

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND  
SCRUTINY COMMITTEE held via Microsoft  
Teams on Thursday, 13 January 2022 at  
10.15 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J. Fullarton, J. Greenwell,  
N. Richards, E. Robson, H. Scott, S. Scott, and E. Thornton-Nicol

In Attendance:- Chief Officer Roads, Network Manager, Team Leader – Road Assets Team,  
Chief Officer Audit and Risk, Clerk to the Council, Democratic Services Officer  
(W. Mohieddeen).

## 1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 9 December 2021.

### **DECISION**

**AGREED to approve the Minute for signature by the Chairman**

## 2. **SCRUTINY BUSINESS ACTION SHEET**

- 2.1 With reference to paragraph 2 of the Minute of 9 December 2021, there had been circulated copies of the Scrutiny Business Action Sheet. The Clerk to the Council advised that actions had been added from the Meeting held on 9 December 2021 including a review of Festival Funding. With regard to Rural Proofing, the Clerk to the Council was due to follow up on this action with the Director Resilient Communities. Communications Officers were to attend the Meeting of the Committee to be held on 14 March 2022 to allow Members to have a discussion about a programme of communication in regard to climate change, including waste and recycling. With regard to the Teviot Day Service action from the Meeting held on 30 November 2021, the Chairman advised that he had written to the Director Social Work & Practice who had confirmed that the two actions had been carried out. With regard to Responsible Dog Ownership, Members considered that the action was to determine how dog waste was processed and that a short notification may only have been required. Mr Hedley advised that dog waste could be co-mingled in general waste so long as it was not more than 5% of the total waste collected. It was not practical to have special uplifts of dog waste for separate processing. Members agreed that this action would now be closed.
- 2.2 The Chief Officer Audit and Risk referred to action 1 (a) from the Meeting held on 29 June 2021, regarding the proposed review of the Income Management Policy, advising that this Policy had recently been reviewed and approved at the Executive Committee meeting held on 17 August 2021. With regard to the benchmarking of charges, these had been related to the Fees and Charges approved by Council in February/March each year as part of budget setting. The Chairman responded that the understanding was that for the 2022-23 budget, work on benchmarking fees was ongoing. The Chief Officer Audit and Risk advised that findings from internal audit reviews would reference the Income Management Policy as part of wider policy. Members agreed that this review be removed.
- 2.3 The Clerk to the Council advised that with regard to the proposed review of the Management and Maintenance of Public Halls, which would focus on the community contribution e.g. through management committees, public halls were still affected by Covid-19 restrictions. The Clerk to the Council was liaising with the Director Strategic Commissioning & Partnerships on the most appropriate way to bring this forward to

Members. Public transport and communities action was to be addressed in the 14 March 2022 Meeting of the Committee. The action regarding the Jedburgh Contact Centre and Library from the Meeting held on 25 November 2019 was to be addressed by the Director Resilient Communities. In response to a question from the Chairman enquiring whether the action regarding Jedburgh Contact Centre and Library was out of date, the Clerk to the Council advised that an update on the action would be brought to the next Meeting of the Committee.

- 2.4 With regard to the action from 24 October 2019 on Community Access to Schools, the Chairman advised that he had had constructive discussions with the Director Education and Lifelong Learning with regards to the policy aspect of this issue. The Chairman advised that the use and booking of schools by community groups was the result of historic practices in different areas so was complex. On a wider policy point, reference had been made over the years to “community schools” but that had different meanings in different contexts. Referring to community facilities within schools rather than community schools may be the way forward. Determining which schools would have facilities available for use by community groups may be best taken forward as part of the Place Making conversations with communities. Not every school would be made available in this way as there could be other facilities already available within communities or schools in towns could be close together. The Chairman had agreed with the Clerk to the Council that the Committee return to the issue with a scrutiny discussion organised to address community access to schools facilitated by a brief report outlining the issues which would allow Members to express their views on what was meant by community access to schools and how this could best be taken forward.

## **DECISION**

### **AGREED that:**

- (a) the actions regarding the Teviot Day Service petition were now complete;**
- (b) the Responsible Dog Ownership Strategy review action could now be marked as complete;**
- (c) the Income Management Policy would be removed from the Work Programme as the Policy had recently been updated and the benchmarking of charges was undertaken as part of preparation of the Fees & Charges paper for the annual budget;**
- (d) there would be a discussion at a future meeting of Audit & Scrutiny on the use of school facilities by community groups and how this could be taken forward through the Place Making discussions.**

