

## Notice of Meeting and Agenda Council

Date	Time	Venue
Thursday, 28 April 2022	09:30	Teams meeting,

MARK CONAGHAN  
Head of Corporate Governance

### Membership

Councillor Jennifer Marion Adam-McGregor: Councillor Alison Ann-Dowling: Councillor Tom Begg: Councillor Derek Bibby: Councillor Bill Binks: Councillor Bill Brown: Councillor Stephen Burns: Councillor Jacqueline Cameron: Councillor Michelle Campbell: Councillor Carolann Davidson: Councillor Eddie Devine: Councillor Karen Devine-Kennedy: Councillor Andy Doig: Councillor Audrey Doig: Councillor Natalie Don: Councillor Edward Grady: Councillor Neill Graham: Councillor Jim Harte: Councillor John Hood: Councillor Lisa-Marie Hughes: Councillor Scott Kerr: Councillor Alistair Mackay: Councillor James MacLaren: Councillor Kenny MacLaren: Councillor Mags MacLaren: Councillor Eileen McCartin: Councillor Colin McCulloch: Councillor Marie McGurk: Councillor John McIntyre: Councillor John McNaughtan: Councillor Kevin Montgomery: Councillor Will Mylet: Councillor Emma Rodden: Councillor Jim Sharkey: Councillor John Shaw: Councillor James Sheridan: Councillor Andy Steel: Councillor Jane Strang:

Provost Lorraine Cameron (Convener): Councillor Cathy McEwan (Depute Convener):  
Councillor Iain Nicolson (Leader): Councillor Jim Paterson (Depute Leader)

### Webcasting of Council Meeting

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### Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

### Apologies

Apologies from members.



## Items of business

### 1 **Minutes of Meetings of Council, Boards and Panels**

#### **(attached separately)**

Council, 3 March 2022, pages 281-310

Communities, Housing and Planning Policy Board, 15 March 2022, pages 311-330

Regulatory Functions Board, 16 March 2022, pages 331-340

Education and Children's Services Policy Board, 17 March 2022, pages 341-346

Audit, Risk and Scrutiny Board, 21 March 2022, pages 347-353

Infrastructure, Land and Environment Policy Board, 23 March 2022, pages 354-360

Appointment Board, 23 March 2022, pages 361-362

Petitions Board, 28 March 2022, pages 363-366

Local Review Body, 29 March 2022, pages 367-370

Finance, Resources and Customer Services Policy Board, 30 March 2022, pages 371-386

Regulatory Functions Board, 31 March 2022, pages 387-396

Leadership Board, 20 April 2022 (copy to follow)

Appointment Board, 21 April 2022 (copy to follow)

Placing Request and Exclusions Appeals Panel, 26 April 2022 (copy to follow)

### 2 **Renfrewshire's Roads & Infrastructure Investment** 1 - 28

#### **Strategy**

Report by Director of Environment & Infrastructure

### 3 **Governance Arrangements** 29 - 34

Report by Director of Finance & Resources

### 4 **Review of Bus Deregulation and Effect on Transport** 35 - 44

#### **Services in Renfrewshire**

Report by Lead Officer on behalf of the Audit, Risk & Scrutiny Board

### 5 **Notice of Motion 1 by Councillors McCartin and Andy**

#### **Doig**

"Cutting of toenails

Council recognises that cutting toenails is not a job for the health service. However it also recognises that it is a service which needs to be done, and that the present ways of dealing with this are totally unsatisfactory.

This service is part of personal care, and has been recognised as such for some years. However little has been done to try to find a way of providing this service to those who need it and for whom private sector provision is just too expensive.

It is recognised that some voluntary sector groups, such as ROAR, are now providing toenail cutting services, but there is a long waiting list for this.

Council will therefore examine ways that this service can be brought under the jurisdiction of the Health and Social Care partnership to provide a meaningful way of ensuring that the mainly elderly people who require this service can have it provided under the heading of “free personal care” as has previously been the case with other such services.

It is not good enough that this simple yet vital service has effectively been privatised out of NHS podiatry services, with elderly people who can ill afford it having to pay £30 or more to a private provider, or rely on a charity for services."

## **6 Notice of Motion 2 by Councillors Andy Doig and McCartin**

"The Powers of Community Wardens to Tackle Anti-Social Behaviour

Council commends council officers for their commitment to promoting the strategies of Renfrewshire Council in relation to dealing with anti-social behaviour, and notes positively the recent update to the anti-social behaviour strategy of the Council. However, Council nonetheless regrets the very real negative effects that anti-social behaviour continues to have on our towns, villages, and communities."

