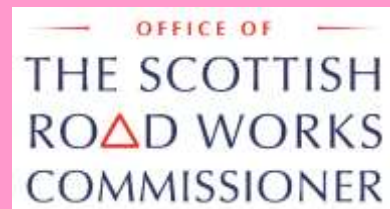


**New Roads and Street Works Act 1991**

**CODE OF PRACTICE FOR INSPECTIONS**

**4<sup>th</sup> Edition**

**April 2020**





# CODE OF PRACTICE FOR INSPECTIONS

## 4th Edition

### History

Date	Edition	Notes
1 <sup>st</sup> Oct 2010	3 <sup>rd</sup> Edition	Initial version of 3 <sup>rd</sup> Edition
1 <sup>st</sup> Oct 2012	3 <sup>rd</sup> Edition Revision 1	Review of Chapter 3 – Defective Apparatus and Appendix F flowchart. Minor typographical fixes.
2 <sup>nd</sup> Oct 2013	3 <sup>rd</sup> Edition Revision 2	All previous changes fully incorporated without highlighting etc. No material changes to Version 1.01
1 <sup>st</sup> Apr 2020	4 <sup>th</sup> Edition	Advice Note 15 incorporated into the Code of Practice. Clarification on the random nature and even quarterly spread of Category A live site inspections added. Response times updated. Best practice with modern technology further highlighted. Updated Flow Charts and Inspection Forms added. Underground Apparatus and Category of failures added/clarified. General grammar and formatting updates.

Available at <https://roadworks.scot/legislationguidance>

# CONTENTS

<b>FOREWORD</b> .....	<b>1</b>
<b>CHAPTER 1 INTRODUCTION</b> .....	<b>2</b>
<b>CHAPTER 2 INSPECTIONS</b> .....	<b>4</b>
Introduction .....	4
Sample Inspections .....	5
Routine Inspections .....	8
Third Party Inspections .....	8
Defect Inspections .....	9
Condition Inspections prior to works commencing .....	9
Investigatory Works .....	10
Inspection Reports .....	10
Non-referenced Inspections .....	11
Abortive Site Visits .....	12
Inspection Flow Charts .....	12
<b>CHAPTER 3 SIGNING, LIGHTING &amp; GUARDING (SLG) INADEQUACIES</b> .....	<b>13</b>
Inadequacies .....	13
Procedures For Dealing With Inadequacies .....	14
<b>CHAPTER 4 REINSTATEMENT DEFECTS</b> .....	<b>16</b>
Defects causing danger .....	16
Defects not causing danger .....	18
Guarantee Periods.....	20
<b>CHAPTER 5 DEFECTIVE APPARATUS</b> .....	<b>21</b>
Category 1 Hazardous defective apparatus .....	22
Category 2 Non-hazardous defective apparatus .....	23
Category 3 Other defective apparatus .....	23
Defective Apparatus Examples and Typical Responses .....	24
Defect deterioration and escalation .....	25
Follow Up Action.....	25
<b>CHAPTER 6 FINANCIAL ARRANGEMENTS</b> .....	<b>26</b>
Sample Inspection Fees .....	26
Defect Inspection Fees .....	26
Third Party Inspection fees .....	26
Costs of Investigatory Works .....	26
Costs of Remedial Actions .....	26
Invoicing .....	27
<b>CHAPTER 7 INSPECTION PERFORMANCE</b> .....	<b>28</b>
Summary of Performance .....	28
Performance Failure .....	28
Stage 1 Improvement Plan .....	29
Stage 2 Improvement Plan .....	30
<b>CHAPTER 8 GUIDANCE FOR DISPUTES</b> .....	<b>32</b>
<b>APPENDIX A. GLOSSARY OF TERMS</b> .....	<b>33</b>
<b>APPENDIX B. NOTIFICATION FORMS</b> .....	<b>34</b>
<b>APPENDIX C. INSPECTION PROCESS CHARTS</b> .....	<b>40</b>
Signing, Lighting & Guarding Inspection Process .....	41

Reinstatement Inspection Process .....	42
Follow Up Inspection Process.....	43
Completion Inspection Process .....	44
<b>APPENDIX D. IMPROVEMENT CHECK LIST.....</b>	<b>45</b>
<b>APPENDIX E. IDENTIFYING DEFECTIVE APPARATUS.....</b>	<b>46</b>
<b>APPENDIX F. PROCESS FOR DEALING WITH DEFECTIVE APPARATUS NOTIFICATIONS.....</b>	<b>47</b>



## FOREWORD

As Scottish Road Works Commissioner, two of my statutory functions are promoting compliance with the *New Roads and Street Works Act 1991* and promoting the pursuit of good practice. I am therefore pleased to endorse this revised fourth edition of the *Code of Practice for Inspections*.

Under section 131 of the *New Roads and Street Works Act 1991*, road works authorities are empowered to carry out investigatory works to check whether or not undertakers are complying with their duties with respect to adequately guarding and lighting their works and reinstating roads. Section 134 empowers Scottish Ministers to make a scheme under which undertakers executing road works are required to pay road works authorities an Inspection Fee in respect of each inspection of works carried out by an authority.

Section 140 of the Act places a duty on undertakers to maintain their apparatus. This *Code of Practice for Inspections* also describes the requirements for inspecting, reporting and subsequently repairing defective apparatus.

Whilst the Act does not make any provision for Scottish Ministers to issue or approve a *Code of Practice for Inspections* of road works, road works authorities and undertakers have agreed that it is prudent to have a non-statutory code. This code covers aspects of inspections regulated by Scottish Ministers and also addresses matters not specifically covered by legislation.

This is the fourth edition of the *Code of Practice for Inspections* and applies in Scotland only. The associated legislation consists of *The Road Works (Inspection Fees) (Scotland) Regulations 2003* as amended by *The Road Works (Inspection Fees) (Scotland) Amendment Regulations 2011* and *The Road Works (Inspection Fees) (Scotland) Amendment Regulations 2014*. Further amendment regulations will be published from time to time to revise the inspection fee amount, as required.

This revision of the *Code of Practice for Inspections* was prepared by a working group with representatives from road works authorities & undertakers on behalf of RAUC(S) and my office.

This code of practice exists to assist the Scottish road works community as it strives to improve its performance in the management of works in roads. Any comments on this code can be fed back through [enquiries@roadworks.scot](mailto:enquiries@roadworks.scot) and will be considered by RAUC(S) in any future review.

This fourth edition of the *Code of Practice for Inspections* is effective from 1 April 2020.



Angus Carmichael  
Scottish Road Works Commissioner

# Chapter 1 INTRODUCTION

- 1.1 The *New Roads and Street Works Act 1991* (the 1991 Act), as amended by the *Transport (Scotland) Act 2005*, requires undertakers, including holders of permissions under section 109, to adequately guard and light their works (signing, lighting and guarding) under section 124 and to reinstate roads under section 130, all as prescribed in regulations. The 1991 Act also gives road works authorities powers to carry out investigatory works inspections under section 131. Regulations empower road works authorities to inspect, investigate and report on undertakers works and reinstatements carried out under sections 124 and 131 and to take such steps as appear necessary to remove dangers undertakers works may cause to road users. This code of practice gives practical guidance on procedures for inspections, investigations, improvement plans, fee arrangements and reports.
- 1.2 Under the 1991 Act, undertakers are wholly responsible for the management of their road works. Road works authorities are responsible for monitoring the performance of undertakers and are responsible for co-ordination. Road works authorities are empowered to charge undertakers for an agreed number of sample inspections which they carry out to monitor the performance of undertakers. In addition to sample inspections, road works authorities may carry out routine inspections and inspections following reports from the police and third parties. Defect inspections may also be carried out prior, during and after remedial works to defective reinstatements, and fees may be chargeable to undertakers. Inspections carried out as part of improvement plans are described in chapter 7.
- 1.3 Roads include carriageways, footways, footpaths, cycleways and verges as described in a road authorities *List of Public Roads* and as defined in section 107 of the 1991 Act.
- 1.4 Road works authorities may carry out such investigatory works as appear to them to be necessary to determine whether undertakers have complied with their duties with respect to reinstatement. If failures are identified, undertakers are liable for the costs of the investigatory works. This is described in paragraph 2.42.
- 1.5 Before undertakers carry out road works, they should have arrangements in place to ensure that any remedial actions required are able to be carried out within the time periods in this code. This is particularly important in relation to the procedures for making good defects in reinstatements and inadequacies in signing, lighting and guarding, as described in chapter 3. The provision of information boards on each site, which include details of contact telephone numbers which are staffed 24 hours/day, 7 days/week, to which urgent messages about defects and inadequacies can be passed, are essential. Contact numbers may be independent of normal service numbers and staff responding should be able to provide prompt responses.
- 1.6 Road works authorities also need to ensure that they can be contacted out of hours in accordance with the procedures in this code. Provision is required to manage liaison between out of hours staff and staff responsible for inspections



and the coordination of road works to mitigate against any breakdown in communication. Road works authorities need to ensure that they can be contacted seamlessly over shift changes. Because road works authorities have overall responsibility for the safety of road users, action must be taken to ensure that problems reported to them are dealt with. It is not sufficient to pass messages to undertakers without taking reasonable steps to ensure that remedial action is carried out.

