

Consultation Document

January 2012



Traffic Orders: Simplifying the Process

The information or guidance in this document (including third party information, products and services), is provided by DfT on an 'as is' basis, without any representation or endorsement made and without warranty of any kind whether express or implied.

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website in accordance with the W3C's Web Content Accessibility Guidelines. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR Telephone 0300 330 3000 Website www.dft.gov.uk

© Crown copyright 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos or third-party material) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk (www.nationalarchives.gov.uk/doc/open-government-licence) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Contents

2. Executive summary 6 Background 6 Publication 6 Consultation 8 Minor Orders and Traffic Signs 8 Anti-terrorism Orders 8 Summary 9 3. Overview of Current Requirements 10 Publication Requirements 11 Temporary Orders made by local authorities and the Highways Agency 11 Permanent orders made by local authorities 11 Permanent orders made by local authorities 12 Permanent orders made by local authorities 12 Permanent orders made by the Highways Agency 12 Permanent orders made by the Highways Agency 13 4. The Case for Change 14 The Cost Burden 14 Use of Alternative Channels 15 Improving Consistency 15 Promoting Flexibility 16 Reducing the Requirement for Publicising Temporary TOs 17 Localism 17 Proposals for Change 18 Publication Requirements 18 Consultation Requirements 20 Minor Orde	١.	Consultation Summary	4
Publication Requirements	2.	Background Publication Consultation Minor Orders and Traffic Signs Anti-terrorism Orders	6 6 8 8
The Cost Burden	3.	Publication Requirements Temporary Orders made by local authorities and the Highways Agency Permanent orders made by local authorities Permanent orders made by the Highways Agency Consultation Requirements Permanent orders made by local authorities	11 11 12 12 12
Localism	4.	The Cost Burden	14 15 15
Minor Orders20Traffic Signs20Anti-terrorist Traffic Regulation Orders (ATTROs)21Impact of Proposed Changes21Consultation Questions22For traffic authorities:22For the public and businesses:23For utility companies etc.:23For representatives of local newspapers:23And finally some general questions:24How to Respond24Freedom of Information25What will happen next?25Impact Assessment26		Localism	17 18 18
For traffic authorities: 22 For the public and businesses: 23 For utility companies etc.: 23 For representatives of local newspapers: 23 And finally some general questions: 24 How to Respond 24 Freedom of Information 25 What will happen next? 25 Impact Assessment 26		Minor Orders Traffic Signs Anti-terrorist Traffic Regulation Orders (ATTROs) Impact of Proposed Changes	20 20 21 21
How to Respond		For traffic authorities: For the public and businesses: For utility companies etc.: For representatives of local newspapers:	22 23 23 23
TOOL CONTROLOGO CEITOEG		How to Respond	242525

1. Consultation Summary

Topic of Consultation	Proposals to amend the procedures for publicity and consultation for Traffic Authorities when making traffic orders.		
Scope of the Consultation	This consultation seeks views on proposed amendments to current procedures for the publicity and consultation requirements for traffic orders.		
Geographical scope	The proposals relate to England only.		
Impact assessment	A consultation stage impact assessment and 'green' Regulatory Policy Committee (RPC) opinion is annexed to this consultation document.		
То	This is a public consultation and it is open to anyone to respond. We would however particularly welcome responses from:		
	traffic authorities		
	 civic and community groups, and groups representing road users and businesses 		
	 Businesses which request traffic authorities to make s for them, e.g. utility companies, Network Rail, event organisers, property developers. 		
	 experts in equality and accessibility 		
	local newspaper industry		
Body responsible for the consultation	Department for Transport (Traffic Division)		
Duration	12 weeks		
After the consultation	A summary of responses to the consultation will be published on the Department's website alongside an announcement of the Government's decision on the way forward.		
Compliance with the code of practice on consultation	The consultation complies with the code.		
Getting to this stage	This work forms a part of the Traffic Signs review 'Signing the Way' which was announced on 13th October 2011 and is the result of contact with traffic authorities and discussions at a specially convened British Parking Association working group.		
Previous engagement	We have not consulted previously specifically on issues contained in this consultation, This is the first formal		

consultation on these proposals, but they respond directly to concerns raised with the Department by traffic authorities and
others.