Council agrees to examine best practice in other local authorities, in terms of increasing the powers of community wardens to eradicate anti-social behaviour, including looking at closer co-operation with Police Scotland and developing the authority and powers of community wardens to deal with anti-social behaviour, and resolves to report back and make a recommendation to the appropriate policy board".

## **7 Notice of Motion 3 by Councillors Andy Doig and McCartin**

"The Leasing of Council Assets to Small Businesses and Social Enterprises

"Council believes that community empowerment should be a reality and not just a slogan, and commends those community groups across Renfrewshire which have successfully asset transferred former unused, or disused, council facilities to make them into viable and thriving community assets.

"Council agrees to formulate a strategy that in the event of unused council assets in the community, such as playpark pavilions, where there is no tangible appetite for asset transfer in any given community despite it being promoted and offered, will offer to lease such council assets to small businesses and social enterprises".

**8 Notice of Motion 4 by Councillors Ann-Dowling and McCulloch**

"Food Champion

Council agrees to prioritise food justice as part of its cost of living crisis response and commits to bring about change locally by appointing a Food Champion.

It's unacceptable that in one of the richest countries in the world, many households across Renfrewshire struggle to put food on the table, before and during the Covid-19 crisis. Food poverty has become more acute due to a cost of living crisis that has hit many households hard.

Council notes that local authorities across the UK have appointed a food champion and a growing number are consolidating Covid Support Groups into formalised networks and partnerships. Council agrees to prepare for next meeting a comprehensive strategy on how to meaningfully develop a food partnership to help deliver food justice in Renfrewshire. "

**9 Notice of Motion 5 by Councillors McNaughtan and M MacLaren**

"Renfrewshire's Historic Graveyards

That Council agrees that officers should undertake a review of the historic graveyards within Renfrewshire, identifying ownership and maintenance requirements and report back with recommendations to enhance the valuable contribution these can make for tourism and future generations."

**10 Notice of Motion 6 by Councillors K MacLaren and M MacLaren**

"Council recognises the pressure on public finances due to Brexit and the Covid pandemic and recognise the need for an open and transparent tax raising system; Council calls on the UK Government to seriously tackle tax evasion within the UK and ensure that tax fraud is treated with the same determination and focus that the UK Government applies to benefit fraud. "

**11 Notice of Motion 7 by Councillors Andy Doig and Hood**

"Consultation on Swimming Pool Facility for Johnstone Town Centre

“Council recognises that the concept of the Johnstone Sports Hub was initiated in good faith, but notes that Covid restrictions have led to reduced accessibility for the swimming public in Johnstone and the Villages due to the amenity being part of the school estate, compared to other One Ren amenities in Renfrewshire. Council regrets this has led to a reduced service for the swimming public.

Council further notes with concern the continued corporate pull away from Johnstone town centre towards the Paton’s Mill Retail Park and Morrisons, and therefore resolves to carry out a wide ranging consultation with the people of Johnstone, Johnstone Community Council, Johnstone Business Consortium, all local Tenants and Residents Associations, One Ren, and other interested parties, about restoring a swimming pool facility in Johnstone town centre.”

**12 Notice of Motion 8 by Provost Cameron and Councillor  
Nicolson**

"Council agrees to fly the Pride Rainbow flag during Pride Month, which takes place annually in June, with exception of the flag raising days already previously agreed by Council."



**To: Council**

**On: 28 April 2022**

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**Report by: Director of Environment & Infrastructure**

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**Heading: Renfrewshire's Roads & Infrastructure Investment Strategy**

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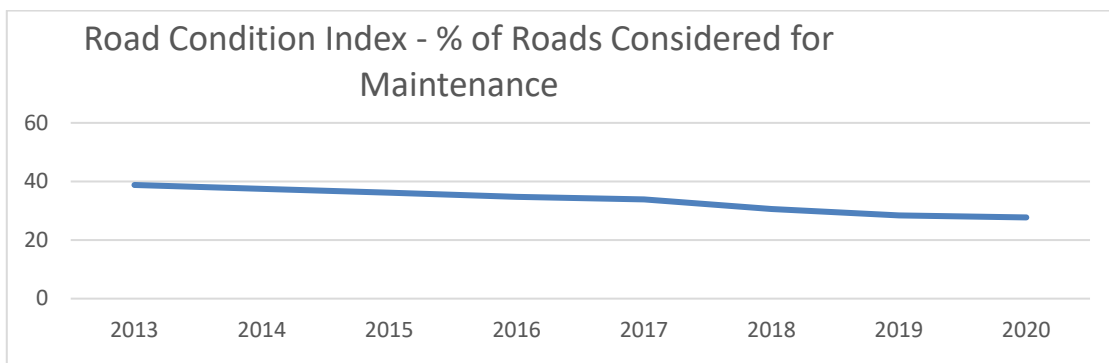
## **1. Summary**

