

Citizen Participation and Public Petitions Committee

5th Meeting, 2023 (Session 6), Wednesday 22
March 2023

PE1936: Remove potholes from Scotland's Roads

Lodged on	9 June 2022
Petitioner	Lesley Roberts
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to improve road surfaces by: <ul style="list-style-type: none">• Creating an action plan to remove potholes from trunk roads across Scotland; and• Providing ring-fenced funding to local Councils to tackle potholes.
Webpage	https://petitions.parliament.scot/petitions/PE1936

Introduction

1. The Committee last considered this petition at its meeting on [28 September 2022](#). At that meeting, the Committee agreed to write to the Scottish Road Works Commissioner, the Society of Chief Officers of Transportation in Scotland, the Civil Engineering Contractors Association, the RAC Foundation, and the Road Haulage Association.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Scottish Road Works Commissioner, the RAC Foundation, the Society of Chief Officers of Transportation in Scotland, and the Civil Engineering Contractors Association, as well as two submissions from the petitioner which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the petition's [webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the petition's [webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1936: Remove potholes from Scotland's roads

Petitioner

Lesley Roberts

Date lodged

12/05/22

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to improve road surfaces by:

- Creating an action plan to remove potholes from trunk roads across Scotland; and
- Providing ring-fenced funding to local Councils to tackle potholes.

Previous action

I have raised the issue with my MSP Stuart McMillan.

Background information

Health and safety should be paramount and yet there are huge holes on our roads throughout the country. There is no respect for human life and no respect for our property. Please deal with the pothole plague in a decent way and stop doing partial repairs which make things even worse and leave stones all over our carriageways.

Potholes cause accidents, putting lives and property at risk. They cause severe damage to cars, and other means of transport. When riding a bike it is hard to miss them and that is simply not acceptable.

Annexe B

Extract from Official Report of last consideration of PE1936 on 28th September 2022

The Convener: The next petition, which has been lodged by Lesley Roberts, is PE1936. It calls on the Scottish Parliament to urge the Scottish Government to improve road surfaces by creating an action plan to remove potholes from trunk roads across Scotland and providing ring-fenced funding to local councils to tackle potholes. The petitioner highlights the point that potholes cause accidents, which puts lives and property at risk, and raises a particular concern about partial road repairs putting drivers and cyclists at further risk.

The Scottish Government's response provides details of its investment in trunk roads, as well as highlighting the obligation on operating companies to inspect the trunk road network at seven-day intervals to identify defects. In responding to the call for ring-fenced funding for local authorities, the Government states:

“It is ... the responsibility of each local authority to manage their own budget and to allocate the total financial resources available to them on the basis of local needs and priorities”.

Nonetheless, we know from our MSP postbags that potholes can have quite dramatic consequences for individuals. From a freedom of information request that was advanced to me by a constituent, I know that the number of people who successfully claim back costs that have been incurred as a consequence of potholes is not high, and it is usually the result of a very challenging process on the part of the local authority.

Sometimes, people make light of the issue of potholes, but the matter is important, particularly with roads on which people are wholly dependent for access to services.

Mr Stewart—you look as though you are keen to speak.

Alexander Stewart: Thank you, convener. I am, because potholes are a major issue. As you have rightly identified, some councils seem to manage to deal with the issue reasonably well, but others do not. Some roads are a danger to individuals and vehicles, and I believe that there is scope for us to consider more information on the issue.

I suggest that we continue to seek clarity and that we write to the Scottish Road Works Commissioner, the Society of Chief Officers of Transportation in Scotland, the Chartered Institution of Highways and Transportation and the Civil Engineering Contractors Association to seek their views, because their views are important. That has been raised by the petitioner, and the additional information that they will be able to share will give us an idea of what has been happening with maintenance standards across Scotland.

It is also important to talk to the RAC Foundation and the Road Haulage Association to seek information on the level of reported damage to vehicles and the number of other traffic incidents that are caused by potholes. By doing that, we will get a much better picture, As has been indicated, we might know how things are in our own regions or constituencies, but it appears to be the case that, across Scotland, there are some areas where potholes are a real concern and a real danger to road users and their vehicles.

The Convener: I suggest that, when we write to the RAC Foundation and the Road Haulage Association, we ask them what information they have on the reimbursement or restitution that affected individuals actually get. That is a material consideration. Are members content to do that?

Members indicated agreement.

Annexe C

Scottish Road Works Commissioner submission of 24 November 2022

PE1936/C: Remove Potholes from Scotland's Roads

The position of Scottish Road Works Commissioner is an independent public official whose aim is to improve the planning, co-ordination and quality of road works throughout Scotland.

