



SAREA ROADS AUTHORITIES & UTILITIES COMMITTEE

Minutes of the QUARTERLY MEETING

Date: 13th October 2022

Meeting held on MS TEAMS

Present:

Mike Grunwell (Chair)	M.G.	Dumfries and Galloway Council
Caroline Auld	C.A.	Network Rail
David Bowles	D.B.	Fulcrum
Neil Brannock	N.B.	Autolink M6
Lee Bromhall	L.B.	Royal Mail
Tess Brown	T.B.	SPEN
Katie Campbell	K.C.	North Ayrshire Council
David Carter	D.Ca.	South Lanarkshire Council
Martin Cochrane	M.C.	Amey / SRP / M8DBFO
Gavin Cook	G.C.	East Renfrew Council
Stefeni Cownley	S.C.	ESPUG
Matthew Crossan	M.C.	Dumfries and Galloway Council
Karyn Davidson	K.D.	Vodafone
Jim Forbes	J.F.	CityFibre
Jason Halliday	J.H.	o.S.R.W.C.
Barry Hall	B.H.	GTC-UK
Anthony Hart	A.H.	Transport Scotland
Owen Harte	O.H.	Virgin Media
Lisa Haston	L.Ha.	SPEN
David Hearty	D.H.	MBNL-EE/3
John Henderson	J.H.	Scottish Borders Council
Sharon Holland	S.H.	Amey S.W.
Anna Jensen	A.J.	Netomnia
Glen Jones	G.J.	Hyperoptic
Matthew Jones	M.J.	Last Mile
Lynne Lyle	L.L.	Ayrshire Roads Alliance
Thomas McCahill	T.McC.	Netomnia
John McCulloch	J.McC.	Balfour Beatty M77 DBFO
Fiona McInnes	F.McI.	Scottish Water
Craig McQueen	C.McQ.	Scottish Water
Steven McGill	S.McG.	Energy Assets

Present (continued):

Andrew Matheson	A.M.	Virgin Media
Graham Milne	G.M.	o.S.R.W.C.
Stuart Monk	S.M.	mua
Chris Murray	C.M.	Sky
Valerie Park	V.P.	South Lanarkshire Council
Sandy Phillips	S.P.	Amey S.W.
Kat Quane	K.Q.	Transport Scotland
Graeme Robin	G.R.	North Ayrshire Council
Peter Robson	P.R.	Netomnia
David Ross	D.R.	BEAR Scotland
Iain Ross	I.R.	o.S.R.W.C.
Wendy Ross	W.R.	Amey
Stephen Scanlon	S.S.	Openreach
Pauline Scott	P.S.	Ineos
David Shaw	D.Sh.	Ayrshire Roads Alliance
Lewis Stacey	L.S.	abs Streetworks (for Last Mile)

In Attendance: -

George Borthwick	G.B.	Secretary to SW Area RAUC
Philip Leiper	P.L.	Aberdeenshire Council

Apologies:

Jamie Barr	J.B.	East Renfrewshire Council
Ian Dalrymple	I.D.	Openreach
David Fleming	D.F.	Turntown
Tanya Fraser	T.F.	Ineos
Julie Greig	J.G.	SGN
Kevin Hamilton	K.H.	Scottish Roadworks Commissioner
Jock Laidlaw	J.L.	Autolink M6
Paul Lynch	P.L.	Amey S.W.
Carole McDonald	C.McD.	CityFibre
Stewart MacKenzie	S.MacK.	Balfour Beatty
David Thomson	D.T.	SPEN
Brian Wilson	B.W.	Scottish Borders Council

1. Welcome, Attendance and Apologies

Michael Grunwell welcomed all to the SAREA RAUC Meeting. This meeting was being held on MS TEAMS.

Apologies were recorded as listed above.

1a. 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 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. Along with the Police and H&S he 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. 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 C.H. 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 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 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. May indicate 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 in 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 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.

The 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 was considered unacceptable.

K.Q. indicated that a presentation on this case had been given to the Minister during the discussions on the Legislation changes.

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. One source is the experience gained daily when working but there should be a way of recording this. 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. These must be recorded.

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.

