
Report To:	Environment and Regeneration Committee	Date:	9 March 2023
Report By:	Shared Head of Roads and Environmental Services	Report No:	ERC/RT/GMcF/18.637
Contact Officer:	Gail MacFarlane	Contact No:	01475 714800
Subject:	20mph Town & Village Centres Speed Limit Orders – Maintained Objections		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and, under the Council's Scheme of Delegation, the Head of Roads and Environmental Services is responsible for the making, implementation and review of Roads Orders including Speed Limit Orders (SLO).

1.3 The purpose of this report is to inform the Committee of the outcome of the consultation procedure undertaken for the six SLOs listed below. The SLOs for Inverkip and Wemyss Bay each received one maintained objection. The report also seeks a decision on whether Committee will hear the objections relating to each of the SLOs itself or will appoint an independent Reporter.

- "The Inverclyde Council Kilmacolm Village Centre (20mph Speed Limit) Order 2022";
- "The Inverclyde Council Port Glasgow Town Centre (20mph Speed Limit) Order 2022";
- "The Inverclyde Council Cathcart Street and Adjoining Roads, Greenock (20mph Speed Limit) Order 2022";
- "The Inverclyde Council Gourock Town Centre (20mph Speed Limit) Order 2022";
- "The Inverclyde Council Inverkip Village Centre (20mph Speed Limit) Order 2022"; and
- "The Inverclyde Council Wemyss Bay Village Centre (20mph Speed Limit) Order 2022".

2.0 RECOMMENDATIONS

2.1 It is recommended that Committee:

- a. Notes that there are no objections to the SLOs associated with Kilmacolm, Port Glasgow, Gourock and the Cathcart Street area of Greenock.
- b. Recommends to the Inverclyde Council the making of the SLOs associated with Kilmacolm, Port Glasgow, Gourock and the Cathcart Street area of Greenock and remits it to the Head of Roads and Environmental Services and the Head of Legal and Democratic Services to arrange for their implementation.
- c. Notes the requirement to hold a public hearing to consider the maintained objections to the SLOs associated with Inverkip and Wemyss Bay.

- d. Decides either to hear these objections before a special meeting of this Committee or through an independent Reporter. As the maintained objections to the Inverkip and Wemyss Bay SLOs are by an Elected Member, it is recommended that a Reporter should hear the objections to both SLOs.
- e. Remits it to the Head of Roads and Environmental Services and the Head of Legal and Democratic Services to make the necessary arrangements for the public hearing(s).
- f. Decides, if, prior to the public hearing, the maintained objections to the Inverkip and/or Wemyss Bay SLOs are withdrawn, to recommend to the Inverclyde Council the making of the SLO(s) without further consideration by the Environmental and Regeneration Committee and remits it to the Head of Roads and Environmental Services and the Head of Legal and Democratic Services to arrange for their implementation.

Gail MacFarlane
Shared Head of Roads and Environmental Services

3.0 BACKGROUND

- 3.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 as amended and, under the Council's Scheme of Delegation, the Head of Roads and Environmental Services is responsible for the making, implementation and review of Roads Orders including Speed Limit Orders (SLO).
- 3.2 A report entitled "Implementation of 20mph Speed Limits in Residential Areas" was considered by the Environment and Regeneration Committee on 13 January 2022 where one of the decisions was "that approval be given to the principle of delivering 20mph speed restriction within key pedestrian generator areas within town centres and villages and in the vicinity of schools".
- 3.3 Following this decision six SLOs were drafted for key pedestrian generator areas within town centres and villages. They are entitled: -
- "The Inverclyde Council Kilmacolm Village Centre (20mph Speed Limit) Order 2022";
 - "The Inverclyde Council Port Glasgow Town Centre (20mph Speed Limit) Order 2022";
 - "The Inverclyde Council Cathcart Street and Adjoining Roads, Greenock (20mph Speed Limit) Order 2022";
 - "The Inverclyde Council Gourock Town Centre (20mph Speed Limit) Order 2022";
 - "The Inverclyde Council Inverkip Village Centre (20mph Speed Limit) Order 2022"; and
 - "The Inverclyde Council Wemyss Bay Village Centre (20mph Speed Limit) Order 2022".

It should be noted that a 20mph SLO for West Blackhall area of Greenock is currently being promoted as part of the West Blackhall Street improvement works.

- 3.4 The proposed SLOs were all issued for public consultation on 28 November 2022 with responses invited by 19 December 2022.
- 3.5 During the period of public consultation for the TROs, one valid objection was received to the Inverkip SLO and one valid objection was received to the Wemyss Bay SLO. No objections were received to the SLOs for Kilmacolm, Port Glasgow, Gourock or Cathcart Street area of Greenock. Officers entered into correspondence with the objector who objected to the Inverkip and Wemyss Bay SLOs. Despite officers' efforts the objectors did not respond therefore their objections are considered to be maintained. The objector is an Elected Member.
- 3.6 The rules of natural justice strongly indicate that the Council should not hear objections where one of their own Elected Members is the objector. One aspect of the rules of natural justice is the right to a fair hearing. A member of the public could find it difficult to understand how elected members of a committee could act as an independent decision maker when one of the objectors is also an Elected Member. These are considerations which strongly point towards the hearing into the objections being dealt with by an independent Reporter.
- 3.7 In consequence, it is recommended that the Council should agree to the objections into the Inverkip and Wemyss Bay SLOs being heard by a Reporter. The Reporter would report directly to the Council with recommendations and it will be for the Council to make a decision, informed by the Reporter's report.

4.0 IMPLICATIONS

4.1 The table below shows whether risks and implications apply if the recommendations are agreed:

SUBJECT	YES	NO	N/A
Financial	x		
Legal/Risk	x		
Human Resources		x	
Strategic (LOIP/Corporate Plan)		x	
Equalities & Fairer Scotland Duty			x
Children & Young People's Rights & Wellbeing			x
Environmental & Sustainability			x
Data Protection			x

4.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
	SPT Capital Funding	2023/24	£5k	N/A	Independent Reporter
	SPT Capital Funding	2022/23	£25k	N/A	Signs associated with the 4 SLOs with no objections

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
	Lighting	2023/24	£0.5k		Contained within original Service Budget
	Signs	2023/24	£0.2k		Contained within original Service Budget

4.3 Legal/Risk

The recommendation(s) of an independent Reporter following public hearings would be reported to a future meeting of the Environment and Regeneration Committee. In the event that the Committee decides not to appoint an independent Reporter but rather decides to hear the objections itself, the decision of the Committee will be final.

4.4 Human Resources

None.

4.5 Strategic

None.

5.0 CONSULTATION

- 5.1 This report is a result of a public consultation on the 20mph Speed Limit Orders associated with town and village centres. It notes the outcome of the consultation undertaken between 28 November 2022 and 19 December 2022.

6.0 BACKGROUND PAPERS

- 6.1 This report follows one of the decisions made at the Environment and Regeneration Committee on 13 January 2022 regarding the report entitled "Implementation of 20mph Speed Limits in Residential Areas".