



WAREA ROADS AUTHORITIES & UTILITIES COMMITTEE

Minutes of the QUARTERLY MEETING

Date: 30th January 2024

Meeting held on MS TEAMS

Present:

Scott Walker (Chair)	S.W.	North Lanarkshire Council
Sarah Abbot	S.A.	Netomnia
Vincent Addo	V.A.	Hyperoptic
Caroline Auld	C.A.	Network Rail
Greig Barker	G.B.	Stirling Council
Joanne Bain	J.B.	Axione
Lee Broomhall	L.B.	Royal Mail
Ainsleigh Bown	A.B.	Transport Scotland
Kevin Burns	K.B.	Inverclyde Council
Michael Casey	M.C.	Royal Mail
Ian Clarke	I.C.	Virgin Media / O2
Martin Cochrane	M.C.	Amey
William Collins	W.C.	Stirling Council
Ian Dalrymple	I.D.	Openreach
Nikki Dance	N.D.	Cornerstone
Karyn Davidson	K.D.	Vodafone
Tyri Donovan	T.D.	ESOUG
William Doyle	W.D.	Petroineos
Julie Greig	J.G.	SGN
Barry Hall	B.H.	GTC-Uk
Kevin Hamilton	K.H.	Scottish Road Works Commissioner
Frederick Hart	F.H.	Argyll and Bute Council
David Hearty	D.H.	MBNL-EE/3
Lindsay Henderson	L.H.	oSRWC
Alan Houston	A.H.	East Dunbartonshire Council
Ian Houston	I.H.	BEAR Scotland
Mamadou Jalloh	M.J.	North Lanarkshire Council
Matthew Jones	M.J.	Lastmile
Claire Kirkpatrick	C.K.	West Dunbartonshire Council
Christofer McCarte	C.McC	Energy Assets
Michelle Macdonald	M.MacD.	Virgin Media / O2
Jordan McDonald	J.McD.	CityFibre
Fiona McInnes	F.McI.	Scottish Water
Ross McIntosh	R.McI.	Balfour Beatty

Present continued:

Graeme McLaren	G.McL.	Renfrewshire Council
Craig McQueen	C.McQ.	Scottish Water
Chris Murray	Ch.M.	Sky
Elaine Paterson	E.P.	BEAR Scotland
Katrina Quane	K.Q.	Scottish Government (TS / SG)
Iain Ross	I.R.	oSRWC
John Russell	J.R.	BEAR Scotland
Evelyn Scott	E.S.	Indigo Pipelines
Ruth Scott	R.S.	SSE Telecom
Riley Shannon	R.Sh.	Amey
Graham Slorach	G.S.	Netomnia
Laura Snedden	L.S.	BEAR Scotland
Callum Stewart	C.S.	Glasgow City Council
David Struthers	D.S.	Amey
Tony Thom	T.T.	North Lanarkshire Council
Peter Walton	P.W.	Lumen
Edward Watson	E.W.	SPEN

In Attendance:

George Borthwick	G.E.B.	Secretary to RAUC(S)
Robert Young	R.Y.	Scottish Government

Apologies:

Gerry Cullen	G.C.	Amey
David Fleming	D.F.	Turntown
Jim Forbes	J.F.	CityFibre
Lauren Goodman	L.G.	BEAR Scotland
Alex Green	A.G.	ESPUG
Jason Halliday	J.H.	oSRWC
Katrina Hardy	K.H.	INEOS
Owen Harte	O.H.	Virgin Media
Edward Johnstone	E.J.	SSEN
Glen Jones	G.J.	Hyperoptic
Craig Muir	C.M.	SPEN
Keven Skinner	K.S.	Scottish Water
David Thomson	D.T.	SPEN
Alistair Wales	A.W.	Verizon

1. Welcome, Attendance and Apologies

Scott Walker welcomed all to the meeting of the WAREA RAUC held on MS TEAMS.

Apologies were recorded as listed above.

The Representatives heard a short message of condolence from Scott relating to the sudden death of Andy Matheson. There was a short period of silence while the Representatives had the opportunity to read the on-screen message provided by Andy's Family.

