



Environment Scrutiny Panel

Review of Speed Limits: Revised Policy



Presented to the States on 31st March 2011

S.R.4 /2011

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Chairman's foreword

My Panel has worked very hard to produce this report in time for the debate on speed limit policy. Having done our homework, Panel members are unanimous that it would be much better if that debate did not take place.

I am frankly appalled that the Minister could bring to the House a proposition that has been so poorly researched. His Working Group's report sat on his desk for 12 months after it was lodged. Instead of using that time to put right its many failings, the Minister has turned it into a proposition and brought it to the House largely unchanged.

The whole report and proposition seems to have been done 'on the hoof', which cannot be recommended to the Assembly. Consultation seems to have been almost non-existent, and did not follow States guidelines. The public survey in which the Minister placed so much faith has been found by the States Statistics Unit to have been so poorly designed and executed that its results are completely discredited.

The Panel has not found any evidence from the Working Group or the Minister's reports to show that any change to speed limits is needed. The entire purpose of this proposition seems to be to 'tidy up' a policy that has not been proved to have anything wrong with it.

Unfortunately, in doing so the Minister has come up with proposals that the Tourism Department believe would spoil the whole Green Lane network and seriously damage the tourism industry. What is more, despite claiming that he doesn't intend any sweeping changes, his proposition would change the speed limits on nearly half the roads in the Island; yet so far he has not even provided a map to the Panel showing all the roads that will be affected. Neither States Members nor the general public have been given any opportunity to consider what the effect of the proposition would be, prior to the debate actually taking place; this is shameful.

Evidence from the States of Jersey Police provided to the Minister's Working Group (but not included in their report) suggests that tens of thousands of speeding offences happen every day. I would have expected the Minister to focus on better enforcement of existing speed limits, rather than wasting the department's time creating meaningless policies that will not bring any benefits in terms of road safety, and may even make things worse.

I firmly believe that the States should reject this proposition and either the department should go back to the drawing board and do the work properly, or leave well alone.



Deputy P Rondel
Chairman, Environment Scrutiny Panel

Key findings

- 1. The Working Group's review of speed limit policy was not carried out to an acceptable standard. No meaningful research was done, and no aims and objectives were ever defined other than to look at the existing policy**
- 2. Evidence of key issues such as actual speeds and accident records was never considered; consequently public concerns about road safety were not addressed**
- 3. The only substantial consultation carried out (the public survey) was so seriously flawed in methodology and interpretation that its results are wholly unrepresentative and seriously misleading**
- 4. Other public consultation was inadequate; no stakeholders were even identified**
- 5. The department did not identify the failings of the Working Group's report or carry out any consultation of its own before the Minister lodged his proposition**
- 6. Aspects of the proposition have the potential for negative impacts on road safety, compliance with speed limits, and enforcement**
- 7. The proposition is considered unsound and unfit for purpose**

Recommendations

- 1. The proposition in its present form should be withdrawn by the Minister**
- 2. In the event that recommendation 1 is not accepted, the States should reject the proposition**
- 3. The Transport and Technical Services Department should change their culture to recognise the value of genuine consultation. This should involve an awareness of the importance of engaging with others, training in consultation techniques, and respect for States guidelines**
- 4. In future, before bringing a proposition to the House the Minister should ensure that it is fit for purpose, based on solid evidence, and a proper consultation process has been followed**
- 5. The practice of appointing panels of States Members to review specific aspects of policy has clearly failed in this instance. In future, consideration should be given to making better use of Scrutiny for these purposes**
- 6. The Department should bring forward effective policies to improve road safety based on evidence and proper consultation in line with the above recommendations**

Detailed findings

- Neither the Speed Limits Working Group nor the Minister has identified any problem that the review was intended to solve
- No evidence has been presented for the alleged confusion about speed limits that the Minister has given as a reason for amending the policy
- The lack of specific terms of reference for the review handicapped the process
- There is no evidence of a structured approach to the Working Group's review
- The lack of meaningful research means that there is no support for the conclusions or the recommendations of the Working Group's review. The Working Group made no use in its report of existing data, readily available to the Transport and Technical Services Department, the Parishes and the States of Jersey Police
- The failure to identify stakeholders exacerbated the problems caused by lack of research
- The results of the public survey have been found to be fundamentally flawed by the States Statistics Unit and are seriously misleading
- Apart from the survey, the only other public engagement was one public meeting; this is considered wholly inadequate
- Important evidence from meetings of the Working Group with the Comité des Chefs de Police and the States of Jersey Police was not included in their report
- The States Police estimate that tens of thousands of speeding offences are committed every day, although excessive speeds are rare. Strict enforcement of existing limits is not currently achievable
- Changing the speed limits on approximately 230 miles of Jersey roads (in total) as proposed will not of itself contribute to improved policing or road safety, but will increase confusion amongst motorists and create new issues with compliance
- The Working Group correctly identified four key issues which should be considered in a review of speed limit policy, but failed to follow them up
- The Working Group review and the Minister's subsequent proposition did not follow States guidelines for consultation. As a result neither the States nor the public have been properly consulted or informed about these proposals prior to the debate

- **The proposal to raise the speed limit on Green Lanes has not been thought through, properly researched or subject to any consultation with users or residents**
- **The Tourism Department claims that the proposal for Green Lanes will seriously damage the tourist industry; yet this risk has not been subject to any evaluation**
- **The department's own evidence suggests that increasing the speed limits on Green Lanes and reducing them elsewhere will create problems for enforcement and has the potential to result in the criminalisation of many motorists**
- **No evidence has been presented in respect of speed limits in built-up areas, nor has this been the subject of any consultation with residents**
- **No map was prepared of the roads which would be affected by the proposed changes to speed limits at any stage of the review or of the process leading to the lodging of the proposition**
- **No site visits to any specific locations were carried out to inform any aspect of the review. Thus, for example, the proposals to change the limit to 30mph on all roads with no centre line which are not Green Lanes were not 'tested against reality' at any time**
- **The Panel has been told that the proposal to reduce speed limits on roads with no centre line would affect 175 miles of Island roads, yet the Minister continues to deny that his proposals will bring about sweeping changes. This proposal is considered likely to result in increased confusion amongst both local and visiting motorists, and there are strong indications from the States Police that it could prove difficult to enforce**

1. Background

The Speed Limits Working Group's review of policy in 2009 was stimulated by a proposition from Deputy Ian Gorst, P.166/2008, which was approved by the States on 2nd December 2008. The terms of that proposition were as follows:

The States are asked to decide whether they are of opinion to request the Minister for Transport and Technical Services

(a) to establish a Review Working Group to review the implementation, operation and suitability of the current Speed Limits Policy (P.1/2004) as approved by the States on 15th March 2005 (set out in Appendix 1),

(b) to appoint 3 States Members as members of the Review Working Group of whom at least 2, including the Chairman, shall not be Ministers or Assistant Ministers, with the Working Group to receive appropriate assistance from relevant officers and

(c) to present the conclusions of the Review Working Group with any associated recommendations for change to the Assembly before 30th June 2009.

The proposition largely arose from specific concerns about speed limits in the Deputy's Parish of St Clement, which were eventually addressed through an order of the Minister for Transport and Technical Services in 2010. However, the States decision empowered the Working Group to review speed limit policy for the whole Island.

The group's first meeting took place in April 2009. Members were Connétables Graeme Butcher (Chairman) and Peter Hanning, and Deputies Ben Fox and Kevin Lewis (Assistant Minister for Transport and Technical Services). It completed a report on its findings in September 2009. Over a year then passed before the Minister for Transport and Technical Services lodged P.167/2010 – Speed Limits: Revised Policy in November 2010.

The Scrutiny Panel considered the Minister's proposition on 10th December 2010. It immediately wrote to him expressing a number of concerns and requesting a delay to the debate, giving notice that it would otherwise intend to call the proposition in for scrutiny. The debate was scheduled for 18th January 2011. The Minister replied on 12th January indicating that he was not inclined to delay. However, he eventually reconsidered and the debate was deferred until 5th April 2011 to give the Panel some time to carry out a rapid review.

2. Terms of Reference

This review is being undertaken by the Environment Scrutiny Panel to consider the draft revised policy on Speed Limits lodged by the Minister for Transport and Technical Services on 2nd November 2010.

The review will examine how the proposed revised policy addresses the question of appropriate speed limits for the Island, including but not restricted to relevant considerations identified in the Speed Limits Working Group's report (September 2009).

The Panel will also:

- Consider evidence for the proposals and the need for change
- Identify and consult with appropriate stakeholders (*subject to time constraints*)
- Compare the Working Group's report and the policy proposals with best practice elsewhere
- Review the physical extent of proposed changes to speed limits across the Island
- Investigate potential impacts of changes to speed limits on journey times for private, commercial and public transport
- Examine the case for changing the speed limit in green lanes
- Assess likely outcomes, benefits and resource implications of the proposed policy
- Consider possible alternative approaches
- Consider the proposed appeals procedure

The Panel will report its findings to the States.

3. Panel membership



The Environment Panel is constituted as follows:

Deputy Phil Rondel, Chairman
Deputy Daniel Wimberley, Vice Chairman
Deputy Sean Power
(Joined the Panel on 15th February 2011)

(Member for St John)
(Member for St Mary)
(Member for St Brelade)

Senator Alan Breckon
(co-opted member for this review only)

Officer support: M Orbell

4. Methodology

From its first reading of the proposition and accompanying reports the Panel agreed that a review would be necessary if it was unable to persuade the Minister to reconsider his proposals. The reports were considered to be seriously lacking in factual and objective evidence and it appeared to the Panel that P.167/2010 was not based on any significant amount of research.

