

**ITEM No ...4.....**

**REPORT TO:** CITY DEVELOPMENT COMMITTEE – 25 SEPTEMBER 2017

**REPORT ON:** RAISING STANDARDS AND IMPROVING THE QUALITY OF ROADWORKS IN SCOTLAND CONSULTATION 2017

**REPORT BY:** EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

**REPORT NO:** 258-2017

**1 PURPOSE OF REPORT**

1.1 The report aims to keep Elected Members informed of the Raising Standards and Improving the Quality of Roadworks in Scotland Consultation Paper for the Scottish Government and Dundee City Council's proposed response.

**2 RECOMMENDATION**

2.1 It is recommended that the Committee note the information contained within this report and approves Dundee City Council's response to be sent to Transport Scotland for data analysis and processing.

**3 FINANCIAL IMPLICATIONS**

3.1 There are no direct financial implications as a result of this report.

**4 BACKGROUND**

4.1 Roadworks are a necessary fact of life in order to have a safe and well maintained road network and to continue to enjoy a range of utility services.

4.2 The Scottish Government consultation seeks views on proposals for improvement to the regulation of roadworks in Scotland which includes taking forward the accepted recommendation of 2016 report – Review of the Office and Function of the Scottish Roadworks Commissioner. A copy of the written submission to be submitted to the Scottish Government is detailed in Appendix 1.

**5 POLICY IMPLICATIONS**

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

**6 CONSULTATIONS**

6.1 All members of the Council Management Team have been consulted and are in agreement with the contents of this report.

**7 BACKGROUND PAPERS**

7.1 None.

Mike Galloway  
Executive Director of City Development

Neil Gellatly  
Head of Roads and Transportation

NHG/JO/KM

11 September 2017

Dundee City Council  
Dundee House, Dundee



APPENDIX 1



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# Raising Standards and Improving the Quality of Road Works in Scotland

A Consultation



## Improving the Quality of Road Works — A Consultation Transport Scotland

### 7.2 Annex A

#### Consultation Responses

##### Respondent Information Form

Please Note this form must be returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Dundee City Council  
City Development Service  
Roads and Transportation Division

Phone number

01382 434016

Address

Dundee House  
50 North Lindsay Street  
Dundee

Postcode

DD1 1LS

Email

john.oneill@dundeecity.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:-

- Publish response with name  
 Publish response only (anonymous)  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

## 8 CONSULTATION QUESTIONS

The consultation questions are listed below. Respondents are asked to give an answer to the questions put on our policy proposals, this is typically to say whether you agree with them or not, and to explain that answer in a comment. There is a separate section at the end which looks at likely impacts.

**Question 1** - Should utility companies be required to produce quality plans for proposed road works?

Please answer Yes , or No .

Please explain your answer to this question:-

The Quality Plans would be specific for major and minor works as some works could be completed in less than the timescale required to produce the drawings.

**Question 2** - Should there be a single guarantee period offered on utility reinstatements of 6 years regardless of the depth of excavation?

Please answer Yes , or No .

Please explain your answer to this question:-

A single guarantee period should be agreed. However the period may be subject to further review.

**Question 3** - If introduced, should the impact of quality plans be reviewed after a suitable period (perhaps 6 years), and the necessity of the latent defect process be assessed?

Please answer Yes , or No .

Please explain your answer to this question:-

The review period would require to take into account the classification of road. ie main arterial route along with residential no through road.

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**Question 4** - Should we clarify the scope for a code of practice on reinstatement (currently the SROR) includes all activity relating to the execution of road works eg signing lighting guarding, excavation, reinstatement, and guarantee period?

Please answer Yes , or No .

Please explain your answer to this question:-

Additional clarification on the Code of Practice will assist all parties to understand the requirements and therefore comply with them.

**Question 5 (a)** - Should start actual starts, works completed, works cleared, and works closed notices be notified within 2 hours, or within 2 hours of the start of the next business day if outwith office hours?

Please answer Yes , No .

Please explain your answer to this question:-

Although there may be some advantages it is suggested this may be too onerous on both SUs and RAs where multiple sites in one day relies on having dedicated staff in the office to update SRWR. Unless handheld devices were made available to all staff to enter as they progressed during the day. This would potentially increase the user numbers in the SRWR to a point where it affected delivery

**Question 5 (b)** – Should the validity period for notices placed onto the SRWR in relation to planned works be reduced, the proposal being that they be set at 4 days or 2 days depending on the traffic sensitivity of the road?

Please answer Yes , or No .

Please explain your answer to this question:-

This is likely to be problematic especially for RAs where staff may be have other duties and responsibilities to carry out Statutory Functions such as winter maintenance.

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Transport Scotland

**Question 6** - Should the provision of plant information to the Scottish Road Works Register should be made mandatory?

Please answer Yes  or No .

Please explain your answer to this question:-

Should be mandatory with all information available on the register (by Geographic Information System).

**Question 7(a)** – Should the obligation on the Scottish Road Works Commissioner to make the Scottish Road Works Register available for inspection be repealed?

Please answer Yes  or No .

Please explain your answer to this question:

With the emergence of public information portal (on line access 24-7) the need to inspect the Scottish Roadworks Register physically is no longer necessary.

**Question 7(b)** – Should the duty to make the Scottish Road Works Register available for inspection be replaced with a duty on the Scottish Road Works Commissioner to actively publish information relating to the location of planned and actual road works?

Please answer Yes , or No .

Please explain your answer to this question:-

The public information portal should be utilised for this

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**Question 8** - Should “the Safety at Street Works and Road Works A Code of Practice” apply equally to roads authority and utility road work sites?