2. Executive summary

Background

- 2.1 This consultation document proposes amending the requirements placed on traffic authorities when they are proposing and making traffic orders (TOs). Traffic authorities include local authorities (LAs) and the Highways Agency operating on behalf of the Secretary of State. TOs can be made for all types of road and for a wide range of reasons. They may be:
 - short term or temporary orders, such as for road works or to avoid danger to road users or serious damage to the road.
 - permanent orders which can restrict, regulate or prohibit the use of a road for all traffic or certain classes of traffic.
 - experimental orders, for schemes which are put in place to test effectiveness with a view to making them permanent, such as a oneway scheme.
- 2.2 All these orders are made under the Road Traffic Regulation Act 1984, but the procedures governing how that is done are contained in three sets of regulations.
- 2.3 The primary focus of the proposals contained in this consultation document concerns the procedures for publication for all TOs, and consultation for permanent orders. The proposed changes are in relation to England only.

Publication

- 2.4 At present, for all TOs, traffic authorities (TAs) are required to advertise proposals in a local newspaper, and in the case of the LAs, they must use an additional form of publicity, such as notices to affected properties or notices placed in the affected road. In the case of the HA, as well as advertising in local newspapers, they must also advertise all permanent orders in the London Gazette. LAs must also do this when the order is made for London.
- 2.5 Many more channels of communication have evolved since the regulations were written in the nineties, and we propose to enable TAs to decide the most suitable method(s) for them in given circumstances without barriers to using modern methods. This approach embraces the government's aim to enable local decision making and will ensure consistency in the requirements placed on LAs and the HA.
- 2.6 Whilst much of the cost of advertising is currently met by TAs, where TOs are made at the request of business such as utility companies or event organisers, they are usually asked to bear that cost. As such our estimates in the impact assessment show a potential saving to business of £5.9 million annually.
- 2.7 It is proposed here that all specific requirements of how orders must be publicised should be removed. Publicity must still take place to the same time-scales as at present, but will be up to the TA to decide in each case what methods are appropriate. Clearly, different types and extent of publicity will vary depending on the nature of the expected impact and duration of the order, so there will be no standard answer. We plan to issue guidance at the same time as any new regulations to help TAs to make choices that are reasonable in light of who they need to reach.
- 2.8 At the same time, we propose to remove the current requirement to publicise temporary orders twice at proposal and making. In most circumstances, there is no change between the proposal and the order as actually made as there is no opportunity for objections. The TA will only be required to publicise after it has been made if there is a change between the two versions.
- 2.9 We acknowledge that these measures proposed may well have an impact on the revenues of local newspapers; however, the government believes that it is right that TAs should be able to make the choice of the methods best able to reach their target audience whilst considering what is most cost-effective.

Consultation

- 2.10 TAs have certain requirements to consult before making permanent TOs.
- 2.11 At the same time as making changes to publication requirements, we are proposing that the current requirements on consultation contained in the local authorities' regulations should be changed to allow them the flexibility to consult (in addition to the police and other LAs for the area) only such bodies as they consider appropriate. This will bring them into line with the Secretary of State's regulations, where the only current statutory requirement to consult is the police. We also propose to add a requirement to consult town or parish councils (plus district councils where applicable in two-tier areas) regarding permanent TOs to both the local authorities' and Secretary of State's regulations. Again we plan to publish guidance at the same time as the regulations to help TAs to decide what steps are reasonable.

Minor Orders and Traffic Signs

2.12 Small changes are proposed relating to the definitions of minor orders – bringing them up-to-date; and on traffic signs to add a general obligation to indicate the effects of any order not relating to a road, e.g. for an off-street car park.