- 1.7 If road works authorities notify undertakers of a defect at the end of a shift, it is important that their out of hours staff are advised that they must expect a call back from affected undertakers confirming that remedial works have been carried out. If calls are not received, road works authorities out of hours staff will have to initiate direct action.

## Chapter 2 INSPECTIONS

### Introduction

- 2.1 Undertakers are expected to regularly inspect their own works at all stages throughout the works cycle, including during the guarantee period. Undertakers are encouraged to record these inspections in the Scottish Road Works Register (SRWR). Where inspections show that standards are not being met, it is the responsibility of undertakers to take measures, such as further testing or improved supervision of works, to ensure that operatives comply with the Specification for the Reinstatement of Opening in Roads (SROR). Procedures for sharing this information are set out in chapters 3, 4 and 5.
- 2.2 Inspections undertaken by road works authorities are to monitor the works of undertakers and not to supervise the works of undertakers. It is important to complete road works correctly first time.
- 2.3 Section 134 of the 1991 Act makes provision for road works authorities to carry out sample inspections of undertakers' works.
- 2.4 RAUC(S) support the following inspections as required:
- Sample Inspections
  - Routine Inspections (including target inspections)
  - Third Party Inspections
  - Defect Inspections
  - Condition Inspections prior to works commencing
  - Inspections required for Investigatory Works (including coring)
- 2.5 Road works authorities may also identify defects or inadequacies during their own routine inspections or during third party inspections following reports from the police or members of the public.
- 2.6 Where reinstatement defects or inadequacies are found during routine inspections by road works authorities, no sample inspection fee may be charged. Procedures described in chapters 3 or 4 should be followed and undertakers may be charged defect inspection fees or a road works authorities reasonable costs.
- 2.7 Where reinstatement defects or inadequacies in signing, lighting and guarding are reported by the police or members of the public, road works authorities should carry out third party inspections to confirm that defects exist. If defects are confirmed, road works authorities may charge undertakers third party inspection fees in addition to any fees or charges which may arise from the appropriate procedure described in chapters 3 or 4.

2.8 Inspection provisions of this code apply to all undertakers, regardless of whether they are undertakers with exercisable statutory rights or permission holders under section 109 of the 1991 Act.

### Sample Inspections

2.9 Sample inspections are undertaken by road works authorities to monitor the overall performance of undertakers operating in their area. This procedure involves the inspection of a random sample of road works at three stages during the works and the guarantee period. Sample inspections allow road works authorities to monitor levels of compliance against prescribed standards.

2.10 There are three categories of sample inspections which are carried out during distinct stages of work:

Category	Timing	Examples of items inspected
A	Undertaken during the progress of the works	Signs, barriers, safety zones, compaction, layer depth etc.
B	Undertaken within six months following interim or permanent reinstatement	Edge depression, crowning, structure
C	Undertaken within the three months preceding the end of the guarantee period	Edge cracking, surface depression, surface regularity

The list of items inspected is not exhaustive. Signing, lighting and guarding cannot be inspected as part of a sample B or C inspection.

2.11 The calculation of sample size for each undertaker and the identification of particular works to be inspected is based upon dividing the works into units of inspection. This concept ensures that the total number of sample inspections reflects the number, scale and duration of works carried out by each undertaker.

2.12 All works which involve breaking up roads are included in the calculation of units of inspection, regardless of whether they are in the carriageway, footway, verge or cycleway.

A unit of inspection, irrespective of the size of works, is defined as:

- works of 15 days or less duration – 1 unit of inspection
- works of 16 to 30 days duration – 2 units of inspection
- works of a duration greater than 30 days – 3 units of inspection

Each works phase contributes to the calculation of inspection units for example:

- works up to interim reinstatement of 11 days + permanent reinstatement of 5 days = 16 days (2 units)
- works up to interim reinstatement of 5 days + permanent reinstatement of 3 days = 8 days (1 unit)

Remedial works phases do not contribute to the calculation of inspection units for the initial works.

By agreement, works may be extended past their initial duration by registering a works extension notice. Inspection units for the works are recalculated to reflect the revised duration. Works which are extended for an unreasonably long period may be subject to a section 125 notice.

- 2.13 In shared trenches, provided that one undertaker accepts responsibility for the works, the calculation of units of inspection will be based on the cumulative duration of all works as registered by the primary promoter.
- 2.14 One unit of inspection equates to one inspection carried out. The number of sample inspections recorded against works must not be greater than the number of inspection units on the notice.
- 2.15 Sample Size - the number of sample inspections in any year shall be based on the actual number of units of inspection averaged over the previous 3 financial years for each undertaker. The SRWR generates annual inspection units which road works authorities and undertakers should agree during the first quarter of each year.
- 2.16 In each of their first three years, new undertakers will provide road works authorities with estimates of the number of units of inspection they expect to generate in that year. Their annual charge will be based on this figure. New undertakers will also provide an estimate of the expected distribution of their works over the quarters of that year. At the end of each quarter, road works authorities can monitor the actual units generated and, if necessary, adjust the annual charge.
- 2.17 Undertakers who estimate less than 100 units of inspection per annum within a road works authorities' area will be required to pay for inspections carried out against all works of any category or for 30 inspections in total, whichever is less, unless alternative agreements have been made with relevant road works authorities.

- 2.18 The total number of chargeable sample inspections shall not exceed 30% of the actual number of units of inspection calculated as in 2.15. The number in each category shall be 10% plus or minus 0.5% of the actual number of units of inspection.

The following example illustrates the calculations.

If the actual numbers of works in the previous three years are 1100, 925 and 975 respectively, total 3000, the average number of works is  $3000 / 3 = 1000$  / year.

The estimated number of sample inspections for the forthcoming year is therefore 30% of 1000 = 300 inspections

These 300 are split over the three categories, for example:

Category A could be 9.8% = 98

Category B could be 10.2% = 102

Category C could be 9.9% = 99

Total = 299 which is less than 30% (300) and therefore acceptable for payment.

- 2.19 Once road works authorities have carried out the required number of category A sample inspections, any further signing, lighting, and guarding (SLG) failures should be recorded as target, routine or third-party inspections as appropriate.
- 2.20 Selection of Samples - category B & C sample inspections are generated randomly by the SRWR. Category A sample inspections are selected by road works authorities and should be as random as possible. Category A sample inspections should also be phased throughout the financial year.
- 2.21 If section 109 permission holders estimated units of inspection in a given year are fewer than 100, every inspection of these works, or any phase of these works is subject to a maximum of 30 chargeable inspections. If section 109 permission holders estimated units of inspection in a given year are 100 or more they shall be treated as undertakers with an exercisable statutory right.
- 2.22 When undertaking category A, B or C sample inspections of grouped sites, every part of the works which is accessible will be monitored as part of the inspection.
- 2.23 Specific reinstatements which form part of any works, but have either passed out of guarantee or are not yet available for the sampled inspection type (i.e. too early or too late for a category B or C sample) do not form part of that inspection. Any failure, including latent failures, cannot be taken to be part of the sample result and must be recorded as a separate routine inspection.
- 2.24 Sites which are not yet available for category B or C sample inspection at the time of the initial sample inspection may become available for a sample B or C

in their own right at a later date. In this instance, other sites, already covered by a sample inspection, are not affected by the later inspection.

### **Routine Inspections**

- 2.25 Routine inspections by road works authorities are inspections in terms of their duties under the *Roads (Scotland) Act 1984* and are not part of any defined inspection in terms of the *New Roads and Street Works Act 1991*.
- 2.26 When defects do not meet the criteria for any other inspection type defined in this code, routine inspections may be carried out by road works authorities.
- 2.27 If defects are found, road works authorities must record them within the defined timescale and follow the defect inspection procedure until rectified.
- 2.28 The results of routine inspections should not be included with the results of sample inspections when calculating undertakers' performance as set out in chapter 7.
- 2.29 There is no fee payable for routine inspections.

### **Third Party Inspections**

- 2.30 Third party inspections are inspections by road works authorities to verify defects or inadequacies reported by members of the public or the police.
- 2.31 Third party inspections may only be carried out to verify alleged defective reinstatements or inadequacies in signing, lighting and guarding reported by the police or members of the public. If verified, road works authorities must record defects or inadequacies within the appropriate timescales.
- 2.32 The results of third party inspections should not be included with the results of sample inspections when calculating undertakers' performance as set out in chapter 7.
- 2.33 Organisations should be aware of the *General Data Protection Regulations* when registering details of third party inspection reports and sharing information.
- 2.34 During third party inspections, if defects or inadequacies are recorded, road works authorities may charge undertakers defect inspection fees as set out in chapter 6.
- 2.35 Where third party inspections find that reinstatements were initially laid to specification but have passed out of guarantee, third party inspection results must be withdrawn.

## Defect Inspections

2.36 This is the procedure for managing the compliance of reinstatements which do not comply with the *SROR* and consists of:

- D1 Joint inspections, inspections carried out jointly by road works authorities and undertakers, to determine the nature of any failure and what remedial action may be required
- D2 Follow Up inspections by road works authorities following D1 inspections, but the works are not in progress
- D2 In Progress inspections by road works authorities following D1 inspections and the works are in progress
- D3 Completion inspections by road works authorities are undertaken and recorded when remedial works have been completed

2.37 Road works authorities may carry out further follow up defect inspections in accordance with chapter 4.

Where an inspection is in relation to defective apparatus, the procedure described in chapter 5 should be followed.