## **3. ROADS AND INFRASTRUCTURE SERVICES PERFORMANCE**

- 3.1 There had been circulated copies of the Report by the Director Infrastructure and Environment which set out how Scottish Borders Council resourced its Roads and Infrastructure service; the level of service that resource enabled and how this level of service performance compared against others. The report was presented by the Chief Officer Roads, Mr Hedley, who advised that the Roads and Infrastructure service was located within the Infrastructure and Environment Department and consisted of SBc Contracts, Infrastructure, Engineering, Roads Operations, Fleet Services and the Parks and Environment team. Scottish Borders Council resourced roads services using a mix of revenue and capital funding. Prior to that, road maintenance was predominantly funded through revenue with the capital budget primarily funding improvements to the road network. Regular inspection of Scottish Borders Council’s adopted road network and associated assets was undertaken in accordance with the Council’s Standards on Carriageway/Footway & Footpath Safety Inspections contained in Appendix 4 of the Report. Mr Hedley highlighted further complications affecting roads including winter weather conditions not being conducive to carrying out permanent or significant repairs due to the presence of water on the road surface and throughout the various layers of road construction. The Infrastructure team determined any activities which the Council undertook on the road network and would instruct SBc Contracts or the Roads Operations teams accordingly. As part of their remit they would also monitor and report on

performance and benchmarking activity. In 2021, the spending per kilometre was the third highest of the family group of comparable local authorities with characteristics and challenges common to rural regions defined by the Local Government Benchmarking Framework (LGBF). Over the last three years, Scottish Borders Council had overlaid 29 kilometres of carriageways, surface dressed 157 kilometres of the network and undertaken permanent patching repairs to approximately 140,000 square metres of the network. Over the same period, the Council had undertaken £1.285 million of semi-permanent repairs to rural (C and D-class) network roads using jet patching. It was estimated that £1.865 million of reactive patching works was undertaken in the same timeline. Potholes were significantly the largest category of customer enquiry for the service. Customer enquiry numbers may have been found to fluctuate depending on the severity of winter weather. The Roads service had purchased a second jet patching machine and staff were trialling a permanent system of repairs with a JCB Pothole Pro. It was expected that the JCB Pothole Pro would be received in early 2022. The number of insurance claims received due to vehicle damage caused by roads had been declining; however the number of claims settled where the Council agreed it had been at fault had been increasing. As part of Fit for 2024, the Service had initiated a third-party review during 2021 which was scheduled for report in early 2022. To become more effective and efficient the service aimed to increase the use of digital initiatives to improve service provision. As part of the report, the contribution of suppliers, supporters and partners were recognised, particularly in response to the impact of Storm Arwen. Mr Hedley thanked all the staff within the Service for their work over the recent Christmas period and during the Covid pandemic.

- 3.2 In response to questioning from Members, the Network Manager, Mr Young, advised that any additional winter spend over budget was recorded each year by the Finance section but a harsher winter than normal would not normally be eligible for the Bellwin scheme unless there was an extreme weather event such as in 2001 when airlifts were required to outlying areas due to the amount of snow across an extended period. The Team Leader, Roads Asset Team, Mr Scott confirmed that the strategic importance of a route was based on classification, but traffic counts were also carried out by teams at various times. Mr Young advised that a high priority was given for edge lining, however the right conditions were needed and that this would be difficult to undertake in winter months. Lining on A and B-roads was undertaken by external contractors through a procurement exercise which took account of value and quality. Forward visibility was also taken into account when cutting grass verges on higher use roads as well as at junctions. With regards to the contribution of fleet to climate change, the Fleet Manager, Mr Naylor, was reviewing the current fleet and its usage. Any new non-fossil fuel vehicles coming on stream would also need sufficient infrastructure (EV points). The service expected to begin moving away from fossil fuel vehicles from 2025, but fossil fuel vehicles would still be purchased at the moment if they would be at end of life by 2030. Mr Young advised that road lining was often undertaken by an external contractor and adding 'slow' markings would have added considerably to the operation and cost, so these markings were to be carried out separately by the Council. The SBC sign workshop was particularly busy over summer when there were a lot of resurfacing schemes which generated ad hoc signage requirements and production. Where generic signs were needed then these could be bought in bulk from external workshops to help relieve the pressure on the in-house workshop. Assessment had been undertaken on the utilisation of a gully-emptying programme to help address water on roads. There were 2 gully emptier machines, located at Newtown and Hawick, and further work was planned using external suppliers for Tweeddale and the outlying areas of Berwickshire. In lesser classification rural roads, a gully inventory would allow for a better understanding of the conditions of gullies and technology was helping identify the levels of silt. Mr Hedley confirmed that the use of new technology was being investigated on an ongoing basis which could provide more intelligent information on the condition of the infrastructure and how it was performing. Mr Young advised that legislation covered the reinstatement work of the utilities companies. The Council had one Public Utility Inspector covering all public utility works across the Borders to ensure they were keeping up with obligations.

Problems arose when the reinstatement works failed after a period of time, often out-with the legislative framework. Regular meetings took place with utilities companies and where their contractors did not perform to SBC standards these were investigated and, if appropriate, corrective measures undertaken. In one recent case, this had resulted in a contractor being removed from utility companies list for in the Borders. However, it all came down to the Code of Practice to which the utility companies signed up. While the Code of Practice was very rigorous on the type of repair that was required (temporary and permanent), it also depended on the type of road and the amount of traffic using it. As soon as a cut was made in any road, there would be weakness and water would ingress at one point. Discussions were due to take place with the new Roads Commissioner on this matter and Members would be updated on the outcome as may be appropriate. The Chairman suggested that an item be added to the Action Tracker to monitor the trend in road maintenance funding in the 10 year capital/revenue budgets.