- 1.1 Council agreed at its meeting of 3 March 2022 to prepare for the next Council meeting a comprehensive strategy to improve all of Renfrewshire's roads, pavements and pathways to an acceptable condition.
- 1.2 This report sets out the strategic, proactive approach to maintaining and improving Renfrewshire's roads, pavements and pathways. The strategic approach set out in detail in the appendix to this report is the current strategy, used to support investment decisions in Renfrewshire's road infrastructure over the last 7 years supporting the £13million investment in April 2017 – March 2019 and the 5 years £40million Road Infrastructure Capital Investment Programme agreed at the Council Budget meeting of February 2019 which will take investment through to March 2024. The report also provides a general update of other Capital Investment streams that have delivered significant infrastructure projects over the same period.
- 1.3 The 5 years £40million investment programme approved in 2019, was the first time Renfrewshire Council had approved a multi-year investment which allowed a medium to longer term strategic approach to be taken to maintaining Renfrewshire's road related infrastructure.
- 1.4 The 4<sup>th</sup> year of the programme has just commenced, with £25million invested over the last 3 years in Renfrewshire's road Infrastructure. A further investment in the road network of over £11million is planned this year in 2022/23.
- 1.5 A summary of the investment achievements delivered over the last 3 years is set out below, with notable highlights including;
  - Over 1.1million square metres of our road and footway network benefitting from proactive maintenance,

- Carrying out preventative maintenance on 20% of our road network including resurfacing, micro surfacing, surface dressing and large area patching,
- Almost £3million has been spent on upgrading strategic routes in and out of Renfrewshire
- Over 605,000sqm of our road network has been fully resurfaced, which equates to 11% of the network.
- A further 8% of the network has benefited from another form of treatment such as surface dressing, micro surfacing or large area patching
- A £1.2million investment in drainage
- Successful applications to external funders totalling over £6million to supplement the Council's £40m capital programme.

1.6 The benefits outlined above have also been supported by sustained improved performance in the Scottish Local Government Benchmarking Framework indicators which can be attributed to the significant investment in recent years. The figure below shows the data available until 2020/21 and highlights sustained improvement in our performance in relation to roads maintenance over recent years. The percentage of Renfrewshire's roads requiring maintenance is now significantly below the Scottish average.

1.7 As a result of the current strategic approach and investment being targeted at our priority road network, Renfrewshire's class A road network is now ranked 4<sup>th</sup> in Scotland, improving from 8<sup>th</sup> in 2018 with the class B network being ranked 7<sup>th</sup>, improving from 10<sup>th</sup> in 2018. As shown in the graph below, there has been continual improvement in Renfrewshire's Road network over the last 10 years, with an increased improvement over the last 5-year period.



1.8 In addition to the road's investment programme, the Council also invests in capital programmes each year targeted at improving other infrastructure such as bridges and structures and street lighting. These are annual improvement programmes funded from the Council's Capital Programme. In addition to internal funding, the Council regularly secures external funding to deliver priority programmes with around £1million each year being accessed from SPT as well as regular funding requests to Sustrans and Transport Scotland for improvements to active travel and electric charging infrastructure.

1.9 The Service will endeavour continue to adopt a long-term view with regard to roads maintenance activities across all aspects of the Roads Infrastructure. The longer-term strategy adopted over the last few years with a high level of investment can be shown to



have a direct improvement on the condition of the road network. The work undertaken through the current strategy should provide members with reassurance that the strategic approach adopted, supported with a higher level of investment through the £40m investment programme is maintaining and improving the overall condition of the road asset. However, the Council will require to consider its future financial investment strategy beyond the current approved 5 years strategy. Any investment levels to support a future long-term strategy in road's infrastructure will be subject to future consideration and decisions taken by the Council. This will inevitably be influenced by the financially sustainable investment capacity available to the Council and how such capital resources will be deployed not just to roads infrastructure, but also to other investment priorities and unavoidable investment requirements across the Council's wide and complex asset base.