2. Approval of the Minutes of the Meeting Held on 16th June 2022

a. Accuracy

The minutes of the SAREA RAUC Meeting held on 16th June 2022 on MS TEAMS were approved as read.

b. Action Tracking Summary

Comments are recorded on the Action Tracking Summary.

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

There were no issues raised under this Item.

4. Matters Arising from RAUC(S) Meeting 2nd March 2022

The previously circulated draft Minute was taken as read.

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

a. Scottish Government Report

The 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. K.Q. summarised the changes as follows: -

- All of the 'FPN' issues have been grouped thematically in the final batch, with in effect the 6 year guarantee (first item in batch 4) and the FPN for failing to comply with a compliance notice (final item in batch 3) having swapped positions. The 6 year Guarantee introduction date has not changed but the FPN items have been pushed into the future.
- Legal work has now begun on the compliance notice – at present no RAUCS input is required.
- RQP/Qualified personnel for roads authorities and starts/stops now confirmed for 01 April 2023. Scottish Government is aware of voluntary uptake of the

RQP/Qualification requirements and support the voluntary use of the 'time' fields for starts/stops when available.

There appears to be an issue regarding the recognition of equivalent Street Works qualifications from the EU and Switzerland post EU Exit. Scottish Government and DfT for England have engaged with the SQA, and we believe this is very minor issue, however if RAUCS members are currently relying on transient workforces holding other recognised qualifications from other EU nations, please make contact to discuss.

Items which are still to be brought forward include: -

1. Compliance notices
2. Vault
3. Authorised Officers (Inspectors)
4. FPN review

Queens Lying in State

K.Q. commented on the fact that there had been no reported delays or problems due to roads issues relating to the Queens Lying in State (including the journey from Balmoral to Edinburgh or ceremonial arrangements). All Organisations were thanked for their arrangements over the period.

The recent mini consultation on who requires to be accredited and qualified on site at any time has now concluded. Responses were received from S.U.s, R.As, contractors and the general public. The analysis of the responses is ongoing, and an update will be issued in due course. Thank you to all who contributed.

The PDG has formally remitted a paper to the RAUCS Coordination Code WG, covering the pending and the future reforms, as well as minor issues for update and review. The paper should form the basis of a minor review, with the 'deadlines' for the update largely flexible, allowing several months to implement / be part of a phased review.

K.Q. indicated that any queries about the discussions or her papers should be sent to her and she would endeavour to assist.

b. Performance Dashboard

The Committee received the report as follows: -

T(S)A Webinar

The second Webinar for Senior Managers will be held on Thursday 27th October at 10am. Invitations have been sent out to all Senior and Primary contacts. The content will be high-level and aimed at Senior Managers.

Topics covered will include:

- Reinstatement Quality Plans (RQP) - update on progress
- Forthcoming Noticing changes
- Specification for Reinstatement of Openings in Roads (SROR) - proposed changes
- Further associated Legislative changes

Please encourage Senior Managers to attend. If you need the invite to be re-sent, please contact the office.

Dashboard - The SRWC 2022/23 Q1 Quarterly Dashboard was issued on 26 July. The Q2 dashboard will be available by mid-October.

All Organisations should be aware that they must check their non-compliant performance and report their comments to the Commissioner via the enquiries@roadworks.scot e-mail address.

Improvement Plans

Currently 4 organisations, Axione, Cityfibre, Virgin Media and Fulcrum Pipelines remain on formal commissioner plans with all continuing to improve.

The next Improvement plan submissions are due on the 14 October 22.

The Commissioner has recently reviewed the performance of four organisations (ES Pipelines, Energy Assets Pipelines and mua (Electricity) and deemed their improvement to be sufficient to allow their plans to be closed.

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

Noticing Failures

The Utility average performance has improved by 0.9 % to 5.8% since 2021/22 Q4. Contact was made with the Organisations responsible for the previous high levels of non-compliance and improvements are being delivered.

Safety / Technical Standards

Research Project – Service Life of Reinstatements.

The research project on Service Life of Reinstatements is nearing completion. The field work has been completed and the focus group met on 2 September 2022. Initial results suggest that reinstatement quality has improved since the last exercise held about 10 years ago.