Given the extent of the Panel's concerns and the limited time available, members decided to commission an independent and impartial review of the proposition and associated reports. The Panel was particularly pleased to be able to engage Parsons Brinckerhoff in this rôle. PB consultants had previously been employed by the Transport and Technical Services Department themselves, most recently in the production of the Sustainable Transport Policy approved by the States in 2010. It was therefore felt that their expertise was unlikely to be challenged.

The Parsons Brinckerhoff report to the Panel provides a concise analysis of the proposition and background reports, objective commentary on the process carried out, and comparisons with best practice. Numerous problems inherent in the proposition are identified and recommendations as to how these could be addressed are also included. The Panel is grateful to its consultants for the insight provided into best practice in the development of speed limit policy; the Parsons Brinckerhoff report is attached as an appendix to this Scrutiny report and is highly recommended to States Members.

As well as engaging independent consultants the Panel launched a public call for evidence on 31st January and subsequently also wrote directly to a range of potential stakeholders asking for their views. There was an immediate response and by the time of writing over 80 submissions had been received from individuals, businesses and Parishes.

The Panel held separate public hearings on 8th March with the Minister for Transport and Technical Services; the Minister for Home Affairs (accompanied by representatives of the States of Jersey Police); and the Assistant Minister for Economic Development (with officers from the Tourism Department). Two further hearings were held on 11th March with representatives of the Jersey Chamber of Commerce and Deputy Mike Higgins.

5. The Working Group review

Despite sharing between them a number of years of relevant experience, including both States and Honorary police service, the Working Group members were not expert in speed limit policy, transport matters or road engineering.

However, the original proposition made it clear that the group was to receive appropriate assistance from relevant officers. The department should have the expertise required for such a task. The Panel therefore finds it extremely hard to understand how a process which fulfilled few, if any of the requirements considered appropriate to a review of speed limit policy elsewhere (as confirmed by its advisers) could have been considered adequate by the department at the time.

The Panel is also puzzled by the fact that over a year elapsed before the Minister lodged P.167/2010; yet despite this delay the Minister's proposition varies only in minor detail from the recommendations in the Working Group's report. No attempt appears to have been made to test any of the Working Group's conclusions; nor did the Minister make any effort to enable wider consultation (by means of a Green or White Paper) prior to proposing his revised policy. The Panel has now identified serious problems with the Working Group's report, which appear to have passed unnoticed owing to the lack of rigour in the process followed by the department.

The Panel's terms of reference for this review focus on evidence (or the lack of it). Given the deadline for debate it has not had time to investigate why certain things may or may not have been done, but will draw attention to what it feels are significant shortcomings in the process leading to the current proposition, as well as instances where claims by the Minister, his department or the Working Group Chairman do not appear to be fully substantiated. States Members will have to draw their own conclusions.

5.1 What did the Working Group do?

5.1.1 Meetings

Working Group meetings

The Working Group's report states that it met 'on a number of occasions'. From the evidence provided to the Panel, it appears that just two minuted meetings were held, of which notes are only available for the second. The first took place on 23rd April 2009. The agenda referred to the appointment of the Chairman, a review of the Working Group's Terms of Reference from P.166/2008, a presentation on the background to the current policy and consideration of how the review would be undertaken.

The second meeting did not take place until 10th August 2009; notes have been made available to the Panel. This meeting included a discussion with officers of the States Police; circulation of the results of the Working Group's questionnaire (see below); consideration of a report from the head of the Driver and Vehicle Standards; and discussion of the next steps for the review. A further meeting was mentioned but presumably never took place. The Panel has seen documentation relating to the three main agenda items; the results of the questionnaire and evidence provided by the States Police will be discussed in more detail later in this report.

Public meetings

Only one public meeting was held, at St Lawrence Parish Hall on 6th July 2009. This came about as the result of an offer made by the Connétable during the original debate in 2008. The eventual meeting was relatively poorly attended, attracting only 30 people, including three Connétables and one Parish Deputy. The Working Group's report includes a brief reference to comments made at the meeting.

No further public meetings were held. The Panel finds that the outcomes of one meeting attended by only 30 people cannot be considered evidence of meaningful public consultation.

Meeting with the Comité des Chefs de Police

Two members of the working group attended a meeting of the Comité des Chefs de Police on 21st July 2009. No records of the discussion were available other than an extract from the minutes of the Comité which indicated that:

1. The recent erection of 'de-restriction' speed limit signs was causing confusion, especially amongst visitors
2. The use of 'smiley/grumpy' signs was popular and an effective deterrent in most situations; it was hoped that the Transport and Technical Services Department would be able to provide funding through the Community Safety Fund to make these available to all Parishes.
3. Factual speed data collected by the signs was of assistance in enabling the Honorary Police to monitor patterns of driving, including 'rogue' speeders'
4. The possibility of using speed cameras to raise Parish revenue was mentioned but it was thought this would need a change in the law
5. The Comité was in favour of increasing all 15mph zones to 20mph
6. The re-introduction of police motorcycles was supported

It is noted that points 2, 3, 5, and 6 were positively reflected in the Working Group's report. Smiley/grumpy signs were subsequently funded for all Parishes; the Minister did not follow up the recommendation for the re-instatement of police motorcycles.

However, the Panel finds it surprising that one comment from the Comité des Chefs de Police does not appear to have been followed up. The Working Group specifically highlighted signage as one of four factors that need to be taken into account when speed limit policy is being considered, yet a clear indication from the Honorary Police that new signage was causing confusion amongst motorists was not mentioned in the group's report.

This is considered to be a surprising omission, especially as the Minister for Transport and Technical Services has claimed that one of the reasons for changing the policy is to address 'confusion' amongst motorists:

Connétable M. Jackson:

My opinion is that it will make it easier for the motorist to comply with the speed limits which we are suggesting, because presently there seems to be a confusion from the point of view of the motoring public about what speed they are supposed to be doing, particularly in areas where they are not consistent.

The Panel notes that no evidence for this alleged confusion is presented in the Working Group's report.

5.1.2 Consultation

A consultation approach?

At the public hearing on 8th March the Panel was informed by the Working Group Chairman that his group made a conscious decision to carry out the review on the basis of consultation, rather than take a technical approach. As such the Panel would have expected to see evidence of extensive consultation underpinning all of its work.

Members were therefore astonished to find that apart from the questionnaire and meetings mentioned above, no further consultation of any sort took place. No attempt was made to identify or contact any stakeholders other than the States and Honorary Police.

Questioned at the public hearing on 8th March, the Minister claimed that the issue of speed limits was 'too broad' to identify specific stakeholders:

Deputy D. Wimberley:

Yes. The Minister has just said that there has been a significant consultation. I do not think we have quite asked the question yet specifically about whether there was a process to identify stakeholders. I suspect I know the answer, but was there a process of identifying which stakeholders it would be useful to talk to?

Connétable M. Jackson:

Stakeholders are, I suppose, principally in terms of speed limits, how do you identify stakeholders? Are they pedestrians walking along the roads? Are they horse riders? Cyclists? Or just motorists?

Deputy D. Wimberley:

May I just stop you there. The question was, what process was there or was there a process -- I do not want you to do it now -- of identifying stakeholders who perhaps should be approached directly in parallel with the consultation, the survey, as is the normal practice?

Connétable M. Jackson:

No, I do not think there was, because I think, in truth, the whole of the public are stakeholders in this situation. So the only sensible way to do it is by open public invitation to consultation, which is what we did.

Deputy D. Wimberley:

So the consultation list was not used? The States consultation list?

Connétable M. Jackson:

Not per se, because I think the whole issue is too broad to identify particular stakeholders

Deputy D. Wimberley:

There was no attempt to reach specific groups, cyclists, pedestrians, horse riders, people who live alongside roads, transport operators and all the people we have mentioned, and emergency services? There was no process of identifying those stakeholders?

Connétable M. Jackson:

Not individually, no.

This is not accepted by the Panel. Clear and extensive guidance on consultation practices is issued by the States Communications Unit. All States of Jersey consultations are required to follow this guidance and conform to the Code of Practice on Consultation. The Working Group's consultation clearly failed to meet these standards.

Public questionnaire

The Working Group did issue a public survey in June 2009. It took the form of a brief questionnaire which was published online and circulated to members of the States Consultation Group. Hard copies were also made available at Parish Halls, the Public Library, the Customer Access Centre at Cyril Le Marquand House, the Parking Control office and the South Hill offices of the Transport and Technical Services Department (TTS).

The Minister and the Working Group have indicated that they felt the survey was a success. The Minister went so far as to claim in the public hearing that the results of the public feedback were **'more significant than the States have had to any consultation in the past.'**

The Panel cannot agree. The questionnaire's methodology, content and construction were so seriously flawed that the 'results' presented are not only wholly unrepresentative but also seriously misleading. The Panel asked the Statistics Unit for their comments on the survey; these are reproduced in full below.

5.1.3 Comments from States Statistics Unit

Summary

- **the execution and particularly the analysis of the survey on speed limits are fundamentally flawed;**
- **the results of the survey cannot, and should not, be considered to be representative of those of the Island's population;**
- **in particular, the correct analysis of the question on speed limits in Green Lanes results in the opposite conclusion to that contained in the Proposition.**

More detail

In the early summer of 2009 the Statistics Unit provided comments on the wording of questions contained within a proposed questionnaire designed by TTS to gather information on public opinion towards a review of speed limits in the Island.