Anti-terrorism Orders

2.13 Temporary and permanent orders may be made for purposes of reducing the risk of the effects of terrorism. Changes propose that in certain circumstances for temporary orders made for those purposes, the traffic authority may choose following consultation with the police to reduce or not to advertise orders in advance of making.

Summary

2.14 The key changes in this consultation relate to the publication and consultation requirements for TAs when they are making TOs. The changes would lead to a more flexible approach in allowing TAs to decide on the appropriate methods to use when publicising and consulting on TOs, and are expected to lead to a significant cost saving to public TAs and business.

3. Overview of Current Requirements

- 3.1 TOs are made for all types of roads, from motorways to local residential streets and everything in between. TOs can be used for a wide range of purposes. They can be permanent, temporary or experimental, and used for circumstances ranging from temporary closures to enable road works to take place to permanent changes to parking restrictions or road layouts.
- 3.2 These proposals affect the three current sets of regulations listed below which set out the procedures for the making of TOs in England. The regulations apply to all traffic authorities (TAs) which includes the Highways Agency (HA), local authorities (LAs) and Transport for London (TfL) and the Secretary of State when exercising certain reserve powers. They were made under the Road Traffic Regulation Act 1984 (the "RTRA") and the Local Government Act 1985.
 - Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990 (SI 1990/1656)1. These regulations set out what is required for permanent and experimental orders on roads for which the Secretary of State is responsible. In practice, those roads are looked after in England by the Highways Agency.
 - Road Traffic (Temporary Restrictions) Procedure Regulations **1992 (SI 1992/1215)2.** These regulations apply to temporary orders made by all types of traffic authority for all types of roads in England. Scotland and Wales.
 - The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1990/2489)3. These regulations apply to permanent and experimental orders on roads and other places (offstreet parking places and loading areas) for which local authorities have responsibility.

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

The Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992

3.3 Each of these sets of regulations specifies procedural requirements that traffic authorities must follow when proposing and making TOs. In particular, this consultation document focuses on two aspects of those requirements, which relate to publicity and consultation.

Publication Requirements

3.4 An important element of traffic management work is to inform and engage the local community when either temporary or permanent changes to their road network are planned. In the case of permanent orders, the publicity provides the public with the opportunity to consider proposals, and to make objections if they wish to, which must then be considered by the TA. In the case of temporary orders, TAs are required to give notice to those affected of what is going to happen.

Temporary Orders made by local authorities and the Highways Agency

3.5 For temporary orders, the regulations require the proposed TO to be advertised in a local newspaper giving at least 7 days notice before making the TO: it must then be advertised again within 14 days after making.

Permanent orders made by local authorities

- 3.6 For permanent orders, the local authorities' regulations include a requirement to advertise the proposals in local newspapers both before and after the TO is made, allowing people at least 21 days to object to proposed permanent orders.
- 3.7 In addition to advertising in local newspapers, LAs are also required to advertise permanent orders in the London Gazette if they relate to London.

3.8 In addition to local newspaper advertising, a local traffic authority is required to 'take other such steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions'. This may include advertising in the London Gazette, displaying notices in roads or delivering notices or letters to affected premises.

Permanent orders made by the Highways Agency

3.9 In the case of all permanent TOs proposed by the HA, advertisements must be placed in local newspapers both before and after making. They must also be advertised in the London Gazette, whether or not they directly affect roads within London.

Consultation Requirements

3.10 In addition to the above requirements to publicise orders, the regulations also oblige local traffic authorities to consult certain specified parties regarding proposed permanent TOs.