The thoughts of the Community are with Andy's family and his sudden death will be a huge loss to them and the RAUC(S) Community as a gentleman, colleague, voice of reason and friend.

2. Approval of the Minutes of the Meeting Held on 26th September 2023

a. Accuracy

The minutes of the last meeting of the WAREA RAUC held on 26th September 2023 on MS TEAMS were approved as read.

b. Action Tracking Summary

The comments on the actions from the previous meeting are contained in the updated Action Tracking Summary.

3. Written Reports from Local Co-Ordination Meetings / Clusters

Glasgow / Renfrewshire

There was a general discussion about the impact of the Christmas embargo and major upcoming works in the area.

There were no issue remitted to this meeting.

East Dunbartonshire / North Lanarkshire

A general discussion took place with the following issues dealt with: -

- The importance of notifying jobs accurately.
- Using the correct TTM on sites.
- Some sites being left not reinstated for lengthy periods after connection / repairs being completed.
- Gave a summary of the presentation given by SGN at RAUCs on benefits of one material wearing course.

S.W. raised his concerns about sites being found with shallow plant. Where this was discovered it was being notified to the S.U. and posted on the Register as Engineering Difficulty.

J.G. asked for any such sites to be reported to her in order that she could investigate them and deal with the plant as may be needed.

Stirling

A general discussion took place with the following issues dealt with: -

- Problems of S.U.s issuing blanket Notices for work in a locality with no programme to indicate the order that the individual sites would be actioned.

- There was concern about the slow response to reinstating openings. This was resulting in complaints from members of the public and Councilors. This used staffing resources dealing with the investigating and contacting the relevant S.U. and responding to the complaint.
- Clackmannanshire will now be chairing the Central LRAUC Meetings.

WoS Local RAUC (Inverclyde / Argyll and Bute / West Dunbartonshire)

The following verbal update was provided: -

Argyll and Bute had problems with Virgin Media using blanket Notices. This had resulted in Virgin Media being placed on an improvement plan. Performance on this matter was improving.

Inverclyde raised concern about the delay between consequential damage being reported to Scottish Water and the remedial work being completed.

F.McI. was aware of the site. The work had been delayed due to the weather, but she would contact K.B. and discuss the matter offline.

4. Matters Arising from RAUC(S) Meeting 25th October 2023

The previously circulated Minutes of the meeting were taken as read with the following comments: -

- Presentation 1 – The Service Life of Reinstatements. This Report based on the Commissioner’s survey of reinstatements has been published and can be viewed on the following link: -

[service-life-of-reinstatements-final-signed.pdf \(transport.gov.scot\)](https://www.transport.gov.scot/publications/service-life-of-reinstatements-final-signed.pdf)

- Presentation 2 – SGN Net Zero Report. The Paper commented on the savings in carbon accrued on material savings and reduced transport when single material reinstatements were used. The paper was subsequently circulated to the Community.
- The Commissioner reported on the findings from an investigation into City Fibre works at Shandon Bridge in Edinburgh in January. The works resulted in damage to the bridge. The investigation found failings in communication between CityFibre (or their representative) and the bridge owner prior to works commencing. It is a requirement of NRSWA Section 147 that undertakers consult the bridge owner prior to the issue of the Section 114 Notice (notice of starting date of works). This allows bridge owners the opportunity to consider the proposed works, place any necessary conditions and monitor works to ensure safety and maintain the integrity of the bridge.

The Commissioner was concerned that failure to consult with bridge owners may be more widespread and he reminded undertakers of their duties in this regard.

The current Coordination CoP does not cover such scenarios in detail, so the Working Group will consider this issue.

b. Working Group Recruitment

Coordination Working Group – There are two R.A. vacancies on this Group. While EAREA have indicated they will offer two Reps the WAREA should provide one. SJUG will confirm that Owen Harte will replace Andy Matheson.

SAT – a temporary replacement is needed for C.O’B. who is off on Maternity Leave and a replacement is needed for Brian Wilson.

SRWR Steering Group – The Chair (David Armitage) and Ian Jones are retiring this year so R.A. Representatives will be needed.

TAG Working Group – A Roads Authority Representative is needed. Lindsay Henderson attends the meetings.