As proposition P.167/2010/ indicates, the questionnaire was subsequently circulated by TTS to the States Consultation Group, was made available on-line, and hard-copies were left in various points around the Island.

Such a mode of execution, whereby respondents are **self-selected**, may sometimes be useful for gauging qualitative information. However, the set of responses from such an execution is particularly susceptible to **bias**: people with a particular viewpoint are more likely to respond to the survey. The responses, therefore, **will, generally, not be representative of the views of the full population.**

In order to obtain a representative set of views, the following steps would have been necessary in the execution of the survey:

- select a **random sample** of the Island's adult population; such a sample will be intrinsically more representative of the full population than any self-selected set of respondents;
- **collect demographic information** of respondents, particularly age, gender, tenure and household structure; the survey responses could then be **weighted** using the profiles of the full Island population such that the resulting weighted responses can be considered as being representative of the full population.

The flaws in the execution of the survey are further compounded by the flaws in the subsequent analysis:

Question 1 of the survey asks if the current policy should be changed. Acknowledging that the proportion answering "Yes" will be biased due to the self-selected nature of respondents, **a more serious point is that those answering "No" are routed out from answering any further questions and have been excluded from the subsequent analysis** (apart from being able to provide comments at the end of the questionnaire).

All results quoted in the Proposition from questions 2 to 8 have been derived from those respondents who answered "Yes" to question 1.

The percentages derived from the responses to these questions, therefore, apply only to those who were able to answer these questions.

The percentages calculated by correctly including those who answered "No" to question 1 (i.e. those respondents who did not want the current policy to be changed) **are considerably different from those which underpin the conclusions and recommendations contained in the Proposition.**

For example, for points (c), (d) and (e) on page 4 of the Proposition:

(c) the Proposition quotes 55% of people wanting to keep the maximum speed in urban/built-up areas as 30 mph. If those who had answered "No" to question 1 are included, this percentage increases to 71%.

(d) the Proposition quotes 83% of people wanting to retain a 20 mph maximum speed in housing estates and distinct residential areas. If those who had answered "No" to question 1 are included, this percentage increases to 89%.

(e) the Proposition quotes 51% of people wanting the maximum speed limit in Green Lanes raised to 20 mph and 31% wanting to see it retained at 15 mph. If those who had answered "No" to question 1 are included, the percentage wanting an increase to 20 mph falls to 32% whilst the percentage wanting to see it retained at 15 mph increases to 57%.

The inference to be drawn from the correct analysis of point (e), therefore, is opposite to that cited in the Proposition.

In view of the Statistic Unit's commitments to the ongoing Census the Panel did not ask for a detailed analysis of the whole survey. However, it is clear that the problems with it are so far-reaching that none of its results can be considered reliable. The fact that the results were endorsed by the Transport and Technical Services Department and reproduced in the Minister's report and proposition throws serious doubt on the whole proposition.

5.2 What did the Working Group not do?

5.2.1 No terms of reference

As noted above, the agenda for the first Working Group meeting supplied to the Panel refers to a 'review of the Working Group's Terms of Reference from P.166/2008'. As no records of the discussion were provided the Panel is not aware of what took place but it has been confirmed that no specific terms of reference were ever developed for the Working Group's review.

The Chairman was asked early in the public hearing when the Working Group considered the aims of speed limit policy, and what its goals were. His response revealed an alarming lack of direction:

Connétable G. Butcher:

Well, the goal was to look at the policy. It was not to -- it was not an aim to reduce speed limits, increase speed limits. The recommendations that we made came a lot later. So there was not a specific goal. It was not driven by safety. This review was driven by a proposition that went to the States. We were asked by the States of Jersey to look at the speed limit policy. So it was not the -- the proposition that went through the States, it was not specific to speed; it was not specific to anything other than just to look at the policy.

Without any specific agreement from the outset as to why it was needed, what evidence should be considered and some idea of what its outcomes should be, the group's work lacked a clear focus.

The further revelation that the review was not driven by road safety or specific consideration of speeds leads the Panel to question what purpose the exercise was really intended to serve, as well as what use it has been. Carrying out a review simply because the States requested it cannot be seen as effective use of States resources.

Ironically, as previously mentioned, early in the Working Group's report a number of key issues that should be considered in a review of speed limit policy were correctly identified; these included safety, appropriateness, enforcement and signage. Regrettably, despite the statement that **'these factors need to be taken into account when a new, or change in, policy is being considered'**, the group seems to have largely ignored them. Proper scoping and appropriate terms of reference could have given the review a much-needed sense of direction.

5.2.2 No research

As indicated above, the Working Group did not conduct a scoping exercise or develop specific terms of reference for its review. During the public hearing with the Minister for TTS on 8th March it also became clear that the group carried out no research of its own, and made very little, if any use of other sources. There was apparently no attempt by the group to:

- Carry out any research or collect any evidence (other than as described in the meetings above, and the summary of results from the public survey)
- Analyse evidence from any existing sources
- Conduct any site visits
- Consider existing accident records or road safety issues
- Look at available records of speeding offences or detailed speed data

- Investigate potential impacts on road users, residents, businesses or other States Departments
- Analyse or quantify any anticipated benefits of changes recommended
- Consider enforcement issues
- Recommend any further study or follow up

In summary, there were no signs that the review carried out any detailed investigation or meaningful analysis into road safety, accident statistics, enforcement issues or records of speeding offences; nor did it appear that any consideration was given to potential impacts on road users or those living alongside roads if the report's recommendations were followed up. These failings give rise to serious misgivings about the credibility of the Working Group's review and by extension, the Minister's proposals.

In the hearing it was asked if much change was felt to be needed:

Deputy S. Power:

Would you think it is fair to say, Constable, that in the overall Department's approach to speed limits and the previous review, that change per se will be applied with a light touch, as distinct from bringing in -- would you think it is fair to say that there is not a great need to change much and what we have at the moment more or less works, with some tweaking around the edges?

Connétable M. Jackson:

Yes. I do not know what Mr. Butcher's view on that would be?

Connétable G. Butcher.

I would tend to agree with that. I have to say we were instructed by the States to do the review. Where would we be if we had done the review and then taken no action? We felt that there was some action needed and we have made some recommendations and the Minister has come forward with those recommendations.

The implication seems to be that having carried out a review, some recommendations must follow, even in the absence of any compelling evidence.

However, the Panel considers the Working Group's report fundamentally unsuitable as a basis for any change to policy. The report completely fails to demonstrate any need for change; this failure is largely attributed to the lack of any meaningful research and the failure to collect or consider objective evidence during the review.

5.2.3 Departmental database

During the public hearing with the Minister for Transport and Technical Services a number of references were made to the extensive database of information kept by the department. It was claimed at various points that the information held on this database was shared with the group by department officers:

Connétable M. Jackson:

In effect, the Department has quite a large database of accidents that have taken place over the years and the information obviously imparted to the Panel on that by the officers involved. Once again, their knowledge of the Island and trends is not inconsiderable. I think that was the most pragmatic approach.

Acting Director of Transport and Technical Services:

The database that the officers used to form their views, obviously contains all the information as to what the causes of accidents were and what the contributing factors were. So that would have been what informed officers' views and opinions, which would have been fed into the group.

The Panel does not accept these assertions, for several reasons.

- The Panel asked the department to provide all evidence used during the Working Group's review; specifically any information on road safety, recorded speeds, or accident records considered by the group in coming to its conclusions. The formal response received was:

'TTS officers have a considerable data base of speeds and accident data and verbal reference was made to this during the Panel's deliberations'.

However, no documents were provided. It is assumed this was because none was considered by the group.

- A further question focused on any evidence about speeds considered by the group:

'Other than the submission from the States Police, did the Working Group consider any evidence regarding the observance or otherwise of existing speed limits? If so, please give details.

Again no documents were provided. The only response was:

'TTS database has evidence that unreasonably low speed limits are poorly observed and that typical speeds are aligned more with the character of the road than the designated speed limit. This was communicated verbally by the officers during the meetings held by the group.'

- Evidence provided by the department only refers to two meetings of the Working Group. If other, informal meetings took place there is no record of them. The opportunity for officers verbally to impart any detailed information about data on record at the department would therefore seem to have been strictly limited. There is nothing in the only set of meeting notes made available to the Panel to suggest that any detailed discussion of evidence held by the department took place at that meeting.

None of the officers who had actually supported the Working Group attended the public hearing. However, the following exchange appears to give a more realistic picture of the level of information which may have been shared with the group:

Deputy D. Wimberley.

Just to recap, there was not specific attention paid to particular areas which are known to be relatively accident prone and there was not a formal assessment of how the accidents over the island, as represented by the map, were then fed into the review? It was all done verbally and with no formal assessment?

Connétable G. Butcher:

Because it was not felt, when the group first met, that that was our remit. Our remit was to look at the speed limits of the island. We chose to go the more simplistic

route because many of us have comments, particularly from visitors, as to how many different speed limits we have on this island. So we took a simplistic approach. We were not looking at specific areas. There would be other bodies to look at that later, looking at the danger, if necessary. Ours was just to look at the range of speed limits that we have on the island

The Panel cannot accept that 'verbal references' are a satisfactory substitute for a proper review of speed and accident data maintained by the department.

