

Cllr Stephen Cowan, Leader, LBHF
Cllr Wesley Harcourt, Cabinet Member for Environment, Transport & Residents Services, LBHF

Dear Stephen and Wesley,

First – to wish you a happy new year.

I am writing with concerns about the proposed moves towards a borough-wide 20mph speed limit. I wish to make clear that I have no intention of 'getting personal' with anyone, and no party-political axe to grind. What I have to say might be considered constructive as well as 'fair comment'.

You are no doubt aware that several residents are complaining to councillors – some have forwarded the replies received to our campaign for a response. As the replies from both of you seem to be based around similar standard text, I would like to address some of the points made to you jointly as you are clearly working in tandem.

The Council Constitution has a requirement for objectivity. If you stand back a little and try to see things more from someone else's point of view, you might realise that some of the people making representation to you may have considered matters you had not considered, and thus have a case? Some serious questions have been raised, and need to be answered.

I would ideally like to work with you towards an amicable resolution.

The following submission is necessarily detailed in order to address your many detail points. Even so, I have had to leave out much important information - I have tried to keep it as short as possible to do justice to your concerns.

With best wishes,

Brian Mooney
'No to Borough-wide 20mph' campaign
PO Box 13199
London SW6 6ZU
brian@london-motoring.org.uk
9 January 2016

In the pages that follow, I am identifying your quotes directly in <i>red</i> without identifying the recipients by name. They are just referred to as Resident 1,2,3,4.
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WHO GAINS FINANCIALLY FROM 20MPH AND WILL LBHF RESIDENTS LOSE?

[Cllr Wesley Harcourt-Resident1]

Any extension of the current 20mph zones will **not be a revenue generating scheme** as I hope the report makes clear.

[Cllr Wesley Harcourt-Resident3]

We're actually keen to put **more money into residents and business' pockets**, not stealth tax them which is something we campaigned against the last council administration on.

First – I would like to point out that neither I nor a leading group opposing the unwanted imposition of borough-wide 20mph, the Alliance of British Drivers, have claimed that LBHF is out to make money from the scheme.

Speed cameras have been a very good earner for *central* government (both Con/Lab), so perhaps some cynicism is understandable when putting the record straight.

However LBHF residents stand to lose in other ways. If a wide 20mph limit is imposed on our roads, the speed cameras there will no longer trip above 30mph – residents stand to be fined for doing lowish speeds between 20-25mph that are safe and legal in most of the UK. They then also stand to suffer increased insurance costs but will know whom to thank.

Costings prepared for another local authority – West Sussex – which considered but rejected wide-area 20mph speed limits in Worthing – identified a cost of at least £16,000 a year for **monitoring**. Costings prepared for LB Croydon in 2014 indicated something like an 8% annual **maintenance** cost for new speed limit signs put up (etc.). When I put in a Freedom of Information request last year to LBHF on its own annual costs (to be met from the **LBHF** budget and therefore **our council taxes**), I did not receive a reply of any value.

If you can give me a straight answer on this, please, I will gladly publicise it.

WILL RESIDENTS PAY FOR BOROUGH-WIDE 20MPH VIA THEIR COUNCIL TAX?

[Cllr Wesley Harcourt-Resident1]

Any extension of any 20mph zones **will be paid for by Transport for London**.

[Cllr Wesley Harcourt-Resident2]

I am keen that we get this right and **so we're looking very carefully at** all consultation responses, **accident data**, etc. Any 20mph scheme we introduce will be paid for by TfL **not the council**.

Where do TfL get their money from? The answer must include a charge towards GLA bodies such as TfL (a 'precept') added to **LBHF residents' council tax bills**? Every pound spent on things that residents don't want is a pound not kept to spend on things that residents might want, like keeping our tube and bus fares down!

Local Transport Today (11 Dec 15 issue) reported on TfL's approaching problems in securing funding.

AN APPARENT CONTRADICTION: 'COMMITTED' BUT NOT YET 'DECIDED'?

Let's compare four different statements made to different residents.

[Cllr Wesley Harcourt-Resident1]

We are currently going through the detailed consultation responses and **have yet to decide** what to do. Indeed, we consulted residents on **our manifesto commitment** (see attached page 12) to extend the 20mph speed limit. I don't know why anyone would say we have already decided to "**bring in a 20mph speed limit on all of its [the council's] roads**", or that we are planning to not respect the results of the consultation or that the consultation concluded that 55% of people are against **an extension of the 20mph speed limit**. All those statements are thoroughly untrue.