Permanent orders made by local authorities

3.11 The 1996 regulations prescribe detailed requirements for local traffic authorities to consult with various bodies, as set out in the following table:

Item	Case	Consultee
1.	Where the order relates to, or	The other authority
	appears to the order making	
	authority to be likely to affect traffic	
	on, a road for which another	
	authority is the highway authority or	
	the traffic authority	
2.	Where the order relates to, or	The appropriate Crown authority
	appears to the order making	
	authority to be likely to affect traffic	
	on, a Crown road	

3.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road subject to a concession	The concessionaire
4.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road on which a tramcar or trolley vehicle service is provided	The operator of the service
5.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on,- (a) a road outside Greater London which is included in the route of a local service; or (b) a road in Greater London which is included in the route of a London bus service	In case (a) the operator of the service In case (b) the operator of the service and London Regional Transport
6.	Where it appears to the authority that the order is likely to affect the passage on any road of- (a) ambulances; or (b) fire-fighting vehicles	In case (a) the chief officer of the appropriate NHS trust In case (b) the chief officer of the fire brigade of the fire authority
7.	All cases	(a) The Freight Transport Association (b) The Road Haulage Association (c) Such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult

Permanent orders made by the Highways Agency

3.12 The only statutory consultee contained in the regulations for the HA is the chief officer of police.

4. The Case for Change

The Cost Burden

4.1 We consider that:

- Around £20 million per year is spent on advertising TOs in local newspapers in England. The information used for this estimate has been provided directly by the HA and taken from the U.K. Network Management Board report: 'Traffic Regulation Order Advertising: A need to review the regulations'⁴.
- The present regulations place a specific financial burden for local newspaper advertising which may not be the most effective way to reach the target audience or provide the best value for money.
- Although the TA has the power to make the TO, and has the
 responsibility for the associated publicity, TOs are often made at the
 request of utility companies, property developers, event organisers or
 Network Rail, who generally reimburse the traffic authority for the
 cost. Therefore, there would be a significant saving for the traffic
 authorities and those bodies too.
- 4.2 Details of the estimated costs incurred by traffic authorities on local newspaper advertising are included in the attached Impact Assessment.

⁴ http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=62D93AE7-0A69-4375-BCE232DFC4E83A65

Use of Alternative Channels

4.3 We think that:

- Removing the current requirements for TAs to publicise their TOs in local newspapers will allow them to publicise in whatever ways they consider appropriate.
- The regulations as they stand may discourage the use of innovative methods of communication.
- Many more innovative channels of communication are now available than when the regulations were written, meaning that local newspapers may no longer be the best or most cost-effective way of reaching the target audience.
- New methods of communication could be used such as local authority web-sites, social net-working sites and local news web-sites.
- These could provide an efficient and cost-effective way of contacting the general public and organisations with relevant information.
- Other methods which are already widely used, such as leaflet drops or displaying notices in affected streets are considered effective ways of reaching the people and businesses concerned.
- Further alternatives could include media such as local radio.
- The option would still remain for TAs to continue advertising in local newspapers.

Improving Consistency

4.4 Inconsistencies exist between the requirements placed on LAs and the HA.

- 4.5 LAs are required to advertise in local newspapers and use a further method of communication, whereas the HA is only required to advertise in local newspapers.
- 4.6 Although the HA is largely responsible for motorways and trunk roads, the routes of some trunk roads pass through towns and villages, so they should make the same considerations regarding appropriate publicity as a local authority.
- 4.7 We also propose to relax the regulations about who local traffic authorities must consult about TOs thus achieving greater consistency across all traffic authorities, whilst adding a requirement for both the Secretary of State and LAs to consult other tiers of local government.

Promoting Flexibility

- 4.8 We think that the current regulations are overly-prescriptive in terms of the requirements laid down for publicity for both HA and LAs, and for consultation in the case of LAs, and that it would be preferable for TAs to determine for themselves what is appropriate.
- 4.9 Due to the wide range of potential impact of TOs on the community, one size does not fit all, and we think that the traffic authority is best placed to decide who needs to know about its proposals, and the best way to reach them.
- **4.10** The Cabinet Office is carrying out an on-line 'Red Tape Challenge' on a theme-by-theme basis inviting comments from the general public on how red tape might be cut. On the highways theme, one contributor representing a traffic authority said:
 - 'We recommend that the current requirement to advertise Traffic
 Orders in a local newspaper should be replaced with 'publish in a
 form or forms that best targets the local area. Moving towards a
 combination of on-street and on-line notices should be left to local
 discretion and circumstance. Advertising TOs on web-sites, on street

and in local community facilities, instead of local newspapers, will inform more people, more effectively and save public funds.'