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## **2. Recommendations**

It is recommended that the Council:

- 2.1 Notes the strategic approach to maintaining and improving Renfrew Council's Road Assets and Infrastructure as set out in this report and supporting appendices,
  - 2.2 Notes that Environment & Infrastructure will continue to adopt a strategic approach to tackling roads and infrastructure maintenance in the years ahead, subject to approved investment capacity reflecting future decisions made by the Council.
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## **3. Background & Investment Requirements**

- 3.1 The Council's Road and Infrastructure network is the largest physical asset the Council owns and is essential to the daily lives of all our residents, whether it is access for employment, leisure, learning or social activities. The Council maintains almost 5.5million square metres of road network and 2.8million square metres of footway and path network, along with the assets within this such as drainage, signage and 30,000 streetlights.
- 3.2 The ongoing maintenance of the asset is a continuing one and as such there is a required level of investment on an ongoing basis just to maintain the steady state condition of the road network. The steady state condition reflects on a number of aspects, including the average lifespan for a resurfaced road is considered somewhere between 12 and 15 years, meaning around 7% – 8% of our road network would need to be resurfaced on an annual basis, just to maintain the status quo. The average lifespan for a resurfaced footway is between 25 and 30 years, around 3% - 4% of our footway network will need to be resurfaced on an annual basis, just to maintain the network position.
- 3.3 To provide some context around these figures, in the years 2013 – 2018 the annual average percentage of network resurfaced each year was around 3% for carriageways and 1% for footways. The current 5 year £40million investment programme which commenced in 2019/20 has allowed a more comprehensive medium to long term approach to maintaining the Council's Road network and road related infrastructure. This has ensured roads investment has extended beyond just maintaining a steady state condition and rather has secured the improvement in the overall condition of the asset.

## **4. Approach to Roads Maintenance**

#### 4.1 Maintenance & Improvement Strategy

The roads and footways in Renfrewshire are assessed in a number of different ways on a regular basis throughout the year. The methods include our inspector's cyclical inspection regime set out in the Roads Inspection Policy (attached as Appendix 3) approved at the ILE policy board in May 2019 date, which commits a risk-based approach to inspection frequencies based on the use of the road.

4.2 Renfrewshire road network is independently audited annually and involves surveying all classes of road. This is undertaken for all Scottish Local Authorities known, as the Scottish Roads Maintenance Condition Survey (SRMCS). This ensures there is a consistent approach across Scotland in relation to assessment of road condition and deterioration. The information provided from this annual exercise helps to inform the Council's investment strategy for future years and is the first criteria set out in the assessment matrix detailed in appendix 1 to the report. This is also the information used to provide overall road condition and provides the national picture that informs the LGBF indicators.

4.3 In the second year of our current investment strategy the Council sought an external review of our strategic approach to roads investment. The review considered all aspects of our road's maintenance programme, including the criteria used for assessing our roads for inclusion in each year's capital programme.

4.4 The external review concluded that the approach the Council had adopted was appropriate and that a 5-year programme of investment was particularly beneficial in setting out a long-term strategy for improvement, with a few findings for change, which have since been incorporated to the strategic approach. The key findings from the review were:

- The weightings of our road's matrix were slightly amended to ensure consideration was given to roads and areas where there were linkages with other key Council priorities,
- An increased level of footway resurfacing was going to be required recognising the lower than steady state investment that had taken place over the previous 5 - 10 years, this is now reflected in the strategic approach taken since 2020, reflected in Appendix 1.

### **5. Wider Road, Pathway and Footway Infrastructure**

#### 5.1 Public Transport & Active Travel

In addition to Council funded activities, Environment & Infrastructure have been successful in accessing and securing external funding sources to support continued investments in public transport infrastructure and our active travel network. The Council approved in 2016 Cycling Strategy setting out a 10-year strategic plan and the funding and investment is helping to deliver upon the key strategic routes set out in this strategy.

Over the last 3 years the Council has accessed over £6million in funding to deliver on these significant climate change priorities, including;

- Almost £3million worth of funding from SPT which has delivered a number of key Council priorities, including;
  - £500,000 to upgrade traffic signals across Renfrewshire,
  - £330,000 to provide safer road crossing facilities
  - £700,000 to provide bus corridor infrastructure, including improving access to facilities and provision of real time passenger information
- Over 5km of cycling infrastructure has been delivered, including key links now established between Bishopton, Dargavel and Inchinnan

- £400,000 investment in the reopening of the Whitecart Footbridge in conjunction with Sustrans and SPT,
- Securing £1million in funding to deliver the ambitious Paisley to Renfrew cycle route, with works having commenced on site in February 2022.

## 5.2 Streetlighting and Structures

The Council has committed funding for feasibility and design preparations for significant investment in our bridges and structures assets with an annual capital investment of around £0.5million each year. During this year works were completed on the Crosslee Bridge and planned next year for the Plymuir and Wright Street bridges.

Over £500,000 worth of streetlighting improvements have been made in recent years including KGV and Thomas Shanks Park to supplement increased investment to allow increased access to our parks and play areas.

