

**NAREA ROADS AUTHORITIES & UTILITIES COMMITTEE**
**Minutes of the  
QUARTERLY MEETING**
**Date: Wednesday 24<sup>th</sup> January 2023**
**Meeting held online on MSTEAMS**
**Present:**

Karyn Davidson (Chair)	K.D.	Vodafone
Kevin Abercrombie	K.A.	Aberdeen City
Caroline Auld	C.A.	Network Rail
Lee Broomhall	L.B.	Royal Mail
Sharon Burns	S.B.	GoFibre
Ian Dalrymple	I.D.	Openreach
Rebecca Eggs	R.E.	Forbury Assets
Irvine Ellis	I.E.	SSEN
Jim Forbes	J.F.	CityFibre
Lauren Goodman	L.G.	BEAR Scotland N.W.
Mike Gray	M.G.	Amey N.E.
Julie Greig	J.G.	SGN
Barry Hall	B.H.	GTC-UK
David Hearty	D.H.	MBNL – EE / 3
Alan Hutchison	A.H.	Tay Bridge Joint Board
Matthew Jones	M.J.	Last Mile – UK
Carole McDonald	C.McD.	CityFibre
Jordan McDonald	J.McD	CityFibre
Fiona McInnes	F.McI.	Scottish Water
Donald Macleay	D.A.Macl.	Western Isles Council
Craig McQueen	C.McQ.	Scottish Water
Andrew Matheson	A.M.	Virgin Media
Colin Matheson	C.M.	The Moray Council
Graham Milne	G.M.	oSRWC
Stuart Monk	S.M.	MUA
Peter Mortan	P.M.	Angus Council
Ronald Murray	R.M.	Petroineos
Elaine Paterson	E.P.	BEAR Scotland
Kat Quane	K.Q.	Transport Scotland
David Robertson	D.R.	Dundee City Council
Iain Ross	I.R.	oSRWC
Wendy Ross	W.R.	Amey
Iain Scott	I.S.	
Ruth Scott	R.S.	NEOS Network
Joanne Sutherland	J.S.	The Highland Council
Matthew Wylie	M.W.	Orkney Islands Council

**In Attendance:**

George Borthwick	G.B.	Secretary
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**Apologies:**

Garry Duncan	G.D.	SSEN
Darren Grant	D.G.	SSEN
Kevin Hamilton	K.H.	Scottish Road Works Commissioner
Owen Harte	O.H.	Virgin Media
Steve Ives	S.I.	Glide / Concept Solutions People
Elizabeth MacIver	E.MacI,	The Highland Council
Philip McKay	P.McK.	Aberdeenshire Council
Alison MacLeod	A.MacL.	The Highland Council
Neil Robertson	N.R.	Shetland Islands Council
Kenny Roy	K.R.	Orkney Islands Council
Brian Strachan	B.S.	Aberdeenshire Council
Donald Wilson	D.W.	Orkney Islands Council

**1. Welcome and Introductions**

Karyn Davidson (Vodafone) welcomed all to the meeting of the NAREA RAUC and thanked all Representatives for attending.

Apologies were recorded as above.

**a. Presentation - Health and Safety Philip Leiper (Aberdeenshire Council)**

**Health and Safety – The Human Cost**

Philip commented as follows: -

A fatal accident occurred when a Charge Hand was run over and fatally injured by a reversing lorry on a road works site in Aberdeenshire.

The H & S Agency and the Police were both involved on site following the accident. P.L. went to the site and spoke to both agencies.

P.L. along with the Police and H&S spoke to members of the squad. The driver was not present.

A pre-site visit was carried out prior to the commencement of the work but was not recorded.

The Council was initially being pursued under the H&SWA 1974 for a material breach of Section 2, but this was subsequently dropped following legal representation. The driver was then charged, and the case was heard at Banff Sheriff Court. He was found not guilty.

The Charge Hand had instructed the driver to reverse but as he was behind the truck, he would have been hidden from the drivers view.

Various members of the Council gave evidence about the working arrangements at the time of the accident and the changes which had been made since.

The Sheriff indicated that the H&S Agency should not have raised a case against the Council as it was a road traffic incident which required to be dealt with by the Police.

