
Report To:	Environment & Regeneration Committee	Date:	9 March 2023
Report By:	Shared Head of Roads and Environmental Services	Report No:	ERC/RT/GMcF/18.638
Contact Officer:	Gail MacFarlane	Contact No:	01475 714800
Subject:	New Speed Limit Order Procedure		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to seek permission to introduce a new procedure in relation to the promotion of permanent Speed Limit Orders (SLOs), to reduce the timescales associated with implementing the proposed restrictions.

1.3 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 as amended set out the steps which a Local Authority must carry out when promoting a SLO; however, they do not detail what steps must be taken by a Local Authority between (a) the consultation on a proposed SLO to which there are no maintained objections or the outcome of a Public Hearing into a proposed SLO where there are objections and (b) the making of the SLO.

1.3 Inverclyde Council's Scheme of Administration details functions reserved to the full Council. These include the promotion of or opposition to the making of private legislation and the promotion of byelaws, management rules and any necessary orders. This means that the full Council must consider the making of all SLOs even though they have previously been approved by the Environment and Regeneration Committee.

1.4 This process adds approximately 10 weeks to the timescale for the making of an SLO. It is therefore proposed to introduce a new procedure for making a SLO which will have the effect of reducing that timescale.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee approves

- i. the use of the new procedure and decision making process involved in the promotion of permanent Speed Limit Orders in terms of the Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999 as amended;
- ii. the making of SLOs by either the Head of Legal and Democratic Services or the Environment and Regeneration Committee; and
- iii. notes that a separate Report will be remitted to The Inverclyde Council for approval to amend the Scheme of Delegation.

Gail MacFarlane
Shared Head of Roads and Environmental Services

3.0 BACKGROUND

- 3.1 Local Authorities are empowered to make SLOs under the Road Traffic Regulation Act 1984, as amended and following the procedure set out in The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, as amended.
- 3.2 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 set out the steps which a Local Authority must carry out when promoting a SLO; however, they do not detail what steps must be taken by a Local Authority between (a) the consultation on a proposed SLO to which there are no maintained objections or the outcome of a Public Hearing into a proposed TRO where there are objections and (b) the making of the SLO.
- 3.3 Inverclyde Council's Scheme of Administration details functions reserved to the full Council. These include the promotion of or opposition to the making of private legislation and the promotion of byelaws, management rules and any necessary orders. This means that the Full Council must consider the making of all SLOs even though they have previously been approved by the Environment and Regeneration Committee.
- 3.4 The current Scheme of Delegation requires all SLOs to come before both the Environment and Regeneration Committee and The Inverclyde Council, whether there are objections or not. This process can add 10 weeks to the making of a SLO which delays the introduction of the SLO.
- 3.5 In January 2021 the Environment and Regeneration Committee agreed an amended procedure for the introduction of Traffic Regulation Orders (TROs). This procedure did not, however, address the introduction of Speed Limit Orders. This Report now seeks to introduce a similar procedure for the introduction of SLOs.
- 3.6 Prior to implementation of the new SLO procedure, it will be necessary to amend the Scheme of Delegation to remove the requirement for SLOs to be approved by the Environment and Regeneration Committee and The Inverclyde Council and to delegate the authority to make SLOs to the Head of Legal and Democratic Services or the Environment and Regeneration Committee, depending on whether there are maintained objections to the proposals.

4.0 IMPLICATIONS

4.2 Finance

There are no financial implications arising from this report. The cost of advertising SLOs remains the same using the existing or the new proposed procedures.

4.3 Legal/Risk

The Scheme of Delegation will subsequently require to be amended to remove the requirement to present Reports to the Environment and Regeneration Committee and The Inverclyde Council and to delegate authority to make SLOs to the Head of Legal and Democratic Services or the Environment and Regeneration Committee, depending on whether there are objections to the proposals.

4.4 Human Resources

There are no HR implications arising from this report.

4.5 Equalities and Fairer Scotland Duty

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

4.6 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

4.7 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
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X

NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

5.0 CONSULTATION

5.1 The Head of Legal and Democratic Services has been consulted on the proposal contained within this Report.

6.0 BACKGROUND PAPERS

6.1 None.

ROAD TRAFFIC REGULATION ACT 1984 and THE LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS 1999 as amended

PERMANENT SPEED LIMIT ORDER (SLO) PROCEDURE

1. Where Roads and Environmental Services have determined that a Speed Limit Order ("SLO") is necessary they will undertake an initial informal consultation with Police Scotland which is the authority empowered to enforce such restrictions. If Police Scotland are supportive of the proposals, the Head of Roads and Environmental Services will email all Councillors providing a specific briefing on any SLO which is likely to generate significant public interest. Councillors will have 14 days to provide comments on the proposed SLO.
2. Following the 14 day informal Councillor consultation for item 1 above, if there are comments, the Head of Roads and Environmental Services will consider these and determine if any changes are required to the proposed SLO. If changes are required, Councillors will be emailed again providing details of the changes and given a further 14 days to comment on these.