2.38 The 1991 Act makes no provision for defect inspections to follow inadequacies in signing, lighting and guarding, where the inadequacy is the failure. If road works authorities attend joint inspections to discuss inadequacies, RAUC(S) recommends that road works authorities only charge undertakers defect fees if an inadequacy is found.

## Condition Inspections prior to works commencing

2.39 If it is necessary to carry out joint pre-inspections, e.g. to agree the condition of the existing footway, carriageway, modular paving, etc. before works start, the costs incurred by road works authorities and undertakers are not rechargeable. Procedures for pre-inspection are set out in the *SROR*.

## **Investigatory Works**

- 2.40 Road works authorities have powers under section 131(1) of the 1991 Act to carry out investigatory works, such as coring, measurement of texture depth and material sampling which are considered necessary to determine whether undertakers have complied with their reinstatement obligations. A visual inspection is unlikely to be sufficient.
- 2.41 Local and national coring programmes are investigatory works and are investigated in accordance with *RAUC(S) Advice Note 3*. National coring programmes are generally carried out every two to three years. Where investigatory works, other than coring, are necessary to establish the causes of defects, the nature and extent of the investigatory works should, where possible, be agreed jointly between road works authorities and undertakers.
- 2.42 If investigatory works confirm defects, road works authorities may recover their reasonable costs from undertakers. If no defect is found, road works authorities must bear the cost of investigatory works.
- 2.43 Where investigatory works confirm defects in reinstatements, the procedures detailed in chapter 4 for dealing with defective reinstatements should be followed.
- 2.44 Where investigatory works confirm defects in apparatus, the procedures detailed in chapter 5 for dealing with defective apparatus should be followed.
- 2.45 Investigatory works only apply to reinstatement defects and defective apparatus. They do not include signing, lighting and guarding inadequacies.

## **Inspection Reports**

- 2.46 Road works authorities register their inspection results on the SRWR for undertakers to action as appropriate. Wherever possible, photographs detailing defects, and their locations, should be attached.

Suggested inspection report formats are shown in Appendix B.

- 2.47 Road works authorities should ensure that the description box is populated with details of defects or inadequacies found. This is important to ensure that undertakers have full details of what has been found.



2.48 Where road works authorities register incorrect inspection results, they should be corrected or allocated to the correct undertakers.

For example:

- where a fail has been registered instead of a pass, the SRWR should be updated accordingly
- where the incorrect site has been inspected the inspection should be withdrawn
- where an inspection result has been registered against the wrong undertaker it should be withdrawn and registered against the correct undertaker

2.49 Inspections should only be recorded following completion of site visits by road works authorities or undertakers.

2.50 With the exception of national or local coring programme results, inspection reports should be registered on the SRWR by road works authorities by the end of the following day.

2.51 Inspection reports of signing, lighting and guarding inadequacies, reinstatement defects and defective apparatus found by road works authorities should be sent to undertakers using the SRWR within the timescales detailed in chapters 3, 4 and 5.

2.52 Undertakers and road works authorities should have arrangements in place to receive reports and instigate follow up actions as set out in chapters 3, 4 and 5.

### **Non-referenced Inspections**

2.53 Occasionally inadequacies and defects are found in locations where no notice has been registered on the SRWR. As a consequence, there are no works to record inspection results against. In these situations, non-referenced inspections (unattributable works notices), should be registered on the SRWR.

2.54 If undertakers responsible for the original works can be identified, any non-referenced inspection should be sent to them.

2.55 Where works promoters cannot be identified, any non-referenced inspections should be sent to all undertakers with an interest in the road. Each undertaker is expected to respond, either accepting or declining responsibility.

2.56 If no one accepts responsibility for works associated with a non-referenced inspection, road works authorities may consider carrying out investigatory works, as defined in the “Investigatory Works” section of this chapter, to establish who is responsible.

### **Abortive Site Visits**

- 2.57 Where road works authorities attempt to carry out inspections, but the works to be inspected have not commenced, have been completed by the date of inspection or cannot be found, inspections shall be recorded as “Abortive” on the SRWR and are not rechargeable to undertakers whose works are being inspected.

### **Inspection Flow Charts**

- 2.58 Inspection flow charts are found in Appendix C.

## Chapter 3 SIGNING, LIGHTING & GUARDING (SLG) INADEQUACIES

- 3.1 This chapter describes a practical way of rectifying SLG failures when they arise. It does not affect liability to prosecution or the rights of road works authorities to remove dangers. The 1991 Act sets out circumstances in which a failure to comply is an offence.
- 3.2 The *Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017* make provision for prescribed qualifications of operatives and supervisors. Section 127 of the 1991 Act requires undertakers to afford road works authorities reasonable facilities for ascertaining whether the operatives and supervisors on site are appropriately qualified.
- 3.3 Non-conformances with the *Safety at Street Works and Road Works – A Code of Practice (Safety Code)* most commonly occur when sites are not properly set out.

Examples of inadequacies include:

- Sites where the SLG has been set out incorrectly
- Sites where incorrect signs have been used
- Sites which have been set out correctly, but layout has been altered without authorisation
- Sites where SLG has been left where it blocks access instead of within the works site

Leaving SLG or spoil after works are completed is not an inadequacy, such failures should be dealt with as reinstatement defects or noticing failures.

- 3.4 Compliance with the *Safety Code*, in terms of the equipment provided and the way it is set out, is checked and recorded separately.

### Inadequacies

- 3.5 Deviations from the *Safety Code* are divided into two types, each requires specific action:

- (i) Higher Risk Inadequacies

Deviations from the *Safety Code* where road works authorities require the signing, lighting, and guarding to be made safe without delay.

(ii) Lower Risk Inadequacies

Deviations from the *Safety Code* where road works authorities require the signing, lighting and guarding to be brought up to standard.

## Procedures For Dealing With Inadequacies

### 3.6 Higher Risk Inadequacies

In the case of inadequacies which appear to road works authorities to be high risk, the overriding aim is to remove dangers as soon as possible.

On finding high risk inadequacies, the procedure detailed below should be followed:

- (i) If undertakers' representatives are on site, road works authorities complete works inspection reports and defect notifications. They also inform undertakers' representatives of the nature of inadequacies at the time of inspection. A record of inadequacies and the action taken by undertakers' to rectify matters should also be recorded against the relevant notice on the SRWR by the end of the following day.
- (ii) If undertakers' representatives are not on site, road works authorities should immediately inform undertakers by making logged telephone calls and issuing defect notices on the SRWR. Pending action by undertakers, road works authorities should make any minor adjustments possible to improve the safety of the site at no cost to the undertaker.
- (iii) Undertakers should take immediate action to mobilise and must ensure that inadequacies are made safe. Undertakers should respond to road works authorities within 30 minutes of receipt of the logged call. Details of any action taken should be provided within 2 hours of the logged call. This can be in person on site or by making a logged call.
- (iv) Road works authorities will make inadequacies safe if:
  - there is no one on site and road works authorities cannot identify undertakers responsible
  - road works authorities cannot contact undertakers responsible
  - undertakers cannot make inadequacies safe within 2 hours
  - no telephone call is received from undertakers within 30 minutes of logging a telephone call
  - undertakers persistently fail to respond to signing, lighting and guarding inadequacies (see chapter 7)

- (v) If road works authorities take remedial action under 3.6 (iv), they may charge their reasonable costs to undertakers.
- (vi) If road works authorities take action, they should inform undertakers using the SRWR by the end of the following day. Any action taken should be clearly recorded and photographs attached to the relevant notice.

### 3.7 Lower Risk Inadequacies

On finding lower risk inadequacies:

- (i) If representatives of undertakers are on site, they should be supplied with details of all notices. If undertakers' representatives are not on site, road works authorities should immediately inform undertakers by logged telephone call. By the end of the following day, road works authorities should register works inspection reports and send defect notifications to undertakers using the SRWR.
- (ii) Undertakers shall ensure inadequacies are made good and that road works authorities are informed of action taken within 4 hours of notification on site, or within 4 hours of logged telephone calls.
- (iii) Road works authorities will make good inadequacies if:
  - there is no one on site and road works authorities cannot identify undertakers
  - road works authorities cannot contact the undertaker responsible
  - undertakers cannot make inadequacies safe within 4 hours
  - no telephone call is received from undertakers within 4 hours of logging a telephone call
  - undertakers persistently fail to respond to inadequacies in signing, lighting and guarding (see chapter 7)
- (iv) If road works authorities take remedial action under 3.7 (iii), they may charge their reasonable costs to undertakers. If road works authorities discover relatively minor inadequacies, for instance courtesy boards knocked over despite being sandbagged, they should make inadequacies safe at no cost to undertakers.
- (v) If road works authorities take action, they should inform undertakers by the end of the following day using the SRWR. Any action taken by road works authorities should be clearly recorded and photographs should be attached to relevant notices.

## Chapter 4 REINSTATEMENT DEFECTS

4.1 The 1991 Act sets out circumstances in which a failure to comply is an offence. This chapter describes a practical way of rectifying reinstatement defects when they arise. It does not affect liability to prosecution or the rights of road works authorities to remove dangers.