Comment was made that a banksman should have been provided to oversee the vehicle manoeuvre.

Training records had been deemed competent under the SVQ lv12 but the in the record the essential training for the role had not been completed (risk assessments).

A lesson learned was the need for training to be provided and updated. Essentially all details must be recorded for examination at a later date if required.

Risk assessments need to be carried out and recorded.

Site safety audits need to be carried out and recorded.

Near misses must be recorded as they may indicate a need for training or revision to method of working.

The Contractors operating with the squads e.g lorry drivers, excavator drivers must be considered as part of the Organisation and have the relevant training or be given it. All training records must be checked and recorded.

The Banksman is responsible for the movement of the vehicle in his charge on site which includes working in the Depot. If working remotely the driver must check the area he is working for people or other potential hazards.

Staff and Operatives should be made aware of court proceedings and giving evidence. If required to go to Court, it may be the first time they may have been involved with the police and / or the court.

Ensure the training is provided for signing sites and the reason for the placing of the signs and importantly the maintenance during the life of the site.

The Human Costs – Accidents affect all including the families and colleagues.

Safety is at the heart of an Organisation, and it should not require a fatality to raise the profile. It should feature constantly in the day-to-day operation.

All involved in an incident should be sent for counselling. The effect of a fatality cannot be overstressed, and the strain can be ongoing.

All Risk Analysis must be recorded on paper and signed off prior to the work commencing. The record keeping is not to fill shelves. Paperwork must be reviewed and checked to spot the need for training, changes in methods etc. The completion of paperwork should be accurate and a tick box exercise with no thought to the information being recorded must be avoided.

Systems must be in place to create as safe an environment as possible. Making the Red Book mandatory should be an aid to this process.

After training the question should be asked – What have you learned / are you more aware. Official training is only one source of competency. Another is the experience gained daily

when working but there should be a way of recording that. The use of a pass / fail stage should be included.

- Carry out Risk assessments.
- Increase safe working practices
- Use toolbox talks either by arrangement or as the need arises due to an event.
- Clearly indicate what the work content on a site is.

Record these as they are carried out and have them signed off. Record / Record / Record

- Stop work if there is an apparent danger and accept the input of the squad taking steps to remedy the concern.
- Be aware of changing conditions – traffic / weather / etc.
- Proving competency of the work force is difficult and records must be checked and updated. Assumed competency will not be acceptable in court.
- Carry out vehicle (including trailers) and plant checks daily to ensure it is safe for use and for the purpose it is to be used.
- Ensure that all are aware of the reason behind the steps they are required to take. It is for the Operatives safety first and foremost.

Phone Apps and other technology should be introduced to get training, information and instructions issued to all who need to receive it.

The use a mock Fatal Accident Enquiry should be considered to give experience of how the process works and what will be required. This will raise issues which you did not consider important. The lawyers will raise issue with wording / records which you consider are satisfactory so read and read again before you accept them.

Karyn thanked Philip for his presentation which gave all much to ponder.

## **2. Minute of the last Meeting held on 4<sup>th</sup> October 2022**

### **a. Accuracy**

The Minutes of the previous NoSRAUC meeting held on Monday 4<sup>th</sup> October 2022 on MS TEAMS were agreed as read.

### **b. Matters Arising**

Matters arising from the previous meeting are recorded on the Action Tracking Summary.

## **3 Written reports from Local Co-Ordination Meetings**

The Chairs of the Local RAUCs commented on their last meetings as follows: -

Aberdeenshire / Aberdeen City Councils – The first joint meeting was held on the 17<sup>th</sup> January and the minutes have been drafted for circulation.

All S.U.s were reminded that they must notify the Authority of sites where temporary traffic signals were erected and where they were switched off / removed. Where this was not done and the R.A. needed to take action any resultant costs would be passed on.

Highland and Moray – Joanne Sutherland

Following the last meeting there were on issues to report to this meeting.

Angus Council - Peter Morton Reported: -

There were no other matters to raise.

Comhairle nan Eilean Siar (Western Isles Council) Donald Macleay reported: -

There were on issues to report to this meeting.

Orkney Islands Council - Matthew Wylie reported : -

There were on issues to report to this meeting.