[Cllr Wesley Harcourt-Resident2]

I would agree that it is important that politicians should stick to any commitments or promises they make. That is a key plank of this Labour Administration at Hammersmith & Fulham. We go further and have a policy of working with residents NOT doing things to them.

The proposal in our Manifesto was: We will: - Extend the Home Zone programme so that **all residential streets, not trunk roads, become 20 mph**

[Cllr Wesley Harcourt-Resident 4]

I am sorry to say that you have been misinformed regarding the outcome of the consultation **as we haven't yet made our minds up on what roads will be included in the 20mph extension**.

Can you **really** say that you "haven't made your mind up" on going ahead, while **at the same time** telling others implementing borough-wide 20mph ("all residential streets" including main roads) is "a manifesto commitment" that you must stick to?

On 1 Sept 2015, Cllr Harcourt wrote to me (on a previous email address)...

-----Original Message-----

From: Cllr Harcourt Wesley [mailto:wesley.harcourt@lbhf.gov.uk]
Sent: 01 September 2015 19:01
To: 'brian.mooney@abd.org.uk'
Subject: RE: Road safety measures and consultation issues

Brian

Thanks for this **but to be clear I am not holding back on implementing the 20mph...**
Wesley

Councillor Wesley Harcourt
Cabinet Member for Environment, Transport & Residents Services
LB Hammersmith & Fulham King Street London W6 9JU

Looks like the mind was made up pretty decisively to me! It also seems that a decision at least '*in principle*' to proceed has been made. For some reason, your replies to residents do not mention this.

It just requires the *formality* of a decision at a Cabinet meeting (cf. Cabinet reports pack, 2 Nov 2015).

Interestingly the local Gazette (29 Dec 2015) announced that LBHF has been awarded some funding (it applied for), including **£500,000 towards implementing 20mph limits across the borough** (<http://www.getwestlondon.co.uk/news/west-london-news/west-london-boroughs-receive-millions-10662204>). although technically this funding could be reallocated. (cf. Cabinet reports pack).

There may be over-riding reasons to decide *not* to proceed to implementation, such as lack of real public support, failure to observe 'due process' or other legal requirements. Read on....

NOT A VERY 'MANIFEST' MANIFESTO COMMITMENT IN 2014?

As for the "manifesto commitment". The whole purpose of an election manifesto is to go public with promises so that voters know what they're voting for. In last year's General Election, manifestoes were released *weeks* before polling day.

In the 2014 LBHF council elections, a new Labour council was voted in on 22 May. However, if you check the timestamp inside the manifesto document now being sent out with replies to residents, it was amazingly only produced on 20 May! In other words, at the last minute, and after the postal votes had been cast? (I checked the manifesto on this link:

<http://gallery.mailchimp.com/f29e63ad0717fb2c8bb51fe61/files/5d4e2853-a38b-4ffa-ad4d-e87126e2425f.pdf>)

Some residents ask if the reason it came out so late (and under-publicised) is that it contained proposals that the public might not be so delighted with? I didn't see the borough-wide 20mph in the 'early pledges' that were publicised. And in my ward (Palace Riverside), I didn't even get a simple election address from my Labour candidates, but did from other candidates. Why was it so under-publicised?

There is no way that "public consent" or "a public mandate" can be claimed for such a manifesto.

IS A SERIOUSLY ONE-SIDED CONSULTATION REALLY 'WORKING WITH RESIDENTS'?

[Cllr Wesley Harcourt-Resident2]

I would agree that it is important that politicians should stick to any commitments or promises they make. That is a key plank of this Labour Administration at Hammersmith & Fulham. **We go further and have a policy of working with residents NOT doing things to them.**

[Cllr Wesley Harcourt Resident3]

So far from trying to ignore the public we are going much further than the council has ever gone before **to actively engage our residents before we make major decisions**. I am keen that we act in accordance with public opinion on all matters and plan to do that on this issue.

[Cllr Wesley Harcourt-Resident1]

The consultation on extending the 20mph speed limit on some or all roads was **extensively publicised...** You might find the paper that went before the public PAC meeting interesting: <http://democracy.lbhf.gov.uk/documents/s71173/20%20MPH%20Report.pdf>

The consultation on borough-wide 20mph was so one-sided that it might better be described as a high powered propaganda exercise to 'sell' the scheme.

If anything, 'actively engaging with residents' was in an **extensively one-sided** way – a biased consultation web page (http://www.lbhf.gov.uk/Directory/News/20mph_consultation.asp) and a biased booklet were pushed at residents. (A scan is on <http://www.fairdealforthemotorist.org.uk/lbhf20.pdf> for anyone who does not have the booklet at hand.)