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 ongoing on the introduction of the various sections of Transport (Scotland) 2019 Legislation. The previously circulated batch diagram was commented as follows: -

The following three sections will come into effect on 1st April 2024

Compliance Notices (Multi part provision)
SRWC Inspectors (Multi Part Provision)
Make Vault Mandatory (Multi part provision)

While these deal with the legal introduction the Commissioner has prepared documents on the Operation of the Compliance Inspectors.

The mandatory action on Vault requires all to submit details of the plant they are constructing or working on. This does not affect the ongoing requirement to maintain and submit the plant data already provided on the regular updates. At present there is no check on quality of the data.

This will be a soft introduction requiring initially as much data as possible to be provided but there will be a quality element introduced once the standard is decided.

At the last PDG Meeting the decision was made that the Symbology element of VAULT should remain the responsibility of the Community to maintain and agree.

The remaining Legislation on the Batch Diagram is the review of the FPN management which will follow on from the above-mentioned Legislation. This will consider the following issues: -

FPNs for a wider range of offences
FPNs increased in value (index)

New FPN for not complying with compliance notice/ RQP (SRWC only)
Sanctions for cat A inspection failures

A review of the FPN system, including the introduction of two new penalties outlined in the 2019 Act includes consideration of a specific FPN for failure to provide an RQP, and a specific FPN for failure to follow a compliance notice.

There are existing Ministerial commitments including expanding the scope and scale of the FPN framework, and a commitment to a specific sanction for poorly guarded live sites in addition to the inspection fee.

Codes of Practice

The SRWC has published his Authorised Officer Code of Practice, which was a Ministerial requirement as part of the Transport Bill. The oSRWC is responsible for this document.

The National UK wide Diversionary Works Code and the Safety at Street Works and Road Works a Code of Practice are currently under review. DfT have recently appointed a consultant to facilitate the review of the Safety Code.

SEPA/Coal Tar

The Community is reminded that while SEPA/EPA do analogous functions in England and Scotland, they are two separate agencies which answer to the different Governments. On that basis, agreements or policy positions made by one Organisation are not automatically applicable to the other. SEPA supports evidence-based policy making, and are open in general to reviewing any new evidence put before them on subjects for which they are the regulatory body, particularly where that evidence is broad/activity based and not specific to a Sector or Organisation i.e. submitted by say RAUC(S)

SEPA have advised that in general terms, they would be willing to review new evidence on the matter of coal tar ideally if it has whole community applicability and not affecting one Organisation.

S.W. Indicated that there was an increasing problem with sites with coal tar. While it was manageable to test larger sites e.g. reconstruction or resurfacing programmes, there were now issues being raised on patching sites where the presence of coal tar was suspected. There were examples of squads leaving such sites. Testing took about 10 days which could be planned in advance for major works but if found in patching could lead to unacceptable delays and disruption.

The Committee suggested that this matter should be remitted to the SROR Working Group to review.

Fees and Amounts 2024.

The Fees and Amounts consultation has now closed. There was one suggestion for a change to the mechanism for the allocation of the fees between R.As and S.Us. If RAUC(S) wish to progress a review and take forward any change, the

proposed mechanism would need to be submitted to Transport Scotland officials by September 2024 to make the deadline for the next consultation.

TRO Digitising

This matter was being investigated in England in preparation for self-driving cars and the Scottish Road Policy Manager was in discussion with English colleagues about the matter. The Improvement Service had already looked at this subject.

J.G. and F.McI. were preparing a schedule of the cost and delivery times for TTROs and would give more details when it was available.

a. **Scottish Road Works Commissioner's Report**

Compliance with Safety at Street Works Code of Practice (Red Book)

The Commissioner is investigating a Local Authority whose contractor was observed carrying street lighting upgrade works with no appropriate signing and guarding. There is evidence of repeated incidents of a similar nature.