5.2.4 States Police submission

Of the limited evidence considered by the Working Group, the most significant in the Panel's view is a submission from the States of Jersey Police. This was circulated at the Group's final meeting on 10th August 2009, to which officers representing the States Police were invited.

Some key points emerging from that discussion and the Police submission were noted as bullet points in the Working Group's report. They included evidence that in only 3% of recorded collisions was speed determined to be a main contributory factor. This appeared to the Panel to be a very low percentage, and members were therefore not entirely surprised to discover during the hearing with the Home Affairs Minister that the 3% figure, although accurate at the time it was calculated, increased to 5% when results for the full year were known. Unfortunately this evidence was not challenged before being included in the report to the Minister's current proposition.

The Panel was, however, very surprised that despite referring to enforcement as '**a crucial element of any Speed Limits policy**', a number of other highly significant points raised by the States Police in their submission appear to have been left out, or not reported in full in the Working Group's summary of the meeting. These included:

- an estimate that tens of thousands of speeding offences are committed each day in Jersey (although gross speeding is not widely prevalent)
- that conventional methods of policing speed in Jersey have had minimal impact on driver behaviour, either through deterrence or prosecution of habitual offenders
- that neither the staff resources nor the technology are currently in place to deliver sustained speed enforcement on the scale required to obtain widespread compliance with the Island's speed limits
- that the resources required to deliver strict enforcement of speed limits (using conventional technology) would be prohibitive
- that despite the widespread violation of speed limits, this is not a significant cause of road traffic collisions in Jersey;¹ but speed will always be an aggravating factor in determining the severity of a road traffic collision and associated casualties
- the importance of distinguishing between actual and perceived levels of road safety; changing speed limits will do nothing to change the perceived threat posed by speeding motorists, unless driver behaviour changes.

¹ Though in fact this turned out to be less true than at first stated – see previous paragraph referring to the 3% figure

The Panel considers that the issues raised in the States Police submission are central to understanding how speed limits actually work in the Island, as opposed to how people think or might like them to work. However, in making its report the Working Group appears to have ignored much of the key evidence presented to it and been selective about what was included.

5.2.5 No stakeholder consultation

As noted above, the Chairman claimed there was a conscious decision by the group that it would not carry out a technical review, but instead would base its work on consultation:

Connétable G. Butcher:

We discussed it amongst ourselves and decided that we would take the consultation approach, rather than a technical approach, many of us having knowledge of the Island.

... we did it on a consultation basis, rather than going too technical on it. We tried to take a common sense and pragmatic approach.

The general failings of the consultation have already been discussed. The Panel believes that even common sense should have indicated a paramount need for the Working Party to consult with relevant stakeholders. Despite the Minister's efforts to justify the group's failure to consult, the Panel considers this position to be indefensible.

5.2.6 Jersey Tourism and Green Lanes

At least one major problem arising directly from the decision not to carry out stakeholder consultation quickly became apparent during the Panel's review. At a public hearing with the Assistant Minister for Economic Development, it was revealed that at the time of the Working Group's public survey, the Tourism Department had no idea that it had any relevance to them, as they had not been contacted directly:

Deputy D. Wimberley:

...when the review was originally set off, did the Connétable of St. John's that was chairing it -- did they not get in touch with all the Departments?

Director of Tourism:

No

Deputy D. Wimberley:

Obviously, your Department did not pick it up in the press releases.

Director of Tourism:

We did not pick it up

Deputy S. Power:

So I am clear in my own mind to the -- to you as the professionals within tourism, you did not see any red flags as to a review of speed limits on the island -- would affect --

Director of Tourism:

Not at that early stage, no. We did not see it in that context, to be honest with you. We did not -- I suppose it was only later when we realised that Green Lanes formed part of that study that we started to take an interest and at that time we arranged to

meet with the officers, including the Chief Officer of TTS but I cannot remember the exact date of that now, but my -- I believe it was in the latter end of 2009. I think it was around that time

Consequently Tourism did not look at the Working Group's survey. It was only when the group's report was lodged on 26th October 2009 that the recommendation to change speed limits on Green Lanes came to their attention; an article highlighting the Working Group's recommendations appeared in the Jersey Evening Post the following day. Tourism officers immediately flagged up their concerns with the Minister for Economic Development, and a flurry of communications between departments ensued. A meeting was arranged on 16th November which was attended by senior officers of EDD, Tourism, and the Transport and Technical Services Department:

Deputy S. Power:

Can I come back to you on the actual report and proposition itself. When it was lodged in November, how much consultation was there between TTS and EDD or Tourism with regard to this being lodged in its present format?

Director of Tourism:

We met as a management team with officers from the Department. No politicians were present at that time but we certainly met and we had lengthy exchange with the Chief Officer and the Traffic Officers and actually came away from that meeting believing that we had had a very good hearing, but we were -- thereafter we were quite surprised when the report and proposition had not changed at all since we had originally seen it.

The indication that Tourism thought the officer meeting had gone well raises further concerns for the Panel. At the hearing with the TTS Minister, he claimed that it was the Tourism Department's fault that they were not aware of what his department was planning from the outset:

Deputy D. Wimberley:

There is a problem, though, is there not, as you said, Jersey Tourism, who are a major stakeholder and have a big vested interest in the green lanes, so much so that they have tabled an amendment, did not actually come to the table with their concerns? So consulting by, with the best will in the world, saying to the public, "Would you like to comment on this?" does not reach people that you need to reach. Would you accept that?

Connétable M. Jackson:

No. I think the fault lies principally with Tourism not picking up on what is going on and I think, within our Department, we need to know what other Departments are doing. Regrettably, I think they missed a trick and we will -- I have said before, I think this is best put to the States. I discussed this with the Minister of Economic Development, who obviously approached me about it, and I suggested the best way to deal with this, because they left it so late, was to put it to States Members.

As a result he was unwilling to reconsider his proposition, and suggested that if the Minister for Economic Development had concerns he could bring an amendment. The proposal to raise the speed limit on Green Lanes to 20mph was retained, despite the strong objections from both the Hospitality Association and Jersey Tourism.

5.2.7 Lack of joined-up thinking – or something else?

Initially the Panel considered that this evidence highlighted departmental problems with 'joined up thinking'. It appeared that one department – in this case TTS – felt that another 'should have known' what it was doing. As a result, the Tourism Department was backed into a corner, and its Minister had to bring a last-minute amendment to protect Tourism's substantial investment of public money in promoting Green Lanes in the UK and abroad.

However, evidence now received points to a different conclusion. Correspondence provided to the Panel by the Tourism Department following their hearing demonstrates beyond doubt that the Transport and Technical Services Department knew, almost as soon as the Working Group's report was made public in 2009, that Tourism were totally opposed to the speed limit on Green Lanes being changed. Following the officer meeting in November to discuss the situation all indications are that Tourism believed their arguments had been accepted.

In April 2010 it became known to Tourism that TTS officers were once again looking at a proposal to increase the limits on Green Lanes. A further discussion took place between senior officers of Economic Development and TTS in early May. Subsequently it was reported to a Tourism Senior Management Team meeting on 20th May 2010 that Green Lanes were to stay as they were, with a 15mph limit.

However, six months later, on 1st November 2010 Tourism received a brief email from TTS which included the following statement:

'The Minister for TTS has changed his mind on the Green Lane speed limits proposal, and has now approved the R and P for a revised speed limits policy that proposes to change green lanes from 15mph to 20mph.'

This arrived only the day before the Minister lodged the proposition.

The response from Tourism (emailed to the TTS Minister and Chief Officer) made clear their feelings about this, as well as highlighting the safety implications for non-motorised users, and the huge financial and marketing consequences for the department:

'This is a disaster. Much of the 96 mile cycle network is based on green lanes and the 15 mph hour speed limit. Any increase will make much of this network unsafe for walkers, horse riders and cyclists as the speed limit was arrived at very carefully by the former Constable of St Peter and his team which included a consultant paediatrician with extensive experience in road injuries. Sustrans would not have worked with us on creating the network without this speed limit (Sustrans refused to work in Guernsey for example). You will know that Sustrans is responsible for the UK cycle network so does know what it is talking about and its CEO, John Grimshaw MBE was the person who worked with me on designing the network.'

To date Tourism has spent over £1 million on the cycle network - and we have paid TTS for all the work it has undertaken in this regard. We continue to fund all signage despite cycling playing a part in the sustainable transport policy document. To find out that this decision is being made after 10 years continued product development is very upsetting and I cannot understand the rationale behind it - other than the fact that the report was about car users not necessarily other road users. We have informed your department over the

course of the past 6 months that a third of all our UK visitors now come to Jersey to walk. The green lanes are vital to the walking product and this will impact adversely on the island's economy. We know that walkers spend more than other visitors as they come for longer and tend to be higher spending. The visitor economy generates £250 million annually to the island's economy so this should put walking and its importance into perspective. As a small island we are limited as to what we can develop and offer our visitors - walking and the natural environment is probably the one thing we have that we can compete on.

When we met with your CEO, we discussed our marketing strategy and confirmed that Green Lanes play a vital visual role in our communications with visitors. The impact of changing the signage and Green Lanes becoming redundant (to my mind, they cannot be classed as such with a higher speed limit - as they will be no different to other roads) will be huge for us as we have already commissioned our marketing communications for 2011.'

This was sent on 3rd November and was followed by another email the following day, explaining that the Tourism department was working on a lobbying strategy and querying when the proposition was to be lodged and debated; by that time lodging had already taken place. The email also requested details of the Working Group, finishing with the comment that this information had not been kept because it was thought that Tourism ***'had secured a victory 6 months ago'***.