4.2 Reinstatement defects are identified by road works authorities in a number of ways including:

- Sample category A, B and C inspections
- Routine inspections
- Third party inspections following reports from the police or members of the public
- Investigatory works including local and national coring

Undertakers are expected to carry out their own internal monitoring programme and are encouraged to share their results with road works authorities by registering their results on the SRWR.

4.3 Where undertakers' own inspections identify a need for remedial works, a timetable for carrying out remedial works should be submitted with any results. The timetable should follow the standard defect processes described.

Remedial works carried out within 17 working days of the date of the undertakers' inspection, or by the agreed remedial date, will not be subject to the issue of defect notices or charges raised by road works authorities.

4.4 Defects found while works are in progress, e.g. during category A inspections, will be notified to undertakers. If defects cannot be remedied during the course of works, the procedures set out in sections 4.6 to 4.10 should be followed. Where defects are remedied during the works, undertakers should inform road works authorities.

4.5 Remedial works should be carried out as a new phase on the existing notice. In exceptional circumstances, separate notices linked to original failures may be used.

### Defects causing danger

4.6 These are reinstatements which do not comply with the *SROR* and which appear to road works authorities to be causing danger to road users. The overriding aim is to remove the danger as soon as possible. Rectification of these defects should be treated as emergency works and the procedures set out in the *Code of Practice for the Co-ordination of Works in Roads* must be followed.

4.7 When road works authorities become aware of non-compliant works causing a danger to road users, they can make safe by erecting signing, lighting and guarding or by carrying out other actions as agreed with undertakers. Where this is done, undertakers must still attend sites within 2 hours and follow the procedure below:

- (i) Road works authorities should inform undertakers immediately by a logged telephone call and confirm details by sending defect notification reports to undertakers using the SRWR.
- (ii) Undertakers should take immediate action to mobilise and make safe by:
  - making the site safe by signing, lighting and guarding
  - carrying out a permanent reinstatement
  - carrying out an interim reinstatement
  - other agreed remedial measures
- (iii) Undertakers should advise road works authorities by logged telephone call within 30 minutes of their intended actions. Agreed actions should be carried out within 2 hours of initial logged calls. Undertakers should notify road works authorities when remedial works start and finish by registering appropriate notices, which should include photographs. Details of undertakers' telephone calls should be registered on the SRWR.
- (iv) Defect inspection fees shall be payable to road works authorities if joint inspections are carried out and defects agreed.
- (v) Road works authorities may take reasonable remedial action to make defects safe if:
  - there is no one on site and road works authorities do not know the identity of the undertaker
  - undertakers cannot be contacted
  - undertakers cannot make safe the defect within 2 hours
  - no telephone call is received from undertakers within 30 minutes of logging a telephone call
  - undertakers persistently fail to respond to dangerous defects - see chapter 7
- (vi) If road works authorities take remedial action under 4.7 (v), they may recharge their reasonable costs to undertakers.

- (vii) If road works authorities take remedial action, they should inform undertakers by the end of the following day using the SRWR. Any action taken by road works authorities should be clearly recorded and photographs should be attached to relevant notices.
- (viii) When defects are made safe by undertakers, the “Defects not causing danger” procedure is then followed.

4.8 Chapter 7 sets out procedures to be followed where undertakers persistently fail to respond to dangerous defects.

### **Defects not causing danger**

4.9 These are reinstatements which do not comply with the *SROR* and will require some remedial action. Rectification of these defects should be carried out under a remedial notice as described in the *Code of Practice for the Co-ordination of Works in Roads*.

4.10 On finding defects not causing danger the procedure detailed below should be followed:

- (i) Road works authorities send defect notifications to undertakers using the SRWR, by the end of the following day.
- (ii) Undertakers must inform road works authorities by the end of the following day that defects are being investigated. If undertakers are declining defects or where they require further clarification to the extent of the defect or specific instructions are required, they must contact road works authorities within 5 days to arrange D1 joint inspection dates. Joint inspections should take place within 10 days of initial notifications of defects unless both parties agree that a meeting is not required. In these circumstances, undertakers agree to act on the defect assessments of road works authorities and carry out the required remedial works. Changes to joint inspections dates must be registered, by the roads works authority, to reflect agreed dates.
- (iii) If it is agreed that there is no defect, no fee is payable for the joint inspection and road works authorities must record a cancellation, withdrawal or pass on the SRWR. This must be recorded by updating the original inspection rather than as a D1 joint inspection.
- (iv) Where undertakers give notice of the start of remedial works, they should carry out the agreed remedial works within 17 days of the date of any joint inspection or of the dates of acceptance of road works authorities assessments of the extent and nature of remedial works required. The 17 day period can only be extended with the agreement of road works authorities. Prior to the agreed remedial start date inspections may be carried out but are not chargeable.
- (v) If road works authorities carry out D2 inspections during remedial works, a further defect inspection fee is payable.



- (vi) Undertakers notify road works authorities when remedial works start and finish by registering appropriate notices on the SRWR, which should include photographs.
- (vii) If road works authorities carry out D3 inspections of completed remedial works, they shall record the outcome of their inspections on the SRWR. Inspections should be carried out within 17 days of the completion of remedial works. Further defect inspection fees are payable, as set out in paragraph 6.4. D3 failures should only be recorded where initial reinstatement defects have not been remediated. If new defects are identified, new routine inspections should be registered. New defects should be clearly identified and photographs should be attached to notices.
- (viii) If, by day 17 after initial acceptance of defect inspections, undertakers fail to plan or undertake remedial works, as described in (iv) above, road works authorities may carry out D2 inspections and charge inspection fees as set out in paragraph 6.4.
- (ix) If, following further D3 inspections under 4.10 (vii), remedial works are found to be satisfactory, but the notices required under 4.10 (ii) and 4.10 (iv) have not been raised on the SRWR, these further D3 inspections should be charged to undertakers as completed defect inspections as described in 6.4. In these circumstances, road works authorities should inform undertakers that the required notices have not been received.
- (x) If, on a further inspection under 4.10 (viii), remedial works have not been completed, or if appropriate notices continue to be outstanding, road works authorities may continue the cycle of repeat inspections every 17 days until remedial works have been completed. In these circumstances, road works authorities may elect to take direct action as described in 4.10 (xii).
- (xi) If remedial works are found to be unsatisfactory during D2 or D3 defect inspections, the procedure will commence again as described in 4.10. Road works authorities may elect to take direct action as described in 4.10 (xii).
- (xii) If undertakers fail to carry out the specified actions, road works authorities may carry out remedial works and charge their reasonable costs to undertakers.
- (xiii) If road works authorities take action, they must inform undertakers by the end of the following day by registering this on the SRWR. Any action taken by road works authorities should be clearly recorded and photographs should be attached to relevant notices.

## **Guarantee Periods**

- 4.11 Guarantee periods are detailed in the Specification for the Reinstatement of Openings in Roads.
- 4.12 Remedial works may be subject to random category A, B or C sample inspections.

## Chapter 5 DEFECTIVE APPARATUS

- 5.1 Section 140 of the 1991 Act requires undertakers to maintain their apparatus in roads to the reasonable satisfaction of road works authorities.
- 5.2 There are different types of apparatus in roads. The majority of apparatus belongs to undertakers with statutory rights. Other apparatus belongs to road works authorities and undertakers with section 109 permissions. Owners are responsible for the ongoing maintenance of their apparatus, including the supervision of works by others to repair damage to their apparatus caused during road works by other undertakers, holders of section 109 permissions or road works authorities.
- 5.3 Defective apparatus includes underground apparatus which may or may not be causing damage to the structure of a road. It includes covers and frames of manholes, access chambers, hydrant covers, toby covers, telecom cabinets, telephone boxes and poles affecting the integrity of roads or the safety of road users. In the vast majority of cases, road works authorities will identify defective undertaker apparatus by visual inspection.
- 5.4 Defective apparatus does not include defective reinstatements.
- 5.5 Where road works authorities identify defective apparatus, undertakers will be notified using a SRWR defective apparatus report. Appendix F outlines the SRWR process for dealing with defective apparatus notifications.
- 5.6 Where road works authorities identify defective apparatus following third party reports, photographs and location details should be attached to notifications sent to undertakers.
- 5.7 Road works authorities and undertakers may need to meet, for example, if ownership is in question.
- 5.8 Where ownership is unknown, road works authorities may contact all undertakers with statutory rights to identify responsibility, as described in chapter 2 "Non-Referenced Inspections".
- 5.9 Repairs to defective apparatus should be notified using the SRWR. Should repairs include excavation or reinstatement of adjacent surfaces, and subsequent defects are found, the defective reinstatement procedure shall be used to record and process repairs as described in Chapter 4.

## Category 1 Hazardous defective apparatus

5.10 Category 1 defective apparatus requires an immediate response from undertakers to make defects safe within 2 hours and make repairs permanent within 7 days, or as agreed with road works authorities.

5.11 Inspection fees may be charged by road works authorities for inspections carried out following third party reports.

Inspection fees may also be charged by road works authorities when inspections carried out following third party reports escalate pre-existing category 2 or 3 defects to category 1 defects.

Refer to *RAUC(S) Advice Note 4* for clarification.

5.12 On receipt of defective apparatus notifications by logged telephone calls, undertakers should determine their response and inform road works authorities by a return phone call within 30 minutes. If no return phone call is received, road works authorities may choose to make defects safe on a rechargeable basis. If road works authorities take remedial action, they should inform undertakers using the SRWR by the end of the following day.

