LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

AGENDA

2nd Meeting, 2007 (Session 2)

Tuesday 23 January 2007

The Committee will meet at 2 pm in Committee Room 5.

1. **Subordinate legislation**: George Lyon (Deputy Minister for Finance and Public Service Reform) to move motion S2M-5341—

   **Mr Tom McCabe:** The Draft Scottish Local Government Elections Order 2007— That the Local Government and Transport Committee recommends that the draft Scottish Local Government Elections Order 2007 be approved.

2. **Petitions PE875, PE896, PE961**: The Committee will take evidence on the issue of common good from—

   George Lyon, Deputy Minister for Finance and Public Service Reform, Hilary Pearce, Efficient Government Portfolio Manager, Scottish Executive, David Milne, Team Leader, Best Value and Performance, Scottish Executive.

3. **Petition PE758**: The Committee will consider a paper by the Clerk on Petition PE758 by Jim Black on behalf of the Home Safety Committee of the Scottish Accident Prevention Council on the issue of home safety officers.

4. **Petition PE855**: The Committee will consider a paper by the Clerk on Petition PE855 by Leslie Morrison on behalf of Kirside Area Residents on the issue of the maintenance of local authority roads, pavements and footpaths.

5. **Subordinate legislation**: The Committee will consider the following negative instrument—

   the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006, (SSI 2006/613).

Martin Verity
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Agenda Item 1

Covering note on The Draft Scottish Local Government Elections Order 2007

The Draft Scottish Local Government Elections Order 2007

Agenda Item 3

Paper from the Clerk

Agenda Item 4

Paper from the Clerk

Agenda Item 5

Covering note on the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006, (SSI 2006/613)

The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006, (SSI 2006/613)
SSI Cover Note For Committee Meeting

SSI title and number: The Scottish Local Government Elections Order 2007, (SSI 2006/draft)

Type of Instrument: Affirmative

Meeting: 23 January 2007

Date circulated to members: 18 December 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: Yes (see Appendix)

Purpose: The purpose of this instrument is to replace the Scottish Local Government Election Rules 2002 (SSI 2002/457 as amended) which provide for the conduct of elections of members of Scottish local authorities.
APPENDIX 1

The Scottish Local Government Elections Order 2007, (SSI 2006/draft)

1. On 19th December the Committee asked for an explanation of the following matter.

The Committee asks the Executive to confirm whether, in Form 2 of Part VI of the Schedule, “(see note 3)” is correct when referring to an electoral number. It would appear that note 5 is more suitable.

The Scottish Executive responds as follows:

2. The Executive note that the reference in Form 2 of Part VI of the Schedule to the draft Order should refer to “note 5” rather than “note 3”. The Executive are grateful to the Committee for drawing this matter to their attention. Should the draft Order receive the approval of Parliament and be made, the Executive would propose to correct the reference when the opportunity arises. Rule 4 of the Schedule to the draft Order does not require the nomination form to be in exactly the same form as that set out in Form 2 of Part VI of the Schedule. The nomination paper may be in a form to like effect. The Executive will therefore draw the matter to the attention of returning officers, local authorities, the main political parties and the Electoral Commission with the view to ensuring as far as possible that the actual nomination papers provided for the purposes of an election do contain the reference to note 5.
LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Home Safety Officers - Petition PE 758

Introduction

1. Petition PE758 from Jim Black on behalf of the Scottish Accident Prevention Council, calls on the Scottish Parliament to urge the Scottish Executive to place a statutory duty on all local authorities to employ home safety officers and to provide the necessary funding for them.

2. The Local Government and Transport Committee has held three oral evidence sessions on Petition PE758.

3. On 30 May 2006, the Committee took evidence on the petition from the Petitioner Jim Black, Vice President of the Scottish Accident Prevention Council and representatives of the Royal Society for the Prevention of Accidents. ¹

4. On 13 June 2006, following a request to COSLA to nominate witnesses who could represent the range of views held by local authorities on the petition, the Committee took evidence from Angus Council and Dundee City Council. ²

5. On 5 December 2006, the Committee took oral evidence from the Deputy Minister for Health and Community Care. ³ Subsequent correspondence from the Minister, providing additional information, is annexed to this paper.

Issues

6. Issues raised during the evidence taking included—

   • The cost of placing a statutory duty on Scottish local authorities to provide a home safety officer.

   • Whether the cost of appointing home safety officers would be met by local authorities or the Scottish Executive.

¹ OR Col 3748: http://www.scottish.parliament.uk/business/committees/lg/or-06/lg06-1502.htm#Col3748
² OR Col 3845: http://www.scottish.parliament.uk/business/committees/lg/or-06/lg06-1702.htm#Col3845
³ OR Col 4364: http://www.scottish.parliament.uk/business/committees/lg/or-06/lg06-3102.htm#Col4364
• The number of accidents which occur in the home and whether this would be affected by the employment of a home safety officer in each local authority.

• Consideration of the current multi-agency approach to home safety including the role of Community Safety Partnerships.

• The impact the petitions' proposals could have on the projects and initiatives of Community Safety Partnerships.

• The different structures which currently operate in different local authorities regarding the provision of home safety.

• Whether different local authorities, for example rural vis-à-vis urban local authorities have different requirements regarding home safety.