For all permanent SLOs the following steps will apply:-

3. Presuming that the Councillors are content with the proposal, the Head of Roads and Environmental Services then instructs the Head of Legal and Democratic Services to prepare the formal SLO and supporting documentation for public consultation.
4. At this point, Police Scotland, Scottish Ambulance Service, Scottish Fire and Rescue Service, the Ward Councillors, the Community Council and other key stakeholders will be informed that arrangements are being made to advertise the proposed SLO. Copies of the proposed SLO and supporting documentation (Schedule and Plan(s)) will also be passed to these consultees for information.
5. The proposed SLO is then advertised in the local newspaper and this starts the full public consultation process. Any interested party may write to the Council with an objection to the terms of the proposed SLO within 21 days.
6. All documents associated with the proposed SLO, including a Statement of Reasons for proposing to make the SLO, will be made available for public inspection in the Customer Service Centre, Roads Reception and all relevant libraries. The documents will also be placed on the Council's website.
7. All objections made are acknowledged by the Head of Legal and Democratic Services and forwarded to Roads and Environmental Services for consideration and comment.
8. Further explanation or clarification of the proposals in discussion or correspondence with objectors may result in the objections being withdrawn.
9. On receipt of comments from Roads and Environmental Services on objections made, the Head of Legal and Democratic Services will formally respond by letter to the objectors on the basis of these comments. The objectors are given 14 days in which to maintain or withdraw their objections. Failure by the objectors to respond within 14 days will be taken to imply that the objections have been maintained.
10. If no objections are made, or if all objections made are then withdrawn, the proposal is submitted for the approval of the Head of Legal and Democratic Services.

11. Where objections cannot be resolved through further explanation the proposals will either be abandoned or the objections will be heard. A Report will be submitted to the Environment and Regeneration Committee for members to determine how best to consider the objections i.e. to determine if a public Hearing will be heard by a Special Meeting of the Environment and Regeneration Committee or before an Independent Reporter.
12. Should a public Hearing be undertaken and heard by an Independent Reporter, notice of the Hearing is published in the local newspaper. Should a Special Meeting of the Environment and Regeneration Committee be convened to consider the objections, no public press notice requires to be published in the local newspaper but a Committee Report requires to be prepared for consideration at that Special Meeting. In both cases, letters are issued to all of the parties who have maintained their objections. The conduct of the Hearing at the Special Meeting will follow the requirements set out in the 1999 Regulations as amended and as supplemented by the Council's Rules of Procedure. At this stage the objectors will have an opportunity to prepare a statement of their case for the SLO not being made or for it being modified and the Head of Roads and Environmental Services will have the opportunity to prepare a Statement of Case for the SLO and address the case for the objectors; in this way, the Committee or the Reporter will have a full statement of the case for both the objectors and the Head of Roads and Environmental Services which will assist in making a decision on how to proceed with the SLO.
13. In the event that the hearing is heard by an Independent Reporter, once the Independent Reporter has made his recommendations these will be submitted to the Environment and Regeneration Committee for a decision on whether to proceed with the SLO.
14. Once final approval of an SLO is given by either the Environment and Regeneration Committee or the Head of Legal and Democratic Services, the effective date of the SLO is inserted and the SLO as approved is made by the Head of Legal and Democratic Services. This involves the SLO being signed and sealed on behalf of the Council by a Proper Officer at Legal and Democratic Services. A notice is published in the local newspaper advising of the making of the SLO and of the effective date. A letter is issued to Police Scotland and the Procurator Fiscal advising the SLO has been made and enclosing a copy of the made SLO. A copy of the made SLO is made available for public inspection at the same locations as mentioned in paragraph 6 above.
15. An SLO to which no objections are made could be in place within 4 months. An SLO to which objections are made which can be resolved as set out in paragraph 12 above could take 6-9 months. An SLO which requires to go through all of the stages set out above could take 15-21 months.
16. An SLO must be completed within a 2 year period from the first date of publication of the proposals – otherwise it cannot be made and would require to go through the whole process as set out above again.