success in terms of the original objectives discussed in section 3 above :-

- Identify where average speed change has been positive, negative or minimal (with an average change of only 1 -1.5 mph being the target).
- Identifying collision trends and patterns particularly relating to severity of injury.
- Reviewing compliance with the limit to identify where mitigating traffic management solutions to reduce vehicle speeds would be appropriate to make the limit more effective in self-enforcement.
- Understanding the factors that contribute to collisions within the study area and identifying preventative measures including recommendations for ongoing behaviour change, awareness, education and enforcement.
- Identifying any roads to be considered for reverting back to a 30mph speed limit where evidence suggests the limit has not been effective.
- Identify any other positive or negative impacts of the scheme which have come to light

5. **SUMMARY OF KEY FINDINGS**

- 5.1 The Technical Review of the first year of operation is attached as an Appendix. Broadly speaking, the anticipated benefits of the scheme in terms of accident savings and speed reduction have been shown to have been achieved however there are areas where modifications to the streets covered by the traffic order, or further investment in traffic calming to reinforce it, are recommended.
- 5.2 Best practice in analysing collision statistics would compare a three year average figure for before and after the implementation of the order, but due to time constraints on decision making, this is not possible at this stage. The latest available collision statistics post-implementation (April 2015 – January 2016) have therefore been factored to a common basis with which to compare to the average of the previous 3 years to provide the best available data. This work has shown the number of fatal and serious casualties have reduced by 20% and 22% respectively. However, the number of slight casualties has increased by 24%.
- 5.3 After comparing before and after speed survey results at approximately 50 sites, the average speed has fallen by 1.4 mph to an average of 18.32 mph. All roads surveyed recorded average after speeds within the threshold of 24 mph which the DfT guidance suggests is a suitable average speed for consideration of 20mph limits. (NB Manchester Road recorded 24.1mph.) Again, this represents a positive impact in line with the change anticipated according to empirical evidence in current guidance.
- 5.4 An internet survey of borough residents attracted over 900 replies and overall showed only 40% support for the limit compared to 53% disagreeing with it. The method was used because of its simplicity to implement and its low cost however it is important to understand the limitations of the survey. As it is self-selecting it can be expected to engage residents that have a particularly strong opinion one way or another. It is unlikely to engage those with no

opinion or who do not feel particularly strongly either way. Such survey methodology tends therefore to exaggerate the negative opinion as motivation to respond on a self-selected basis is most often generated by negative concerns. This survey method does not provide a representative sample of the population and it does not provide a safe basis upon which to conclude that the result is an accurate representation of the wider communities' views. It does, however, give those who want to express a view the opportunity to do so and have it considered and it gives some limited indication of the strength of opinion of the group that engaged. With these significant caveats in mind it is evident that this result varies on a geographical basis, suggesting that the speed limit is more widely endorsed by those expressing an opinion in the north of the borough than in the south. Of the 900 replies, over 500 came from the E14 postcode area and showed 65% were against the limit. However, a lower level of responses in each of E1, E2 and E3 showed only 44%, 37% and 27% (respectively) of respondents disagreed with the limit.

- 5.5 The questionnaire also asked whether 20mph limits should be introduced on TfL roads and there was broad disagreement with this suggestion. Whilst this is not at all statistically relevant and cannot be considered to represent the views of the wider community it will, never the less I be relayed to TfL who are carrying out their own pilot 20mph limits in a few areas, including part of Commercial Street. The Whitechapel section of the A11 Cycle Superhighway is also due to have a 20 mph limit imposed to address road safety concerns in the market area now that the central reservation has been removed. There are no other known proposals for changing speed limits on the TfL network at this time and no recommendation is made at this time to extend further.
- 5.6 Further questions in the survey asked whether respondents supported further investment in supporting measures and the responses can be summarised as follows:-
- an increase in physical traffic calming measures – approx. 50:50 split
 - an increase in police enforcement - 471 support : 289 against
 - an increase in driver education - 517 support : 203 against
 - an increase in driver awareness campaign - 466 support : 273 against
- 5.7 Detailed findings in the technical assessment identify on a road by road basis where problems have been identified which need further work to support a permanent 20 mph speed limit. If Members agree to make the limit permanent, the evidence would suggest the following modifications be introduced with funding through the LIP. Such programmes would then continue over the longer term, informed by regular assessments of road safety patterns and compliance with the limit.
- 5.8 The following roads are recommended to be withdrawn from the traffic order and returned to 30mph due to the nature of the network connection they perform. They are relatively short links connecting directly at both ends to TfL roads with 30 / 40 mph limits. Reverting to 30 mph limits will provide greater clarity for drivers :

