

Annual Road Works Performance Report 2022/23

Report by Kevin Anderson, Executive Director Place

Report for Information

1 Recommendations

Council is recommended to note and welcome the contents of this report.

2 Purpose of Report/Executive Summary

The purpose of this report is to highlight the excellent performance of the Council's Roads & Transportation team in relation to their statutory functions for the co-ordination of all road works on the Council's public road network, and to acknowledge the consistently high level of performance achieved from the perspective of the Scottish Road Works Commissioner.

The latest Annual Performance Report 2022/23 for all 32 Scottish Local Authorities from the Scottish Road Works Commissioner shows that Midlothian Council's Roads & Transportation Service has again achieved the top rating of "Well Managed" for the third year in a row. Council is asked to note and welcome this excellent performance.

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3 Background

- 3.1 The Scottish Road Works Commissioner is an independent public official established under section 16 of the Transport (Scotland) Act 2005 and is accountable to the Scottish Ministers and ultimately the Scottish Parliament. The Commissioner's aim is to improve the planning, co-ordination and quality of road works throughout Scotland.
- 3.2 The Commissioner is not responsible for works being undertaken on roads in Scotland. Responsibility for the day-to-day management and co-ordination of works undertaken on roads is as follows:
- Road Authorities primary statutory duty is to co-ordinate all road works carried out on any road for which they are responsible;
 - The reinstatement of road surfaces remains the responsibility of the party undertaking the works. Road Authorities have powers to inspect road works to ensure that utility companies meet their obligations;
 - Traffic management at road works (cones, signs and barriers) is the responsibility of the party undertaking the works; and
 - Road Authorities are responsible for any decisions related to the repair and maintenance of their roads.
- 3.3 The Commissioner monitors performance, promotes and encourages good practice across both utility companies and roads authorities, and provides annual performance reports to each road authority and utility company. The Commissioner has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate, and upon utility companies who systematically fail to co-operate when undertaking road works.
- 3.4 Performance ratings are measured against 22 KPIs established by the Commissioner. Throughout the year, the Commissioner monitors performance by road authorities and utility organisations and produces quarterly performance reports for road authorities, which are summarised in the overall annual performance report. The annual report is sent to the Council's Chief Executive and the senior management team for Roads & Transportation Services.
- 3.5 All road works require to be notified, and progress recorded in the Commissioner's Scottish Road Works Register (SRWR). The Commissioner's KPIs are embedded in the SRWR, which provides the mechanism for benchmarking of road authority and utility organisations performance across Scotland. The Commissioner's office monitors the activities within the SRWR on a monthly basis which allows early discussion to take place between the Commissioner and organisations before concerns regarding performance become a major issue.