SROR Review

The group is progressing well and is continuing with fortnightly meetings. A paper is expected to be issued to the October RAUC(S) meeting.

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

Safety bulletins are still being sent out as and when they arise by RAUC(S) secretariat. All are again asked to share bulletins with the Community.

A further presentation was given to CityFibre in their Glasgow offices regarding performance and safety issues. If any other Organisation would like a similar presentation, please get in touch with the Commissioner's office.

Policy and Quality

2 hour Start / Stop recording via the SRWR Works Promoter App

An online survey of all organisations was held during August which generated a good response, with 48 organisations responding.

We are pleased to say most of the large organisations did respond, however it is disappointing that some did not. If your organisation did not respond, please do so to the o.S.R.W.C.

A summary of the results is as follows:

- 8 organisations currently using the app, with the majority recording low numbers of notices.
- 21 organisations currently not using the app, but intending to start doing so before 1 April 2023
- 19 organisations currently not using the app and not intending to do so. These are generally split between those who intend to phone their data to their office and others who will update Aurora via the live site on a tablet / laptop.

Interestingly, the organisations with the highest volumes of notices recorded using the app are Highland Council, Dumfries and Galloway Council and Scottish Hydro (SSE) which would suggest that ‘not-spot’ issues may not be as big a problem as first thought.

Following concerns raised by the Community, the Commissioner is trying to find a way to avoid works promoters being penalised if they use the Works Promoter app and there is a delay in it sending the notice to the register that is out with the users control.

Reinstatement Quality Plans

To date only 8 undertakers have submitted first drafts of their RQPs. These have been reviewed by the office and follow-up meetings held. The Commissioner is looking forward to revised plans being submitted soon and approved at an early date.

We are pleased to advise that the standard has been generally good, although we would make a couple of observations based upon the plans submitted so far:

- RQP must be in the undertaker’s name, not the contractor’s
- Requirements of the CoP must be met. RQPs used elsewhere in the UK should not be used without checking that they meet the relevant Scottish Legislation, Codes and Advice Notes etc.
- Plans that clearly do not meet these basic criteria will be returned

The Commissioner is very concerned that around half of all S.U.s have not engaged with the process so far, despite reminders having been issued. Given the volume of plans that will need to be reviewed, the Commissioner strongly recommends that these Organisations engage with office ASAP, otherwise there is a very real risk that their plan will not be approved by 1st April 2023. Please bear in mind that undertakers will be committing an offence if they undertake work without an agreed plan after 1 April 2023.

d. SRWR Report

Prescribed Fees and Amounts

All Invoices for the Prescribed Fees and Amounts for 2022/23 have now been paid.

Personal Details recorded on SRWR

Reminder to all Organisations 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 the Commissioner Direction 2 – GDPR and Open Data.

Changes to SRWR mapping services

Symology will introduce a new GIS server on Saturday 8th October which will improve the service resilience. The change, the following URL will need to be accessible through Aurora by your Organisation: -

aurora-gis.symology.net

Please ask your IT provider to check this URL is accessible. Further information can be found on the Aurora News Portal.

In response to a query from J.F. about what was required for the new mapping URL to work, I.R. indicated that the I.T. Service in the Organisations need to whitelist it. That may already have happened since there was a list for whitelisting was previously circulated which included the URL.

SRWC Monitoring of Inspections on SRWR

Please note that from 1 April, the Commissioner started tracking outstanding reinstatement defects. As such the requirement to: -

- Record a D/3 or DA3 pass following every defect remediation
- Record a D/2 or DA2 within 6 months of the prompted Due Date
- Carry out remedial repair within 6 months of reporting

should be carried out in all cases by R.As and S.Us

A series of changes will be made to the SRWR in forthcoming months to enforce and report on these requirements. Further details on this roll-out will be provided in the Aurora News Portal.

Notices which should have been actioned pre April 2022 were wiped pending up to date monitoring.

