

ABERDEEN CITY COUNCIL

COMMITTEE	Net Zero, Environment and Transport Committee
DATE	21 January 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Annual report on the performance of Aberdeen City Council from the Scottish Roadworks Commissioner
REPORT NUMBER	CR&E/25/012
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Neale Burrows & Paul Davies
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the contents of the Roads Commissioner's report (appendix 1); and
- 2.2 Note that officers have been in communication with the Road Works Commissioner's office who have clarified noticing requirements and that they are satisfied that Aberdeen City Council have acted appropriately to improve procedures and performance with regards to noticing.

3. CURRENT SITUATION

- 3.1 The Scottish Roadworks Commissioner oversees the planning, co-ordination, and quality of road works by both Local Authorities and statutory undertakers in Scotland. All works as undertaken within adopted roads 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).

Works are recorded in the Commissioner's noticing system. Proposed works entered into the system without the requisite information, or out-with the prescribed timescales will incur a 'noticing failure' marker. Each set of proposed works requires noticing actions to be completed at different times; for example, some works require an initial notice three months before works begin, a follow-up notice a week before works begin, and notice activation on the day the notice

begins. The timescales for certain noticing elements were changed by the Commissioners Office prior to the 2023/24 financial year.

The Office of the Scottish Roadworks Commissioner (OSRWC) issues figures to all local authorities and undertakers which show the performance of each organisation.

At the end of the year, the OSRWC issues annual performance review letters to all works promoters in Scotland. These letters confirm the promoters compliance, or otherwise, with the Commissioners targets.

- 3.2 In late May 2024, the Commissioner's office issued Aberdeen City Council's performance report and letter. The report confirmed that Aberdeen City Council's performance for the 2023/24 financial year was deemed unsatisfactory.
- 3.3 Whilst several metrics determine an authorities overall result, the reason for the unsatisfactory rating was administrative failures of works noticing. When investigated, it was established that "missed notices" (notices entered or activated after the prescribed times) were responsible for the noticing failures. This was found to be a result of notices being activated out with the prescribed time period.
- 3.4 When works are to begin, notices placed in advance of works must be "activated". This must be done before a specified time of day. Similarly, works must be marked as completed within stipulated timescales. The time notices must be activated by was changed for the 2023/24 year and investigation into the unsatisfactory performance revealed that there had been poor dissemination of information relating to the changes within ACC. It was found that some officers who administered the noticing procedures had not been fully aware of the changes, or the implications of missing prescribed noticing deadlines.
- 3.5 The ACC noticing failure rate jumped from a 2.6% (the Commissioners stated target is <4%) in the last quarter of the 2022/23 year to 13.4% in the first quarter of the 2023/24 year when the new noticing procedures were introduced by the Commissioner's Office. It should be noted that other authorities also saw a significant jump in noticing failures at this time, though the ACC failure rate increase was greater than the roads authority average. In the second quarter of 2023/24, a 2.4% improvement in failure rates was noted, followed by a further 4.7% improvement in quarter 3 - putting ACC on par with the roads authority average for quarter 3.
- 3.6 The 3 consecutive periods of failure to adhere to the Commissioners target for noticing failures resulted in ACC being put on an Improvement Plan by the Commissioner's Office. This came into effect in February 24.
- 3.6 In quarter 4 of 2023/24, ACC noticing failure rates had fallen to 2.8%, comfortably below the Commissioners target and better than the local authority average of 3.7%.

- 3.7 The continued improvement in compliance resulted in the Improvement Plan being withdrawn in May 2024 (appendix 2).
- 3.8 Whilst the percentage of noticing failures that occurred following the changes to the Commissioners noticing requirements is not acceptable, the rapid improvement in compliance performance demonstrates that officers have acted effectively to investigate and address the compliance issue which resulted in the “unsatisfactory” rating for the 2023/24 year. Changes have been made to how procedural changes regarding noticing are disseminated to the teams who carry out noticing works. This should ensure that noticing compliance should not suffer should the Commissioner’s Office make further changes to noticing in the future.
- 3.9 Officers have discussed the performance issues which led to the implementation of an improvement plan with the commissioners office and have clarified what is required to ensure good noticing performance. These discussions revealed that there had previously been incorrect understanding of performance targets and the metrics used by the Commissioner’s office. During a call with the Commissioner’s office the Commissioner’s representative confirmed that they were content that ACC had taken appropriate action to resolve the issues which had led to the issuing of a performance improvement plan.
- 3.10 ACC is on track to achieve compliance with the Commissioner’s performance targets for the current financial year.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report and the performance did not impact any revenue collection from associated noticing charges for contractors.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Conflicting or increased demands on the service may impact on the ability to ensure that all works are recorded and processed timeously.	Ensure close communication between the various teams is maintained to ensure that any potential issues are dealt with before they incur any noticing failures.	L	Yes
Compliance	Failure in compliance could risk a potential fine to be imposed by the Roadworks Commissioner if figures fall below expected targets for an extended period of time.	Continue to manage noticing system to ensure compliance with timescales as set by the Roads Commissioner	L	Yes
Operational	Ongoing high levels of service demand are placing additional pressure on existing staff resources.	There is a need to ensure that there are sufficient, suitably qualified staff available to manage the various works elements.	L	Yes
Financial	Potential for fine to be imposed by Roadworks Commissioner if figures fall below expected	Continued monitoring and management of noticing system should offset the risk of any fine being imposed.	L	Yes

	targets for an extended period.			
Reputational	Consistent poor performance may impact the authorities reputation with the Roadworks Commissioner	It is vital that the current operating model and close communication channels between the various teams is maintained to offset any potential noticing issues	L	Yes
Environment / Climate	N/A	N/A	N/A	N/A

8. OUTCOMES

<u>Council Delivery Plan 2024</u>	
Impact of Report	
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals within this report support the delivery of the following aspect of the policy statement: - - Seek to invest in our road and pavement network.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	Closer monitoring and programming of works will reduce disruption to road users and assist in maximising the economy of the city.
Prosperous People Stretch Outcomes	Better management of roadworks associated with the roads and footways, street lighting and traffic safety measures will assist in making safe and resilient communities for people to live in.
Prosperous Place Stretch Outcomes	Supporting and promoting more efficient working methods in an effort to reduce the overall disruption to all road users on a day-to-day basis will ensure that works are undertaken in a safe and managed method which will be an overall benefit to everyone.
Regional and City Strategies	Aberdeen City Council has a statutory duty to ensure that all planned works are undertaken within the parameters as set by the Scottish Roadworks Commissioner. Failure to achieve certain key targets has the potential to adversely impact on the delivery of schemes by other statutory undertakers. Regular monitoring of all information as uploaded onto the Roads Commissioner's website is vital to ensure that disruption to the road network is minimised. Better management of all planned works, in terms of multi-

	utility coordination is essential to maximise productivity and reduce long-term, or multiple occupations on the adopted roads network, which merely serves to increased disruption and delays to all road users.
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Mark Reilly, Chief Officer Operations on 10/12/24.
Data Protection Impact Assessment	Not required
Other	Not required

10. BACKGROUND PAPERS

10.1 N/A

11. APPENDICES

11.1 Appendix 1 - Roadworks Commissioners Annual Review letter, May 2024
Appendix 2 - Performance Data for ACC, April 22 to March 2024
Appendix 3 – Roadworks Commissioner IP Sign off letter May 2024

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