4 Main Report

- 4.1 The Scottish Road Works Commissioner rates organisations performance as “Well Managed”, “Satisfactory”, or “Unsatisfactory”. Midlothian Council, as Road Authority, has received a Well Managed Performance rating for the year 2022/23. This is the third year in a row that this rating has been achieved, with previous ratings being Well Managed or Satisfactory.
- 4.2 Across Scotland, Midlothian Council was one of only 9 road authorities to achieve a “Well Managed” rating in the year 2022/23, with 19 being Satisfactory, and 6 being Unsatisfactory. For utility organisations there were only 5 Well Managed organisations, 11 Satisfactory, and 25 Unsatisfactory.
- 4.3 For performance monitoring by the Commissioner, road authorities are also grouped together with peer authorities with similar geographic and demographic characteristics, and network road lengths. Midlothian Council is categorised as “Semi Urban” along with 8 other local authorities. Within this group, Midlothian was one of only 2 authorities that achieved “Well Managed” performance, with 5 Satisfactory and 2 Unsatisfactory.
- 4.4 The Commissioner’s performance expectation is measured against threshold levels for each of the 22 KPI, with a possible green, amber or red rating for each quarter. In 2022/23, Midlothian Council achieved green ratings for all but one KPI. An amber rating was obtained for the percentage number of Works Extensions, with an overall performance of 8% on an Amber threshold of 5%. Works extensions are mostly due to adverse weather conditions or delays due to unforeseen circumstances during the road works period and are therefore generally out with our control. The comparable national average performance for this KPI was 7% for road authorities and 9% for utility organisations.
- 4.5 Following on from the publications of the Commissioner’s annual performance report, the Commissioner has recently announced financial penalties for 7 utility organisations for performance related failures with regard to road work reinstatements. The Commissioner has also confirmed that 4 road authorities and 4 utility organisations are currently on Improvement Plan notices relative to overall performance.
- 4.6 As a small authority, the Council’s Roads & Transportation Service has a team of only two officers, a road works coordinator and a utility works inspector, who ensure that the Commissioner’s requirements are carried out and record the relevant information in the SRWR on behalf of the Council. These officers work closely with utility organisations and Road Services Network and Operations teams undertaking maintenance and repair of the public road network. Officers within Roads & Transportation Service feed into this process; to ensure appropriate Notices, Permits and the like are produced and authorised to ensure that works are properly undertaken with due safety to road users and the public, whilst satisfying the requirements of the Commissioner via the SRWR.

- 4.7 On any one day within Midlothian, there can be over 100 “live” road works sites concurrently in operation. Therefore, only a sample number of site inspections are possible with the available resources within Road Services. The Commissioner’s KPI requires a minimum of 30% of sites (utility works) are inspected, each site at three stages from works initiation, traffic management, site works and reinstatement, and thereafter durability and longevity of the reinstatement. A recent amendment to legislation requires that reinstatements will have a 6-year guarantee period to remain defect free, otherwise the road work undertaker must return to make repairs to the satisfaction of the road authority.
- 4.8 The road works coordinator is the key person in the whole process, and it is this officer’s stewardship of the SRWR and of those officers using the SRWR that is fundamental in achieving the consistently high performance ratings Midlothian has achieved, and as demanded by the Commissioner. The road works coordinator has provided in-house training to all Road Services staff engaged in road works, and users of the SRWR must undergo further training before access is granted to the system.
- 4.9 Moving forward, the Commissioner has recently introduced shorter timescales for recording road work start and stop times in the SRWR (reduced from 24 hours to 2 hours). Further, the Commissioner has near future plans to introduce his own mobile “compliance officers” to carry out face to face performance monitoring on site and at the offices of road authorities and utility organisations. Additionally, the recent Commissioner requirement for all utility organisations to have individual approved Reinstatement Quality Plans before being allowed to work on Scottish roads is likely to become mandatory for Road Authorities within the next 12 months.

5 Report Implications (Resource, Digital and Risk)

5.1 Resource

There are no direct financial consequences from this report but it should be noted that any reduction in resources for this activity will likely impact on performance and may ultimately lead to fines from the commissioner for non-performance.

5.2 Digital

There are no Digital Services issues associated with any aspect of this project.

5.3 Risk

This report highlights efforts to reduce the risk to council by delivering a compliant service to a high standard.

6 Ensuring Equalities (if required a separate IIA must be completed)

The proper maintenance of the road network is vital to Scotland's economic prosperity and for road users to travel safely. The subject of this report has a positive impact in the environment and as such does not affect the wellbeing of the community or have a significant detrimental impact on equality, the environment or economy.

Appendices

Appendix A – Report implications

Appendix B – Road Works Performance Report 2022-2023

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☐ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value for the Council.

A.5 Involving Communities and Other Stakeholders

MTRAP, Community Councils and stakeholder groups are made aware of the service undertakings in relation to road works on the network.

A.6 Impact on Performance and Outcomes

The performance reported demonstrates excellent level of performance and outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

This programme seeks to mitigate the impact of road condition on wear and tear of vehicles whilst promoting active travel, utilising the infrastructure for walking and cycling.