

ABERDEEN CITY COUNCIL

COMMITTEE	Operational Delivery
DATE	9 January 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Annual report on the performance of Aberdeen City Council from the Scottish Roadworks Commissioner.
REPORT NUMBER	OPE/20/009
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Kevin Abercrombie
TERMS OF REFERENCE	1 & 3.2

1. PURPOSE OF REPORT

To update the Committee on the performance of Aberdeen City Council's Roads Maintenance and Roadworks Coordination sections following the publication of the annual performance report by the Scottish Roadworks Commissioner.

2. RECOMMENDATION

It is recommended this Committee: -

- 2.1 Note the contents of the Commissioners report, dated 4th September 2019 (Appendix 3).
- 2.2 Acknowledge the updated information as contained within this report, following the joint meeting between representatives of Aberdeen City Council and the Commissioner's office on the 31st October 2019; and -
- 2.3 Instruct the Chief Officer – Operations and Protective Services to provide a service update, in late January or early February 2020, regarding the Commissioner's decision relating to removal of the improvement plan.

3. BACKGROUND

- 3.1 The Scottish Roadworks Commissioner oversees improvements to the planning, co-ordination and quality of road works by both Local Authorities and statutory undertakers in Scotland. All works as undertaken within the adopted highways in Scotland require to be noticed in accordance with the conditions and timescales as set out in the New Roads and Street Works Act 1991. These works are recorded on the Commissioner's noticing system (Symology). Any proposed works entered onto the Symology system without the requisite information, or out-with the prescribed timescales (both prior to and after the works are undertaken) will incur a 'noticing failure'. The office of the Scottish Roadworks Commissioner (OSRWC) issues quarterly figures to all undertakers which shows the performance of each organisation.

Following the publication of the Quarter 4 figures, the OSRWC issues annual performance review letters to all works promoters in Scotland. Any organisation that fails to meet the identified performance figures may be required to attend a joint meeting with representatives from the Commissioner's office to discuss the figures in greater detail.

- 3.2 The annual performance review letter as issued by the OSRWC on the 11 September 2018 (Appendix 1) indicated that Aberdeen City Councils performance was 'poor and in need of improvement'. A joint meeting between representatives from the Council and the OSRWC was convened in Edinburgh on the 3rd December 2018.
- 3.3 At the meeting it was agreed that the Council would be placed on an improvement plan (Appendix 2). This would be produced and issued by the OSRWC. The plan would include the specific area identified as requiring the most urgent attention. The figures would be manually updated by the Council following the publication of the quarterly figures and reviewed subsequently by the OSRWC.
- 3.4 Figures released from the OSRWC indicated that 11 out of the 32 local authorities in Scotland were placed on an improvement plan following the 2017 /18 annual review.
- 3.4 The improvement plan was issued in January 2019 and contained the figures for quarter 3 of 2018 /19 (October to December 2018). Since then, the Council's Roadworks Coordination section have continued to monitor the notices as entered onto the Symology noticing system to ensure that the areas of concern are addressed.
- 3.5 Greater emphasis has also been placed on ensuring that all teams within the Council that require works to be noticed on Symology, are aware of the timescales and requirements involved. This includes regular coordination meetings with the teams within the Tullos roads depot.

- 3.6 Throughout the three quarters since the improvement plan was introduced, there has been a steady improvement across each of the categories. The most recent set of figures, submitted by the Council in September 2019, indicated that across the five areas originally highlighted, all were at, or within the accepted parameters as set by the Commissioner.
- 3.7 On the 4th September 2019, the Commissioner issued his annual performance review to the Chief Executive (Appendix 3). Within the summary section of the letter it indicated that ‘little improvement’ had been observed since the improvement plan was introduced. A request was included within the summary to arrange for a further joint meeting in Edinburgh to discuss the contents in more detail.
- 3.8 A similar letter requesting joint meetings with the Commissioner was issued to a further 6 local authorities in Scotland in September 2019.
- 3.8 A meeting was convened in Edinburgh on the 31st October, which was attended by representatives of the Council and the Commissioner’s office, including the Commissioner himself.
- 3.9 At the meeting it was agreed that the contents of the letter did not in fact reflect the true position in terms of the overall performance. It was also agreed that assuming the Council could confirm that the figures would continue to be monitored and kept in check, the Commissioner would be willing to remove the improvement plan. Confirmation of this decision will be issued by the OSRWC in January 2020.
- 3.10 The latest update from the OSRWC indicates that out of the 11 local authorities originally identified and placed on improvement plans, 4 are now performing at a level that no longer requires them to be on the plan.

4. FINANCIAL IMPLICATIONS

- 4.1 There is the potential that the Roadworks Commissioner may apply a fine on Aberdeen City Council if the performance in relation to any of the previously identified areas within the Improvement Plan falls below the required level for a significant period of time (more than three months). The level of the fine would depend on the severity of the non-compliance, along with any undue delay in taking remedial action to address the failings. In the most severe case, this could be up to £30,000.00.

5. LEGAL IMPLICATIONS

- 5.1 Please refer to ‘Financial Implications’.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Potential for fine to be imposed by Roadworks Commissioner if figures fall below expected targets for an extended period of time.	L	Any fine imposed would be influenced by the level of non-compliance along with the time taken to address the issue(s). Therefore, assuming suitable measures were taken to address any failings, within a reasonable timeframe, it is unlikely that a fine would be imposed.
Legal	Please refer to Financial (above).	L	Please refer to Financial (above).
Employee	N/A		
Customer	N/A		
Environment	N/A		
Technology	N/A		
Reputational	Failure to maintain a high level of performance may result in ACC being placed back on an Improvement Plan.	M	The Quarterly figures for all works promoters are published monthly on the Commissioners website. Therefore, any sudden drop in performance will be visible to everyone who access the Commissioners website.

7. OUTCOMES

N/A

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not Applicable

9. BACKGROUND PAPERS

N/A

10. APPENDICES

Appendix 1 - Performance Review letter dated 11 September 2018
Appendix 2 - Improvement Plan for Aberdeen City Council – latest figures
Appendix 3 - Performance Review letter dated 4 September 2019

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