• Whether a duty should be placed on a local authority to carry out the home safety function rather than the provision of a home safety officer.

• Consideration of the impact placing a statutory duty to have home safety officers upon local authorities might have on the profile of the issue of home safety.

• Consideration of current media campaigns targeted at home safety.

Recommendations

7. The Committee is invited to express a view on Petition PE758, which calls on the Scottish Parliament to urge the Scottish Executive to place a statutory duty on all local authorities to employ home safety officers and to provide the necessary funding for them.

8. It is suggested that the Committee authorise the Convener to write to the Deputy Minister for Health and Community Care, summarising the Committee’s view.

9. The Committee’s consideration of the Petition should then be concluded by sending the letter to the Minister and publishing it on the Committee website.

Rebecca Lamb
Assistant Clerk
January 2007
I gave evidence to the Committee on 5 December in relation to Petition PE758: Home Safety Officers. At that time I undertook to provide the Committee with further information by correspondence.

Details of which local authorities employ full-time home safety officers or community safety officers is provided at Annex 1. Annex 2 provides an estimate of the cost of putting a statutory requirement on all local authorities to employ a home safety officer based on real costs from one local authority.

Annex 3 outlines information provided by the Chief Fire Officers’ Association (CFOA). If the Committee requires further information on this matter, the Chief Fire Officers’ Association has indicated that it would be willing to provide further evidence, including if appropriate a witness to appear before the Committee.
<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Job Title</th>
<th>Time spent on Home Injury Prevention</th>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
<td>Home Safety Project Officer</td>
<td>100%</td>
<td>Extra 3 staff working on council Home Check Scheme that adds up to 86hrs/wk. 100% of time spent on Home Safety</td>
</tr>
<tr>
<td>Argyll and Bute</td>
<td>2 Home Safety Officers</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Dundee</td>
<td>Home Safety Officer</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Edinburgh</td>
<td>Enforcement Officer</td>
<td>100%</td>
<td>60% funded by Community Safety Partnership (CSP)</td>
</tr>
<tr>
<td>Fife</td>
<td>Home Safety Officer</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Fife</td>
<td>Home Safety Advisors</td>
<td>100%</td>
<td>3 full time and 1 part time</td>
</tr>
<tr>
<td>North Lanarkshire</td>
<td>2 Home Safety Officers</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td>2 Home Safety Officers</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Western Isles</td>
<td>Home Safety Co-ordinator</td>
<td>100% Mainly over 60s</td>
<td>Works for Tigheman Innse Gail Housing; 60 - 90% funded by Local Authority</td>
</tr>
</tbody>
</table>
## ANNEX 2

### COSTS OF PLACING A HOME SAFETY OFFICER IN EACH LOCAL AUTHORITY

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Breakdown</th>
<th>Costs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Safety Officer</td>
<td>Salary and Mileage Costs for 1 Post</td>
<td>£35,000</td>
<td></td>
</tr>
<tr>
<td>Starting Up Costs</td>
<td>Desk, Chair, Telephone, Computer, Mobile Phone</td>
<td>£5,000</td>
<td>Not including accommodation charges</td>
</tr>
<tr>
<td>Annual Expenditure Budget</td>
<td>Stationery, Equipment, Materials, Transport, Admin and IT</td>
<td>£50,000</td>
<td></td>
</tr>
<tr>
<td>Total Budget</td>
<td></td>
<td>£35,000</td>
<td></td>
</tr>
<tr>
<td>Start up costs</td>
<td></td>
<td>£5,000</td>
<td></td>
</tr>
</tbody>
</table>

Based on the figures stated above it will cost £2.72 million per annum to place a Home Safety Officer in each Local Authority and £160,000 in start up costs.
Information provided by the Chief Fire Officers’ Association (CFOA)

The 2003 pay and conditions agreement resulted in, among other things, new working arrangements that led to major efficiencies in the Fire and Rescue Service. These efficiencies, which have mainly been in terms of staff time, have been largely directed at community safety activity. Arguably the most significant element of the new work is based on Home Fire Safety Risk assessment activity undertaken by fire crews and other trained staff. Predominantly, this work (and other safety activity) is carried out in partnership with other relevant bodies.

At this stage this has resulted in no additional costs to Fire and Rescue Services. The work is affecting a significant number of people – for example, Lothian and Borders Fire and Rescue Service has developed a full Home Safety Check programme. The programme involves operational fire crews visiting targeted areas (using risk mapping) to offer a free home safety check. The checks involve identifying fire risks, offering advice on how to reduce the risks, creating an escape plan and giving general fire safety information. Where it is necessary, the fire-fighters fit a free 10 year lifespan smoke detector to back up the advice given, with a method of raising the alarm. The programme has received financial support from Community Safety partnerships and the Scottish Executive.

So far Lothian and Borders Fire and Rescue Service (LBFRS) has contacted 121,000 homes, carried out full fire safety checks in 29,000 homes and fitted 29,000 smoke detectors. All the homes contacted who did not wish a home safety check were given advice and leaflets.

All 8 Fire and Rescue Services are engaged in Home Fire Safety Risk Assessment activity to varying degrees.