- 3.3 With regards to the impact of the age of the Borders roads, Mr Hedley advised that several factors affected road condition including age, design and construction methods used, skid-resistant material and traffic profile. This meant that the roads asset was in a constant process of deterioration, which varied depending on the type of usage e.g. timber, farming, cars, etc. There were requirements on the Council in the Roads (Scotland) Act 1984 to maintain roads in reasonable condition and attend to the impact of winter. The road network had to be able to cope with the impact of weather, but there were no viable alternate methods of clearing snow and ice from roads than those currently in use. Deterioration of roads over winter was more to do with freeze/thaw than from the application of salt. Officers were always looking for new opportunities to improve the roads. Mr Scott added that the Council tried to carry out as much preventative maintenance as possible so roads did not deteriorate, rather than carrying out corrective maintenance. The best solution was sought for individual locations and officers were constantly looking at alternative materials and better means of delivering repairs. As an example, cold material was used in potholes in winter as if hot material was used it would go brittle and fail in freezing conditions. In response to a question about resolving water runoff from adjacent fields, Mr Hedley advised that preventative work was undertaken to engage adjacent landowners, where water was issuing from the property onto the public road, in developing solutions. Where officers became aware of an issue, initial contact was made through the Asset Team then officers worked with landowners to try and achieve a collaborative approach. For enforcement issues, if action had not been taken 28 days after receipt of a letter, the Roads (Scotland) Act 1984 empowered the Council to pursue appropriate action. In terms of engaging with local communities for information and assistance, this could be progressed through Area Partnerships, although care would need to be taken that no-one was put at risk e.g. inspecting gullies. The use of jet patching was part of an integrated maintenance approach and this was predominantly used on rural roads as it was not felt appropriate to use jet patching on A or B roads. With regards to timber transport, Mr Hedley advised that the Council had a good working relationship with Forest Land Scotland and that timber transport was no different to a supermarket lorry and had as much right to use the public road network as anyone else. The Council had a good relationship with the timber transport industry and had a preferred routes map, which tried to keep to A class roads, but this may be complicated by the location of forestry. The Council had also been successful over the years in accessing the Challenge Fund for Forestry for road improvements and reinstatement. Mr James England, the South of Scotland Forestry Transport Officer, was also very helpful.
- 3.4 Storm Arwen had impacted across the Borders but particularly within Berwickshire. Mr Young explained there had been extensive areas of wind-blown trees, and those impacting on the roads network had been removed. Landowners would also need to remove the windblown trees from their land and this also needed to be managed e.g. no cranes were allowed to lift timber from the side of the road and the safest place to load onto wagons had to be established as this would generate a lot of activity. Mr Scott advised that, in terms of soft verges, the issue predominantly in Berwickshire was roll over, as while roads were meant to have a stepped construction with the lowest level the

widest, on many of these roads there was a vertical construction so once off the tar it was directly onto soil. This latter was often the way the road had been originally constructed and the width available for a road could be another issue. The only way to rectify this was to reconstruct the verges but this cost £150 per m<sup>2</sup>. Where previously there had been ditches, there were now sometimes gas or water pipes so each area had to be considered on a case by case basis.

#### **MEMBER**

Councillor Scott left the meeting.

- 3.5 With regard to repair plans for C and D class roads in Berwickshire and the level of insurance claims, Mr Hedley advised that there were failures in road surfaces and these had to be attended to as soon as possible. The preference was to carry out permanent repairs but speed and cost were also factors so a blended approach was used. The intention was to move to more permanent repairs in the first instance and options were being explored on how to best manage this, such as not having to close roads when carrying out repairs and also introducing new machinery which would protect staff from using vibration equipment. There was a detailed programme of work for the coming year and an outline of work for the next 3 years which would include roads in the Berwickshire area. Details of roads where insurance claims had been made were available. With regard to hedges which encroached on roads, Mr Hedley confirmed that roadside hedges belonged to landowners and one of the Asset Team would visit the site and then encourage the landowner to carry out judicious pruning. There needed to be a balance with the time of year i.e. not to disturb nesting birds. If there were any particular areas of concern then Members should contact Mr Scott's team in the first instance. Mr Hedley also advised that the current review of the Roads service should be complete in early 2022. This was an internal operational report and, depending on the outcome, may come forward to Members post-election should strategic changes be proposed.
- 3.6 Councillor Bell thanked the Mr Hedley, Mr Young and Mr Scott for the report and their excellent responses to questions from the Committee. It was good to see the Department trying to find new mechanisms to improve the road network and for continuing to explore new ways of working.

#### **DECISION**

- (a) NOTED the report.**
- (b) AGREED to request the Director Finance & Corporate Governance considered the need to monitor the 10 year capital/revenue trend in funding for roads maintenance.**

*The meeting concluded at 12.35 pm*