Shetland Island Council – No report to this meeting.

There were no issues to report to this meeting.

Three Island Authority meeting: -

The meeting had been held but there were no issues to report to this meeting.

Tay Bridge Board – Alan Hutchison reported: -

Major work is planned in May / June this year including joint replacement.

#### **4. Matters Arising from the previous RAUC(S)**

The draft minutes of the last RAUC(S) Meeting held on 26<sup>th</sup> October 2022 were noted with no issues raised. All were encouraged to read the draft if they had not already done so.

##### **a. RAUC(S) Associated Working Groups Membership**

The previously circulated Schedule was taken as read. There were no vacancies for Representatives from NAREA at present.

#### **5. Government and S.R.W.C. Reports**

##### **a. Scottish Government Report**

The previously circulated papers were taken as read with the following comments from K.Q.: -

Progress is being made on the introduction of the various sections of Transport (Scotland) 2019 Legislation and the batch diagram had been updated to reflect the changes being introduced from 1<sup>st</sup> April 2023.

K.Q. summarised the changes as follows: -

R.As to have Qualified Operatives – 1<sup>st</sup> April 2023

Reinstatement Quality Plans required – 1<sup>st</sup> April 2023

Actual starts / works closed (2hr recording) – 1<sup>st</sup> April 2023

Guarantee Period increased to 6 years - To be published in SROR 2022 with an in force date of 01 Oct 2023

Policy development work will now begin on Compliance Officers and Enforcement

Transport Scotland (Scottish Government) Report to RAUCs

K.Q. reported as follows: -

A new Training Provider has asked to be given Awarding Organisation Status. The preliminary checking process has now begun, after which the Ministerial view on next steps will be sought. There are currently four Awarding Organisations for Scotland. TAG input will be requested.

HAUC UK have indicated that they plan to start the review of the Safety at Street Works and Road Works a Code of Practice in 2023. This is not the formal DfT led review which is yet to start but will be a practical preliminary exercise by industry experts. RAUC(S) are asked to review membership of the RAUCS Safety Group to ensure Scottish representation on the Working Group.

**Action – F.McI. / RAUC(S)**

There was some concern that Scottish Representatives are not being invited to the Working Group meetings and F.McI. was asked to check that the Schedule was up to date and the Representatives contact information was passed to the relevant HAUC UK Chairs / Secretaries.

**Action – F.McI. / RAUC(S)**

The mini consultation on the specific matter of numbers and activities of qualified operatives and supervisors was completed and has been reviewed. It has become evident that improvements needed to the current system are in practical application. On that basis it is unlikely that further related legislation will provide much benefit, but the PDG and oSRWC will continue to investigate non-legislative improvements.

**Trees: -**

A joint agency initiative on work involving trees and tree roots, in England only, has been circulated at SEHAUC. To share best practice and seek broader interest in the study, a short synopsis of the work is as follows: -

JS Flood Risk Consulting Ltd have been commissioned to undertake a research study into understanding and overcoming the conflicts between trees and utilities to enable more urban trees to be planted and maintained. The study is part of the DEFRA, Natural England and Tree Council-led Trees Outside Woodlands project, and is looking at where policy and practice should be focused to better allow for the incorporation of new large-scale sustainable urban tree planting when opportunities arise, such as during utility plant installation or renewal.

The study will provide the evidence and rationale to demonstrate where the greatest opportunities exist which will ultimately enable decisions on where interventions and investment would most effectively be targeted to deliver a range of benefits.

Anyone with views on works around trees, or who can provide useful arboreal guidance should get in contact with Project Lead Pete Stevens ([pete@ajsfloodrisk.co.uk](mailto:pete@ajsfloodrisk.co.uk)). This may also be of interest to the SROR working group.

## **b. Performance Dashboard**

The Committee received the reports as follows: -

The SRWR 2022/23 Q3 dashboard which was issued on 18 January 2023 was taken as read.

### **Commissioner Improvement Plans**

Currently Axione, CityFibre and SGN are on formal Commissioner plans with all continuing to improve.

Fulcrum Pipelines were removed in January 23

The next Improvement plan submissions are due on the 14 April 23.

All these Organisations are commended for their engagement with the office during the formal process.