While it is too early to measure direct benefits we are confident that better protection is now afforded to those who were previously most vulnerable to fire injury and death. Indeed the early signs are encouraging with HMCI reporting that there is some confirmation of a sustainable downward trend in serious fires and resultant casualties. “This appears to be meaningful evidence that a focus on prevention and investment in CFS through community safety and other partnerships is working and is cost effective” - HMCI Annual Report 2005-2006

All of this work is being implemented in the context of the Fire and Rescue Authorities broadening out their community safety role (for example, in the area of youth intervention, young fire setters etc) to provide as wide a benefit to local communities as possible. Such initiatives include, for example, team building courses for children who have, or are in danger of, falling out with the normal schooling system. Sometimes they will be on the edge of criminality; often they have low self esteem and poor school attendance. They are challenged to show team qualities and to build up knowledge of skills on fire safety, first aid and other issues. In addition there are a number of schools programmes in existence where trained firefighters give classroom input to raise awareness of fire safety issues. All of these initiatives are designed to both increase knowledge and awareness in the context of wider community fire safety as well as specific home fire safety.
Petition PE855

Introduction

1. Petition PE855 by Leslie Morrison on behalf of Kirkside Area Residents calls for the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths. A copy of the petition is circulated with this week’s committee papers and can also be found online.¹

2. The Public Petitions Committee (PPC) first considered the petition on 22 June 2005. The PPC agreed to write to the Scottish Executive, the Society of Chief Officers for Transportation in Scotland (SCOTS) and COSLA. At the PPC meeting on 22 March 2006 the Committee agreed to invite the views of the petitioner on the responses received from the Scottish Executive, SCOTS and COSLA.

3. The Committee undertook its third and final consideration of the petition at its meeting on 15 November 2006 and agreed to refer the petition to the Local Government and Transport Committee. Extracts from the PPC meetings on 22 June 2005, 22 March 2006 and 15 November 2006 can be found at Annex A, attached with this paper.

Background

4. As noted above the petitioner is asking the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.

5. In its response to the PPC (attached as Annex B) the Scottish Executive stated—

‘Local Authorities, through the Society of Chief Officers of Transport in Scotland (SCOTS), are taking forward a rolling survey of the local road

¹ http://www.scottish.parliament.uk/business/petitions/pdfs/PE855.pdf
network. This work was precipitated by the Accounts Commission’s decision to impose Best Value Performance Indicators (BVPIs) for local roads. The Executive fully supports the work being carried out by SCOTS and local authorities and an Executive official sits on the survey Steering Group.’

‘The Transport (Scotland) Act 2005 contains several provisions relating to the way utility companies and roads authorities carry out road works. These enhance earlier provisions in the Roads (Scotland) Act 1984 and the New Roads and Street Works Act 1991 and include improved powers to co-ordinate road works, an increase in penalties for poor workmanship and the appointment of a Scottish Road Works Commissioner to oversee the road works industry and encourage good practice.

‘A considerable amount of work remains to be done following the enactment of the Transport (Scotland) Act 2005 before these measures will come into effect. To ensure that this is taken forward as quickly as possible a steering group and five working groups have been set up by the Scottish Executive to advise and inform the formulation of secondary legislation and codes of practice.'

6. The Scottish Executive response also made the point that—

‘While Scottish Ministers have been active in providing additional support to local authorities it is important that we do not loose sight of the clear legal separation of responsibility between trunk roads which are the responsibility of the Scottish Executive, and local roads which are the responsibility of local authorities.

Scottish Ministers provide councils with revenue and capital allocations for expenditure on a number of services, including roads and transport, but that is the extent of the Executive’s control. As local roads authorities, councils are independent corporate bodies and have a statutory duty under Section 1 of the Roads (Scotland) Act 1984 to manage and maintain local roads and for taking forward new local road developments.’

7. SCOTS in its response to the PPC (attached at Annex C) highlighted work carried out by Audit Scotland—

‘In 2004, Audit Scotland conducted a value for money study of road maintenance carried out by local authorities. Their published report “Maintaining Scotland’s Roads” goes a significant way to provide information suggested by the Petitioner. The study lists information against each local authority on expenditure trends, breakdowns, processes and future requirements. SCOTS supports the results of this study and continues to work with Audit Scotland to improve the information and practices relating to the maintenance condition of Scotland’s roads.’
8. In its response to the PPC (attached at Annex D), COSLA expressed its opposition to the proposals in the petition, stating that—

‘We believe that a review of councils’ performance on this issue is undesirable, as any national review would inevitably lead to comparisons across councils which would not necessarily reflect the different challenges faced on this issue by different councils. In addition, councils’ performance is already monitored through a variety of audit channels, and we would not welcome any addition to this burden.’

**Action by the Local Government and Transport Committee**

9. The Local Government and Transport Committee has had a long-standing interest in the issue of the maintenance of non-trunk roads. The Committee took evidence on this subject from SCOTS as part of the budget process in March 2004.²

10. In addition, the Local Government and Transport Committee held an evidence session on the Audit Scotland report ‘Maintaining Scotland’s Roads’ on 11 January 2005. The Committee took evidence from both SCOTS and Audit Scotland.³

11. The Local Government and Transport Committee considered the Transport (Scotland) Bill 2004 as it progressed through Parliament.