## 6. **Equipment Investment**

- 6.1 Over the last two years and into this new financial year the Service has invested significantly in new vehicles and equipment to support the reactive maintenance delivered by the service. This investment includes a £150,000 investment in a new Roadmender machine to improve the efficiency of the operation. There has also been an investment of over £100,000 in a new gulley vehicle which will be operational in April 2022.

The service has also trialled a number of other pothole machines such as the JCB Pothole Pro and Multevo Multihog and further investment is planned as part of our vehicle replacement programme.

## 7. **Digital Enhancements**

- 7.1 Over the last year the roads service has invested in resource to enhance its digital capabilities. The roads service had been a very traditional paper-based operation and work has been progressed to digitise services, utilise the Council's GIS systems, existing systems and invest in new systems and technology. The Council has just procured a digital system that will be used to support the roads service, building on the systems introduced for waste collection. The aim is to enable these systems over the next 18 months to provide the public and members with information about maintenance regimes and activities. The work undertaken so far has provided far greater management information, which has helped to support the public, members and increase service effectiveness.

## 8. **Community Investment Fund**

- 8.1 One final aspect of the Roads investment strategy is introduction of a community investment fund. £1.2million has been set aside from the Roads Capital programme to deliver improvements to roads related infrastructure nominated by our communities.
- 8.2 A wide ranging programme of communications and community engagement took place between 4 October and 14 November with roadshows taking place across Renfrewshire, and attendance at each of the local partnership meetings.
- 8.3 The engagement with the communities has been a positive experience with communities and individuals contributing 2,843 ideas. This initial list of ideas has been reduced to a long list of

439 ideas. These 439 suggestions are now undergoing assessments for deliverability and design which will then inform the shortlist that goes to the public vote.

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### **Implications of the Report**

1. **Financial** – Members should note that the delivery of the strategic approach to maintenance and improving Renfrewshire’s Road network has a direct correlation to the financial Investment available. There is an existing investment strategy until March 2024. Council will have many investment considerations going forward; roads will be one of these and future road asset investment strategies refined to reflect investment decisions made by the Council.
2. **HR & Organisational Development** – None
3. **Community & Council Planning**
4. **Our Renfrewshire is thriving / Reshaping our place, our economy and our future** – The Road Asset plays a significant role in supporting the development of Renfrewshire’s economy and communities.
5. **Creating a sustainable Renfrewshire for all to enjoy** – Renfrewshire’s Road & Footway and supporting infrastructure play a key role in supporting Renfrewshire’s climate ambitions
6. **Legal** – None
7. **Property/Assets** – The Council’s roads, fleet and open space infrastructure is maintained and enhanced.
8. **Information Technology** – None
9. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council’s website
10. **Health & Safety** – None
11. **Procurement** – None
12. **Risk** – None
13. **Privacy Impact** – None
14. **CoSLA Policy Position** – None
15. **Climate Risk** – The Council continues to commit internal and external funding in Road Asset to develop sustainable, green infrastructure.

## List of Background Papers: Road Policy – Roads Inspection Policy

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**Scheme Ranking System for Carriageways – 2020 -2024**

The following is the proposed Carriageway Scheme Ranking system which has been developed as part of the Roads Asset Management Plan project. The system has four attributes:

- 1. Condition / Engineers Assessment** – Based on data obtained from annual Scottish Road Maintenance Condition Surveys (SCMCS), this is supplemented by visual inspections using best practice guidance as set out in the *well- maintained highways 2005 documents*.  
Rated from 1 (acceptable condition) to 5 (major deterioration).  
(Refer to assessment key below)
  
- 2. Inspection Outcomes and Enquiries** – Based on issues raised key stakeholders (public, elected members, community councils, Inspectors etc) with consideration given to severity, frequency and insurance claim factors.  
Rated 1 (low impact) to 5 (high impact)
  
- 3. Road Hierarchy** – As defined by agreed carriageway classification system.
  - A Class Road                      5pts
  - B Class Road                      4pts
  - C Class Road                      3pts
  - Unclassified Road              2pts
  - Private Road                      1pts
  
- 4. Linkages to other Council Priorities** – Based on issues raised in consultation with internal and external stakeholders which may have an affect (positive / negative) for key council strategic documents such as
  - Renfrewshire’s Council Plan 2017-2022
  - Renfrewshire’s Community Plan 2017-2027
  - Environment and Infrastructure Service Improvement Plan 2021-2024  
 Rated 1 (low impact) to 5 (high impact)