### **Roads Authority – Late Inspections (R32)**

Analysis carried out by the office, identified a small number of R.As are recording high numbers within this report. Those affected have been contacted and progress is being delivered by all.

All organisations should be aware that non-compliant performance must be investigated, and contact made with the Commissioner via the [enquiries@roadworks.scot](mailto:enquiries@roadworks.scot) e-mail address.

### **Policy and Quality**

#### **Start/Stop Notices within 2 hours**

All were reminded that the legislation is changing from 1<sup>st</sup> April 23 to require a Start/Stop notice to be registered within 2 hours of works starting/completing

Functionality has been added to the SRWR in advance of this date to allow the recording of the time when creating Actual Start, Works Clear and Works Closed notices.

There is no requirement to record these notices prior to the 1 April but, the Commissioner strongly recommends you do so, as part of the “soft launch” This will give your Organisation time to resolve any problems / issues prior to it being a legal requirement.

The Commissioner would also like to remind Organisations that the SRWR Works Promoter App is the recommended method to record these notices. Uptake of the app remains low, with less than 1% of applicable notices updated using this option.

The Commissioner will be closely monitoring compliance following it coming into force on 1 April 2023.

The Co-ordination Code Working Group is drafting an advice note to supplement the current code to describe the timing of these notices in more detail.

#### **Reinstatement Quality Plans**

To date 36 out of 55 Organisations have submitted an RQP and 7 have had their plans approved. These will be lodged on the SRWR shortly.

Plans submitted continue to be reviewed by the office and follow-up meetings held as required.

If your organisation hasn't yet submitted a draft, it is very likely that approval can be given before the deadline which will mean that they cannot work in the road after the 1<sup>st</sup> April.

#### Safety/Technical Standards

#### Research Project – Service Life of Reinstatements.

The research project on Service Life of Reinstatements is now complete and has been submitted to the Scottish Road Research Board for approval/comment and subsequent publication on their website.

#### SROR Review

The group is still holding regular meetings and is progressing well. Comments from the first draft submitted to RAUCS last year have been received from the community and are being reviewed by the SROR working group. The group continues to aim for a final draft for RAUCS in February 2023.

The TAG group have not met since July. There is nothing to report.

Safety bulletins are still being sent out as and when they arise by RAUC(S) Secretariat.

A presentation was given to Virgin Media on 19 January 2023 on performance and general safety issues. If any other organisation would like a similar presentation, please contact the Commissioner's office.

### **c. Management Report**

#### Penalty Enforcement Action

On 9 January 2023, the Commissioner issued a penalty of £10,000 to Scottish Water for systematic failure to co-operate with R.As whilst carrying out works.

Failings were identified following complaints made by a community group about a road closure in Tillicoultry in August 2022.

The investigation found that Scottish Water had failed to gain permission from the L.A. prior to closing the road to carry out works. This was in contravention of the Coordination Code which led to inconvenience to road users, including emergency services and bus operators. The investigation found that this was not an isolated occurrence.

The Commissioner asked R.As to send him details of any future similar events.

#### Notification of grass cutting and tree felling works

With the growing season soon to start, it is expected that there will be an increase in works to manage roadside vegetation. Further to this, ash dieback is on the rise, with more roadside trees affected. In many cases, the works will need traffic management, including road closures.

The Commissioner's view is that works of these types come under the R.As duties to maintain the road (as per S.1 of the Roads (Scotland) Act 1984).



Accordingly, it is considered that, no matter who is carrying the maintenance, they are works for Roads Purposes. They should therefore be recorded on the SRWR as Works, not permissions, and in line with the provisions of the Coordination CoP.

Enforcement tools available to authorities

The Commissioner is concerned that R.As aren't fully using the tools available to tackle poor performance

It has been identified that the Sample Inspection pass rate in some R.As is below the 90% target.

Where S.U.s are not meeting this target, the Commissioner strongly recommends that R.As should issue a Notice of Failure to Achieve Performance as set out in Chapter 7 of the Inspections Code.

The affected R.As have been notified and asked for a response.

