

## Is It Time For A Proactive, Unified Approach To Traffic Order Training?

To say that local authority parking operations are under the microscope more than ever before is surely an understatement.

Not only is parking facing more scrutiny from the motorist but also there is a greater expectation of customer service in general from the public and more individuals, companies and newspapers keen to tell people how to “avoid” parking penalty charge notices (PCNS) . And that means that the very foundation stone of parking enforcement – the traffic order – is under fire on several fronts.

The growth of the internet and the Freedom of Information Act has fuelled the public's readiness to challenge parking enforcement wherever they can and there have been some unfortunate examples of local authorities having to refund motorists many thousands of pounds for continuing to enforce flawed traffic orders after they were aware of the problem.

Through various blogs and internet forums, motorists are encouraged to challenge the traffic order when they appeal a PCN and a number of factors, such as the increased level of enforcement leading to a higher level of PCN issue, increases in the cost of receiving a PCN and the financial downturn have combined to increase public awareness of the issues.

Fundamentally, the legal position means that as soon as a council is aware that a traffic order is not enforceable, it must stop enforcing it – and you can be sure when this happens, plenty of people will know the situation!

Conversely, while there is more demand than ever for skilled people who can write traffic orders, this specialist role has a dwindling number of experienced practitioners.

Where there was once a ‘centre of excellence’ in writing and developing traffic orders at the former Greater London Council (GLC), on its disbanding many of the specialists dispersed to other local authorities and many must now be planning their imminent retirements.

Preparing these detailed legal documents well is a skill that not only keeps traffic flowing in our high streets and suburbs and supports local economies but also plays a major Health & Safety role and underlines the credibility of parking policy.

With the new coalition government championing the shift of power to the regions, ministers will want local authorities to carry out essential tasks with the minimum of bureaucracy and maximum efficiency.



Writing traffic orders is a job that may not seem to be a priority to a fully qualified local authority solicitor, yet a traffic order needs to be put together in an often tight timeframe and to exacting standards.

As a result it is often the operations departments' staff who manage and enforce transportation and/or parking – who are often self-taught rather than trained specialists – who do the drafting and the management of the traffic orders.

It is becoming more and more obvious that in many councils this puts a tremendous pressure and responsibility on untrained staff. Often they are responsible not only for the skilled task of drafting and making the individual orders but also for managing the process. This can involve decisions on what type of order is appropriate in specific instances and on the consolidation timetable.

This puts a lot of weight on the shoulders of the staff tasked with drafting the orders given the complexity of writing them coherently and concisely.

For instance, drafting a written description of where an enforcement feature such as a yellow line applies is more demanding than it sounds. Walk down your street, or take a look at the signs and lines in the road where you work and try to write down a description yourself.

Another area of confusion – and one that can spark challenges – are the 'definitions' of a traffic order.

Defining what a disabled badge holder is or even a motorbike would seem to be a simple task but with the weight of potential legal challenges hanging over the head of the author they can become long winded and over complicated. Given how fraught with difficulties this area can be, we would always advise using common definitions.

In some cases, the wording can be so complex the traffic order becomes incomprehensible – which is why we recommend not only keeping things as simple as possible, but using maps to visually display traffic orders and where they apply. Some local authorities do this already on their websites, which we applaud.

We have noticed when working on traffic orders with a wide range of local authority clients that it is often the case that those delegated with the task of writing traffic orders employ 'copy and paste' tactics. This means they take parts of an existing traffic order and add to it to create a new one both in order to speed the process and because they are not confident enough to exclude anything included in previous orders.

This approach has many flaws, for instance, often the local authority is left with long and over complicated documents which are unwieldy and may not be legally enforceable.

Recently, as independent parking consultants, we drafted a consolidation order for a client that reduced their original consolidation order by 23 pages. Our draft was commended by their legal department during the review process. In general, we would recommend that all local authorities review their traffic orders on a regular basis to manage them better and keep them as simple as possible.

So, the parking enforcement environment is under more pressure than ever before, high standards are expected in 2010 and it is difficult to find and keep the right skills, to write and manage your traffic orders.

This is why professional training by experienced practitioners should be sought to help staff understand and learn more about this complex area.

I would recommend that local authorities seek training on two levels:

1. Understanding: Operational staff such as Senior Civil Enforcement Officers and Notice Processors need a good level of training to understand traffic orders as they make up the building blocks of enforcement and are therefore important to their roles
2. Skilled: Whilst it is a good foundation for staff drafting and making traffic orders to go through the same training as operational staff so as to understand the history and objectives of a traffic order, it is extremely important to provide them with further, more skilled training in the processes involved. This should be followed up with on the job support where an experienced mentor works with delegates via e-mail and telephone to advise, discuss and develop detailed practical experience thus increasing their skills and knowledge as they prepare and manage 'live' traffic orders so that they have the confidence to write clear and concise traffic orders.

It is important that both these levels of training are available for all staff involved in traffic orders in any council department. Although highways and parking staff usually have two different objectives, getting them to 'sing from the same song sheet' helps maintain consistent standards throughout a local authority.

Mark Arnot, Parking Supervisor at Stroud District Council, who has attended traffic order training comments:



“Training is of utmost importance in this challenging area. Traffic orders are the building blocks of parking enforcement and need to be of the highest standard to help move the whole industry forward in an effective and transparent manner.”

“There is a need for a uniformed approach to training to eradicate any potential errors and help simplify all the processes involved.”

An important factor is that training is carried out by people with high levels of industry experience, who can also provide a broader perspective from across the world of parking.

So, who would benefit from a perfect world with excellent traffic orders everywhere? Everyone from the motorist to the local authority staff, as well as the industry in general. Parking would be reliably enforced on a fair basis, the industry would gain credibility, and parking staff themselves would gain greater empowerment and benefit from reviving an important yet dwindling skill.

Although there are some great examples of work from around the country, failing to get to grips with traffic orders would mean chaos on our roads; more challenges to parking regulations; less revenue for councils with greater need to pay back fines, frustrated motorists and damaged reputations. Not an appealing prospect...

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