Please answer Yes , or No .

Please explain your answer to this question:-

There should be parity between the two types of organisations, the public only see roadworks and possible delays and disruption on the network. The public may not be aware on which organisation is carrying out the roadworks for example the Roads Authority or Statutory Undertaker.

**Question 9** - Should utility and roads authority workers be required to be qualified in the “Signing Lighting and Guarding” of a site, and also in the “Location and Avoidance of Underground Apparatus”?

Please answer Yes , No .

Please explain your answer to this question:

It is suggested at least the permanent site supervisor or charge-hand level should be qualified to this level. With all operatives equipped with working knowledge of these critical safety considerations.

**Question 10** - Should the minimum legal requirement for at least ‘one’ operative to be qualified be increased to ensure that more operatives at each road work site hold formal qualifications for the particular work they are undertaking?

Please answer Yes , or No .

Please explain your answer to this question:

There should always be a responsible person supervising whilst works are ongoing.

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**Question 11** – Do you agree with our policy proposals to revise and improve the enforcement of road works in Scotland by the Scottish Road Works Commissioner?

Please answer Yes , No .

Please explain your answer to this question:-

Fixed Penalty Notices should be compatible to the offence committed and directed at repeat offenders where noncompliance to Road Works Codes etc have had an impact on other parties and their operations.

**Question 12** – Do you agree with our policy proposals to reform the use of Fixed Penalty Notices for the enforcement of road works in Scotland?

Please answer Yes  No .

Please explain your answer to this question:-

Reformation of the use of FPNs will perhaps make all involved pay more attention to the regulations

**Question 13** – Do you agree with our policy proposals to enhance the role of the Scottish Road Works Commissioner?

Please answer Yes , No .

Please explain your answer to this question:-

This would be a complementary role to assist the Roads Authorities to enforce the legislation.

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**Question 14** - Should there be flexibility to prescribe the restricted period following substantial works through secondary legislation?

Please answer Yes , or No .

Please explain your answer to this question:

It is suggested that this is stated in the notice for the works as there may be cases where either shortening or prolonging the restriction period would protect the level of investment made

**Question 15** - Should we clarify that a roads authority is included within those to be notified under Section 114 of NRSWA?

Please answer Yes  or No .

Please explain your answer to this question:-

The Roads Authority should be included as a notifiable body and good to bring the statutory provisions in line with actual practice and industry requirements along with parity with Statutory Undertakers.

**Question 16** - Should roads authorities be one of the parties that must be notified under statute to help formalise the use of early and late start consents?

Please answer Yes , or No .

Please explain your answer to this question:

The Roads Authority should be included as a notifiable body and good to bring the statutory provisions in line with actual practice and industry requirements along with parity with Statutory Undertakers

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**Question 17** - Should Section 132 of NRSWA should be repealed?

Please answer Yes , or No .

Please explain your answer to this question:

The provisions of Section 132 are unworkable.

**Question 18** - Should noticing requirements for roads authorities and utility companies be exactly the same in order to facilitate coordination and cooperation?

Please answer Yes , or No .

Please explain your answer to this question:

This will reduce disparity between the obligations of roads authorities and utility companies where there could be differences in timescales given for notices.

Improved noticing and timing of notices should facilitate better cooperation and coordination.

**Question 19** - Should Section 61 of the Roads (Scotland) Act 1984 be revoked with savings provisions for existing agreements?

Please answer Yes , or No .

Please explain your answer to this question:

There is provision within Scottish roads legislation to permit such organisations or individuals to undertake works by means of an agreement made under Section 109 of NRSWA, or an agreement made under Section 61 of the Roads (Scotland) Act 1984.

A standard and consistent approach would be recommended with the majority of roads authorities within the Tayforth area (Angus, Dundee, Perth & Kinross, Stirling, Clackmannanshire and Falkirk Local Authorities) already using Section 109.

## 9 IMPACTS EQUALITY

In creating a consistent approach to managing road works in Scotland the public sector equality duty requires the Scottish Government to pay due regard to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- advance equality opportunity between people who share a protected characteristic and those who do not; and

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- foster good relations between people who share a relevant protected characteristic.

These three requirements apply across the 'protected characteristics' of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief; and
- sex and sexual orientation.

Once completed the Scottish Government intends to determine, using the consultation process, any actions needed to meet its statutory obligations. Your comments received will be used to complete a full Equality Impact Assessment to determine if any further work in this area is needed.

### 10 BUSINESS AND REGULATION

In our work to the regulation of Road Works a Business and Regulatory Impact Assessment will analyse whether the policy is likely to increase or reduce the costs and burdens placed on businesses, the public sector and voluntary and community organisations.

**Question 20** - Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please be as specific as possible

No

**Question 21** - Do you think the proposals contained within this consultation may have any additional implications on the safety of children and young people?

If yes, what would these implications be? Please be as specific as possible.

No

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**Question 22** - Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector?

Please be as specific as possible.

Repealing section 61 of the RSA will place additional costs on both RAs and applicants alike. Similarly with making all transfer their plant data to Vault standard. With the introduction of changes there is likely to be initial increase in costs but this will hopefully see long term reductions.

### 11 **PRIVACY**

We need to ascertain whether our proposals on road works regulation may have an impact on the privacy of individuals.

**Question 23** - Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals?

Please be as specific as possible.

No

### 12 **ENVIRONMENTAL**

The Environmental Assessment (Scotland) Act 2005 ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse effects are sought, where possible, prior to implementation.

**Question 24** - Are there any likely impacts the proposals contained in this consultation may have upon the environment?

No