I monitor performance, promote and encourage good practice across both utility companies and roads authorities. I also have powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate and upon utility companies who systematically fail to co-operate when undertaking road works.

The title of Scottish Road Works Commissioner can lead people to assume that I am responsible for works being undertaken in roads on Scotland. This is not the case. Roads authorities are responsible for any decisions related to the repair and maintenance of their roads. In the case of the local road network, the roads authority is the local council and, in the case of trunk roads, Transport Scotland.

With regards to the specific requests contained within the petition, I would make the following comments:

“Improve road surfaces by creating an action plan remove potholes from trunk roads across Scotland”

My role does not extend to directing organisations as to how their budgets should be allocated, nor does it cover the specifics of development and implementation of services provided. Accordingly, it would not be appropriate for me to make specific recommendations upon how Transport Scotland should inspect, manage and maintain their assets. However, I would have an interest in ensuring that Transport Scotland properly co-ordinated its works considering safety, the impact on road users and the structural integrity of the road. This is done

through the Scottish Road Works Register and I would expect any works arising from an action plan to be properly notified through the register at the appropriate times.

“Improve road surfaces by providing ring-fenced funding to local Councils to tackle potholes”

As noted above, my role does not extend to directing organisations as to how their budgets should be allocated. Accordingly, I do not consider it to be appropriate to make specific recommendations on local authority funding arrangements for road maintenance programmes.

RAC Foundation submission of 28 November 2022

PE1936/D: Remove Potholes from Scotland’s Roads

Thank you for inviting the RAC Foundation to offer comments on petition PE1936.

The RAC Foundation is a transport research organisation and a registered charity.

Much of our work and comment is based on English and Welsh data, however it would be reasonable to assume that the situation in Scotland is broadly comparable to that existing south of the border.

1. The [latest ALARM survey](#) – carried out annually by the Asphalt Industry Alliance – puts the one-off cost of bringing all local roads in England and Wales up to a reasonable standard as £12.6 billion, up 23% on the previous year.
2. The most [recent Pothole Index](#) published by RAC Motoring Services – the breakdown business – and based on its callout data shows that a UK motorist is currently 1.6 times more likely to suffer a fault or damage caused by the poor road surface than back in 2006. Whilst this multiple has declined from a high of 3.5 at the start of 2010 it has been at its current level for the past couple of years. [A survey of](#)

[drivers](#) by the RAC shows that 60% of them believe road conditions have deteriorated in the past 12 months.

3. The high of 3.5 coincided with a couple of extremely cold and snowy winters – those of 2008-9 and 2009-10. (The then chair of the RAC Foundation, David Quarmby was asked by the UK Government to [carry out a review](#) into the impacts of the bad weather on the UK transport network.) Extreme weather – cold, heat, precipitation – appears to be on the increase, creating new defects in roads and exacerbating those already there, meaning the need for timely repair is more urgent than ever if they are not to multiply.
4. At the same time as workload is growing, the costs of maintaining roads is soaring. This summer the Local Government Association – representing councils in England Wales – [said its members](#) were facing “unprecedented increased costs” to carry out repairs. It went on: “Global pressures, such as Russia's invasion of Ukraine, as well as increasing inflation and a shortage of materials, have all provided the perfect storm for councils and piled pressure on already stretched local budgets.”
5. Of course, highways budgets are not only spent on road surfaces but other things like maintaining bridges, providing street lighting, cutting verges, maintaining signs and keeping culverts clear. The latest [RAC Foundation survey](#) of the state of local authority road bridges found that 432 (3%) of the 13,350 council-maintained structures in Scotland were so-called substandard meaning they were unable to carry the largest vehicles on the road. The work bank for bringing all council bridges in Scotland up to a good, but not perfect, standard was estimated at £403 million.
6. However, there is little sign that funding for road maintenance is set to increase, in fact rather the opposite. At the time of writing there is a lot of speculation that the forthcoming Autumn Statement being made by the Westminster Government will result in big cuts to transport budgets, something likely to be mirrored in Scotland.
7. In many senses not spending on highway maintenance is a false economy. Not only does the road surface deteriorate further but it presents an ever bigger hazard which can lead to more road crashes and collisions and resultant compensation claims against councils. [According to FOI requests](#) made in England and Wales, councils have paid out more than £32 million over the past five years to people who have been hurt because of the poor road surface. Lime Solicitors

which carried out the survey found that “425 cyclists have been killed or seriously injured due to poor or defective road surfaces since 2016.”