- **4.11** This is representative of views expressed to the Department on a number of occasions by representatives of traffic authorities, utility companies and others.
- **4.12** We consider that the current local authorities regulations on consultation are overly prescriptive and therefore propose to remove the requirements from their regulations which are inconsistent with the requirements placed on the HA.

Reducing the Requirement for Publicising Temporary TOs.

- **4.13** These proposals also address requests made that the requirement to publicise temporary orders should be reduced from twice to once.
- 4.14 As the temporary TO process does not allow for objections, this means that at the moment, the TO must usually be published in a local newspaper twice in quick succession which we consider excessive, where publishing once would suffice. Changes to the TO, could, however, arise from correcting an error, or a need for the TA to amend the proposed TO, when publishing for a second time would be required.

Localism

4.15 The Government is keen to see less central control, and to pass decision-making on local matters to those who know their locality and their residents best.

- **4.16** For TOs, we think this means that, for the most part, decisions on publicity and consultation should be made by the traffic authority, subject to considering what is reasonable. This will be explained in the guidance a draft of which is attached at Annex A.
- 4.17 Although we are generally removing requirements in the regulations for permanent orders on who should be consulted, we are proposing to add the other layers of local government to reflect their increasing role and responsibilities for their local areas. We think this is important as more local control is devolved to those bodies.

Proposals for Change

- **4.18** Who the proposals apply to:
 - These proposed changes apply only to the procedure regulations as they relate to England. Regulations in Scotland and Wales are a matter for those governments.
 - Therefore we intend to produce new sets of regulations applying only to England, whilst dis-applying the existing ones to England. The drafts of those are contained in annexes B, C and D. The effect will be to reduce the regulatory and financial burden on English traffic authorities. The Welsh Government are proposing to make regulations applying only to Wales and if these Regulations are made before ours, then the Local Authorities' and Secretary of State's Regulations will be revoked instead of dis-applied.

Publication Requirements

4.19 We propose to remove the specific requirements relating to publicity completely from all three sets of regulations as they apply to England, in order to:

- allow traffic authorities to select the most appropriate means of communicating to the relevant target audience
- avoid incurring unnecessary costs
- 4.20 Instead, authorities would be under a general duty to publicise their orders in whatever they consider to be the most appropriate way. We propose to supplement this general duty with some non-statutory guidance setting out options available for publicising TOs, and identifying where each method would be appropriate. This would also encourage the use of innovative communication channels which already exist, and those which may evolve in the future.
- 4.21 We anticipate that traffic authorities will welcome the recommendation to use on-line publicity for their TOs. We would see this being used as a way of conveying the full details of the TO, which could be 'sign-posted' from other sources. With that in mind, we will propose a format for online advertising of TOs alongside the guidance with the intention of increasing the consistency of how TOs are advertised on-line.
- 4.22 The proposed regulations remove the requirement to advertise temporary orders twice except in circumstances where there has been a change between the proposed and made order. In the majority of cases, the order as proposed is the same as the version which is made, in which case publishing twice is considered excessive.
- 4.23 These proposals are not simply about cutting costs. The Government and many TAs who have been asked believe that there are more effective ways to reach the public, and that changes in the regulations will ultimately enable the public to become better informed about what is happening in their locality. Evidence has shown that a very small proportion of people read the TO advertisements in their local newspapers.

Consultation Requirements

4.24 We propose to remove the current, prescriptive, list of statutory consultees from the local authorities' regulations, instead placing authorities under a general duty to consult such persons as they consider appropriate. Again, this duty would be supported by non-statutory guidance.