Consultation law demands members of the public be given sufficient information to make an *informed* decision on a council proposal. Comment has been made that it seems residents were not to be trusted with *balanced* information, including reviews questioning the effectiveness of wide-area 20mph speed limits. Some do exist. Despite the propaganda, only a minority backed the Council's **specific** proposal for borough-wide 20mph speed limits..... read on....

The Report on the consultation (the 'paper' mentioned) has been criticised on the LBHF website with reason by a number of residents

(http://www.lbhf.gov.uk/Directory/News/A_staggering_71_per_cent_of_local_people_support_a_20mph_speed_limit.asp).

WHY THE NUMBERS DON'T ADD UP: A FAILURE OF LOGIC?

[Cllr Wesley Harcourt-Resident2]

There is also no blanket 55% majority against the scheme as has been suggested.

[Cllr Wesley Harcourt-Resident 1]

We gave residents three options asking **if people agreed to extend 20mph speed limit**. The answers that came back can be summarised as:

- * Yes to all roads (45%)
- * Yes but not on the roads listed by each person who responded (26%)
- * No, not on any more roads (29%)

So in short there is a **71% majority** to introduce the 20mph on all the roads that were not specified by the residents who kindly took part in the consultation. Within the 26% there are some roads which lots of people specified as not wanting a speed limit change and there are others with only a small number of objections. I have asked officials to carry out a full analysis of those figures and, as I say, my colleagues and I are yet to have a meeting to conclude what the council will do.

This does not *exactly* reflect the question put in the biased consultation booklet. Which was

Question 1

Do you support a borough-wide 20mph speed limit on roads managed by Hammersmith & Fulham Council?

Yes Yes, but only on some roads No

1. For a start, 'Yes, but only on some roads' is a distortion. If it is only on 'some roads', then it is not 'borough-wide'. 'No, but only on some roads' would have been more accurate. The fact that respondents did **not** select the straight 'Yes' option shows they only support it on 'some roads'. ('Some roads' could mean the status quo, more or even less roads than at present, so logically does not necessarily imply 'an extension').

By LBHF's own reckoning, 45% said Yes to Question 1, 29% said No, and 26% said 'only on some roads'. $29\% + 26\% = 55\%$ **who did not support a 'borough-wide' 20mph speed limit.**

2. Just say someone asked their daughter "What animals don't have four legs?"
She replies "Centipedes"

It would be wrong, however, to presume that as she does not mention every other species of insect, serpent, bird or aquatic life, she thinks only centipedes don't have four legs!

Yet anyone who ticked the 'Some roads' box is presumed to have supported a 20mph speed limit on every road that they did not specifically list as being kept at 30mph in Question 2.

This is flawed for a number of reasons. For a start, someone could have legitimately just returned the questionnaire with just Question 1 answered. Because of LBHF's decision to **presume** that the respondent supports 20mph on every road except those listed for 30mph, and no roads were listed against Question 2 it is presumed that the respondent supports 20mph borough-wide – which was explicitly **not** the respondent's intention (otherwise they would have ticked the straight 'Yes' box).

Similarly, respondents might have preferred speed limits other than 30mph on some roads, including 40mph or variable speed limits (e.g. 40mph at night on a main road, 30mph by day).

3. Question 2 also featured only a small box for replies, large enough for respondents to write in the names of maybe up to twenty roads. As there was no instruction to **exhaustively** write in the name of every road that respondents felt should have a 30mph speed limit, the answers given should properly be considered to be *illustrative*.

(However some people feel that if Question 2 had contained wording to the effect that unless a road was listed for having a 30mph speed limit, it would be presumed that the respondent wanted it at 20mph, it would have given the game away?)

It is interesting that the one question that the questionnaire did **not** put was a straight 'What roads do you actually want to see a 20mph limit on' – as this would not have had a substantial response?

4. In short, the questionnaire was not water-tight in that it produced **logically inconclusive** answers. This points to another reason making the consultation **not fit-for-purpose**.

IMPROVING ROAD SAFETY – WITHOUT CONSULTING ON BETTER OPTIONS?

[Cllr Wesley Harcourt-Resident2]

I am keen that we get this right and **so we're looking very carefully at all consultation responses, accident data, etc.**

[Cllr Wesley Harcourt-Resident1]

We are **solely looking at how to improve road safety** and reducing speeds is a critically important tactic available to us.

If 'road safety' was the '**sole concern**', why then was no referenced 'accident data' provided in the consultation, and the **total focus** upon selling borough-wide 20mph?

