



TRANSPORT
SCOTLAND
CÒMHDHAIL ALBA

transport.gov.scot

Raising Standards and Improving the Quality of Road Works in Scotland

A Consultation

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

Angus Council, Technical and Property Services

Phone number	01307 473902
--------------	--------------

Address

County Buildings, Market Street, Forfar

Postcode	DD8 3WR
----------	---------

Email	HillID@angus.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- Do not publish response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

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:-

There will be a need to ensure compliance with quality plans presumably through accreditation to an independent audit body. Quality plans will be necessary for all work types emergency to major.

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:-

As long as there is sound logic behind the reason for a single length of guarantee period.

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:-

If the quality plans are successful then there should be few failures, similarly the reason for latent defects. Will need to ensure a good way of monitoring/recording.

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:-

All encompassing and therefore no dubiety.

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:-

This would be desirable ideally but given austerity and the need for savings with reductions in staff numbers practically this would be difficult to achieve.

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:-

As 5 (a) ideally would be good but practically with reducing staff numbers difficult to achieve especially with other statutory calls on resource.

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:-

Not if local authorities are expected to transfer historic inventory and install into Vault. This could be extremely expensive and cost prohibitive at this time of austerity. At present applications for information are often dealt with by site visits to point out where local authority drainage is. Accepted that going forward it would be good to have all plant in one place and all should be encouraged to try to achieve this.

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:-

Available on the Public Information Portal and if 7b mandatory.

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:-

Use of web will give more useable information to the public.

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:-

No - as local authorities use Chapter 8 of the Traffic Signs Manual. The Safety at Street Works and Road Works A Code of Practice does not fully align with Chapter 8 and the Safety at Street Works and Road Works A Code of Practice does not fully cover all the work that a roads authority carries out such as grass cutting and gully emptying or major resurfacing works.

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:-

There needs to be someone on site trained in the issues if these are taking place if there is a danger of the trained person leaving site even if temporarily.

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:-

As above to ensure that there is still a trained person on site should the trained person leave even if temporarily. Will likely increase costs of course.

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 especially for commercial companies where current measures may not be a deterrent.

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:-

Subject to the proviso that local authorities not issuing FPNs are not forced to do so where it is still not economically viable.

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:-

As long as does not turn into a duplication of efforts with local authorities and is an audit of fairness with qualifications of staff administered.

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:-

This would be helpful given the investment being made from the public purse. However some way of agreeing the length beforehand is crucial.

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 to clarify an anomaly.

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 to ensure parity with utilities.

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

Please answer Yes , or No .

Please explain your answer to this question:-

As 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:-

Improved and parity of 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 or Yes , 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 New Roads and Street works Act, or an agreement made under Section 61 of the Roads (Scotland) Act.

We currently use Section 109 for applications but would prefer to retain the right to use Sec 61 at our discretion as a local roads authority.

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
- 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.

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

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 Roads (Scotland) Act will place additional costs on both local roads authorities and applicants alike but this is already happening in Angus. Similarly transfer of data to Vault there will be costs. The amount of cost will depend on what is expected. If we are to research information such as historic drainage for which we hold no data then this could be considerable.

Reducing notice times will also likely increase costs or increase failures as local authorities struggle to notice on time.

Additional training will increase costs but hopefully improve safety and reduce the likelihood of failures.

With the introduction of changes there are likely to be initial cost increases in the hope of making improvements in the long term however.

Increasing the guarantee on roadworks to 6 years will have a very positive impact in reducing the financial impact on roads authorities due to disturbance of the structure of a road through utility works. If works are undertaken correctly and suitable treatment of the road joints there should be no detriment to the costs for utility companies.

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

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?

Yes – positive impacts if there are less failures and therefore less repeat work and less roadwork, congestion, CO2 emissions, aggregate use, waste etc.