<b>Scoring System</b>				
	<b>Criteria</b>	<b>Maximum Score</b>	<b>Weighting</b>	<b>Score</b>
<b>1</b>	<b>Condition</b>	<b>1 - 5</b>	<b>x 10</b>	<b>50</b>
<b>2</b>	<b>Inspection Outcomes and Enquiries</b>	<b>1 – 5</b>	<b>x 4</b>	<b>20</b>
<b>3</b>	<b>Road Hierarchy</b>	<b>1 – 5</b>	<b>x 4</b>	<b>20</b>
<b>4</b>	<b>Linkages to other CP</b>	<b>1 – 5</b>	<b>x 2</b>	<b>10</b>
<b>Maximum Total</b>				<b>100</b>

## Visual Condition Assessment

1. Fretting of Surface.
2. Fretting of Joints
3. Delamination of layers
4. Transverse Cracking.
5. Longitudinal Cracking.
6. Alligator Cracking.
7. Sub-standard Surface Texture Depth.
8. Coated Chipping Loss
9. Uneven / Irregular Surface.
10. Uneven / Irregular Public Utility Apparatus.
11. Potholes.
12. Filled Potholes
13. Patches.
14. Subsidence.
15. Rutting.
16. Failed Surface Dressing / Micro-surfacing.
17. Edge deterioration.
18. Open transverse / longitudinal joints.
19. Public Utility track / reinstatement failure.

Take note of existing surfacing material i.e. HRA, SMA, DBM, Surface Dressing, Micro-asphalt etc.

Note any drainage problems in relation to ponding, gully problems, water discharge from adjacent land, defective dished or Aco channels etc.





## Visual Condition Assessment

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8. Coated Chipping Loss
9. Uneven / Irregular Surface.
10. Uneven / Irregular Public Utility Apparatus.
11. Potholes.
12. Numerous Filled Potholes
13. Numerous Patches.
14. Subsidence.
15. Rutting.
16. Failed Surface Dressing / Microsurfacing.
17. Edge deterioration.
18. Open transverse / longitudinal joints.
19. Public Utility track / reinstatement failure.

Take note of existing surfacing material i.e. HRA, SMA, DBM, Surface Dressing, Microasphalt etc.

Note any drainage problems in relation to ponding, gully problems, water discharge from adjacent land, defective dished or Aco channels etc.

## **Appendix 2 – Road Treatment Types**

### **Treatment Strategy**

The Service has continued to use and explore alternative treatment methodologies to ensure the return for the investment can be as efficient and effective as possible. The paragraphs below outline the approaches used as well as the rationale behind them.

**Traditional Resurfacing** – The most commonly used technique is traditional road and footway resurfacing where 100mm depth of the road surface is removed and then a new surfaced laid. The new surface is laid in two layers, the base course and then a wearing course. This type of treatment is commonly applied where full streets or significant lengths of road are in need of treatment and is traditionally applied in areas over 1000sqm.

**Micro Surfacing** – Micro surfacing (also referred to as ‘micro asphalt’, ‘micro’ or ‘thin surfacing’) is a ‘surface treatment’ for roads. It is laid over the top of the existing surface to seal and protect it. It consists of a water-based mix of stones and bitumen which is spread over the existing surface by a special machine. It can take out minor dips and bumps; restores grip and texture and creates a new, waterproof surface. Micro surfacing is used to enhance the lifespan of a road, especially where the depths of defects are not significant enough to warrant full resurfacing. This method allows us to carry out more works, particularly in residential areas and can protect the road for a further 5 to 7 years.

**Surface Dressing** – In Renfrewshire, Surface Dressing is traditionally used in our more rural locations as it is a quicker and more cost-effective way of restoring a road surface and sealing it in one process. Surface dressing also improves skidding resistance which makes the road safer and also helps to make the road waterproof. The road is sprayed with a bitumen binder followed by a layer of stone chips, which are then pressed in with a roller. To ensure a uniform coating, more chippings are deliberately applied to the surface than are actually required, with the road being swept to remove the excess chips. We treat roads between April and September because the process needs warm, dry weather to allow the dressing to become established.

**Large Area Patching** – This is not a process of pothole repairs and is considered more like mini resurfacing schemes. In the last two years we have invested over £1million each year in large area patching. Typically, these are roads where there are defects but not so many to warrant a full resurfacing scheme, instead the treatment is targeted at large areas of the road. The patched areas are larger than the defects actually require as there is a need to limit the number of joints created on a road surface. In a standard large patch, the depth removed will be between 60mm and 100mm depending on the integrity of the base surface.