SRWR Aurora Webinar

A webinar took place yesterday via Microsoft Teams. The topics included: -

- Notice Posting Areas
- Surface Type and Base Material
- New Legislation
- Recent Enhancements

The Commissioner would like to remind all Organisations that these webinars are intended to inform their staff of upcoming changes to the SRWR and the general use of the system. The presentations are short and to the point. He strongly encourages all users to make use of these events.

Annual SRWR User Check

Each organisation has been sent a list of users accessing the SRWR in their name. In the interest of security all are asked to check this list for users who do not represent their Organisation. The report also contains details of the training carried out by each Organisation.

New Organisations on SRWR

Converged Communication Solutions Limited, a telecoms company, have been given access to the SRWR.

Broadband for the Rural North (B4RN) have indicated they no longer have assets in Scotland and don't intend to carry out any works. Since their road works were complete in 2017 and out of warranty the Commissioner has agreed to remove them from the register.

di. Advice Note No 22 – The use of Section 109 of the New Road and Street Works Act 1991

The Draft Advice Note and the accompanying Report were taken as read Any comments on the proposed changes should be sent to J.H. The RQP Advice Note will be revised to reflect the changes in Advice Note 22 and any other Codes / Advice Notes which were revised.

A Contractor working under a Section 109 Permit should be competent and hold the necessary accreditation and thus be able to carry out the works to the required codes and advice notes.

dii. Advice Note Review

The previously circulated paper was taken as read with the following comments from Jason Halliday: -

In view of the various revisions to the Legislation the Commissioner's office have carried out a review of the existing Advice Notes and had categorised them as follows.

Minor changes (outdated references, old email addresses etc.), were identified on the following Advice Notes which were considered to be minor enough not to require prior approval from RAUC(S): -

- Advice Note 21 – Apparatus in Roads at Shallow Depth
- Advice Note 24 – Material and Trial Registers
- Advice Note 28 – Above Ground Apparatus

The required changes have been made and revised Advice Notes uploaded to the website.

Several Advice Notes were considered to be no longer required as the topics covered appear to have been included in later versions of the various Codes of Practice. These are: -

- Advice Note 20 – Procedure for Embargoes on Road Works
- Advice Note 23 – Use of Potential Work

The relevant Working Groups should review the above and confirm if the two documents can be rescinded permanently.

Some Advice Notes appear to remain relevant, however the view is that the content can be written into the Codes of Practice. These are:

- Advice Note 27 – Interrupted Works
- Advice Note 29 – Guidance on Core & Vac Excavation and Reinstatement

The relevant Working Groups should note these suggestions and consider their inclusion in the next review of their Code of Practice. These will remain on the website in the meantime.

The following advice notes are no longer considered to be good practice by the Commissioner and have been removed from the list of guidance on the Commissioner's website: -

- Advice Note 2 – Guidance on the Reinstatement of Friction Coatings and Coloured Surfaces
- Advice Note 13 – Mobile Working
- Advice Note 14 – Good Practice Guide to Setting Up Areas of Interest
- Advice Note 19 – Scottish Road Works Register 3rd Parties & Special Cases
- Advice Note 26 – Traffic Management in Roads in Advance of Activity Commencing

The relevant working groups are asked to review these and advise if these can be permanently rescinded or if new versions are required.

A diagram from the rescinded Advice Note 11 remains on the website. The SROR Working Group reviews will consider this for inclusion in the SROR or agree to its removal from the website.

6, **Working Group Reports**

Coordination Working Group

A Representative from the R.As is still needed for the Group. The Area R.A. Co-Chairs will be asked to check with the R.As in their Area in an effort to fill the vacancy. This requires early action as the Group intend to hold a meeting before the end of October. The volunteer does not need to be a member of RAUC(S) but should have a knowledge of the Coordination Code.

This matter will be raised again at the RAUC(S) meeting.

National Coring Programme Working Group

The Committee recorded their thanks and appreciation to C.McQ. who had stood down from the Group.

F.McI. indicated that the new S.U. Co-Chair will be Gordon Mc.?????

The coring results have now been circulated to the R.As but there are still some cores to be delivered.

There have been problems with the programme in the old TayForth Areas and no cores have been taken yet. The Contractor is being appointed and the cores will be taken. To accommodate this RAUC(S) will be asked to approve an extension to the programme with revised milestones for the TayForth programme.