12. In January 2005, SCOTS agreed to carry out an annual audit of road maintenance based on, and continuing from, the initial study carried out by Audit Scotland. The latest information ‘Maintaining Scotland’s Roads March 2006’ was published in November 2006. It is available online⁴ and is also circulated separately with this week’s committee papers. It is understood that this is the most recent information available from SCOTS on the condition of non-trunk roads in Scotland.

**Recommendation**

13. The Committee is invited to consider its views on the proposal contained in the petition that the Scottish Executive should review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.

² Link to Official Report of meeting: http://www.scottish.parliament.uk/business/committees/lg/or-05/lg05-0802.htm
³ Link to Official Report of meeting: http://www.scottish.parliament.uk/business/committees/lg/or-05/lg05_0102.htm#Col1755
14. The Committee is invited to consider whether to:

(a) undertake any further consideration of the issues raised by the petition in the time available to the Committee in advance of dissolution; or

(b) write to the Petitioner drawing to his attention the previous work carried out by the Committee and the information which is now available from SCOTS and then conclude the petition; or

(c) any other actions suggested by members.

Rebecca Lamb
Assistant Clerk
January 2007
Public Petitions Committee 22 June 2005

Roads, Pavements and Footpaths (Maintenance) (PE855)

**The Convener:** Our next petition is PE855, which has been lodged by Leslie Morrison on behalf of Kirkside area residents. It calls on the Scottish Parliament

"to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths."

The vast majority of Scotland’s roads are managed and maintained by Scotland’s 32 local authorities. The Transport (Scotland) Bill seeks to create a Scottish road works commissioner to improve and monitor national performance on road works. Stage 2 concluded on 10 May 2005 and stage 3 will take place next Wednesday. Do members have suggestions on how we should deal with the petition?

Maureen Macmillan has just joined us. Maureen, we have just started to consider PE855. If you have anything to point out to us, we are more than happy to hear it.

**Maureen Macmillan (Highlands and Islands) (Lab):** Thank you. I have just rushed in from the Environment and Rural Development Committee meeting.

I speak in support of PE855. I have been to the Kirkside area to look at the state of the roads, pavements and pathways there. Their condition is depressing for the community. I hope that the committee has some of the photographs that have been taken. People sometimes have difficulty in getting to their houses because of huge puddles. That situation is symptomatic of the state of many local roads in towns and villages and in some parts of the countryside. As the petition requests, we should ask the Executive to review the state of local roads so that something can be done to address the needs of such communities. I hope that the committee will look favourably on the petition.

**Mike Watson:** I suggest that we give Maureen Macmillan the chance to read the response that all members of the committee have received from Highland Council this morning, which is interesting. I am sorry—the response is from one of the councillors in the area rather than from the council itself. The councillor seems to be suggesting that most of the work has been done or is in the frame to be done. She says that budgetary restrictions are an issue, not just in that part of the Highland Council area. On first reading, that response does not seem unreasonable—provided that the information is correct, of course.
The Convener: The Local Government and Transport Committee, of which I am a member, has given extensive consideration to the matter. The Transport (Scotland) Bill will set up the Scottish road works commissioner, who will have the role of ensuring that there is good co-ordination on the amount of work that is required, that proper records are kept of that and that the standard of roads is maintained. There is a wider issue about the upkeep of roads and the amount of money that is available to local authorities to maintain the roads to a proper standard. I think that that is especially the case in rural areas, although John Scott will know more about that.

John Scott: It is not specifically a rural problem. From the potholes that I drive over, I think that it is as big a problem in urban areas as it is in rural areas. The petition asks us to consider the generality of the problem. There is a road maintenance backlog that local authorities throughout Scotland are failing to cope with. I would not necessarily say that that was their fault, as the money is simply not available. It is well documented that the roads are deteriorating faster than they can be maintained. I am sure that the Executive must be aware of that issue, but we might wish to heighten its awareness of it.

The Convener: The information that I have been able to glean from the petition has been useful to my consideration of the Transport (Scotland) Bill. It might be helpful if we sent the petition to members of the Local Government and Transport Committee for their information because it raises many of the issues that we have sought to address in the bill.

Maureen Macmillan: I knew that money had been earmarked for work to remove the cobblestones, but the last time that I spoke to the residents there was no word about any resurfacing being done. I am pleased that some resurfacing will be done, although I suspect that the £15,000 that has been allocated will be enough only for patching and for dealing with the worst puddles. Such roads need serious investment.

The community in Alness has gone through bad times, but it is pulling itself up successfully. The fact that its environment is in such a poor condition makes it more difficult for the people to feel proud of their village. Given that Alness has won both the Scotland in bloom and the Britain in bloom competitions many times, they have a lot to be proud of. The residents are working hard to achieve a good environment, but they feel that the condition of the roads constantly detracts from their efforts and has road safety implications.

The Convener: It might be useful to get an overview of the situation from the Executive.

John Scott: We must be moving towards stage 3 of the Transport (Scotland) Bill. Uniformity of provision should be a consideration because the quality of roads can vary dramatically as one drives from one local authority area to another. I do not know whether it is a realistic aspiration for the commissioner
to have a remit to establish a standard for road maintenance, but I am aware that local authorities have different problems in coping with road maintenance.

