

## ABERDEEN CITY COUNCIL

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| <b>COMMITTEE</b>          | Net Zero, Environment and Transport Committee  |
| <b>DATE</b>               | 10 January 2023  |
| <b>EXEMPT</b>             | No   |
| <b>CONFIDENTIAL</b>       | No   |
| <b>REPORT TITLE</b>       | Annual report on the performance of Aberdeen City Council from the Scottish Roadworks Commissioner |
| <b>REPORT NUMBER</b>      | RES/23/001   |
| <b>DIRECTOR</b>           | Steven Whyte   |
| <b>CHIEF OFFICER</b>      | Mark Reilly  |
| <b>REPORT AUTHOR</b>      | Kevin Abercrombie  |
| <b>TERMS OF REFERENCE</b> | 7  |

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### 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. RECOMMENDATION

That the Committee: -

- 2.1 Note the contents of the Roads Commissioner's report, dated 26<sup>th</sup> of May 2022 (Appendix 1).

### 3. CURRENT SITUATION

- 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 (Aurora). Any proposed works entered onto the Aurora 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 local authorities and 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 most recent annual performance review letter was issued by the OSRWC on the 26<sup>th</sup> of May 2022 (Appendix 1). This concluded that Aberdeen City Councils performance during the period between the 1<sup>st</sup> of April 2021 and 31<sup>st</sup> of March 2022 was 'satisfactory'.
- 3.3 Within the above letter from the OSRWC, reference was made to specific areas where action was required to be implemented by ACC's Roadworks Coordination team. This was with regards to both 'Early Starts' and 'Works Awaiting Final Reinstatement Notice'.
- 3.3 The accepted limit for Early Start requests, as set by the Roads Commissioner is 9%. ACC's figure for 2021/22 was 29%. This issue was discussed between ACC's Roadworks Coordination Team Leader and the Roads Commissioner directly. During the meeting it was identified that the problem lay with the poor programming of a specific utility company. This directly impacted on ACC's ability to confirm the start dates in our internal programme of works. After investigation by the OSRWC it was agreed that this was an accepted mitigating circumstance. The matter was progressed between the OSRWC and the affected utility company accordingly.
- 3.4 For reference, the most recent updated figure from the OSRWC, issued on the 17<sup>th</sup> of October 2022, indicated that for Quarter 2 of 2022 (period between July and September 2022), ACC's figure for Early Start requests was 5.6%. This was well within the accepted 9% as set by the Roads Commissioner.
- 3.5 The other area for specific action was in relation to 'Works Awaiting Final Reinstatement Notice'. As mentioned in the letter, dated 26 May 2022, this related to a basic administrative task, which required specific information to be updated onto the Aurora system by ACC.
- 3.6 ACC's Roadworks Coordination Team have identified the specific works in question and are currently ensuring that all outstanding information is updated accordingly

#### **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 (figure as set by the Roads Commissioner's Office).

## 5. LEGAL IMPLICATIONS

- 5.1 Please refer to 'Financial Implications' which highlights the potential of fines for non-compliance and where there is any undue delay in taking remedial action to address failings.

## 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)<br><br>*taking into account controls/control actions | *Does Target Risk Level Match Appetite Set? |
|-----------------------|---|--|---|---|
| <b>Strategic Risk</b> | 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. | M   | Y   |
| <b>Compliance</b>     | Failure in compliance will 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   | Y   |
| <b>Operational</b>    | 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.                                  | M   | Y   |

|                              |   |  |   |   |
|------------------------------|---|--|---|---|
| <b>Financial</b>             | Potential for fine to be imposed by Roadworks Commissioner if figures fall below expected targets for an extended period. | Continued monitoring and management of noticing system will offset the risk of any fine being imposed.   | L | Y |
| <b>Reputational</b>          | Failure to maintain a high level of performance may result in ACC being placed back on an Improvement Plan.               | It is vital that the current operating model and close communication channels between the various teams is maintained to offset any potential noticing issues. | M | Y |
| <b>Environment / Climate</b> | N/A   |  |   |   |

## 8. OUTCOMES

| <b><u>COUNCIL DELIVERY PLAN 2022-2023</u></b>   |  |
|---|--|
|   | <b>Impact of Report</b>  |
| <b>Aberdeen City Council Policy Statement</b><br><br><a href="#"><u>Working in Partnership for Aberdeen</u></a> | The proposals within this report support the delivery of the following aspect of the policy statement: -<br>- Seek to invest in our road and pavement network.   |
| <a href="#"><u>Aberdeen City Local Outcome Improvement Plan 2016-26</u></a>                                     |  |
| 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. |
| <b>Regional and City Strategies</b>   | Aberdeen City Council has a statutory duty to ensure that all planned works are undertaken within the parameters as set by the Scottish Roadworks  |

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|  | 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      |
|--|--------------|
| <b>Integrated Impact Assessment</b>      | Not required |
| <b>Data Protection Impact Assessment</b> |              |
| <b>Other</b>                             |              |

## 10. BACKGROUND PAPERS

10.1 N/A

## 11. APPENDICES

11.1 Appendix 1 – Roadworks Commissioners Annual Review letter, 26 May 2022

## 12. REPORT AUTHOR CONTACT DETAILS

|                      |                                    |
|----------------------|------------------------------------|
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