- 4.25 However, whilst removing the proposed consultees from the local authorities' regulations and putting them into guidance; we also propose to add a requirement to consult town or parish councils (plus district councils where applicable in two-tier areas) regarding permanent TOs to both the local authorities' and Secretary of State's regulations. We see this as being an essential democratic safeguard.
- **4.26** We plan to publish guidance on consultation, including a list of possible consultees which will include those who are currently listed in the regulations as shown in the table above.
- **4.27** Legislation requires all traffic authorities to consult the chief officer of police, which we propose to retain for all permanent orders.
- 4.28 The traffic signs policy review recommended that traffic authorities should use mapping software to improve the TRO process. The Department considers that maps should be used to indicate the restrictions throughout the TRO process and particularly to help improve the consultation process. The Department will provide advice on mapping TROs as part of the traffic signs policy review next year.

Minor Orders

4.29 Whilst making the principle changes listed above, we also plan to take the opportunity to up-date the schedule in the regulations for what constitutes a minor order. This concerns amending out-of-date references as shown in the attached draft Statutory Instruments. Minor TOs as defined are subject to a simplified process with regard to publicity and consultation. The changes will include things such as up-dating the reference to disability legislation and bringing the requirements on weight restrictions into line with other legislation.

Traffic Signs

4.30 We also propose to expand the traffic signs provision in the local authorities' regulations as it currently concerns only orders "relating to a road". We plan to add a general obligation to indicate the effects of any order not relating to a road (e.g. for an off-street car park). It will not always be appropriate to use traffic signs, so this will allow flexibility to use signs other than traffic signs.

Anti-terrorist Traffic Regulation Orders (ATTROs)

- 4.31 ATTROs can be temporary or permanent orders made for the purpose of avoiding or reducing the likelihood of danger connected with terrorism. Permanent orders made can be made for avoiding or reducing, or reducing the likelihood of, danger connected with terrorism; or to prevent or reduce the danger of damage caused by terrorism. Temporary orders may be made for a purpose relating to danger or damage connected with terrorism.
- 4.32 At present, ATTROs must be publicised in the same way as other orders, but there could be some cases where, for national security reasons, a temporary ATTRO needs to be implemented without advance publicity or with reduced publicity.
- 4.33 We therefore propose that in very exceptional circumstances, following consultation with the appropriate chief officer of police, TAs could decide to make a temporary ATTRO with reduced or no advance publicity. Further advice would be included in the guidance. Permanent ATTROs would continue to follow the same process as other permanent TOs.

Impact of Proposed Changes

4.34 Our proposals seek to make substantial savings for TAs and other bodies and aim to provide more flexibility in how LAs consult and publicise TOs. It is likely that some authorities will still use local newspapers in certain circumstances, but if these proposals are implemented, the changes will have an effect on the revenue of local newspapers. However, on balance the Government believes that the

question of whether local newspaper advertising is the most costeffective way of reaching those affected by a TO should be taken by TAs themselves, based on an assessment of who will be affected by the particular TO, and not prescribed by central government in regulations.

4.35 A Consultation stage Impact Assessment has been completed, and may be seen at Annex E.

Consultation Questions

4.36 We hope to use the information we have gathered already, plus further evidence gathered from responses to this consultation to help complete the picture, including finding out how much money is being spent in this way. Responses to this consultation will inform final decisions on whether to proceed with the proposals, and if so in what form. We recognise that alternative methods of communication are already widely used, but we would like to find out how widespread that is and how much additional cost will result from alternative methods of communication. We also acknowledge that the audience for proposed TOs and the best way(s) of reaching them will vary depending on the circumstances. For those purposes, we invite responses to the following questions.