**The Convener:** Without going into too much detail, I note that that is exactly what the road works commissioner is intended to do. One problem has been that although utility companies must provide a record of their work on roads, local authorities do not need to. The bill was amended to ensure that local authorities, too, must give a record of work that has been done and show that it was to a proper standard, so that road maintenance is as uniform as possible. It will be for the road works commissioner to ensure such uniformity. A standard that is set in one local authority area must be pursued in all 32 local authority areas. I hope that the bill will address the issues that the petition raises.

We need to obtain the Scottish Executive's overall view of the current condition. I know that the Society of Chief Officers of Transportation in Scotland has produced reports and it might be useful to ask the society for a perspective on the issues that the petition raises.

**John Scott:** Will the Convention of Scottish Local Authorities share its views with us?

**The Convener:** Why not? We will obtain COSLA's perspective. Is that okay?

**Members** indicated agreement.

**Maureen Macmillan:** Thank you, convener.

**Public Petitions Committee 22 March 2006**

**Roads, Pavements and Footpaths (Maintenance) (PE855)**

**The Convener:** The next petition is PE855, by Leslie Morrison, on behalf of Kirkside area residents, calling on the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in maintaining and repairing roads, pavements and footpaths.

At its meeting on 22 June 2005, the committee agreed to write to the Scottish Executive, the Society of Chief Officers of Transportation in Scotland and COSLA. Responses have been received from the Scottish Executive and SCOTS. Councillor Val Maclver of Highland Council has also provided a submission in which she addresses the specific issue of road and pavement conditions in Kirkside. Copies of those responses have been circulated to members.

**Helen Eadie:** Shall we seek the petitioner's views again?

**The Convener:** Yes.
John Scott: I wonder whether we should write to COSLA again to hear its words of wisdom and whether it is prepared to embark on—

The Convener: I think that Sandra White made the point earlier that COSLA does not have a good record of replying to us when we ask it for information. We will try again.

Public Petitions Committee 15 November 2006

Roads, Pavements and Footpaths (Maintenance) (PE855)

The Convener: Petition PE855, from Leslie Morrison, on behalf of Kirkside area residents, calls on the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in maintaining and repairing roads, pavements and footpaths.

At its meeting on 22 March, the committee agreed to write to the Convention of Scottish Local Authorities and to invite the views of the petitioner on the responses that had been received.

John Scott: We should now seek the views of the petitioner on the responses received. Everyone is well aware that one of the big problems facing Scotland is the lack of road maintenance. We probably need to send the petition to be considered elsewhere, but in the first instance we should seek the views of the petitioner.

The Convener: I am informed that the petitioner's views were sought and he had nothing to add. That is why there is no response from him. He has had the opportunity to see the comments that have been made on the petition. We cannot do much more.

Helen Eadie: I am surprised and disappointed that no response came in from COSLA. I beg your pardon if I am wrong.

The Convener: You are perhaps referring to an earlier briefing. The response from COSLA was made available and the petitioner did not comment on it; he did not want to add anything.

David McGill (Clerk): We got a response from COSLA, but the petitioner did not have anything further to say.

Helen Eadie: I have sympathy with the petitioners, particularly about pavements and footpaths. In both transportation policy and health policy, there is a hierarchy. The hierarchy as far as transportation is concerned is that pedestrians should be number 1, cyclists should be number 2, public transport should be number 3 and so on down the line. If we do not provide first-class footpaths, we are in some difficulty as a nation when it comes to promoting the health message.
I mention that because I am sympathetic to the petitioner. Whether people can do more is another matter, but clearly the evidence that we got from the Scottish Executive on the performance of Scottish councils showed that in 2003-04 around 45 per cent of the road network either was in need of repair or required further investigation. It is important to have that information. We ought to pass it on to the Local Government and Transport Committee.

**Mr Gordon:** The Local Government and Transport Committee needs to investigate the issue in depth. I know that historically there has been underspending on road and footway maintenance. The petitioner could perhaps argue that elected councillors have made choices to spend money that might have gone into such maintenance on other services, such as education or social work.

COSLA rightly highlights the arguably unsatisfactory situation with regard to the activities of what we usually call the public utilities, most of which are now privatised. COSLA will also point to what it regards as historical underfunding of this element of local government funding. The most appropriate course of action is to refer the matter to the Local Government and Transport Committee.

**John Scott:** I agree.

**The Convener:** I have no difficulty with that suggestion. As I am a member of the Local Government and Transport Committee, I know that this issue comes up. We have had regular meetings with the Society of Chief Officers of Transportation in Scotland, so there is an on-going discussion. It would do no harm for that committee to get sight of the petition and the information that is contained in it.

**Helen Eadie:** At the Local Government and Transport Committee, could you make the important linkage with the health aspect, especially in relation to footpaths? If a number 1 priority for the Executive is that we get out of our cars and get on to our bikes, take public transport or walk, it will obviously be more encouraging if people have good footpaths to walk on.

**The Convener:** We will send the petition to the Local Government and Transport Committee and see what happens from there.
Dear Richard

Thank you for your letter of 6 July 2005 seeking comments on the issues raised in this petition by Leslie Morrison, on behalf of Kirkside Area Residents, calling on the Scottish Parliament to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.