Several issues have emerged from the ongoing investigation which the Commissioner wishes to highlight:

- Authorities should ensure that their contract processes refer to compliance with the Code of Practice for Safety at Street Works and Road Works (the Red Book) which has been mandatory since January 2022. References to 'Chapter 8 of the Traffic Signs Manual' are not appropriate if the works are on urban low speed roads.
- Authorities should ensure that the site inspection processes of their works are identifying and recording signing and guarding issues along with any other health and safety issues. If inspections are consistently not identifying issues, this should be challenged and checked.
- Authorities should ensure that their processes for inspecting their contractors are sufficiently robust to meet the requirements for ensuring that there are qualified operatives on-site and they are supervised by qualified staff. It has been a legal requirement to have qualified operatives and supervisors since April 2023.

Ensuring compliance with the Red Book will be a Commissioner priority for 2024/25 and this will be a focus of the new Compliance Officers.

Performance

Dashboard

The SRWR 2023/24 Q3 quarterly dashboard was issued on the 16th Jan 2024. The Q4 update will be issued w/c 15th April 2024.

Noticing Failures

The Commissioner remains concerned that both R.As and S.U.s. are failing to meet the 4% target for noticing failures. The year average for R.As. is 5.9% and S.U.s. is 7.5%. There has been a significant improvement in compliance recorded by the Telecom sector.

Inspection Processes

The Commissioner has carried out an investigation into Roads Authority sample inspections.

A significant number of authorities are recording a pass rate of >95% for Cat A, Cat B & Cat C inspections. There is concern that the majority of inspections do not have photographic evidence to support the results. R.As which routinely take photographs during inspections record a lower pass rate. The Commissioner would strongly encourage all R.As. to routinely take photographs to support inspection results. This is easy to do with the SRWR Inspectors App.

Processes and the Results associated with the R32/33 & 34 SRWR reports.

R32 – Inspections recorded late by RA's - Excellent progress has been delivered by all authorities with the exception of Transport Scotland South West Unit.

R33 – Reinstatement Defects still requiring a D/3 or DA3 inspection - City of Edinburgh and Glasgow City continue to be responsible for the significant number of outstanding D/3 and DA3 inspections. The Commissioner asked all R.As to deal with this issue before the end of Q4.

R34 – Outstanding Defects > 6 months

Progress has been delivered although there are still large numbers against BT, Scottish Water, GN, SP Energy Networks and Virgin Media. The Commissioner requests that R.As and S.U.s work together to significantly reduce the number of defects outstanding by the end of Q4.

SRWR Gazetteer

Every R.A. required to provide a gazetteer for the 24 November 2023 deadline made a submission with a 100% success for Q3. The Commissioner would like to thank all R.As for their work to achieving this.

Commissioner Improvement Plans

The following Organisations are currently on improvement plans: - Aberdeenshire Council, Axione UK Ltd, BT, City of Edinburgh Council, Lothian Broadband, Moray Council, Netomnia, Scottish Hydro Electric Power Distribution and SP Energy Networks.

Good progress has been delivered by BT and Lothian Broadband and the Commissioner is also pleased to note that SGN are now no longer on an Improvement Plan.

Note that the next Improvement plan submissions are due on the 12th April 2024.

Policy and Quality

Compliance Officers

The Authorised Officers Code of Conduct (relating to activities of the Compliance Officers) was presented to the November RAUC(S) meeting and has now been published on the website.

Recruitment is proceeding well, and it is hoped to have staff in post in advance of Compliance Powers coming into force on 1 April 2024.

Introduction of these new powers will require some revisions to the Penalties Code which will be presented to RAUC(S) in February.

The Compliance Officers will be visiting sites generally via dash cam drive byes and reporting any issues. They will have powers to enter sites but will not be able to stop works. Any problems will be reported by the Officer to the proprietor of the site when he returns to the office.

The Representatives indicated that they would want to receive details of any issues as soon as possible so that action could be taken. The Commissioner indicated that this would not be the arrangement. Reporting would be via the Register as a Commissioner's Observation which should be monitored and dealt with as necessary.

The Commissioner intended to contact R.As and remind them of required extent of the inspection and monitoring of their own sites.

Extension of works without agreement-

The Commissioner was recently made aware of an overrunning works by a member of the public. The S.U. carrying out the works indicated that this had gone into overrun because the R.A. had declined to issue an extension. For the avoidance of doubt, in situations where an extension cannot be agreed, undertakers should extend their works without agreement. This will ensure visibility to users on both the SRWR and Scottish Road Works Online (roadworksscotland.org).