5.2.8 Ministerial testimony

This evidence puts the TTS Minister's testimony at the Scrutiny Panel hearing in a rather different light. The Panel finds it hard to understand how he could publicly blame the Tourism Department for 'not picking up' on what was going on, 'missing a trick', and then suggest that the Minister for EDD should lodge an amendment to the proposition 'because they left it so late', when not only had his department been fully aware of Tourism's objections for nearly a year, but it appears it was his own last minute change of mind that prompted the crisis for Tourism.

Records of email communication between the two departments show that Tourism tried from November 2009 onward to persuade TTS that the proposals would be catastrophic for the Green Lane scheme. Other departments were also involved; efforts to promote healthier lifestyles through 'New Directions' and the Sustainable Transport Policy involved meetings between senior officers of Health and Social Services, Transport and Technical Services, Planning and Environment and Tourism. An email from Planning and Environment circulated on 3rd November 2009 stated:

'...it would be a huge loss to lose the Green Lane Network for many, many reasons – health (encouraging a more active lifestyle), environment (protection of hedgerows) and transport (one of the key threads of the Sustainable Transport Plan is to improve safety for the non-motorist). Increasing speed limits does not fit with any of these policy areas, or any of the strategies and policies that all three departments are trying to promote.'

TTS responded the same day:

'The speed limit working group was politically driven and has come out with recommendations which, in hind sight, should have been communicated with the stake holders sooner and I apologise for this. We were taken by surprise by

the fact that the 15mph speed limit was to be raised and we will review the ramifications of this with the people that it affects.

...TTS are not suggesting that we lose green lanes and if anything we would like to expand the range and application if possible.'

Despite the implication that those affected would be involved in a review the Panel has seen no evidence that this ever took place.

5.2.9 No Green Paper

When the Working Group's report was initially lodged (as R.118 on 26th October 2009), there was no clarity as to how its recommendations would be followed up. As the department did not carry out any further consultation the public, stakeholders and other departments had no clear indication of what TTS actually intended to do about speed limits for over a year, until the Minister lodged his proposition; and even then they were left to find out for themselves.

It was previously unclear to the Panel why, having left the Working Group's report 'on the shelf' for over a year without any further work, the Minister apparently decided to convert it into a proposition to the States and then lodge this for an early debate, without first reviewing it to ensure that problems would not arise. It was assumed that this was due to a failure of process. Panel members considered that if proper consultation had been carried out by TTS according to States guidelines, at the Green Paper stage the Tourism Department and others would have been contacted, giving them ample warning of potential changes and the opportunity to respond accordingly.

The email exchanges reproduced above reveal that the information given to the Panel was incomplete. At the hearing members were led to believe that inaction on the part of the Tourism Department was to blame for later developments, and that no meaningful consultation or communication had taken place. Clearly this was not the case, and was known to be incorrect by TTS.

5.3 Consequences of a lack of consultation

5.3.1 States Assembly

The lack of consultation on this matter has led directly to the current Scrutiny review, which has been carried out under the constraint of a time deadline. If the Panel had not intervened, the Minister's proposition would have been debated on 18th January 2011. It is of serious concern to the Panel that had the debate taken place at that time, States Members would not have been in possession of enough information to make a balanced decision.

5.3.2 Information gaps

Quite apart from the lack of factual evidence already highlighted, P.167/2010 gives absolutely no indication of the extent of changes that would be required should it be approved. The proposition takes a blanket approach to speed limits, rather than looking at specific roads. As a result it is impossible to look at the proposition and have any clear idea of where changes will apply. With this in mind, in its first letter to the Minister the Panel questioned the extent of changes that would be brought in if the proposition was approved.

The Minister's reply included the following comments:

'The group ...did not seek detailed evidence for widespread need for changes, perhaps because it did not propose them.'

'The outcome of the review will not bring about sweeping changes.'

The Panel found this puzzling. Members were aware that many Parish roads do not have a centre line for some or all of their length; there was considered to be potential under that part of the proposition alone for changes to affect many roads. The Minister provided an Island map showing existing speed limits in some areas with the Island Plan 'built-up' areas superimposed, which revealed where some roads would be affected by different parts of the proposition, such as the Route Orange in St Brelade and the Grouville Coast Road. However it did not show the roads without centre lines, where changes were felt likely to be much more extensive.

In a further information request the Panel asked for a better map showing all the changes. The department's response again included a comment implying that no major changes were proposed:

'The group's recommendations do not call for sweeping changes and given that the change in actual speed of traffic is much less than the change in signed speed limit, the implications in emissions motoring costs and journey times are expected to be insignificant... Had more radical changes been proposed issues such as these would have been worthy of consideration.'

In respect of the request for a better map, a slightly clearer version of the original was received, still not showing the necessary information, with the following comment:

'The fine detail of each and every road has not been agreed with the Minister. The policy gives a consistent structure to review of existing and consideration of future limits. It is not the Minister's intention however to impose changes to existing limits without the support of the Connétable of the relevant Parish. The proposed policy states with regard to 30mph limits, that they should apply in built up areas and roads with no centre line and that the definition of the built up area should have regard to the built up areas as defined in the current Island Plan. The enclosed plan shows where the current 30 mph speed limits conflict with the policy.'

5.3.3 A policy of exceptions?

The Panel was surprised to see such comments emerging before the policy had even been agreed. They seemed to raise a possibility that any simplification of Island speed limits – which appeared to be a consistent theme in the revised policy – might well not last beyond the first Parish appeal. Members were even more surprised to hear from the Minister during the public hearing on 8th March that he appears to be giving serious consideration to an exception to the draft policy in his own Parish of St Brelade:

Connétable M. Jackson.

I have to say, to go back to square one, this is not a massive, fundamental change to the existing policy. It is almost a tweak. In fact, the Acting Director of Transport has a map there which will show you, so you can see it is not enormous. We would like to be practical and pragmatic and show you what we are trying to get to. We are

trying to make it easier for the public to understand, to achieve a higher safety record, and basically adapt the policy to the latest Island Plan, which is the smaller framework we have to work with.

Deputy D. Wimberley:

May I ask, you have just said, "the effects we want to see ...", which is in a built up area that people should slow down -- what would be the effect of this policy on the main road to St. Aubins, for example, and round the corner?

Connétable M. Jackson:

Well, I would expect, and I am speaking probably with a little bit of parish Constable influence, that the centre part of the St. Aubins, probably church to church, would come down to 20. That would be dictated by the fact that there is a lot of people precipitating on the road; there are houses and commercial premises.

Deputy D. Wimberley:

May I ask where that is in the policy? Where there is a lot of commercial premises on the road and where there is a lot of people around, it comes down to 20 in urban areas?

Connétable M. Jackson:

That particular situation is -- you can interpret and I do not like to call it a "village situation", because if you refer to St. Aubins as being a village, there is great objection because it is a town because it has a market -- so I refer to the town of St. Aubins. It would be coming to that policy.

Deputy D. Wimberley:

But it is not actually in the speed limits review like that? It would be a special case?

Connétable M. Jackson:

I think villages are referred to.

Deputy D. Wimberley:

But they are referred to at 30, I am sorry? Are they not? Do I have that wrong?

Connétable M. Jackson:

It could well be referred to as a special case.

The Panel finds it incredible that while seeking States approval for Island-wide blanket changes to speed limit policy, supposedly to reduce 'confusion' amongst motorists, the Minister could apparently be planning new speed limits in his Parish that are inconsistent with his own draft policy.

5.3.4 The big picture?

In the hearing extract above the Minister referred to a map which he claimed would show the changes proposed were not enormous. Unfortunately, it was immediately clear to Panel members that the map provided once again showed no details of the roads affected by the 'no centre line' proposal. The Chairman of the Working Group then confirmed that it was his understanding this would affect some 175 miles of Island roads.

This raises the possibility that the Minister himself was not fully aware of the extent of changes that would be brought about by his policy. Otherwise, the Panel fails to see how he could possibly refer to changing speed limits on 175 miles of Jersey roads as

a 'tweak'; nor does it seem reasonable that such extensive changes should be proposed without first giving States Members and their constituents the opportunity of seeing exactly what roads would be subject to changes.

In fact, taking into account Green Lanes, roads with no centre line, and roads in built-up areas, the proposition seeks approval to change speed limits on something in excess of 230 miles, or nearly half of the Island's roads, without providing any evidence as to why these changes are needed.

The Minister subsequently agreed to a suggestion from the Panel Chairman that all States Members should be issued with a map showing all the changes proposed prior to the debate. At the time of writing (ten days before the re-scheduled debate) nothing had been provided.

5.3.5 Other stakeholders

As has been pointed out, there was no attempt by the Working Group to identify specific stakeholders. Despite the time constraints applying to this review the Panel took a different approach, and as well as issuing a public call for evidence, letters were sent to a number of potential stakeholders asking for their views. A good response was received not just from members of the public, but also businesses involved in cycle tourism and sales, Jersey Post, Jersey Telecom, the Jersey Taxi Drivers' Association and comments from some Parishes and individual members of Parish Roads Committees.

It is noted that two Parishes (St Martin and St Lawrence) indicated that their Roads Committees are opposed to raising the speed limit on Green Lanes. This contrasts with the support for this proposal reported from the meeting with the Comité des Chefs de Police in 2009, suggesting that these matters may not be as clear-cut as they first appear.