Scottish Ministers are fully aware of the backlog of repairs and maintenance on the local road network and have already taken positive steps to support local authorities' investment needs through the general local government finance settlement which has been fixed until 2008. Overall Highland Council is benefiting from substantial increases in revenue support of 5.5% (£19.6m), 4.1% (£15.4m) and 2.8% (£10.7m) over the three year period 2005/08. It is important to emphasise, however, that it is for Highland Council to determine its priorities in carrying out its statutory responsibilities and how it makes effective use of this additional funding. Scottish Ministers are not involved in determining the repair and maintenance priorities of local authorities.

More generally, the recent Scottish Spending Review announcement included the provision of an additional £60m per year in Grant Aided Expenditure for roads and bridges work across Scotland from 2006-07 and 2007-08. It should be noted this met the COSLA spending bid in full. In addition, £35m in capital funding will be available to the new Regional Transport Partnerships which will be established in 2006-07 under the provisions of the Transport (Scotland) Act 2005. We are considering how Regional Transport Partnerships may be able to support investment programmes of local and regional importance for both public transport and the roads network.

While Scottish Ministers have been active in providing additional support to local authorities it is important that we do not lose sight of the clear legal separation of responsibility between trunk roads which are the responsibility of the Scottish Executive, and local roads which are the responsibility of local authorities.
Scottish Ministers provide councils with revenue and capital allocations for expenditure on a number of services, including roads and transport, but that is the extent of the Executive’s control. As local roads authorities, councils are independent corporate bodies and have a statutory duty under Section 1 of the Roads (Scotland) Act 1984 to manage and maintain local roads and for taking forward new local road developments.

In relation to the monitoring of local government performance, the position is that the Accounts Commission has a statutory responsibility to issue an annual direction to local authorities which sets out the range of performance information they are required to publish. Statutory Performance Indicators are used by Audit Scotland (on behalf of the Accounts Commission) to assess performance. As part of this, auditors look at the proportion of the road network that should be considered for maintenance treatment, defined as roads which are either in need of repair or require further investigation. The latest annual report on Environmental and Regulatory Services, which covers the proportion of the road network that should be considered for maintenance treatment, was published in February 2005.

Local Authorities, through the Society of Chief Officers of Transport in Scotland (SCOTS), are taking forward a rolling survey of the local road network. This work was precipitated by the Accounts Commission’s decision to impose Best Value Performance Indicators (BVPIs) for local roads. The Executive fully supports the work being carried out by SCOTS and local authorities and an Executive official sits on the survey Steering Group.

The first year’s work was directly supported by the Executive which carried this out through the Executive’s survey contract for the trunk network during 2003/04. The survey will operate on a 4 year rolling cycle. All A-class roads will be surveyed annually, while a proportion of B (up to 50%), C and unclassified roads (up to 25%) will be surveyed each year, with the aim of achieving full coverage over 4 years. Over time, the survey results will provide a complete picture of the condition of all Scotland’s roads.

Across Scotland, auditors compared the performance of Scottish councils over 2003-04 and found that around 45% of the road network is either in need of repair or requiring further investigation. The proportion varied widely from 23% to 62%. Ministers are fully aware of the results of Accounts Commission Statutory Performance Indicator reports and have already addressed the level of maintenance by making an additional £60m funding available to local authorities to help them in taking forward essential work.

The Transport (Scotland) Act 2005 contains several provisions relating to the way utility companies and roads authorities carry out road works. These enhance earlier provisions in the Roads (Scotland) Act 1984 and the New Roads and Street Works Act 1991 and include improved powers to co-ordinate road works, an increase in penalties for poor workmanship and the appointment of a Scottish Road Works Commissioner to oversee the road works industry and encourage good practice.

A considerable amount of work remains to be done following the enactment of the Transport (Scotland) Act 2005 before these measures will come into effect. To ensure
that this is taken forward as quickly as possible a steering group and five working
groups have been set up by the Scottish Executive to advise and inform the
formulation of secondary legislation and codes of practice. The steering group
comprises Executive officials, the Co-chairs of the Roads Authorities and Utilities
Committee (Scotland) (RAUC(S)), the Chairman of the Scottish Road Works Register
(SRWR), the National Joint Utilities Group (NJUG) and SCOTS. The working
groups are made up of representatives from both the roads authorities and the utility
companies, with specialist advice being sought as and when required.

I hope that this information is helpful in responding to the issues raised by the
Committee’s deliberation of this matter.

Yours sincerely

JACKIE McCAIG
Letter from SCOTS

1 September 2005

Our Ref: AR/PA/SCOTS/1 00/69587

Assistant Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

For attention of: Richard Hough

Dear Mr Hough

Scottish Parliament Public Petitions Committee – Consideration PE855
Kirkside Area Residents – Performance of local authorities in respect of maintaining and repairing pavements and roads

I refer to your correspondence dated 6 July 2005, and am please to respond on behalf of SCOTS to your request for comments on the issues raised in the petition identified above. These comments will not relate to the specific complaint raised by the petitioner against the Highland Council but will give the professional view of how budgets are allocated and managed by local roads authorities.