5.13 If undertakers initiate remedial action without informing road works authorities within 30 minutes, and the response conflicts with any subsequent remedial action taken by road works authorities, road works authorities are entitled to recharge their reasonable costs. Where road works authorities take any action and intend recharging their costs, evidence should be provided.

5.14 Road works authorities may take reasonable remedial action to make defects safe if:

- they do not know the identity of undertakers
- undertakers cannot be contacted
- undertakers cannot make safe the defective apparatus within 2 hours
- no telephone call is received from undertakers within 30 minutes of logging a telephone call, or
- undertakers persistently fail to respond to dangerous defective apparatus notifications, see chapter 7

If road works authorities take remedial action, they may recharge their reasonable costs to undertakers.

If road works authorities take action, they should inform undertakers by the end of the following day by recording details against the relevant notice on the SRWR. Any action taken by road works authorities should be clearly recorded and photographs should be attached to relevant notices.

## **Category 2 Non-hazardous defective apparatus**

- 5.15 Category 2 defective apparatus should be permanently repaired within 10 days. Undertakers must advise road works authorities of their anticipated completion dates if they are unable to complete the required works within the 10 day period. Anticipated completion dates must be acceptable to road works authorities. Undertakers are responsible for ensuring that defective apparatus is maintained in a safe condition until permanent repairs are carried out.

## **Category 3 Other defective apparatus**

- 5.16 Category 3 defective apparatus should be permanently repaired within 1 month. Undertakers must advise road works authorities of their anticipated completion dates if they be unable to complete the required works within the 1 month period. Undertakers are responsible for ensuring that defective apparatus is maintained in a safe condition until permanent repairs are carried out. Noisy apparatus, for example worn frames and rocking covers, which cause distress and complaints from the public may be escalated to category 2.

## Defective Apparatus Examples and Typical Responses

	<b>Category 1 Hazardous (2 hour response)</b>	<b>Category 2 Non-hazardous (10 day response)</b>	<b>Category 3 Other defects (1 month response)</b>
<b>Examples*</b>	<p>Broken or missing ironwork 150mm or greater in size in carriageways &amp; footways.</p> <p>Ironwork in the carriageway with exposed vertical faces in excess of 40mm (or 20mm in areas heavily utilised by pedestrians or cyclists).</p>	<p>Broken or missing ironwork less than 150mm in size in carriageways &amp; footways.</p> <p>Ironwork in the footway with exposed vertical faces in excess of 20mm. Responses to an escalated customer complaint regarding ironwork causing disturbance to residential properties.</p>	<p>Any other reportable ironwork.</p> <p>Noisy, rocking ironwork causing a disturbance to residential properties.</p>
<b>Road works authorities typical response</b>	<p>Road works authorities remain on site for up to two hours when attendance is expected by undertakers.</p> <p>Road works authorities make safe with signing, lighting and guarding if no response is received from undertakers in 30 minutes.</p>	<p>Road works authorities are unlikely to take action.</p> <p>Road works authorities may re-inspect after 10 days and take reasonable rechargeable action to make safe if defects are not accepted or remediation dates not agreed.</p>	<p>Road works authorities unlikely to take action.</p>
<b>Undertakers response</b>	<p>Undertakers return initial logged calls within 30 minutes confirming their availability to attend.</p> <p>Undertakers attend site within 2 hours to make safe or pay road works authority costs in doing so. Undertakers submit notices and make their repairs permanent within 7 days.</p>	<p>Undertakers acknowledge their acceptance of defects on the SRWR or arrange joint meetings to discuss.</p> <p>Undertakers submit notices and repair defects within 10 days, or by agreement.</p>	<p>Undertakers acknowledge their acceptance of defects on the SRWR or arrange joint meetings to discuss.</p> <p>Undertakers submit notice and repair defect within one calendar month, or by agreement.</p>

\*This is not an exhaustive list

### **Defect deterioration and escalation**

- 5.17 Where defects deteriorate and the category of defect is escalated, the expected response time is also escalated.
- 5.18 Category of defect will remain the same regardless of any actions taken by road works authorities to make safe.

### **Follow Up Action**

- 5.19 Provided that undertakers complete their repair works within the agreed timescales, undertakers will be deemed to have complied with their obligations under section 140 of the 1991 Act. Actions should be registered on the SRWR.
- 5.20 Road works authorities may carry out defective apparatus follow up visits which follow the same process as reinstatement defects. Follow up visits are not chargeable.

## **Chapter 6 FINANCIAL ARRANGEMENTS**

### **Sample Inspection Fees**

- 6.1 Fees are payable to road works authorities for each sample inspection, as prescribed in regulations.
- 6.2 The number of chargeable sample inspections undertaken is determined in accordance with chapter 2 paragraphs 2.9 to 2.24 “Sample Inspections”.
- 6.3 Section 134 of the 1991 Act makes provision for undertakers to pay for sample inspections of their works by road works authorities, including inspections of work carried out under section 109.

### **Defect Inspection Fees**

- 6.4 Defect inspection fees are payable to road works authorities. RAUC(S) recommends that this fee should be the same as the sample inspection fee.

Note, if undertakers do not respond to inspection reports, follow up inspection fees may still be applied, even if original defect reports are disputed or withdrawn.

### **Third Party Inspection fees**

- 6.5 Where third party inspection fees are payable to road works authorities, RAUC(S) recommends the fees should be the same as sample inspection fees. If required, road works authorities shall make their records available to undertakers.

### **Costs of Investigatory Works**

- 6.6 Where investigatory works confirm defective reinstatements, road works authorities are entitled to recover their reasonable investigation costs.

### **Costs of Remedial Actions**

- 6.7 Road works authorities are entitled to recover their reasonable costs for taking remedial action under paragraphs 3.6 (iv), 3.7 (iii), 4.7 (v) and 4.10 (xii).



## Invoicing

- 6.8 Invoicing arrangements for sample inspection are as follows:
- (i) Each road works authority should agree the number of planned chargeable sample inspections with each undertaker operating in their area within the first quarter of each financial year.
  - (ii) Actual numbers of sample inspections carried out will be charged to undertakers on a quarterly basis. The total number of charged sample inspections in any financial year will not exceed the agreed number.
  - (iii) Invoices in respect of section 109 permission inspections, as set out in chapter 2 paragraphs 2.9 to 2.24 “Sample Inspections”, will be submitted monthly.
- 6.9 Invoices for defect inspections, third party inspections and investigatory works should be submitted monthly in arrears, but no later than 6 months after the dates of inspections.
- 6.10 Agreed improvement plan costs should be invoiced monthly in arrears throughout the duration of the plan.
- 6.11 Invoices will only be raised for inspections actually undertaken.

## Chapter 7 INSPECTION PERFORMANCE

7.1 Whilst road works authorities have ultimate responsibility for the safety of all road users, responsibility for road works carried out by undertakers rests with undertakers. Where undertakers persistently fail to respond to reinstatement defects or inadequacies in signing, lighting and guarding, road works authorities may make good defects or inadequacies, without first notifying undertakers. Road works authorities may subsequently recharge their reasonable costs. This is permissible in terms of road works authorities' duty of care to road users.

7.2 If undertakers fail to:

- respond to calls to their emergency number
- respond to reports of defects or inadequacies
- protect sites adequately

road works authorities shall immediately request an action plan to address such failures. If no action plan is produced within the agreed time scale, or similar failures continue to occur, an improvement plan as described in sections 7.11 to 7.20 should be put in place.

### Summary of Performance

7.3 Quarterly and annual reports are available on the SRWR to allow road works authorities and undertakers to analyse their performance. Trends can be established at a local, area and national level. It is recommended that these reports are routinely reviewed and discussed at area RAUC meetings.

Reports available include the results of sample inspections, routine inspections, third party inspections and investigatory works.

### Performance Failure

7.4 Where undertakers fail to:

- respond to inadequacies in SLG, within the prescribed timescales, in more than 10% of sample inspections over a three month period, or
- achieve category B or C sample inspection pass rates of 90% in any three month period, including defects and inadequacies, or
- achieve pass rates of 90% in coring, or 80% where the sample size is less than 10 cores, where the coring has been carried out in accordance with *RAUC(S) Advice Note No 3*

road works authorities may issue a notice of failure to achieve performance within 4 weeks of the period end, or final coring report.

7.5 Where undertakers fail to meet performance criteria the following procedure should be used:

- (i) road works authorities issue a notice of failure to achieve performance
- (ii) undertakers respond with a Stage 1 improvement plan

In the event that undertakers do not achieve the required level of improvement:

- (iii) road works authorities issue an improvement notice
- (iv) undertakers respond with a Stage 2 improvement plan

7.6 Separate notices of failure to achieve performance and improvement notices are required for:

- signing, lighting and guarding
- reinstatements
- coring

Improvement notices issued by a road works authority will record details of an undertaker's performance. Typical formats are shown in Appendix B.

7.7 If the agreed timescale in any Stage 1 improvement has expired, and insufficient evidence of improvement exists, then a further improvement notice will be issued within 4 weeks.

7.8 Where an undertaker has carried out 50 or less inspection units of work in a financial year, the issue of such a notice is at the discretion of the road works authority.