**Plastic Roads** – The use of recycled plastic in roads construction is becoming more popular, especially in recent years. Pellets made from recycled plastic are mixed with bituminous material and applied to the road surface. This process does not reduce the reliance on bitumen products and is more considered as a bulking agent. The



Renfrewshire  
Council

# Road Asset Inspections: A Risk Based Approach

## Road Safety Inspection Policy



## Table of Contents

Introduction .....	3
Legislative Requirements .....	3
Safety Inspections.....	4
Methodology.....	7
Inspection Frequencies .....	10
Inspection Tolerances.....	11
Defect Risk Assessment.....	13
Priority Response Times.....	15

## Introduction

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This Road Safety Inspection Policy has been developed with the primary aim of providing operational guidance to those officers involved in managing and undertaking road asset safety inspections. This is in order to ensure a consistent approach by utilising a formalised system that prescribes the frequency of inspections as well as the method of assessing, recording and responding to defects in the road asset.

'Well-Managed Highway Infrastructure: A Code of Practice' has specific recommendations regarding inspections of all road elements. This guidance document specifically relates to the procedure for the carrying out of road safety inspections. Recommendation 7 is that Road Authorities should adopt a Risk Based Approach to all aspects of road maintenance. A Risk Based Approach is also recommended by the Institute of Highway Engineers in their guidance on managing risk and liability, 'Well Managed Highway Liability Risk'.

The establishment of an effective regime of safety inspections is a crucial component of road maintenance in accordance with the Code of Practice, The Society of Chief Officers of Transportation in Scotland (SCOTS) seeks to encourage the benefits that will be gained by harmonising such procedures across Scotland.

This Road Safety Inspection Policy has been developed in partnership with the roads authorities associated through SCOTS to focus on safety inspections and categorisations, and is now being made available for all Scottish roads authorities to consider adopting for their network.

Adoption of this guidance will provide a consistent methodology for the management of the road network, while focusing on delivering a proactive programme of permanent repairs. It is intended that the implementation of this new guidance will also allow performance to be monitored and reviewed, implementing any necessary improvements identified through its use.

## Legislative Requirements

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The Roads (Scotland) Act 1984 Section 1, states that "...a local roads authority shall manage and maintain all such roads in their area as are for the time being entered in a list (in this Act referred to as their "list of public roads") prepared and kept by them under this section."

This Road Safety Inspection Policy contains guidance for safety inspections on public roads in the roads authority area including the nature and priority of response to defects encountered.

## Safety Inspections

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Road Safety Inspections are designed to identify defects likely to cause a hazard or serious inconvenience to users of the network or the wider community. Such defects include those that require urgent attention as well as those where the locations and sizes are such that longer periods of response are appropriate.

Safety inspections are derived from two main sources:

### 1. Planned Cyclic Safety Inspections

To identify defects which are hazardous (to any user of the road including drivers, pedestrians and cyclists) so that an effective repair can be carried out within a predetermined response time.

Cyclic Safety Inspections are carried out to specified frequencies, dependent upon the hierarchy of each section of road. During the inspection, defects are identified and processed for repair.

### 2. Reactive Safety Inspections (Ad-hoc)

Undertaken in response to particular circumstances, such as reports of defects from the

Police, general public, public utilities and other agencies.

The Safety Inspection regime forms a key aspect of the road authority's strategy for managing liability and risk.

The objectives of safety inspection activity are to:

- Minimise the risk of injury and disruption to road users as far as is reasonably practicable,
- Provide a regular, structured inspection of the public road network, within available resources,
- Deliver a consistent, reliable response to identified defects, within available resources,
- Maintain accurate and comprehensive records of inspections and response and
- Provide a clear, accurate and comprehensive response to claims.

The method of undertaking each inspection is subject to a risk-based approach considering

traffic type, accessibility and footfall. The reason for the mode of inspection adopted should be documented.

During safety inspections, observed defects that provide any foreseeable degree of risk to users will be recorded. The degree of deficiency in the road elements will be crucial in determining the nature and speed of response. Judgement will always need to take account of particular circumstances. For example, the degree of risk from a pothole depends upon not only its depth but also its surface area and location within the road network.

Any individual safety-related defect identified and inspected outside a planned or ad-hoc cyclic safety inspection originated from any source e.g. Police Report, Public Communication, Council Officer identified etc must be recorded.

In the case of absence of an inspector due to, for example, annual leave or ill health the roads authority will ensure that a suitably trained substitute Inspector undertakes any inspection due within the time frames set down in this document.

During periods of extreme weather, the roads authority will decide on the viability of a safety survey being undertaken, taking into account the availability of staff and the prevailing weather conditions.

## **Other Inspections**

### **Road Condition Inspections (or Structural Condition Surveys)**

Undertaken to consider the general condition of the individual roads and footways and the need for planned structural maintenance which can be programmed accordingly. Inspections for the carriageway asset are presently undertaken through the national Scottish Road Maintenance Condition Survey (SRMCS). Visual condition surveys of assets may also be undertaken with SCOTS guidance.