Fixed Penalty Notices – Only 20 R.As (out of 33) issued FPNs to S.U.s during Q1-Q3 2022. This means that 13 authorities have not been using this enforcement tool. 6936 Potential Noticing Offences during the period were recorded but, the number of FPNs issued was 2,134 (31%).

Contact Details

The oSRWC will undertake an exercise in February to check the Community contact details it currently holds. The Commissioner would also like to remind all Organisations they should keep the office up to date with any changes during the year.

#### **d. SRWR Report**

Iain Ross reported as follows: -

Prescribed Fees and Amounts

The payment matrix for the Prescribed Fees and Amounts 2023/24 is being prepared. If you require an estimate, please contact the office ([enquiries@roadworks.scot](mailto:enquiries@roadworks.scot)). An estimate will be issued on 1 March 2023, but all must note the invoice amounts can change right up to issue on 1 April 2023.

GDP Regulations - Personal Details recorded on SRWR

Reminder to all that personal details (including someone's work email address) must not be recorded in any of the free text fields on the SRWR. Personal details (name, email, telephone etc.) should only be recorded in the contact sections of the relevant notices. For further information please see Commissioner Direction 2 – GDPR and Open Data.

Gazetteer ASD Geometry

The Commissioner reviewed the Gazetteer Associated Data (ASD) records following the November gazetteer submission deadline to determine what action is required before SDTF 4 is loaded to the register.

The Commissioner was pleased to see the progress made, and he thanks the gazetteer custodians for their work on this. There is still a lot of work to be done to ensure the street

gazetteers are compliant with the conventions. When viewing any R.A. area on the map virtually, it was easy identify data which has not been plotted correctly.

On 9 January 2023 to help R.As, the Commissioner sent out lists of records that potentially do not comply with the conventions. The Commissioner previously set a deadline of 24 February 2023 for issues to be resolved. All R.As should be aware that any street gazetteers provided on that date (or in subsequent submissions) which do not comply with the conventions will be rejected.

The provision of a street gazetteer is a statutory duty under NRSWA. Repeated failure to supply compliant data could lead to a Commissioner penalty.

M.W. indicated that Orkney was concerned that their data was not being uploaded. I.R. suggested that he ask Roger Garbitt about the problem and seek his guidance. **Action – M.W.**

#### Dial before you Dig Service

A steady decline in the use of the Dial before you Dig service has been noted. All R.As should pass on details of the service to road opening permit applicants as part of the application process. All Organisations are reminded of the requirement to respond to these requests, as laid out in RAUC(S) Advice Note 1.

Further information on the service can be found at <http://dialbeforeyoudig.scot>

#### Cancelling Inspections

The Commissioner has noted that some R.As are not updating inspection results where agreement has been reached that no defect exists. R.As are reminded that should they record a defect, and decide at a later date not to pursue it, the inspection result recorded on the SRWR must be cancelled.

This is a simple process (cancel is one of the actions for inspections). Assistance is available from the Symology Support Desk. Please pass this requirement to all relevant staff.

#### New Organisations on SRWR

Virgin Media Networks Limited, a telecoms company, have been given access to the SRWR. This organisation should not be confused with Virgin Media Group, who already have access to the Register.

#### SRWR User Satisfaction Survey

To help gauge the effectiveness of the SRWR in 2022 a questionnaire is being run. The link is on the Aurora News Portal. It's relatively simple and should take approximately 5 minutes to complete. The questionnaire will be open until 9 February 2023.

A wide a response is required, so please encourage colleagues who make use of the register to complete the questionnaire.

In response to a query about viewing Webinars which had been held previously, I.R. suggested the matter should be passed to [enquiries@roadworks.scot](mailto:enquiries@roadworks.scot)

L.G. asked for guidance on when a police closure of a road should be recorded on the Register. I R will check with the Commissioner and send a response to her. **Action – I.R.**

I.R. was asked to speak to Symology about training (Webinar) to provide guidance on posting the 2hour Stop / Start information. **Action – I.R.**

F.McI. asked R.As to provide details of Inspectors names and email addresses on Defect Notices and Response Notices in order that they could be contacted to remedy any problem.