7.9 When considering the issue of an improvement notice for signing, lighting and guarding inadequacies, road works authorities should take into account whether undertakers responded within the specified timescale. The lack of any response within the specified time scale is a failure.

7.10 Notices of failure to achieve performance and improvement notices should be reported to the appropriate area RAUC and RAUC(S).

### **Stage 1 Improvement Plan**

7.11 Undertakers must verify and analyse defect data to establish appropriate improvement objectives. Undertakers should then prepare outline improvement plans designed to achieve the objectives and forward details to road works authorities within 5 days of receiving notices of failure to achieve performance.

7.12 Road works authorities and undertakers shall agree timescales for the duration of Stage 1 improvement plans, normally 12 weeks.

- 7.13 Road works authorities may carry out additional category A, B and C sample inspections, or arrange for additional coring to be undertaken during agreed improvement periods. Any additional inspections and associated rechargeable costs will be agreed with undertakers prior to commencement.
- 7.14 Where road works authorities consider that sufficient improvements have been achieved in a lesser time period than stated in 7.12 then Stage 1 improvement plans will be deemed to have served their function. Where this is not the case, improvement notices will be issued and a Stage 2 improvement plan process triggered.

## **Stage 2 Improvement Plan**

- 7.15 Within 5 days of receiving improvement notices, undertakers must verify and analyse the defect data, develop their improvement strategies, prepare outline improvement plans and forward them to road works authorities. Undertakers will arrange meetings with road works authorities within 10 days of receiving improvement notices, to agree and finalise improvement plans.
- 7.16 At improvement meetings, areas of concern should be identified, specific objectives agreed and actions to achieve improvements proposed. Sufficient detail is required within plans to measure progress being made by undertakers against improvement plan objectives.
- 7.17 Improvement plans must include:
- Minuted monthly meetings to discuss progress
  - The provision of appropriate monitoring information prior to meetings which should relate to works undertaken within the period of the improvement plan
  - Provision to change or vary the plan
  - Details of the agreed arrangements to recover any costs or expenses incurred by road works authorities
  - Details of items to be monitored and reported in the improvement plan (see Appendix D)
  - Details of any sampling and testing undertaken by road works authorities to check compliance with the *SROR*
  - Details of the percentage of works to be inspected and reported
- 7.18 The normal period of any improvement plan should be 12 weeks. If the objectives have been met at the end of this period, any decision to terminate the plan will be made at the next monthly progress meeting.

- 7.19 Not less than 5 days before agreed regular meeting dates set out in a plan, the results of any improvement plan monitoring carried out in the previous month will be forwarded to undertakers for their information.
- 7.20 If it becomes clear after 3 months that no progress is being made towards achieving improvement plan objectives, additional measures should be considered including:
- escalation of the improvement plan monitoring to achieve a step change in performance
  - involving more senior levels of management within undertakers and road works authorities
  - reporting the matter to the relevant area RAUC and RAUC(S) for dispute resolution
  - reporting the matter to the Scottish Road Works Commissioner for information, including any relevant evidence of an undertaker's failure to comply with their duties under the 1991 Act
  - following appropriate grievance and dispute processes, the pursuit of civil or criminal legal proceedings

## Chapter 8 GUIDANCE FOR DISPUTES

- 8.1 This code is intended to provide sufficiently detailed guidance to enable road works authorities and undertakers to reach agreement on disputes at a local level. Road works authorities and undertakers should always use their best endeavours to achieve a solution to disputes without escalating to area RAUC for resolution. This may require issues to be referred to management for settlement.
- 8.2 For further information refer to the *Code of Practice for Dispute Resolution and Appeals*.

## Appendix A. GLOSSARY OF TERMS

Day	Working day as defined in the <i>Code of Practice for the Co-ordination of Works in Roads</i> .
Expenses	Expenses of taking any action which include the relevant administrative expenses of an authority, body or person including an appropriate sum in respect of general staff costs and overheads as defined in section 155 of the 1991 Act.
Fees	Inspection fees prescribed by regulations under section 134 of the 1991 Act.
Notice	Any notice given in relation to the <i>New Roads and Street Works Act 1991</i> .
RAUC(S)	Road Authorities and Utilities Committee (Scotland) which comprises of representatives from road works authorities and utilities. (Area RAUC's also meet at a regional level).
Road works authorities	Bodies as defined in section 108 of the <i>New Roads and Street Works Act 1991</i> .
SRWR	Scottish Road Works Register. (The Scottish Road Works Commissioner is the keeper of the Scottish Road Works Register).
Undertakers	Bodies as defined in section 107 of the <i>New Roads and Street Works Act 1991</i> .

## **Appendix B. NOTIFICATION FORMS**

Works Inspection Report

Sample Inspection Report

Joint Inspection Report

Improvement Notice Example Letter – Signing, lighting & guarding

Improvement Notice Example Letter – Reinstatement



### WORKS INSPECTION REPORT

Undertaker:

Location:

SRWR LA Ref:

Routine Inspection

Third Party Inspection

Investigatory Works

Pass

Fail

Dangerous

Non Dangerous

Comments:

Cause for Failure	Incorrect Equipment	Acceptable	Not Acceptable	Not seen / Not applicable
<i>Signing/Guarding/Lighting</i>				
Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Distance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barriers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedestrian Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excavation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Backfill &amp; Reinstatement</i>				
Apparatus Surround		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compaction		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub-base		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Binder Course		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Course		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Profile &amp; Structure</i>				
Edge Depressions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Edge Cracking		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Depressions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crowning		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Texture Depth		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Regularity		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As Laid Profile		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name:

Date:

Signature:

Time:

### SAMPLE INSPECTION REPORT

Undertaker: \_\_\_\_\_

Location: \_\_\_\_\_

SRWR LA Ref: \_\_\_\_\_

Category (please circle)	A	B	C
--------------------------	---	---	---

Pass       Fail       Dangerous       Non Dangerous

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Cause for Failure	Incorrect Equipment	Acceptable	Not Acceptable	Not seen / Not applicable
-------------------	---------------------	------------	----------------	---------------------------

		Signing/Guarding/Lighting			
Signs	CATEGORY A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Distance		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety Zone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barriers		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Control		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedestrian Control		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excavation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Backfill & Reinstatement			
Apparatus Surround	CATEGORY B & C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compaction		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub-base		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Base		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Binder Course		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Course		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Profile & Structure			
Edge Depressions	CATEGORY B & C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Edge Cracking		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Depressions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crowning		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Texture Depth		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surface Regularity		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As Laid Profile		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Time: \_\_\_\_\_

**JOINT INSPECTION REPORT**

Undertaker:

Location:

SRWR LA Ref:

Pass

Fail

Abortive

Not Agreed

Comments:

Agreed Failure

Acceptable

Not  
Acceptable

Not seen  
/ Not  
applicable

**Backfill & Reinstatement**

Apparatus Surround




Material




Compaction




Sub-base




Base




Binder Course




Surface Course




**Profile & Structure**

Edge Depressions




Edge Cracking




Surface Depressions




Crowning




Texture Depth




Surface Regularity




Structure




As Laid Profile




Other




Name:

Signature:

Name:

Signature:

Date:

Time:

## Improvement Notice Example Letter- Signing, lighting & guarding

[Undertaker]  
[Address]  
[Address2]  
[Town]  
[Post code]

Authority Reference:  
Undertaker Reference:  
Contact:

[Date]

**Dear Sir/Madam,**

### **New Roads and Street Works Act 1991 - Improvement Notice**

This notice is issued in accordance with chapter 7 of the Code of Practice for Inspections (2020). The percentage of inspection failures incurred by your organisation is such that the standard of your signing, lighting and guarding is classified as unsatisfactory.

One quarter of total number of agreed inspections for the year:\_\_\_\_\_

The total number of sample Category A inspections carried out on your works:\_\_\_\_\_

The number of these inspections resulting in an inadequacy report:\_\_\_\_\_

The number where the road works authority had to take action:\_\_\_\_\_

The percentage resulting in a reinstatement defect report: \_\_\_\_\_%

Within 5 days of receiving this notice please contact me to arrange a meeting to discuss an Improvement Plan. This meeting should take place within 10 days of the date of receiving this notice.

A copy of this notice is being sent to the Scottish Road Works Commissioner, RAUC(S) and to \_\_\_\_\_ Area RAUC for their information. The statistics may be used in reports to this Council to keep members informed of the standards being achieved by undertakers within their area.

**Please acknowledge receipt of this notice**

Yours faithfully,

## Improvement Notice Example Letter - Reinstatement

[Undertaker]

[Undertaker]

[Address]

[Address2]

[Town]

[Post code]

Authority Reference:

Undertaker Reference:

Contact:

[Date]

**Dear Sir/Madam,**

### **New Roads and Street Works Act 1991 - Improvement Notice**

This notice is issued in accordance with chapter 7 of the Code of Practice for Inspections (2020). The percentage of inspection failures incurred by your organisation is such that the standard of your reinstatement work is classified as unsatisfactory.

One quarter of total number of agreed inspections for the year: \_\_\_\_\_

The total number of sample inspections carried out on your works: \_\_\_\_\_

The number of these inspections resulting in a reinstatement defect report: \_\_\_\_\_

The percentage resulting in a reinstatement defect report: \_\_\_\_\_%

Within 5 days of receiving this notice please contact me to arrange a meeting to discuss an Improvement Plan. This meeting should take place within 10 days of the date of receiving this notice.