8. There is every reason to believe that casualty figures amongst vulnerable road users are likely to grow. South of the border there are now about 30 official eScooter rental trials taking place with a view to making the machines legal for road use in the years ahead. eScooters – and other firms of so-called micromobility - are particularly vulnerable to ‘blemishes’ in the road surface because of their very small wheels. A pothole that causes little or no difficulty to a car driver or even a cyclist could be fatal to someone on a powered scooter traveling at up to 15.5mph (the current limit set in the trials). [Data just published](#) by the Department for Transport shows that in 2021 ten riders were killed and another 331 seriously injured. Of all casualties amongst users 66% were aged 10-29 (even though you need to be 18 to hire an eScooter as part of the official trial schemes) and most were male.
9. Many of the problems that road users associate with poor maintenance are in practice related to essential works to repair and maintain the extensive network of utility services – water, sewers, gas etc. – buried beneath the carriageway and footway, particularly in more urban areas. The Committee might find it interesting to probe how far this might be a contributory factor in Scotland.
10. There are things that councils can do to help themselves:
 - Ensure they are using the latest vehicle-mounted SCANNER machines to collect timely data on the state of road surfaces so that problems are spotted early
 - Ensure that they are using a risk-based approach to potholes, meaning that repair priorities are not just based on the size of a pothole but also its location and the type and volume of traffic that particular road carries
 - Being stringent with utility companies to ensure that street-work reinstatements are carried out to an appropriate – durable – standard.

Society of Chief Officers of Transportation in Scotland (SCOTS) submission of 9 December 2022

PE1936/E: Remove Potholes from Scotland's Roads

Background

Roads authorities have a duty to maintain public roads by virtue of Section 1 of the Roads (Scotland) Act 1984. There is no statutory maintenance standard, however, there is a Code of Practice "Well-Managed Highway Infrastructure – A Code of Practice". This ACoP is published by the UK Roads Liaison Group. It sets out a series (36) of recommendations for highway/roads authorities in the UK.

Recommendation 1 therein states that the Code should be used as the starting point against which to develop, review and formally approve highway infrastructure maintenance policy and to identify and formally approve the nature and extent of any variations. A risk-based inspection and repair regime, including regular safety inspections, should be developed and implemented for all highway assets.

For many councils this guidance represents a step change in the way that safety defects are assessed, of which potholes are only one example. Taking a risk based approach, as per the above code of practice, means that there are NO prescriptive investigation or intervention levels to apply. The rationale for removing these is that the same defect will represent a different level of risk in a different context. In the past this has led to inappropriate and often unnecessary, costly, temporary repairs. Instead, by using a risk-based approach, councils can reduce such reactive interventions and target more of their scarce resources towards programmed work that in the longer term will lead to an overall improvement of road condition. This does however mean that it may take longer for councils to programme and carry out effective one-time permanent repairs for low risk defects.

The Society of Chief Officers of Transportation in Scotland (SCOTS) through the national Road Asset Management Project (RAMP) has produced practical guidance for local roads authorities on the development of risk-based asset management, road asset safety inspection strategies and road inspections. The aim being to support the development of a consistent approach to road maintenance across the country. Many councils have now adopted the SCOTS approach to safety defect inspection and repair and Roads Authorities in Scotland generally follow this ACoP, however, individual authorities may not follow all of the recommendations within due to local environmental or organisational capacity and capability

In previous investigations into Scottish road maintenance issues Audit Scotland has investigated both local and trunk road maintenance matters on several occasions, as briefly summarised below:

Maintaining Scotland's Roads (Audit Scotland 2004): The first review into the condition of Scotland's roads conducted by Audit Scotland. Key findings were that 13% of Scotland's roads should be considered for repair now and 31% require further investigation. There was a maintenance backlog worth £1.7bn on local roads and £232m on trunk roads.

Maintaining Scotland's Roads: A follow-up report (Audit Scotland 2011): The condition of Scotland's roads continued to deteriorate following the first audit, with the percentage of all local roads in an acceptable condition falling from 70% in 2005 to 66% in 2010 and trunk roads in an acceptable condition falling from 84% to 78% over the same period. This obviously meant that the size of the maintenance backlog had increased.

Maintaining Scotland's Roads (2013) a brief update report on the implementation of previous Audit Scotland recommendations and the National Roads Maintenance review by local authorities. This found there had been a marginal improvement in the condition of local roads since 2010, despite falling investment. However, many of the recommended actions were yet to be implemented by some authorities.

Maintaining Scotland's Roads: A follow-up report (Audit Scotland 2016): This found that the condition of local roads had remained broadly stable

since the last audit, with a slight fall in the proportion of trunk roads in an acceptable condition (90% to 87%) – all within the context of declining road maintenance budgets.