- Leamouth Road;
- Leamouth Roundabout;
- Prestons Roundabout;

5.9 The following roads are recommended to revert to 30mph until such time that a design review can be approved for the entire link and delivered to support introduction of a more self-enforcing 20 mph speed limit:

- Prestons Road
- Cotton Street:
- West India Dock Road

An increase in collisions has been observed in the post implementation period on both Prestons Road and Cotton Street, although actual numbers involved are quite low. West India Dock Road has seen a very slight reduction. These are all relatively high speed roads designed to prioritise traffic capacity and vehicular access to the Isle of Dogs, however there are a number of key attractions along these routes which generate a high level of pedestrian movement across the routes e.g. Woolmore School, Poplar High St shops, bus stops, DLR stations and Limehouse Police Station. The scope of the change required to the design of these roads to become more pedestrian friendly (thus making the 20mph limit more self-enforcing) is more complex than simply providing traffic calming and would take some time and funding to deliver. It may even be the case that the wider difference in speed between compliant drivers and those driving faster has increased the level of risk. If the average speeds on these roads do not fall within the 24 mph threshold with signage alone, then the Police would be unable to support enforcement of the 20mph limit and continued higher speeds would negatively affect perception of the whole initiative.

5.10 The following roads are recommended to continue to be included in the 20mph speed limit but prioritised for additional traffic calming to improve compliance and make the limit more self-enforcing:

- Manchester Road : of the sites surveyed, this achieved the highest average speed in “after” figures. At 24.1 mph, this was at an acceptable level to meet the DfT guidance criteria for the use criteria but results could be improved with further traffic calming;
- Westferry Road : average speed reduced by 2mph to 23 mph – these results could be improved with further traffic calming;
- Cambridge Heath Road – no survey carried out but the nature of the southern section of the road suggests additional design work could improve compliance with the 20mph limit.

5.11 In conclusion, on the basis of the findings which have been reported to date, and bearing in mind the Council’s duty to exercise its functions under the Road Traffic Regulation Act 1984 to secure expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), it is recommended that:

- The 20mph speed limit Experimental Order is made permanent subject to the roads listed in section 5.8 and 5.9 being omitted from the traffic order and reverting to 30mph.;
- Agree that the roads listed in 5.10 be prioritised for additional traffic calming to reinforce the 20 mph speed limit.
- Agree that further work continue to review road safety throughout the borough in order to target ongoing traffic calming work to those areas most in need of improvements
- Agree that further awareness and education programmes be delivered to build awareness and ownership of the 20 mph limit.
- Encourage the Police to continue to work with Council Officers to target enforcement of anti-social driving behaviour in areas identified as most in need.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 TfL have actively encouraged the funding of Borough Wide 20 mph initiatives through the LIP allocation for road safety. A total of £445,000 has been spent to date as part of the implementation of the experimental traffic order and undertaking the reviews. Any further costs incurred will be accommodated within the future TfL LIP funding capital allocations made available for road safety.

7. LEGAL COMMENTS

- 7.1 The Council is a traffic authority for the purpose of the Road Traffic Regulation Act 1984 ('the 1984 Act') and has a duty to exercise its functions under that Act to secure expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). So far as practicable, the Council must have regard to the following matters when carrying out its functions under the 1984 Act:

- the desirability of securing and maintaining reasonable access to premises;
- the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- any other matters appearing to the Council to be relevant.

- 7.2 The Council should also take into account its own overarching policies, set out in the Local Transport Plan.
- 7.3 Section 84(1) and (2) of the 1984 Act empowers the Council acting as a local traffic authority to make speed limit orders on roads within its area. Orders which the Council is empowered to make under section 84(1) can be made initially by way of an experimental traffic order under section 9 of the 1984 Act as is the case here. An experimental traffic order shall not continue in force for longer than 18 months.
- 7.4 The experimental traffic order comes to an end in October 2016 and a review of its impact has been assessed with a view to deciding whether a permanent order should be made and, if so, the scope of the order.
- 7.5 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations') apply to any order made pursuant to section 84 of the 1984 Act by virtue of regulation 4 of the 1996 Regulations. Regulation 6 of the 1996 Regulations requires consultation as follows:

Case	Consultee
Where the order relates to, or appears to the Council to be likely to affect traffic on a road which is included in the route of a London bus service	The operator of the service and TfL
Where it appears to the Council that the order is likely to affect the passage on any road of ambulances and/ or fire fighting vehicles	The chief officer of the appropriate NHS trust and/ or the fire and rescue authority
All cases	The Freight Transport Association; the Road Haulage Association; and such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult

- 7.6 There is no statutory requirement to consult with anybody else but the Council must consider whether a common law duty arises. This common law duty imposes a general duty of procedural fairness upon public authorities exercising a wide range of functions which affects the interests of individuals (see *R (Moseley) v Haringey London Borough Council* [2014] UKSC 56, [2015] 1 All ER 495 at [35] per Reed LJ).