***Post Meeting Comments: -***

*Question; - why is the Commissioner pushing Inspection Improvement Plans as both R.As and S.U.s said they have examples where this is better resolved without an improvement plan.*

*Answer: - the R.A. should ensure they have used all the powers at their disposal before complaining about performance in their area. An R.A. with poor performance in their area should also be ready to describe to the Commissioner what actions they are using to improve the S.U. performance.*

*Question: - Lauren Goodman asked about putting Police road closures on the register – this was in relation to the rock fall at Oban.*

*Commissioner Response - Its only a police closure until the R.As takes over. In his view, it should be put on the register as soon as the R.A. knows about it.*

**6. Working Group Reports**

**i. National Coring Group**

The Committee noted that Disputes can be submitted up to 23<sup>rd</sup> February and the Disputes Panel will meet on 7<sup>th</sup> and 8<sup>th</sup> March to resolve any issues. The final report will now be submitted to the June RAUC(S) meeting for approval and subsequent publication.

**ii. Inspections Working Group**

The Group met on the 18<sup>th</sup> January when the issues which need to be changed were reviewed. A report will be submitted to the RAUC(S) meeting in February.

**iii. Coordination Working Group**

The Group have been meeting and are producing a Advice Note on the subject of the 2hr work Stop / Start registration on the SRWR which becomes a statutory requirement from 1<sup>st</sup> April 2023 under the Transport (Scotland) Act 2019 legislation. This document will be submitted to the RAUC(S) February meeting for approval and subsequent publication.

The two papers produced by K.Q. and Jason Halliday respectively on the changes to documents resulting from the legislative changes are being reviewed and a programme of dealing with them is being prepared.

**iv. SROR Review Group**

See notes above in the Commissioner's report.

The group have been considering the responses submitted by the Community on the draft Code which was circulated in November 22. This work is progressing well and the programme is still to submit the final version to the RAUC(S) February meeting for approval and subsequent publication.

**v. SAT**

The work of the Team is ongoing with no issues to be reported to this meeting.

**vi. SRWR Steering Group**

The work of the Group is ongoing with no issues to be reported to this meeting.

**vii. RQP Working Group**

See notes above in the Commissioner's report.

The work of the Group is ongoing with no issues to be reported to this meeting.

In response to a query from J.F. the Committee noted that the deadline for all Area submission of disputed cores to the panel had been extended to 23<sup>rd</sup> February 2023. All were asked to get submissions to the panel as soon as possible to avoid a rush at the last minute.

**7. Health and Safety**

**a. List of Plant Protection Systems**

All Organisations were asked to review the Schedule and send any revisions to the Secretary so that he can maintain a current listing.

**b. Emergency Contact Details**

All Organisations were asked to review the Schedule and send any revisions to the Secretary so that he can maintain a current listing.

The Committee noted that, in general, emergency closures were being reported to the police using 101.

The R.As indicated that emergency closures should also be passed to their emergency contact number.

**8. AOCB**

**a) RAUC(S) / Area RAUC Meeting Dates 2023**

This Item was for information only and there were no issues raised.

**b) Local Co-ordination Meetings (Chairs / Meeting Dates)**

The Committee noted that the Schedule was up to date except for completing the information for the Tay LRAUC.

### **c) CityFibre – Improvement Plans**

J.F. indicated that in his view the monitoring of R.As which were not issuing Improvement Plans was to some extent overkill. He indicated that other methods of achieving improved performance could be achieved i.e. regular programme meetings where the issues could be discussed and the necessary changes made to operational methods causing the problems.

Due diligence should be adopted to ensure the required standards are achieved.

J.G. commented that she agreed with J.F. suggesting that discussion and cooperation was the best route to take. Improvement Plans should be a last resort.

### **d) Local RAUC Meeting Invitations**

J.G. asked the LRAUC Chairs to ensure she was on their contact lists so that she could attend where she considered there were Items which she wanted to be involved in.

## **9. Date and Venue of Next Meeting**

The Next Meeting will be held on **Tuesday 23<sup>rd</sup> May 2023 at 10.30am**

**Subsequent meetings will be held on:** - Tuesday 19<sup>th</sup> September 2023 at 10.30am

**Venue:** -

**Future Meetings for NAREA RAUC will be held on MS TEAMS unless otherwise informed.**

The Meeting Closed at 12.15