Undertakers should only extend without agreement as a last resort and must not overuse this function.

R.As are reminded that they can issue a Section 125 Notice in circumstances where works are taking a longer period than they consider reasonably necessary.

It was noted that the Coordination Code covered the above if the R.A. could not be contacted.

Section 125s should only be issued where there was just cause and where the matter has been fully discussed.

The overrun should be recorded in the Register so that the details are relevant and the information on the Public Facing site is current. F.McI. suggested that a short Advice Paper should be issued to provide guidance. The Commissioner indicated that further comment would be issued in the February Newsletter which would be available soon after the RAUC(S) Meeting.

R.As were generally happy to issue an extension but would object to issuing further extensions on the same site.

The view of the S.U.s was that R.As in general should all be operating to the same standard to avoid confusion and there may be a need for training.

R.As asked S.U.s not to leave the application for an extension to the last minute so that there was time to check conflicts etc and administer the extension correctly.

The Commissioner recommended that working to the Code should deal with many of the concerns.

Safety / Technical Standards

National Coring Programme

The Commissioner has issued penalties totaling £138,000 to seven S.U.s following the publication of the National Coring Programme results. The Organisations and the values of the penalties issued are as follows:

Company	Penalty amount
Virgin Media	£80,000
Last Mile Electricity	£15,000
Vodafone	£15,000
Scottish Hydro Electric Power Distribution	£12,000
Neos Networks	£7,000
Mua Electricity	£5,000
Commsworld	£4,000

Safety at Street Works and Road Works Code of Practice:

The current Review is on-going.

Safety Bulletin:

The Bulletins continue to be issued by via the RAUC(S) secretariat as and when they arise.

J.G. raised her concerns about the content of R34. The Report records actual works defects and well as defective apparatus. In her view the report should only deal with works defects and the contents need to be split and the report clarified.

F.McI. indicated that there had been amendments to the report to remove double counting but she agreed that the present format was not satisfactory and needed to be split.

The Commissioner replied that he had no intention of changing the report and a defect was a defect whether it was a works defect or related to covers and frames etc. The Report was recording defects which required attention.

Comment was made that R.As were still creating duplication on the Register when using the App. This would require discussion with the R.As and for the records to be revised.

M.J. was concerned that S.U.s were accepting the initial failure Notice but when a follow up Notice was issued because the work had not been carried out, it was declined on the basis that the S.U. did not have the resources to action the works within the required timescale. It

was pointed out that the second Notice should be a DA2 and should be allowing the correct period before the site was reinspected.

In these circumstances there needed to be dialogue with the relevant S.U. and an agreement made on when the repair would be completed. During that period the site would not be subject to repeat noticing.

J.G. asked the R.As to contact her and provide her with information on any such sites.

Management & Operation of the SRWR

T(S)A Changes

Transport (Scotland) Act changes to the SRWR dealing with Unidentified Buried Objects and Compliance Notices are expected to roll out on 4 April 2024

The legislative requirement for all Undertakers to have submitted a data set to Vault also comes into force on 1 April 2024. Last Vault submission date to meet this deadline will be 15 February 2024.

Vault

The Vault FAQ has been updated to reflect the change to showing assets by type rather than by owner. There is also updated guidance on how higher risk assets can be highlighted to users of Vault.

BT is now submitting data to Vault using an “on demand” model. This data is taken live from BT servers.

The option to provide data using an “on demand” model like BT’s is available to other Organisations should they be interested.

SRWR Training

The use of the SRWR e-learning packages (those in the Aurora Academy) has declined. This may be due to the fact all operators have been trained and there is a more stable user base, but all Organisations are reminded that they need to be able to prove the competency of their staff. The easiest way to achieve this is to make use of these e-learning packages.

SRWR Procurement

The current contract for the provision of the SRWR has been extended to end on 31 March 2025.

Following a recent procurement gateway review it was decided to delay the issue of the Invitation to Tender until January/February 2024. This will not impact the delivery date for the new service on 1 April 2025.

New Organisations on SRWR

Eclipse Power Networks Ltd has been given access to the SRWR.