Amongst the responses the Panel also received a request for a public hearing from the Jersey Chamber of Commerce, which took place on 11th March. The Chamber's principal concern focused on the proposal to raise the speed limit on Green Lanes, to which it is strongly opposed, on behalf of members involved in the tourism industry. A perception that some commercial vehicles do not observe speed limits at all times was also discussed; the Chamber was confident that their members are extremely careful in this respect.

However, the Panel was particularly struck by the Chamber's comment that until the Panel's letter arrived (in February 2011), they had received nothing at all from the Transport and Technical Services Department, so were unaware of any of the proposals to change speed limits.

Jersey Post was also unaware of the extent of the proposals until the Panel's letter arrived. Their Senior Operations Manager commented in an email that they may have some concerns in respect of any changes owing to the fact that their deliveries are measured to the metre for performance management purposes. Changes to speed limits could mean that they would have to re-measure a number of their delivery routes, something which they would not be looking to do again in the near future as routes were being reviewed currently.

The Chief Executive Officer of Jersey Telecom was concerned about the implications of possible changes and the potential introduction of a UK style penalty point system, which could require an additional member of staff to maintain driver registers. He

also had concerns about the possibility that speed limit changes in urban/built-up areas could reduce the traffic flow, potentially affecting the number of call-outs an engineer could attend in a day. This could add significantly to business costs.

The Jersey Taxi Drivers' Association commented that there was no need for a change to existing speed limits. They also raised a point echoed by many of the public submissions, that there was no point in changing speed limits if they could not be enforced.

The Panel notes that the Working Group's failure to consult with stakeholders prevented it hearing from any of these organisations. The Panel's consultants highlighted the need for consultation with key stakeholders such as emergency services, public transport, freight transport operators, local businesses and vulnerable road user groups before changing speed limits.

6. The Proposition

Following the lodging of the Working Group's report in October 2009, it was 'shelved' for over a year before reappearing in the guise of a proposition to the States in November 2010. The only noticeable difference between the recommendations made by the Working Group and the Minister's proposition P.167/2010 appears to be the omission of references to bringing back police motorcycle patrols.

The Working Group was clearly guided by the department in the way it carried out its review, as required by the original States decision; the Panel obviously has serious doubts about the suitability and effectiveness of the review process. However, once the group's report was transformed into a proposition it became the Minister's responsibility to ensure that the policy proposed was properly supported by evidence and fit for purpose; and that sufficient information would be available to States Members to enable a meaningful debate on the matter.

Had the proposition been debated by the States (as originally intended by the Minister) on 18th January 2011, the Panel is in no doubt that these conditions could not have been fulfilled. The background report to the proposition gives no indication of the limitations of the Working Group's review, nor does it contain any objective evidence to support the proposals.

The Working Group's report states that it drew its conclusions from the consultation exercise, of which the public survey was clearly the major part. The Statistics Unit has now confirmed that the results of the survey are completely unrepresentative and inaccurate. In respect of Green Lanes they are obviously seriously misleading. It is clear that the survey results cannot be trusted.

This seriously undermines the case for the proposition. In the absence of any meaningful research, the only other evidence presented by the Working Group arises from a public meeting attended by only 30 people, the reported views of the Comité des Chefs de Police, and one discussion with the States Police, whose evidence was not reported in full, nor was it challenged.

As noted above, until the intervention of the Panel it also seems there may have been no intention to reveal the full geographical extent of the changes proposed prior to the States Debate. Given the scale of the changes the Panel finds this inexplicable and unacceptable.

6.1 *What impact will the proposition have?*

6.1.1 Road safety, speed and accidents

The Chairman of the Working Group made it clear at the public hearing that the group's work was not driven by road safety; its only purpose was to review policy. As such, no detailed evidence on road safety issues, actual speeds of vehicles, accident records and enforcement issues was considered. Although some token questions about road safety were included in the public survey, it was stated that these were the responsibility of other departments.

The Panel believes that the decision not to investigate these key issues as part of the Working Group's review was a major mistake, and a missed opportunity. A rational policy which had as a goal to increase road safety would have looked at:

- accident patterns
- the causes of accidents, by location
- where lower actual speeds would reduce accident levels and severity
- how to ensure that these lower speeds could be achieved.

In fact the Panel can see no reason for having a speed limit policy at all unless it specifically contributes to improved road safety.

As the Working Group did no research on any aspect of this problem there is no evidence of what effect these changes might have on accident levels – either up or down. The States Police submission and evidence² from elsewhere suggests that there would probably be some positive impact on accident rates and their severity if actual speeds were reduced, but we do not know how much or where as no analysis has been done. It is also important to understand that simply changing speed limits does not have a major impact on actual speeds.

Drivers use their judgement to decide what speed to adopt, according to their perception of the road and conditions at any particular time. Research³ points to the fact that in the absence of other factors, they tend to choose a speed that they feel to be safe, rather than strictly observing speed limits, particularly if these are felt to be unrealistically low. Unless traffic calming or other means of enforcement are introduced, arbitrarily reducing speed limits is unlikely to have a significant effect on actual speeds.

The department is fully aware of this. The Panel's first request for information in respect of road safety and speeds received the following response from the Minister:

Analysis in respect of the road accidents, their frequency and severity, any relationship with road speeds, and the likely impact of any changes to speed limits on road safety.

The group did not undertake any new detailed analysis of road accidents and their relationship with road speed and speed limits, though some investigation has been carried out by TTS on these issues in the past. It is recognised in the UK that lower speeds are likely to reduce accidents and their severity (1 mph reduction predicted to reduce accident frequency by 5% - DfT Circular 01/2006). Lower speed limits however do not necessarily reduce actual speed limits of traffic unless well enforced. A report prepared for the Public Services Committee in 2000 found that at five sites where the limit had been reduced from 40 to 30 mph, the actual speed of traffic reduced by only 2%. Though not strictly part of the review, the group highlighted the issue of effective enforcement.

The practical effects of any changes, exactly where they would apply, and how this would affect journey times on specific routes.

The outcome of the review will not bring about sweeping changes. One outcome of the review was to use the Island Plan definition of the built up area to determine the 30mph zones. The current 30 mph zones generally provide a good fit to the Island

² See Department for Transport Circular 01/2006

³ As above

Plan's definition of built up areas, as can be seen from the enclosed plan which shows the built up area as defined by the Island Plan where the current speed limits apply. An obvious exception was the coast road in St Clement and Grouville. Following representation from the Connétable of St Clement I have recently made an order designating St Clement's coast road (and part of the St Clement's inner road) as a 30 mph speed limit. Our statistics show that 85th percentile speed on roads subject to lower speed limits usually exceeds the set limit, so the actual speed of traffic can therefore be expected to change little. The lower limit will however enable the policing authorities to protect the community better by prosecuting the minority who exceed those speeds.

The potential impact on commuter and commercial travel of changes to speed limits

As mentioned above, the changes will be limited and the reduction in average speeds on roads subject to lower limits can be expected to be modest. We have few lengths of road where a high speed can be maintained for a significant length of time so the change to overall journey time would be even smaller. I would also add that any vehicle over 3.5t unladen weight is subject to an all island 30 mph limit.

Evidence supporting changes to limits in green lanes

The group noted that 51% of the public responses favoured a 20 mph limit for green lanes. A further 16% favoured 25 or 30 mph. Only 31% favoured retaining the 15 mph limit. Several speed checks have been carried out on green lanes and identified that compliance with the current 15 mph limit is very poor, 85th percentile speeds often being between 25 and 30mph.

The following key points arise from these comments:

- from previous experience where speed limits were reduced from 40mph to 30mph, the actual speed of traffic went down by as little as 2%. (This implies that vehicles previously travelling at 40mph would now be doing just over 39mph)
- 85% of drivers on roads with lower limits usually exceed the limit
- 85% of drivers on some Green Lanes drive at 25-30mph
- lowering the speed limits will enable the police to prosecute more motorists

6.1.2 Implications for road safety

It is clear from the above that the reduction in speed limits without any commitment to additional enforcement is not expected to have a significant effect on actual road speeds. This means that any positive impact on road safety will also be minimal.

6.1.3 Implications for Green Lanes

Neither the Minister's proposition nor the Working Group's report make any mention of the evidence referred to above regarding actual speeds recorded on some Green Lanes. Instead, attention is focused on the preference allegedly expressed through the survey results for speed limits on Green Lanes to go up (although this has now been proved incorrect). The Panel is seriously concerned at the implication that evidence of abuse of the existing 15mph limits was available to the department but either was not made known to, or was not reported by the Working Group. In road safety terms, the Panel considers that this would strongly support the concerns expressed in many public submissions to this review that raising the speed limit on

Green Lanes will encourage motorists to drive at even higher speeds, with potentially serious consequences for road safety.

6.1.4 Implications for motorists

Assuming the Minister is correct in his statements regarding the limited effect of lowering speed limits on actual speeds (and this is supported by research from elsewhere), **the unavoidable conclusion is that larger numbers of motorists will be exceeding the new speed limits.**

Therefore the Minister's statement that *'the lower limit will ... enable the policing authorities to protect the community better by prosecuting the minority who exceed those speeds'* does not stand up to scrutiny. From his own evidence, if previous experience is repeated, it seems likely that rather than a minority exceeding the new speed limits, it could be up to 85% or more of motorists. Unless other steps are taken to encourage drivers to change their behaviour, the widespread reduction in speed limits proposed by the Minister could result in the criminalisation of significant numbers of motorists.

