

The Road Traffic Regulation Act 1984 enables the Council to make Orders prohibiting the driving of motor vehicles on a road at a speed exceeding that specified in the Order, or directing that a road on which there is provided a system of street lighting furnished by means of lamps placed not more than 183 metres apart shall become a restricted road (subject to a speed limit of 30 mph) or that it shall cease to be a restricted road.

Speed Limit Orders and Restricted Road Roads remain in force until superseded or revoked.

The Department for Transport's Circular 01/2013 'Setting Local Speed Limits' should be the basis for assessments of local speed limits, for developing route management strategies and for developing speed management strategies required as part of the Local Transport Plan process. Circular 01/2013 requires that "speed limits should be evidence-led and self-explaining and seek to reinforce people's assessment of what is a safe speed to travel. They should encourage self-compliance. Speed limits should be seen by drivers as the maximum rather than a target speed. Traffic authorities set local speed limits in situations where local needs and conditions suggest a speed limit which is lower than the national speed limit."

In deciding whether or not to make an Order or give a Direction, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable having regard to the matters specified in section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.

The matters to which the Council must have regard are:-

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

Therefore whilst the overall objective of the Council must be to secure the expeditious convenient and safe movement of vehicular traffic this cannot prevent statutory powers from being used for the specific purposes identified in section 122(1) and that a balance has to be achieved between the overall objective and the matters set out in section 122(2).