For traffic authorities:

- Q1. As a traffic authority, if the specific requirement to advertise in local newspapers and the London Gazette (where applicable) were removed, would you continue to do so? How much do you spend annually on those advertisements currently and what is the associated administration cost?
- Q2. To what extent are alternative communication methods currently being used, and would there be further costs to using alternative methods if the suggested changes went ahead? Which methods of publication would you, as a traffic authority, be most likely to use, and what would the additional costs be?
- Q3. Would additional methods of communication be delivered by your traffic authority, or sourced from the private sector?
- Q4. As a traffic authority, do you advertise your proposed TOs on your own web-site?

- Q5. Are you content with the proposed revisions to the advertising requirements for TOs?
- Q6. As a traffic authority, what proportion of TO advertising costs do you recover from third parties? Do you always recover costs from third parties where appropriate as a matter of course?
- Q7. Please let us have any comments about the proposed guidance. Is there something different or more that would help you?
- Q8. Do you have any comments about the proposal to include a requirement in the regulations to consult other tiers of local government?

For the public and businesses:

- Q9. As a business or member of the public, where do you get information about TOs from?
- Q10. If you currently use local newspapers to find out about proposed TOs in your area, how will it affect you if your local traffic authority stops advertising them in that way?

For utility companies etc.:

Q11. If you represent a utility company, developer or event organiser, how much do you spend annually with traffic authorities on securing traffic orders? How much of that relates specifically to newspaper advertising costs?

For representatives of local newspapers:

- Q12. What is your total turnover? What proportion is advertising? What proportion of that advertising comes from traffic order advertising?
- **5.1** A question relating to the proposed changes in consultation requirements:
- Q13. Do you think the proposed approach of removing specific requirements on consultation from the local authorities' regulations is the right course of action, and publishing non-statutory guidance to all traffic authorities in England?

And finally some general questions:

Q14. Are you content with the distinction between a temporary notice and temporary order as defined in section 14 of the Road Traffic Regulation Act, and the associated procedures? Please tell us about any changes you would like to see to those requirements?

Q15. We are considering further changes to the process for making temporary orders and notices. It has been suggested that the legislation for notices should be changed to allow for ANY planned works of up to 14 days to be carried out under a temporary notice, instead of only works needing to take place 'without delay' of up to 5 days. If the proposals contained within this document were to come into force, what impact would such a further change have on you or your organisation?

Q16. Are there other changes that you would like to see relating to the legislation on traffic orders?

How to Respond

- 4.37 The consultation period began on 30th January 2012 and will run until 23rd April 2012, please ensure that your response reaches us by that date. If you would like further copies of this consultation document it can be found at (web address) or you can contact (name) if you would like alternative formats (Braille, audio CD,etc).
- 4.38 Wherever possible, consultation responses should be sent by e-mail to traffic.orders@dft.gsi.gov.uk. Where this is not possible, hard-copy responses may be sent instead to:

Traffic Order Consultation
Traffic Division
Department for Transport
Zone 3/27, Great Minster House
33 Horseferry Road
London SW1P 4DR

4.39 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

Freedom of Information

- 4.40 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
- 4.41 If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 4.42 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 4.43 The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

What will happen next?

4.44 A summary of responses, including the next steps will be published within 3 months of the consultation closing on (web address), paper copies will be available on request.

4.45 If you have questions after you have read this consultation document please contact;

Traffic Order Consultation
Traffic Division
Department for Transport
Zone 3/27, Great Minster House
33 Horseferry Road
London SW1P 4DR
traffic.orders@dft.gsi.gov.uk

Impact Assessment

- **4.46** The Impact Assessment can be found at annex E. When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.
- 4.47 Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

The Consultation criteria

4.48 The consultation is being conducted in line with the Government's Code or Practice on Consultation. The criteria are listed at Annex F, a full version of the Code of Practice on Consultation is available on the Better Regulation Executive web-site at:

http://www.bis.gov.uk/assets/biscore/corporate/migratedd/publications/f/file4715 8.pdf

4.49 If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Consultation Co-ordinator Department for Transport Zone 2/25 33 Horseferry Road Great Minster House London SW1P 4DR

Email address consultation@dft.gsi.gov.uk