6.1.5 Accidents

The Panel would not wish to make any comments that could add to the grief suffered by relatives and those close to the victims of the terrible series of accidents that have taken place in the Island in recent times. However, from what it has learned during this review, the Panel believes that the focus on changing speed limit policy in this proposition is completely misguided. Without significant additional measures the changes proposed will not be reflected in any measurable gains in road safety; indeed the evidence regarding speeds on Green Lanes strongly suggests that the opposite might be the case.

The Panel therefore believes that the effort devoted to this entire review of speed limit policy is misplaced. Road safety and enforcement issues are of far greater consequence, yet these have been almost completely ignored. The Panel cannot see how a speed limit policy developed and applied without any serious consideration of road safety and enforcement issues can serve any useful purpose; it may even have perverse effects, as illustrated above.

6.1.6 The blanket approach and Guernsey's review

Any consideration of changes to speed limits in the UK is usually accompanied by a site-specific assessment of the road environment, traffic levels, road usage, actual speeds and accident records. Consultation with residents and road users also takes place long before any decisions are taken⁴.

Coincidentally, a review of speed limit policy is currently taking place in Guernsey, which affords a closer comparison with our situation. No detailed information has been sought, and it would be premature to make any judgement on the success or otherwise of the Guernsey exercise, but some differences are immediately apparent:

- the Guernsey working group spent two years gathering evidence
- it carried out extensive research, including the use of several recognised testing and analysis methods
- the evidence included detailed investigation of actual speeds recorded

⁴ See Parsons Brinckerhoff report (appendix) and DfT Circular 01/2006

- the Board agreed that the document should be opened up to public consultation before any final decisions are made on alterations or adjustments to the Island's speed limits
- as part of the public consultation, as well as the full report, a series of detailed maps have been made available online showing existing speed limits, actual speeds recorded separately by various different methods, and initial proposals for change

Unfortunately, the TTS Minister's decision to take a blanket approach to speed limit policy means that none of the site-specific work that would be expected in the UK has been considered; nor did the Working Group carry out any of the background research apparently undertaken in Guernsey.

Despite this, questioned during the hearing on the approach that had been taken, department officers initially claimed that it was broadly in line with UK policy:

Acting Director of Transport and Technical Services:

The Department and the officers obviously have great experience in terms of setting speed limit policy through their experience of undertaking previous studies. The process followed, although not specifically in accordance, but generally followed the Code of Practice -- I am trying to remember the title of the document, but it is the Code of Practice for setting local speed limits in the UK. It followed a similar process to that. The objective is, as has been stated, not to look at isolated areas, but to set the high level policy framework for setting speed limits and then specific incidents can obviously be dealt with in greater detail, whether it is best to put in traffic calming or change the speed limit for isolated areas. But the actual policy itself was set broadly in accordance. So it was informed by what the 85th percentile speeds are and the island officers have a great deal of knowledge about that in various areas.

This is not accepted by the Panel. While individual department officers may well have had experience of, or access to a great deal of useful information potentially relevant to the setting of speed limits, there is no evidence that any of this was used in any meaningful or systematic way in the course of the Working Group's review. In fact, the decision to employ a blanket approach rather than an evidence-based process makes it clear this was not in line with accepted practice elsewhere.

This point was therefore followed up in a further question:

Deputy D. Wimberley:

Our advice is that the process was really not the same as would be done in the UK in terms of the extent of the consultation and the attention paid to the facts around accidents and their incidence and where they occur and why they occur, and so on. It seems to me the process was not actually in line with UK best practice.

Acting Director of Transport and Technical Services:

The information would have been available. The officers would have been able to advise on location, location. We are not Hampshire. We do not have a huge road network. So the officers know the road network in some detail. So the Working Party was able to benefit both from the consultation, the 800 odd replies received, and also from the local knowledge of the traffic officers.

Chief Officer of Transport and Technical Services:

Can I just add something here? I think we have to be very careful not to focus on accidents when the statistical analysis can be so swayed. The last three months have seen some horrific accidents in Jersey and if you based your policy on them, you would have a very bad policy. It is a factor involved, but it is not the whole factor.

I think the expertise and experience on the Panel of having Constables and people who have been honoraries and people who have lived here all their lives is as valuable, if not more valuable, than taking some esoteric UK or European view. We have taken those views into consideration, but I think the key thing is local expertise and an understanding of how Jersey works. Accident statistics and any statistics in a small population are very dangerous to apply to setting policy and is something we have to be very careful of.

The Panel fully accepts the argument that one should not base policy on a particularly tragic series of accidents. However, the point at issue is not individual accidents, but proper collection and analysis of a whole range of relevant evidence; despite claims to the contrary this has simply not taken place. The implicit suggestion that local knowledge and 'expertise' are somehow more to be trusted than a properly scientific approach when setting policy that will influence road safety and the protection of people's lives is viewed with considerable alarm by the Panel.

7. Speed limits

The case for change

No compelling evidence has been seen by the Panel either in the Minister's or the Working Group's reports presenting any objective or factual justification for changes to existing speed limits. The report relies heavily on views imputed to respondents to the survey. However, as both the design of the survey and the interpretation of its results have now been proved to be seriously flawed, it is clear that no evidence from that source can be considered as a sound basis for policy proposals.

The individual proposals which would bring about changes are discussed below in the order in which they appear in the Minister's proposition.

7.1 30 mph limits on roads in urban / built-up areas

The Minister's proposition makes no attempt to identify which roads would be affected by this proposal; the Panel believes this basic information should have been included, if only in the interests of open government. In response to the Panel's information request the department did provide details of the roads involved, as follows:

Copies of plan to follow to indicate obvious conflict with the policy showing: -

Grande Rt de Faldouet 30mph should be 40

Grouville coast rd 40mph should be 30

Trinity village area should be 30

St John's village needs extended 30 area and part time 20 at school

St Mary's village 20 should be part time by school and otherwise 30

Carrefour Selous should have 30 zone

St Peters village should be part time 20 by school and existing 20 replaced by a larger 30 zone

Route Orange 40 should be 30

The 30 mph zone on La Route de la Trinite leaving the town area should not extend as far as it does.

The Panel questions whether there is any real justification for applying these changes just to enable a new 'blanket' policy. The roads highlighted are small in number, but very different in character. Their only common factor is that they pass through areas designated as built-up on the Island Plan map. This takes no account of the nature of the roads passing through, nor of traffic flow, average speeds, or their accident record; nor have residents even been consulted.

No evidence has been provided by the Working Group, or included in the proposition to identify what speed limits should apply on these particular roads. The Panel can see no benefit in varying speed limits for no reason, especially when motorists are familiar with existing limits. In many cases the speed limits on these roads have been in place for decades. Change for change's sake would seem likely to cause confusion amongst motorists – something the Minister has claimed he is trying to avoid.

7.2 Extending 30mph limits to all roads without a centre line

One of the key issues in the proposition is the proposal to apply by default a limit of 30mph to 'smaller Parish lanes' which are not marked with a centre line; as

previously noted this would affect roughly a third of all the Island's roads. This proposal is discussed on p.5 of the report as follows:

'A general issue raised in the consultation is that of the public criticising the current 40mph speed limit, which applies to many of the smaller Parish lanes, where clearly this is not an appropriate speed. One proposal raised is to introduce a "default" Island wide speed limit based on the character of the road on which a driver finds themselves. In particular, those roads with no centre white line (because vehicles cannot pass easily) could have a default speed limit of 30mph. The presence, or not, of the centre line would indicate the default limit without the need for other signage.'

7.2.1 Previous speed limit review

There are a number of problems with this. Until 1988 all Parish lanes were subject to the overall Island 40mph limit. P.1/2004 (which established the existing speed limit policy) included a review of those limits by a 7 member working group, which was arguably more thorough and detailed than the latest piece of work. It concluded that there was not a case for applying a general 30mph limit to all Parish lanes; it was noted that ***'compliance with the existing speed limits is poor, particularly where inappropriate limits have been set'*** (emphasis added.)

After much debate that group concluded that there was insufficient justification for significant sweeping changes to Jersey speed limits and what would be perceived as onerously low limits in certain areas. It therefore concluded that a continuation of the current policy with a more stringent application of the criteria for roads to be subject to a 30 or 20 mph speed limit should be recommended.

This begs the question what has changed since 2004, to bring about such a different view and proposition? Then, as now, there appears to have been a background of individual requests for speed limit changes in specific locations, which is not unexpected. However, no evidence has been presented pointing to an increased or excessive number of accidents caused by speeding on Parish lanes. The Police submission to the Panel indicates that the number of road traffic accidents involving injuries has not shown any significant change since 2000, despite the increase in the Island's population. On the other hand, there is no record of the number of incidents where walkers, cyclists or horse riders may have felt threatened or stressed by the speed of vehicles.

Attention was drawn in both reviews to the potential difficulty of passing other vehicles in narrow Parish lanes; but in the earlier review it was noted that this problem related partly to larger vehicles, which were already subject to a 30mph limit Island wide, although this was considered to be poorly observed. As such it was not felt appropriate to reduce the limits for all vehicles.

7.2.2 More recent evidence

The Chairman of the Working Group confirmed in the public hearing that the impression that speeding was a problem on the island was more of a perception than a reality:

Senator A. Breckon:

May I ask if the Working Group consulted with the Chfs de Police about any speeding offences and how many were they, if they were dealt with at Parish hall and how many were referred to the Magistrates' Court?

Connétable G. Butcher.