All roads authorities (i.e. local authorities and the Scottish Executive) have a duty placed on them under the Road (Scotland) Act 1984 to maintain public roads. The level of maintenance provided by each authority is discretionary. Each Council will set its budget for road maintenance based on the funds provided and relevant needs of the service in relation to all other local public services being provided.

To assist in identifying road maintenance needs, local roads officers will have conducted appropriate surveys of their road network, and will recommend priority works for attention in any financial year. Local safety surveys are carried out at prescribed intervals to identify the condition and maintenance requirements of roads and footways. In addition, the overall condition of the road network is now independently surveyed by the SCOTS Scottish Road Maintenance Condition Survey (SRMCS) project. This project identifies through electronic survey methods the areas of the road network that should be investigated for consideration of further treatment.

Guidance is available to roads officers to develop standards of maintenance treatment, and can be developed further to bring forward local maintenance
regimes, having due regard to maintenance treatments, safety implications, public expectations and available budgets.

The performance of local authorities in maintaining their roads is therefore possible through the performance information submitted annually to Audit Scotland. The SRMCS project provides one indicator identifying the length of road which requires further maintenance consideration. Other factors returned indicate the lengths of carriageway which are actually treated.

In 2004, Audit Scotland conducted a value for money study of road maintenance carried out by local authorities. Their published report “Maintaining Scotland’s Roads” goes a significant way to provide information suggested by the Petitioner. The study lists information against each local authority on expenditure trends, breakdowns, processes and future requirements. SCOTS supports the results of this study and continues to work with Audit Scotland to improve the information and practices relating to the maintenance condition of Scotland’s roads.

I trust you find this response answers the technical aspects raised in the petition. If you wish further clarification, please contact the undersigned.

Yours sincerely

Sandy Ritchie
SCOTS Chairman
Letter from COSLA

Dr James Johnston
Clerk
Public Petitions Committee
TG.01 Parliamentary Headquarters
Edinburgh
EH99 1SP

18 August 2006

Dear Dr Johnston,

Consideration of Petition PE855

Thank you for offering COSLA the opportunity to comment on this petition, which calls for a review of the performance of local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths.

There are many reasons why repairs and maintenance of roads, pavement and footpaths are required, and the cause of any defect will affect the type of repair required. As well as traffic quantity, unpredictable factors such as a particularly harsh winter or excessive wet weather may also increase the number of repairs that are required. Local authorities will encounter defects in a number of locations, and repairs to these must be prioritised according to the nature and location of the defect. As with any prioritisation, some defects will therefore take longer to be remedied than others. While this is perhaps unfortunate, as councils do not have sufficient funds to meet all the demands placed on them it is a necessary fact of life.

The Committee may wish to note that a not insignificant cause of defects is poor quality utility reinstatements. These occur where a utility company carries out work, but does not then repair the road or footpath to the required standards. As the law currently stands, a council must prove that a reinstatement does not meet required standards, rather than the utility company being required to prove that it has met its obligations. As a result of this, it can be particularly difficult for councils to force utility companies to rectify their errors, and there is little incentive on them to carry out work to the required standards. For your information, we include data on the performance of the various utility companies in a coring exercise carried out across Scotland. COSLA is currently considering ways in which we can work to improve the quality of reinstatements carried out by utility companies, and we would welcome the Committee’s support for this exercise.

We believe that a review of councils’ performance on this issue is undesirable, as any national review would inevitably lead to comparisons...
across councils which would not necessarily reflect the different challenges faced on this issue by different councils. In addition, councils’ performance is already monitored through a variety of audit channels, and we would not welcome any addition to this burden.

Finally, we understand that the Society of Chief Officers of Transportation in Scotland (SCOTS) has also provided a response, and we fully support their comments on this matter.

Yours sincerely,

Hannah Reeve
Policy Officer

Appendix to letter from COSLA

NATIONAL CORING REPORT 2005-06
Amended following RAUC(S) 6 December 2006

1 INTRODUCTION

The purpose of this report is to present the findings of the National Coring Programme for 2005-06.

2 PROGRAMME IMPLEMENTATION

2.1 The National Coring Programme was developed and implemented at Area level (excluding the islands) and built on the lessons learned in the four previous programmes. A timetable for the exercise was set by RAUC(S) across the four Areas. The programme was delivered more quickly than previous programmes in some areas, however as with previous programmes, there exists further room for improvement in the delivery of the results.

2.2 The methodology and specification for the coring programme is detailed in Advice Note 3, 5th Edition, approved by RAUC(S), which formed the basis for the four Area programmes. A Lead Roads Authority was identified and a UKAS approved testing consultant appointed in each Area to deliver the Area programmes. It was agreed that the reasonable costs of the Lead Authority could be recovered from the local Roads Authorities on a pro-rata basis from the coring results. It should be noted that the costs of failed cores are borne by the appropriate Undertaker.

3 RESULTS
3.1 The results of the 2005-06 coring programme are detailed by Undertaker and by Roads Authority in Appendices A and B to this report.\textsuperscript{5}

3.2 The details of the Local and Area results are discussed in greater detail at Local and Area level; this report focuses on the overall National results.