The Commissioner is unhappy about the need to extend the dates but is of the opinion that a complete set of results is preferred.

Inspections Working Group

No meetings have been held but the Group is to be reformed to review the need for changes to accommodate the revised Legislation and the consequent changes to other Codes and Advice Notes.

SROR Review Working Group

David Capon will submit a Report and the first draft of the Code to the RAUC(S) meeting on 26th October 2022. The draft Code will be circulated to the Community for comments and suggestions. All should review the Draft and respond to the Group Co-Chairs. **Action – All**

SAT

The work of SAT is ongoing with new Change Requests being reviewed.

Brian Wilson is currently off work on long term illness so a SAREA Representative is need to replace him until he is able to return to the Group. **Action – All R.As**

The Group meets 4 times a year. D.C. will try to provide a Representative from Dumfries and Galloway.

SRWR Steering Group

The update was covered in the items in the Commissioners Reports above.

RQP Working Group

The update was covered in the items in the Commissioners Reports above.

Gazetteer Group

The work is ongoing.
A substitute may be needed to replace Brian Wilson

7. Health and Safety

a. 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.

a. 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.

8. AOCB

a. Area RAUC Chairs

All Area Chairs are appointed for the next 4 years with all but EAREA scheduled through to 2040.

b. Changes to the Constitution

There were no issues for discussion.

c. Meeting Dates

The Meeting dates for 2023 have been agreed.

d. Local Co-ordination Meetings (Chairs / Meeting Dates)

The previously circulated schedule was taken as read. All Chairs were asked to respond to the Secretary with the details for their Committee Meetings if they had not already done so. **Action – Local RAUC Chairs**

e) Reinstatements Adjacent to existing Ironwork which is at wrong level

J.F. indicated that CityFibre **SHE had directed their Build Partners not to** replace ironwork which was damaged and was on the line of their reinstatement. Similarly, they would not reset ironwork which was at the wrong level. In both cases they would carry out their reinstatement tying into the existing ironwork.

R.As considered that CityFibre should replace damaged ironwork or reset it as required as part of their reinstatement process or contact the relevant S.U. to arrange for them to deal with the problem.

J.F. commented that during pre-works inspections with R.As any issues with ironwork would be drawn to their attention and considered that they should be contacting the affected S.U.

R.As indicated that S.U.s have a responsibility for their ironwork in the carriageway and problems should be raised direct with them without passing it through the R.A.

J.F. indicated that this matter would be raised at the next RAUC(S) meeting in order to get a satisfactory agreement within the context of the Codes and Advice Notes.

Comment was also made on the condition of some footways and what the S.U. should reasonably be asked to provide for the reinstatement.

f) Works on Remote Footpaths etc

The recording of works on these routes which are not recorded on the Gazetteer is proving to be a problem. Some R.As have already digitized their network but others still have to do so. The affected R.As are aware of this problem but especially in new towns and estates it is a major task needing staff and funding.

The suggestion at present is to record the works against the nearest road on the Gazetteer with a comment in the text field to give clarification on the actual location.

This will be raised at the RAUC(S) meeting.

g. Works on the M90 Spur to the Forth Crossing

D.R. indicated that there would be weekend working with closures over the next two weekends. Traffic disruption is expected.

He and Shannon Riley will be attending meetings for BEAR Scotland S.E.

h. **ESPUG Representatives**

Stefeni informed the meeting that she was due to take maternity leave and the Representative would be Shaylyn Landman. The Secretary will check that Shaylyn is on the contact lists.

The Committee recorded best wishes to Stefeni.

9. Date and Venue of the Next Meeting

M.G. thanked all for their attendance at the meeting.

The meetings at present will continue on MS TEAMS but consideration may be given to face to face and or Hybrid meetings. D.C. indicated that the South Lanarkshire Local meetings may move to Face to face / hybrid, but no decision has been made yet.

Next Meeting: – Tuesday 2nd February 2023

Venue: - MS TEAMS

Future Meeting Dates –

Tuesday 1st June 2023

Tuesday 28th September 2023

Meeting ended – 12.10