No, we did not have that information. Some of it is our own -- talking to our own honorary police. It was a general discussion with the Chefs de Police and quite a lot of what came out of that discussion is speeding on the island is a perception, rather than a fact. I think the information that we have with the smiley signs now will back that up fairly well. There is a small percentage of people who will speed, but they are going to speed whatever speed limit you happen to put on a road.

This comment was backed up by records from the St John 'smiley/grumpy' signs that the Connétable passed to the Panel, which showed that only a small minority of motorists exceeded posted speed limits by any significant margin, while the majority observed the limits. This was also supported by evidence from the States Police.

Claims that there is a 'general issue' with the public criticising 40mph on smaller Parish lanes are not substantiated by any evidence in the report. Given that there appears to be no evidence that excessive speeding is a widespread problem in the Parishes, the Panel questions why the Minister is proposing such a sweeping reduction in speed limits.

7.2.3 The blanket approach again

Much of the problem seems to arise from the Minister's decision to take a blanket approach, rather than consider individual roads or locations on a case-by-case basis. It cannot logically be argued that all Parish roads without a centre line are the same. Some are winding and narrow with poor visibility, others are straight and wide enough for two average-sized vehicles to pass in comfort without needing to slow down.

The Panel is prepared to accept that on some Parish roads 40mph would not be an appropriate speed at any time. However, on many others it could be perfectly reasonable, depending on other factors such as weather and road conditions, traffic levels, or even the time of day. It therefore seems unwise to attempt to treat them all exactly the same when it comes to speed limits.

One reason given by the department for applying this blanket approach to roads without a centre line is that it will be easily understood by the public without the need for additional signage. The Panel finds no merit in this argument. It has already been pointed out above that the character of roads without centre lines can vary significantly; awareness of the size and relative safety of the road would arguably be a more relevant concern for most drivers than whether a white line appeared on it or not.

There are also numerous instances of roads where centre lines appear and disappear at intervals, sometimes for no apparent reason. It has been suggested by the department that in order to give legal force to the limit in such cases, there may need to be a stipulation of a minimum distance for stretches without a centre line.

'It may be necessary to clarify in the law that the lower 30 mph limit shall only apply where there is no centre line for a certain distance. This would avoid the circumstance where a short length of white line might be removed on a main route perhaps due to road works and a strict interpretation of the law would therefore mean that a short section of road had a 30 mph limit for an unreasonably short distance. Our initial correspondence with the law draftsman suggested that specifying a minimum distance would be a sensible approach, though the detail of this has yet to be determined.'

It is not clear to the Panel how this would work, as motorists would not be aware of the distances involved when entering a particular road.

The Panel believes that for the above reasons, any claim that using the presence or absence of centre lines as an indicator of speed limits would simplify matters for motorists simply does not stand up. Drivers everywhere are accustomed to looking for speed limit signs to advise them of the limits in force. During the hearing with the Home Affairs Minister, States Police representatives drew attention to the confusion that could be caused by this proposal amongst visitors and those who had learned to drive in other jurisdictions.

The Panel considers that all drivers would be much more likely to be confused in a situation where some roads carried speed limit signs and others didn't, than by a more uniform and conventional approach. One of the Minister's arguments for bringing in the current proposition is that it will bring a 'simplified structure'. The Panel believes that to proceed with the current proposals would have precisely the opposite effect.

7.2.4 To sign, or not to sign?

A number of comments have been received by the Panel during its review highlighting the inadequacy of current speed limit signage, not least from the Home Affairs Minister in the public hearing he attended on 8th March. The Minister for Transport and Technical Services subsequently contacted the Panel to make it clear that comments attributed to the Home Affairs Minister about the legality of current speed limit signage arising from a particular case were not supported by a subsequent Royal Court judgement. However, it was admitted by the TTS Minister during the public hearing that there was confusion amongst motorists at present owing to inadequate signage:

Connétable M. Jackson:

There are areas we referred to where we have this variation in speed limits which is causing tremendous confusion to the public. My view is that the present speed limits, if we agreed to this change, or the proposed changes, need to be clearly indicated to the motoring public, so they do know what they are supposed to be doing. I think there is a lack of signage and, once again, you tread on dangerous ground by suggesting more signage, but in practice repeater signs, additional repeater signs, I think would be of great value.

The Panel agrees that there is currently a lack of signage for speed limits in some areas. This being the case, members cannot understand why the Minister would risk making things worse by bringing in new speed limits across the entire Island, the majority of which are apparently not intended to be signposted at all. Such a move seems certain to create more, rather than less, confusion amongst motorists. The only possible reason that the Panel can see for this is an attempt to limit public expenditure by saving on signposts.

7.2.5 Enforcement problems

A question about enforcing limits on roads without a centre line was raised at the public hearing with the Home Affairs Minister.:

Deputy S. Power.

We have a report and proposition coming before the Assembly very shortly on reduced limits of 30 miles an hour on roads without a centre line, but apparently the

proposition is not to signpost this. From an enforcement point of view, do you have a view on that?

Acting Superintendent, Head of Operations, States of Jersey Police:

It would be impossible for us to enforce if it was not clear to the motorist what the speed limit is. There are some roads which do have central white lines that then move into narrower zones where there is not. So where would you define where the speed limit is on that particular road, for example? To make it mandatory for a particular speed to be enforceable, we would need to have the signs, as the Minister has said, which is the circular 30 or 20 or 40 -- whatever it might be, with the red line around it.

Deputy S. Power:

This proposition effectively would affect about 178, or almost 180 miles of road. As a professional, you are saying that that would be impossible to police?

Acting Superintendent, Head of Operations, States of Jersey Police:

To enforce: I believe it would be.

Senator I. Le Marquand:

I think the difficulty is this. My understanding is, in the UK, that when you come into a town, there are certain implied speed limits. Certainly that is so in France that, once you see a particular sign, you are into a certain area. I also discern in the UK that certain types of lighting in certain areas is a signal that it is another speed limit. Now, what I believe the Committee that first reported on this was trying to do was to try to avoid the need for massive quantities of signage on every road by creating a criteria by virtue of which people would know, you know, in an ideal world you might say which is a built up area? It is going to be 30 or whatever. But then, of course, you run into practical problems as to how you define that and it attempted to come up with this idea of it does not have a white line down the middle, then it is not. But this unfortunately will probably prove to be arbitrary.

Acting Superintendent, Head of Operations, States of Jersey Police:

If I can add to that, the position, we might be able to do that locally, for example, if we went ahead and did that locally, we would get the media on board and so on. Visitors coming to the Island and people that have not passed a test in Jersey, for example, that come to the Island to live or work would suddenly be confronted with a very, very confusing situation, would they not? How would they know what the speed limit is on any given stretch of road?

Deputy S. Power:

The point being that, if there is no road signage to indicate that there is a speed limit on that prescribed piece of road, they would not understand

Acting Superintendent, Head of Operations, States of Jersey Police:

That is right

Deputy S. Power.

So you cannot prosecute, no matter how bad the driver was?

Acting Superintendent, Head of Operations, States of Jersey Police:

That is right

7.2.6 Lack of communication

In the ensuing discussion it emerged that there had been no formal approach to the States Police concerning this part of the proposals prior to the Minister lodging his proposition. It is of concern to the Panel there has not been effective communication on this matter. At such a late stage before the debate, it seems very worrying that the States Police obviously have serious reservations about whether it would be possible to enforce speed limits not marked by conventional road signs, when the proposition seeks to use this method on such a large number of Jersey roads.

7.3 Raising the speed limit on Green Lanes

The Panel is concerned that there is no evidence that the Working Group review or the Minister's proposition have looked at the question of Green Lanes objectively. There is no sign that anyone set out to identify what problems, if any, might need to be addressed; nor was there any attempt at engagement with stakeholders to find out their views and discuss the issues. As a result, there was no consideration of possible alternative solutions either; it simply seems to have been accepted that the speed limit on Green Lanes was too low.

Unsurprisingly this aspect of the proposition has generated a considerable degree of interest. Problems arising with the public survey have already been discussed; the Statistics Unit has made it clear that the Working Group's interpretation of the public comments on Green Lanes was incorrect. The amendment brought by the Minister for Economic Development on behalf of Jersey Tourism makes it abundantly clear in marketing and promotional terms that raising the speed limits on Green Lanes would have serious consequences for the tourist industry.

In its own relatively brief consultation the Panel also notes that by far the largest number of submissions (over half of the total number) received from local residents and businesses are in favour of keeping the 15mph limit on Green Lanes.

The Panel believes the following points are relevant:

- neither the Working Group nor the Minister appear to have taken the ethos of the Green Lane Scheme into account in their recommendations. There is no recognition of the fact that the 15mph limit was intended to discourage unnecessary vehicle journeys on these lanes, to increase comfort and safety and the overall experience for walkers, cyclists and horse riders
- no objective evidence has been presented indicating why the existing 15mph limit is now considered to be too low
- evidence that some motorists are already driving at 25-30mph on some Green Lanes suggests that raising the limit could have serious consequences for road safety. It seems likely that drivers would exceed a higher limit by the same or even a greater margin; bringing significantly greater dangers to other users
- no work has been done in advance of bringing the proposition to establish the likely impact on usage of Green Lanes by motor vehicles if the limit is raised; it seems likely that increased usage for daily journeys would result, which could again encourage an increase in average speeds
- it has been suggested that better enforcement of speed limits in Green Lanes could offset the risks of people travelling faster than 20mph if the limit were raised. Given the available resources for policing and enforcement, the Panel does not believe that this is realistic.