- 7.7 In considering whether a common law duty arises, has there been a promise that the Council would consult on a particular issue. This can be as a result of a decision or statement by Members (or an officer). This gives rise to a legitimate expectation. Specifically, the decision or statement must be clear, unambiguous, and not have any relevant qualification. The decision or statement must also have been made by someone who had actual or apparent authority to make that decision or statement. If it is not then the decision is *ultra vires*. This would also arise where the Council does not have the legal power to act in the way proposed.
- 7.8 Further has the Council's past practice been to consult on such proposal? If so, then again a legitimate expectation arises and which has been induced based upon the Council's past behaviour.
- 7.9 The common law duty would also arise where, in exceptional circumstances, a failure to consult would lead to conspicuous unfairness. Specifically a legitimate expectation can arise even without a decision/ statement or past practice, so as to prevent a public authority from acting so unfairly that its conduct amounts to an abuse of power. For example, is what is proposed likely to have a harmful impact on service users?
- 7.9 On balance, it may be considered advisable to generally consult in addition to consulting with the statutory consultees referred to in the above table.
- 7.10 The consultation should comply with the following common law criteria:
- (a) it should be at a time when proposals are still at a formative stage;
 - (b) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - (c) adequate time must be given for consideration and response; and
 - (d) the product of consultation must be conscientiously taken into account.
- 7.11 The duty to act fairly applies and prior to undertaking a consultation exercise, it does needs to be considered whether the matter to be consulted on impacts on those with protected characteristics. If it does then the method of consultation can be adapted to ensure that those persons are able to respond to the consultation so as to inform the decision making process. For example, if a group of persons with a protected characteristic is a 'hard to reach' group then they may not be reached by traditional consultation techniques.
- 7.12 There should have a rational basis for any resolution that the 20mph speed limit Experimental Order is made permanent subject to the roads listed in section 5.8 being omitted from the traffic order and reverting to 30mph. The results of the consultation survey exercise must be taken into account. If it is intended to take a different approach than that indicated by the majority view, then there needs to be good reasons for taking that approach. There is material in the report both in favour of and against (see paragraphs 5.1 through to 5.10). Before making a final decision, Cabinet will have to be satisfied that the reasons in favour of adoption on a 20mph speed limit is

made permanent subject to the roads listed in section 5.8 being omitted from the traffic order and reverting to 30mph are sufficiently cogent.

- 7.13 When deciding whether or not to proceed with the proposals, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). Information relevant to the discharge of this duty is in the One Tower Hamlets section of the report.

8 ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 By making the experimental traffic order permanent, it will provide road safety benefits to all residents of the borough, with particular positive impacts demonstrated for vulnerable road users including the elderly, young children, cyclists, pedestrians and mobility impaired people. An Integrated Equality Assessment was undertaken on the schemes proposed in the Local Implementation Plan which included the strategy for reducing road accidents. This confirmed the general level of benefit

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 All works will be delivered through Contract CLC 4371 which commenced on October 1st 2014 after an extensive competitive tendering process. This contract includes 4 Lots for highway maintenance, capital improvements, street lighting maintenance and street lighting improvements.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 DfT guidance suggests that overall, lower traffic speed has a positive impact on air quality and also helps to encourage travel by sustainable modes, such as cycling and walking, by making it more attractive.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 In order to minimise financial risk, no expenditure will be incurred without confirmation of allocations being approved by TfL. Although costs for making the limit permanent are relatively small, additional physical measures will require funding and budget availability will restrict the rate of delivery.
- 11.2 The proposal specifically aims to reduce road safety risk.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 LIP guidance requires schemes to take into consideration the Council's duties under Sn17 of the Crime & Disorder Act. Many complaints received about

speeding traffic are found to relate to other anti-social behaviour including drug-dealing in particular. Thus a positive benefit on such behaviour can be anticipated.

13. SAFEGUARDING IMPLICATIONS

13.1 None

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix One: Review of the operation of the experimental 20 mph speed limit
- Report of consultation

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

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Officer contact details for documents:

N/A