Scottish Government Action

In response to the findings of the 2011 Audit Scotland report, Transport Scotland, working with local authority partners, undertook a review of road maintenance in Scotland. The Scottish National Roads Maintenance Review (2012) (Summary) report set out 30 options for consideration and implementation by roads authorities, with a strong emphasis on the development of shared road maintenance functions amongst local authorities.

The office of the Scottish Road Works Commissioner was established through the Transport (Scotland) Act 2005, with the aim of improving the planning, coordination and quality of road works throughout Scotland. The powers of the Commissioner were extended by the Transport (Scotland) Act 2019, to allow the Commissioner to carry out independent inspections to establish whether an offence or breach of road works related duties has been committed and to undertake limited enforcement action where such breaches are found. The Office of the Scottish Roadwork Commissioner has a series of best practice guides for road works across the road network in Scotland, in an effort to improve consistency of approach by Roads Authorities and Statutory Undertakers. These are available at www.roadworks.scot

Further, the ability of the Commissioner to impose greater penalties, up to £100,000 on roads authorities, statutory undertakers and other persons as they see appropriate. This is outlined in Scottish Statutory Instrument: 2021 No. 431. *The Scottish Road Works Commissioner (Imposition of Penalties) Amendment Regulations 2021*. This came into force in February 2022.

Civil Engineering Contractors Association (CECA) Scotland submission of 16 January 2023

PE1936/F: Remove Potholes from Scotland's Roads

We welcome the opportunity to respond to Scottish Parliament's Citizen Participation and Public Petitions Committee to comment on petition PE1936: Remove Potholes from Scotland's Roads.

The Civil Engineering Contractors Association Scotland (CECA Scotland) is the representative body for companies who work day-to-day to deliver, upgrade, and maintain Scotland's transport and utility networks. With 100 members in Scotland, we represent companies who together carry out up to 80 per cent of all civil engineering activity in Scotland.

Our members include some of the largest construction firms working on large scale infrastructure projects as well as a range of small specialist and regional contractors delivering projects in their local communities. Across Scotland, we estimate our industry supports the employment of over 30,000 people with annual activity worth around £3 billion.

Response to Petitioner's Questions

a) Calling on the Scottish Parliament to urge the Scottish Government to improve road surfaces by:

Creating an action plan to remove potholes from trunk roads across Scotland

The benefits of long-term investment in physical infrastructure are clear. Not only is there a strong economic outcome – CECA research has found that every £1 billion of infrastructure construction increases overall economic activity by £2.842 billion – but there are significant social and community benefits in transforming how we all live and work and in regenerating communities in all corners of Scotland.

Whilst the petitioner’s question only refers to Trunk Roads, it is CECA’s contention that the much larger issue is with the potholing of local roads under the control of Local Authorities.

Transport Scotland is responsible for the improvement and maintenance of the existing Trunk Road Network. This is achieved through their Trunk Roads Network Management Contracts with their two framework contractors, BEAR & AMEY.

Transport Scotland’s Network Management Contracts run for 8 years with an option to extend for a period of up to 4 years. This allows for a strong relationship to be developed between contractor and client where a visible and guaranteed pipeline of work provides certainty for contractors, better value for clients and the development of appropriate skills within the current and future workforce here in Scotland.

The maintenance of Scotland’s Trunk Road network is managed by a series of Key Performance Indicators (KPI’s) that are written into the terms & conditions of the Network Management Contracts with Transport Scotland’s chosen contractors and are subject to regular review and performance criteria by the client.

There is systematic surveillance of the condition of Scotland’s trunk road network and whilst potholes may appear on the network they are quickly and efficiently repaired once identified. In the main, Scotland’s trunk roads are well maintained because of long-term funding being in place that ensures the resilience of the network.

However, it is disappointing that the Scottish Government has reduced the budget for Motorways and Trunk Roads in its 2023-24 budget by over £75m.

	2021-22 Budget	2022-23 Budget	2023-24 Budget
	£m	£m	£m
Motorways and Trunk Roads	830.2	876.4	801.2

At a time when construction materials inflation is running at circa 20% this reduction in spending will impact upon the future condition of the network.

b) *Calling on the Scottish Parliament to urge the Scottish Government to improve road surfaces by:*

Providing ring-fenced funding to local councils to tackle potholes.

Local Authorities are responsible for the maintenance and improvement of the Local Road Network. Local Authorities in Scotland are funded from four sources: Scottish Government grant, service income, Non-domestic Rates, and Council Tax.