3.3 The summary results shown in Appendices A and B are compared with the results from previous coring programmes in the table below:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Cores</td>
<td>1,909</td>
<td>1,861</td>
<td>1,340</td>
</tr>
<tr>
<td>Pass</td>
<td>44%</td>
<td>59%</td>
<td>60%</td>
</tr>
<tr>
<td>Fail Monitor</td>
<td>15%</td>
<td>9%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Fail Replace</td>
<td>.41%</td>
<td>32%</td>
<td>27.6%</td>
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3.4 The findings of the 2005-06 coring programme have shown a slight improvement compared to previous years:

a. The proportion of core samples meeting the specification has increased by about one percentage point over the 2003-04 programme.

b. The proportion of core samples that failed and require monitoring has increased by just over 3 percentage points.

c. The proportion of core samples requiring to be replaced has reduced by around 4½ percentage points, from 32% in the 2003-04 programme to 27.6%.

3.5 As in previous years, the failure to achieve required bituminous layer thickness is the most common reason for non-compliance with the specification.

3.6 There are some issues with cores taken from Scottish Water reinstatements in City of Edinburgh and in Falkirk. These issues do not materially affect the overall results of the coring programme, but do require to be resolved as soon as possible. East Dunbartonshire, among others, were unable to fully take part in the coring programme due to internal restructuring.

3.7 The overall results are shown in Figures 1 - 3 below:

\textsuperscript{5} Available on request from the Clerks
Figure 1 Overall Results 2005-6 Coring Programme

<table>
<thead>
<tr>
<th>Overall Results 2005-6 Coring Programme</th>
<th>%</th>
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<tbody>
<tr>
<td>Pass</td>
<td>59.9</td>
</tr>
<tr>
<td>Fail – Monitor</td>
<td>12.5</td>
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<tr>
<td>Fail- Replace</td>
<td>27.6</td>
</tr>
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</table>

Figure 2 Causes of Failure (Fail-Monitor)

<table>
<thead>
<tr>
<th>Causes of Failure</th>
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<tbody>
<tr>
<td>Compaction</td>
<td>25.7</td>
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<tr>
<td>Layers</td>
<td>28.1</td>
</tr>
<tr>
<td>Material</td>
<td>42.5</td>
</tr>
<tr>
<td>Other</td>
<td>3.6</td>
</tr>
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</table>

Figure 3 Causes of Failure (Fail-Replace)

<table>
<thead>
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<th>Causes of Failure (Fail-Replace)</th>
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<tr>
<td>Compaction</td>
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<tr>
<td>Layers</td>
<td>59.2</td>
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<tr>
<td>Material</td>
<td>11.1</td>
</tr>
<tr>
<td>Other</td>
<td>9.7</td>
</tr>
</tbody>
</table>

4 CONCLUSIONS

4.1 The results indicate that whilst there has been a slight improvement in the core sample compliance, a major problem continues to exist for the User Community. It is disappointing that the improvement in standards in the previous programme has not been sustained.

4.2 On the results of this coring programme, there is a definite need to continue to undertake further coring programmes.

4.3 The Coring Working Group, through their discussions, has recognised that Advice Note 3 is a dynamic document. Continued review is required to improve the consistency of implementing future coring programmes and interpretation of results. This will require further consideration by the Coring Working Group.
5 RECOMMENDATIONS

The Coring Group recommends that RAUC(S) discuss the content of this report and approve the following recommendations:

1 A sixth National Coring Programme be undertaken on reinstatements completed between 1 July 2007 and 30 June 2008.

2 The RAUC(S) Advice Note 3 be reviewed by the Coring Working Group, taking account of lessons learned from this coring programme.

3 The results of this coring programme are reported to HAUC(UK) by the RAUC(S) Co-Chairs.

4 ScotJUG review existing action plans to ensure that undertakers deliver an acceptable continued improvement, reporting to RAUC(S) no later June 2007 (but ideally March 2007).

5 Roads Authorities and undertakers liaise at local and Area level to determine what issues have been identified and what action can be taken to deliver improvements. Area RAUC Chairs are to collate local/Area issues and actions, reporting to RAUC(S) no later June 2007 (but ideally March 2007).

6 The RAUC(S) Co-Chairs be authorised to write to the Chief Executives of Undertakers to engage their support in ensuring the reviewed action plans are implemented.

7 The results of any undertaker, local roads or Area coring programmes should continue to be shared within the User Community to widen the scope of discussion on this issue.

8 RAUC(S) releases a press statement on behalf of the User Community and prepares an article for specialist press (eg Surveyor magazine).
### SSI Cover Note For Committee Meeting

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<th>SSI title and number:</th>
<th>The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Amendment (Scotland) Regulations 2006, (SSI 2006/613)</th>
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<tr>
<td>Type of Instrument:</td>
<td>Negative</td>
</tr>
<tr>
<td>Meeting:</td>
<td>23 January 2007</td>
</tr>
<tr>
<td>Date circulated to members:</td>
<td>8 January 2007</td>
</tr>
<tr>
<td>SSI drawn to Parliament’s attention by Sub Leg Committee:</td>
<td>No</td>
</tr>
<tr>
<td>Purpose:</td>
<td>The purpose of this instrument is to remove an overlap between provisions on smoking on buses with new legislation on smoking which came into effect on 26 March 2006.</td>
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