A copy of this notice is being sent to the Scottish Road Works Commissioner, RAUC(S) and to \_\_\_\_\_ Area RAUC for their information. The statistics may be used in reports to this Council to keep members informed of the standards being achieved by undertakers within their area.

**Please acknowledge receipt of this notice**

Yours faithfully,

## **Appendix C. INSPECTION PROCESS CHARTS**

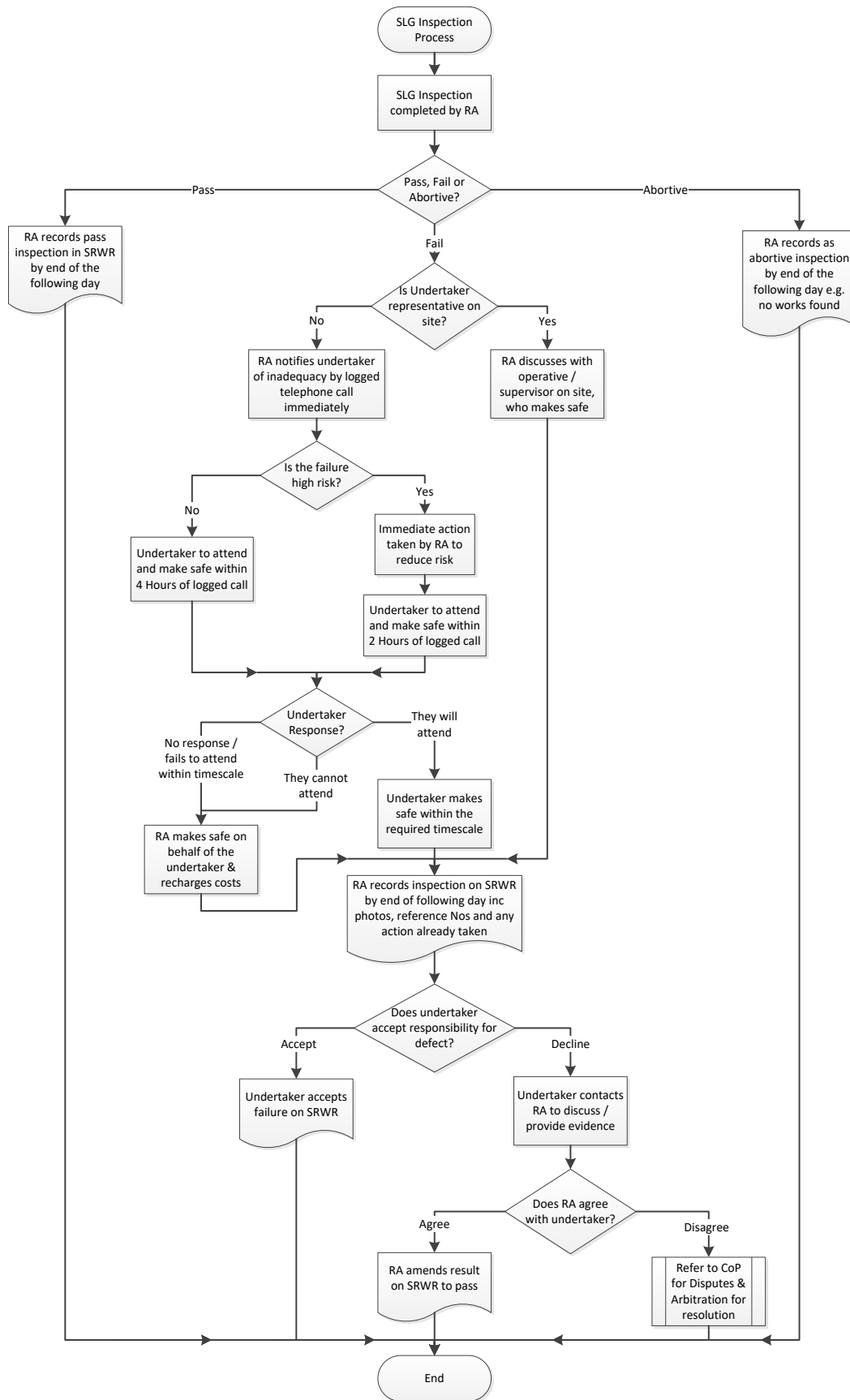
Signing, Lighting & Guarding Inspection Process