Why were **no other options** for 'improving road safety' consulted upon (NB an expectation on having alternatives to choose from has been set in consultation law. In the case of *Draper v Lincolnshire CC*, a court held that a failure to properly consider an alternative proposal rendered the decision making process flawed. See '*Consultation Principles, Oct 2013*', *Cabinet Office*).

In June, I submitted a Freedom of Information request for casualty data and other information that I felt was missing from the consultation booklet and consultation-related webpages. As I felt I had been fobbed off with an incomplete response, I escalated the matter. Some might feel that LBHF gave the game away in correspondence to me (7 Sept 15) which admitted:

"H&F did not gather or use any casualty data or statistics as supporting information to lead to the decision to proceed with the consultation, taken on 06 October 2014, as the proposal was developed in line with the Labour group's manifesto document"

(I am happy to make this reply to my Freedom of Information request available.)

In the interest of making an objective evaluation of the 'road safety case', I wanted to see hard data. Police casualty data for a three-year period (2012-14) had to be separately obtained from LBHF. A review of a large-cross section of data pointed to **travelling 'at speed' hardly being a factor** in accidents. (For more information - see www.fairdealforthemotorist.org.uk/handstats.htm, which includes the casualty data file).

On the basis of this evidence, I suggested **alternative road safety measures** to Cllr Wesley Harcourt on 28 August. These addressed the more common factors observed, such as road users not showing due care and attention (e.g. pedestrians just stepping out).

If LBHF **goes ahead** with the proposal for borough-wide 20mph speed limits using the line that it was 'a manifesto commitment', this would undermine the credentials of the consultation as – by law – a consultation should take place when **the proposals are at a formative stage**. To proceed with what is seen as a 'fait accompli' would undermine the expectation that *views can genuinely be taken into account* in policy development. (See '*Consultation Principles, Oct 2013*', *Cabinet Office*).

In short, this might be seen as doing things 'to' people, rather than 'with' them?

SUPPORT FOR 20MPH SHALLOW, WHEREAS OPPOSITION IS FAR MORE DEEP-SEATED?

LBHF's distribution of c.80,000 very one-sided consultation booklets produced a response of between 2-3% supporting its proposal for borough-wide 20mph speed limits. I checked with a friend who works in marketing. A 2-3% buy-in rate is nothing special – it is more or less average for any mailshot.

A TV camera crew wanted to film reactions to a live consultation on speed limits and contacted me. On 22 July, I took part in filming in the King Street area. The programme makers were professionally neutral in asking a cross section of local members of the public what they thought of the borough-wide 20mph proposal. Suffice it to say that **nobody** they approached was in favour, and instinctive reactions **against** were often **quite strong!**

They then approached only cyclists in an attempt to find someone who supported it. **All** of the cyclists they spoke to were against the proposal. The nearest to 'support' that the TV crew managed to find was a cyclist from Brackenbury Village. He spontaneously stated that he had supported the proposal in the consultation, but then said, on reflection, that he should have voted against it!!!

Practically all of the members of the public were happy to have their interview footage used.

It is interesting that a main protagonist for the proposal, Hfcyclists, has admitted that not all of its members support the proposal.

The proposal has antagonised the Licensed Taxi Drivers' Association, members of the RMT union cabbies' section and a third trade body, the London Cab Drivers Club. Also local professionals and businesses such as couriers and mobile service companies.

I have openly engaged with several members of the local public since the consultation started, and can honestly say that **I have not met one** (LBHF councillors and transport team excepted) who supports the proposal. Again - reactions **against** are often **quite strong!** –terms most commonly used to describe it are on the lines of 'daft', 'mad' and 'on another planet'. (It has also been pointed out that if as few as 171 people vote differently in the next council elections, you might be out of office.)

I therefore have reasons for believing that much 'support' might be impulsive on receiving the one-sided booklet, but that opposition might be much larger than recognised, and also very deep-seated.

A BETTER OPTION – DOING THINGS 'WITH PEOPLE'?

In conclusion, I recommend that LBHF decides not to proceed with a proposal that would be 'doing things to people'. Instead, I would recommend that LBHF pursues solutions tailored to addressing accident causes, particularly the lack of due care and attention shown by road users. Road user education (e.g. publicity campaigns, better signage, improved cyclist training) could play a big part in preventing avoidable accidents.

This could make use of reallocated funding of up to £500,000 from TfL.

Such objectively targeted and proportionate measures would be 'doing things with people' and therefore likely to enjoy popular support.

Should LBHF wish to adopt this constructive alternative, I would be happy to provide an appropriately supportive quote.