The Local Authority Road Network condition is assessed via the Scottish Road Maintenance Condition Survey, which is organised by the Society of Chief Officers. The percentage of roads needing repairs (red and amber classification) in Scotland in 2020 was 35.5%. This is an average across all Local Authorities.

There is no common strategic approach by Local Authorities to maintaining and developing their respective local roads. Many Authorities use a “risk based” approach to identifying what potholes should be repaired and when. There is an argument that states that all potholes pose a “risk” and can just as easily cause an accident, damage, or a fatality on a “quiet road” than on a “busy” road.

The evidence is clear that Scotland’s local road network is in a very bad condition and is deteriorating rapidly due to the dual impact of climate change and continuous real value cuts to road maintenance budgets.

Ensuring that Scotland’s infrastructure - whether existing, through repair and maintenance, or new build - is climate ready must be our top priority. However, given that so much of Scotland’s infrastructure needs urgent investment, prioritising investment decisions by Local Authorities and others will be extremely challenging.

More emphasis needs to be placed on building resilience into the local road network, particularly in respect of flood prevention and in

responding to other impacts of climate change. Water and frost cause significant damage to our roads and poor drainage around our roads only add to potholing issues.

Substandard reinstatement work carried out on the road network by utility companies must be tackled and the guilty parties must be forced to make good in a timely manner.

All Local Authorities are facing financial challenges in the coming years. There has been under investment in the Local Road Network in Scotland for decades and we are rapidly approaching a tipping point for some Local Authorities whereby they will never catch up on the structural repairs on their network if they do not change their funding model or actively look to collaborate with neighbouring authorities on mutual road management programmes.

Petitioner submission of 31 January 2023

PE1936/G: Remove Pothole from Scotland's roads

Since I brought this situation to your attention, I believe the situation has gotten much worse. Whilst we accept that the winter brings much harsher, wet, and cold weather, surely that is the very point of keeping roads in a safe and manageable condition.

Instead, this winter has brought motorists utter misery. Things have become so bad in various places throughout Scotland that many pothole demonstrations were set up to try and force local authorities to do something about the unsafe conditions of our roads.

Whilst we know that a car must be safe to drive on the road, it seems almost ironic that the unsafe condition of roads are causing the damage to the cars in the first place. It is a total lack of accountability and shows no duty of care whatsoever.

Whilst in the middle of a cost-of-living crisis, we can ill afford to pay out for further repairs on our cars. Many FOIs (Freedom of Information requests) have illustrated that councils throughout this country are avoiding paying for repairs and that is equally not acceptable. The

Highway Code states that we should drive in line with the condition of the road and yet the very condition of such roads is the hazard itself.

Many people are online stating that they no longer drive in rain or in the dark for fear of hitting a hole. I personally share such a sentiment and I also deem this issue to be that of an equality issue and therefore covered under the Equality Act 2010. It appears that many women are now frightened of driving in case they hit one of the thousands of potholes throughout this country and find themselves sitting alone somewhere quiet, waiting on the AA or RAC for quite some time. This is obviously stopping many women travelling for safety reasons and that is unacceptable and could be deemed as contravening the Act.

On a last note, I could not help but listen to the debate in Westminster on 26 January 2023 between the SNP and Penny Mordaunt. Apparently, the SNP-led Scottish Government have underspent their budget by almost two billion pounds. I note that part of that budget was signposted for transport. How then can the Scottish Government possibly justify their actions or inactions as the case might be, in relation to the conditions of the roads. Surely, sense should prevail and yet we find that sense is nowhere to be found once again.

Perhaps it will take the death of a family on the unsafe networks to illustrate the need for health and safety. Perhaps the death of a cyclist when the person falls and is subsequently hit by a passing traffic. Perhaps it will take something to happen to a lone driver waiting hours for a breakdown for many hours. All of this could be avoided and yet the budget is underspent, and the public are at risk the moment we leave the house.

Petitioner submission of 5 March 2023

PE1936/H: Remove Potholes from Scotland's Roads

Further to my previous submission, I also wanted to make the Committee aware of another incident, noted on a Glasgow potholes Facebook page, where a video showed a man alighting from bus and

falling almost immediately into a pothole. I feel that this another incident of inequality as the man was unable to get back out of the pothole without assistance.

I also note concerns have been raised about road conditions ahead of the UCI Cycling Championships, due to be hosted by Glasgow in August 2023. If the Championships were pulled out of Glasgow due to the condition of the road networks, what an embarrassment it would be for Scotland – a country that, in my view, has become nothing more than a third world shambles when trying to travel.