Reinstatement Inspection Process

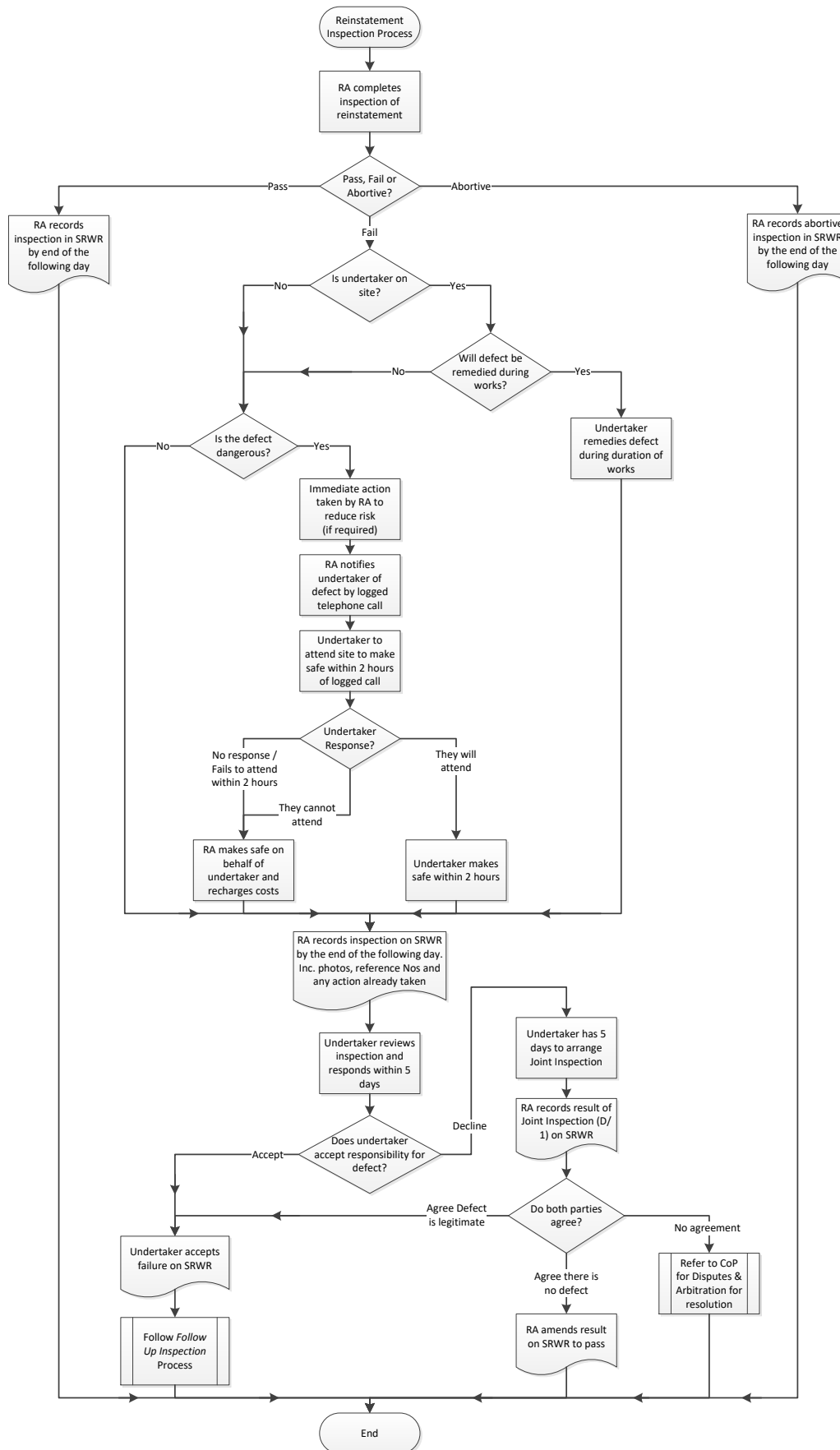
Follow Up Inspection Process

Completion Inspection Process

# Signing, Lighting & Guarding Inspection Process

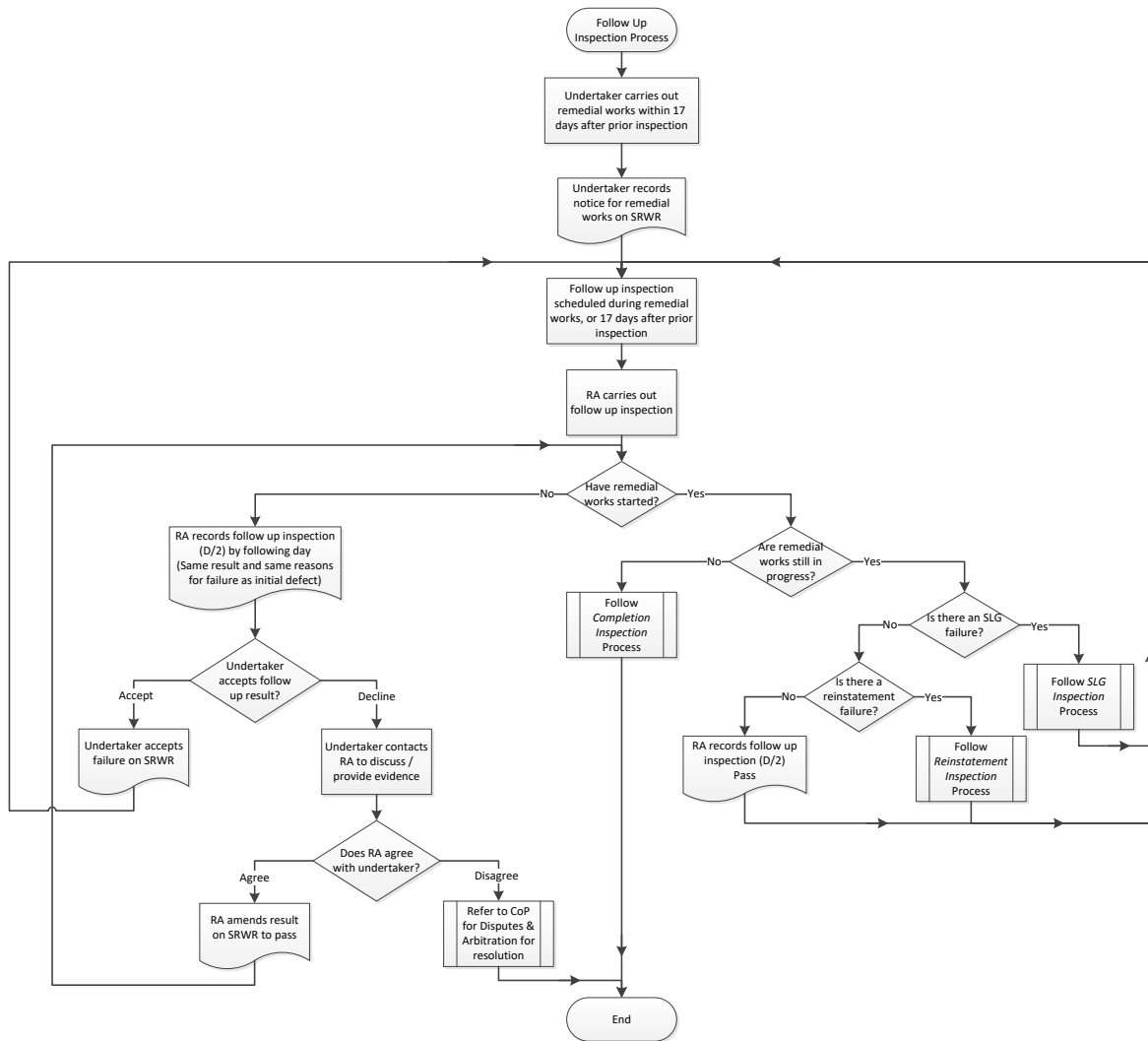


# Reinstatement Inspection Process

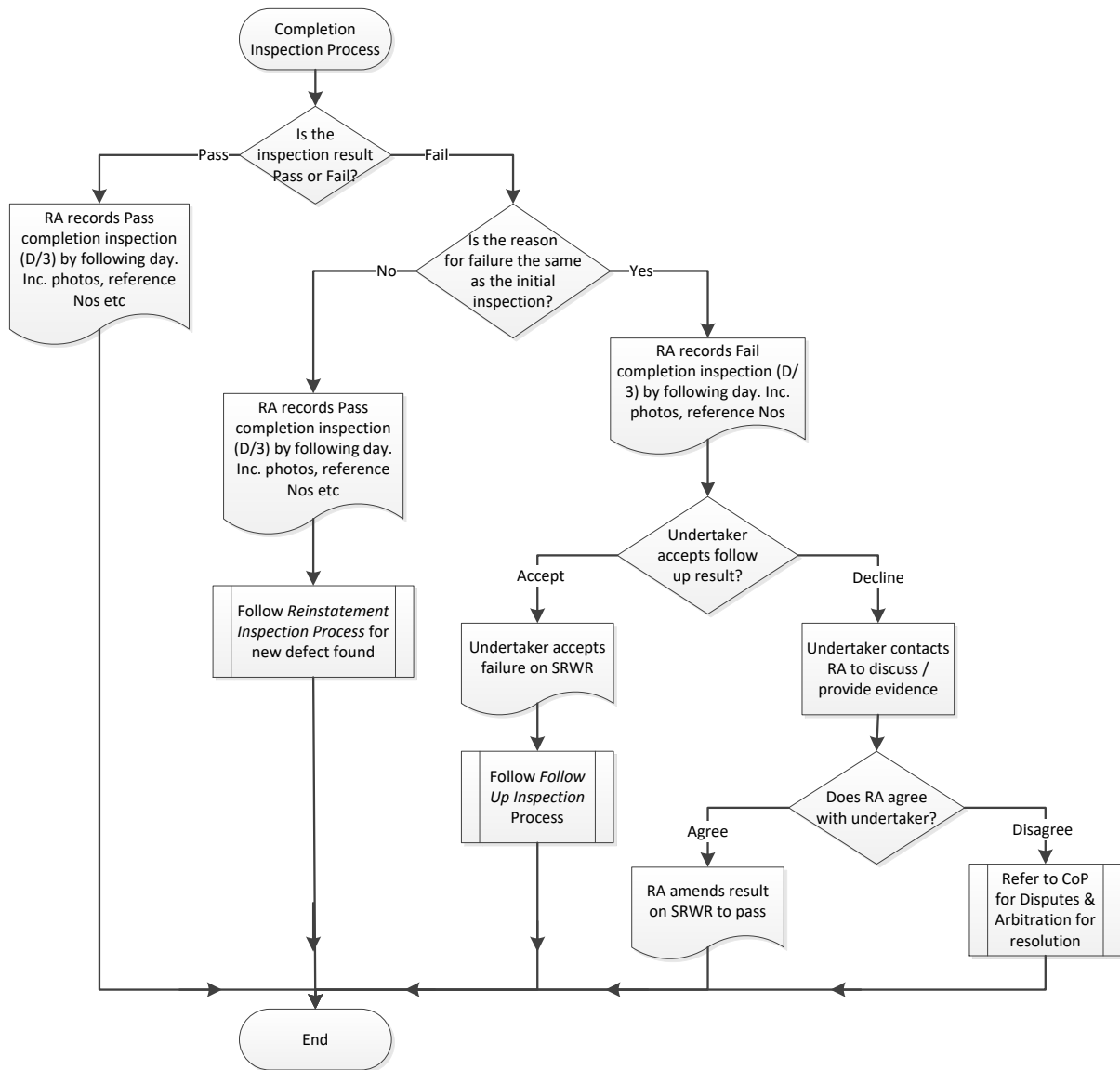




# Follow Up Inspection Process



# Completion Inspection Process



## **Appendix D. IMPROVEMENT CHECK LIST**

Whilst not exhaustive, this is a check list of items which may be monitored and reported on during site inspections. Other criteria may be appropriate in particular cases. A selection of these may form the basis of an improvement plan, subject to the objectives to be achieved by the improvement plan.

### **Signing, Lighting and Guarding**

- Correct equipment on site
- Signs in correct positions
- Barriers correctly erected
- Pedestrian provision where required
- Approved traffic signals
- Information boards

### **Reinstatements**

- Compaction, specification and layer thicknesses of bound and unbound backfill
- Surface profile and proximity to other reinstatements
- Interface with ironwork

### **Bituminous Pavements**

- Sub-base, base, binder and surface course materials
- Compaction equipment and layer depths.
- Tack coat
- Edge sealant
- Overbanding
- Joint Treatment
- Chippings

### **Concrete Pavements**

- Site preparation
- Reinforcing
- Design
- Joints
- Texture

### **Modular Pavements (including flag stones)**

- Bedding
- Flags
- Slabs
- Brick Paviers
- Setts
- Joints

## Appendix E. IDENTIFYING DEFECTIVE APPARATUS

When carrying out a site inspection which involves apparatus, an inspector should consider the following questions:

- Is the surface apparatus too high?
- Is the surface apparatus too low?
- Is surface apparatus causing damage to the road?
- Is there a surface apparatus trip/skid risk?
- Is there missing/damaged surface apparatus?
- Is there noisy apparatus? (e.g. rocking)
- Is there damaged above ground apparatus?
- Is above ground apparatus causing damage to the road?
- Is there damaged underground apparatus?
- Is underground apparatus causing damage to the road?

Each answer will be “Acceptable”, “Not Acceptable” or “Not Seen”.

If damage to a road is found, it should only be recorded as “Not Acceptable” where the apparatus is causing the damage.

If surface apparatus is too high or too low, it should only be recorded as “Not Acceptable” where the apparatus is the cause of the variation in height to the surrounding surface.

There is no defect if the answer to all of the above is “Acceptable” or “Not Seen”.

Should any of the above be considered “Not Acceptable” the defect should be reported to the undertaker responsible using the SRWR.

# Appendix F. PROCESS FOR DEALING WITH DEFECTIVE APPARATUS NOTIFICATIONS