Broadway Partners Limited entered into administration and its assets were bought by Voneus Limited, which has taken responsibility for both the assets and reinstatements.

RAUC(S) Community Diary

The RAUC(S) Community Diary has moved from the Google calendar to the Microsoft calendar. Anyone linking the calendar in their Outlook (or similar) systems will need to subscribe to the new link provided. More detail is available on the Commissioner's website at: -

[Online Community Diary | Scottish Road Works Commissioner](#)

Systems Assurance Team

Systems Assurance Team met on 23 November 2023. Caroline Auld has taken over the Team Chair while Clare O'Brien is on maternity leave.

Prescribed Fees and Amounts

IR has started preparing the Prescribed Fees and Amounts matrix for the 2024/25 invoices which will be issued for 1st April 2024.

6, Working Group Reports

National Coring Programme Working Group

The Group continue to meet.

- A Questionnaire has been prepared to collect comments on the last Programme from those who had been involved in it. It will be issued soon and all involved are asked to respond to help draft the next programme which will be based on reinstatements carried out between 1st April 24 and 31st March 25.

RQP Working Group

There were no plans for the Working Group to meet again at present but if there were any problems they would be recalled.

Coordination Group

There was no recent meeting to report but the next meeting will be held before the end of February.

Inspections Working Group

S.W and J.G. reported as follows: -

- Two meetings have been cancelled but the Group meets again as soon as a date is agreed.
- JG circulated a written report to RAUCS on 21 Feb with an update of various issues ongoing.

SROR Review Group

There was no Report from this Group but the Code was approved and published.

7. Health and Safety

- a. H & S bulletins are circulated by the Secretary when he receives them, but Organisations should share any internal bulletins or reports on incidents which would be beneficial for the Community. **Action – All**

Two Bulletins have recently been circulated on: -

Death of an Operative on site barrowing material without a safety zone.
Pro-Palestinian Sympathizers placing stickers on windows with razor blades hidden under them.

There have been increasing abuse of operatives on sites with serious threats being made. There is concern that this is an escalating problem. Body cams and CCTV monitors are being trialed in some areas. Legislation is being introduced for retail workers and this should be considered for personnel working on the roads. Employers must support their workforce at all times.

The traffic control operatives are often the ones receiving most abuse because they are seen as the cause of the delays.

There is a need for a consistent response from the Police across the country.

b. List of Plant Protection Systems

This is a standard Item on the Agendas giving all the opportunity to update their details in order that the schedule is up to date on the Web Site. New/ Smaller Organisations which do not appear on the existing version should contact the Secretary to have their details added to the schedule.

The existing version will be reviewed and the new Organisations added. **Action - Secretary**

c. Emergency Contact Details

This is a standard Item on the Agendas giving all the opportunity to update their details in order that the schedule is up to date on the Web Site.

The Committee noted that there were several Organisations which to date have not submitted any contact information. All should review the schedule and advise the Secretary of their details.

Action – All

8. AOCB

a. RAUC(S) / Area RAUC Meeting Dates 2024

The schedule of meeting dates was circulated for information.

b. Low Carbon Materials

SW advised that the Live Labs project is initiating trials of low carbon patching materials in both the NLC area and also across the Transport for West Midlands zone. Information will be issued to the Community as the trials progress.

c. Road Works – Shuttle Bus Arrangements

A query was made about providing financial support for alternative public transport during road works when there was delays or the need for a route diversion.

This had been discussed by RAUC(S) around 2015 / 16 and the view was that no support should be paid.

S.U.s are not responsible for making a contribution and it has in the main kept that stance.

There had been a test case in Northumberland and the outcome was that no support should be provided.

In some cases support has been paid to adjacent proprietors for disruption but it was not a legal requirement.

d. WAREA RAUC Chair

CityFibre will Chair the WAREA RAUC Meetings for the next two years.

Scott was thanked for his input and for Chairing the meetings over the last two years.

9. Date and Venue of the Next Meeting

S.W. thanked all for their attendance at the meeting.

Next Meeting: - Tuesday 28th May 2024

Venue: - to be advised

Future Meeting Dates – Tuesday 24th September 2024

Meeting Closed – 12.33