### **Utility Company Apparatus**

Undertaken in accordance with the requirements of the New Roads and Street Works Act 1991. Where identified, defects will be notified to the relevant Statutory Undertaker.

### **Service Inspections**

These are detailed inspection to ensure that particular road assets meet serviceability requirements. An example would be a General Inspection of a road bridge. Such inspections are not covered in this document.

### **Items for Inspection**

The following are examples of the types of defect which, when identified, should be assessed and an instruction for repair issued with an appropriate response time specified. The list identified below is not exhaustive.

## Carriageways

- Surface defects
- Abrupt level differences in running surface
- Edge deterioration of the running surface
- Excessive standing water, water discharging onto and / or flowing across the road
- Blocked gullies and obstructed drainage channels or grips which could lead to ponding or flooding
- Debris and/or spillages likely to be a hazard
- Missing road studs
- Badly worn Stop, Give Way, double continuous white line or markings associated with TRO's
- Missing or significantly damaged covers

## Footways, Footpaths and Cycleways

- Surface defects
- Excessive standing water and water discharging onto and or flowing across the foot/cycleway
- Dangerous rocking paving slabs
- Large cracks or gaps between paving slabs
- Missing or significantly damaged covers
- Debris and / or spillages likely to be a hazard
- Damaged kerbs

## Street Furniture

- Damaged vehicle restraint systems, parapets, handrails or guardrails
- Damaged boundary fence where animals or children could gain access
- Damaged or missing signs, such as Give Way, Stop, Speed Limit

## Road Lighting

- Damaged column, cabinet, control pillar, wall mounting
- Exposed, live electrical equipment

## Others

- Overhead wires in dangerous condition
- Sight-lines obstructed by trees and other vegetation,
- Trees in a dangerous condition
- Earthslips where debris has encroached or is likely to encroach the road or causing the road to fall away
- Rocks or rock faces constituting a hazard to road users
- Damaged road structures



### Hierarchy

#### Carriageways

Carriageway hierarchy is not necessarily determined by the road classification but more by functionality and use. Table 1 below provides descriptions for carriageway categories based on those in 'Well-Managed Highway Infrastructure: A Code of Practice'.

**Table 1 Carriageway Hierarchy**

Category	Hierarchy Description	Description
1	Strategic Route	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits generally in excess of 40mph with few junctions. Parked vehicles are generally not encountered out with urban areas.
2	Main Distributor	Routes between strategic routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less.
3	Secondary Distributor	In residential and other built up areas these roads have 20 or 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons. In rural areas these roads link the larger villages, bus routes and HGV generators to the Strategic and Main Distributor Network
4	Link Road	In urban areas these are residential or industrial interconnecting roads with 20 or 30 mph speed limits, random pedestrian movements and uncontrolled parking. In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two-way traffic
5	Local Access Road	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs.
6	Minor Road	Locally defined roads.

## Footways

Footway hierarchy is determined by functionality and level of use. Table 2 below is based on the recommendations of 'Well-Managed Highway Infrastructure: A Code of Practice' and should be used as a starting point when allocating a footway / footpath to a particular category.

The following should also be taken into consideration:

- pedestrian volume,
- designation as a traffic sensitive pedestrian route,
- current usage and proposed usage,
- contribution to the quality of public space and streetscene,
- age and distribution of the population, proximity of schools or other establishments attracting higher than normal numbers or specific groups of pedestrians,
- accidents and other risk assessments and
- character and traffic use of adjoining carriageway.

**Table 2 Footway Hierarchy**

<b>Category</b>	<b>Category Name</b>	<b>Description</b>
1	Prestige Walking Zones	Very busy areas of town centres with high public space and StreetScene contribution.
2	Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes, including links to significant public transport locations.
3	Secondary Walking Routes	Medium usage routes through local areas feeding into primary routes, local shopping centres etc
4	Link Footways / Footpaths	Linking local access footways through urban areas and busy rural footways.
5	Local Access Footways / Footpaths	Footways associated with low usage, short estate roads to the main routes and cul-de-sacs.
6	Minor Footways	Little used, serving limited number of properties.

## Cycle Routes

Cycle routes are categorised by location and a proposed hierarchy is shown in Table 3 below. The cycling infrastructure inspection programme helps to support the aims of the Council's Cycling Strategy which strives to significantly improve cycling infrastructure across the Council area.

**Table 3**      **Cycle Route Hierarchy**

<b>Category</b>	<b>Description</b>
1	Cycle lane forming part of the carriageway, commonly a strip adjacent to the nearside kerb. Cycle gaps at road closure point (no entry to traffic, but allowing cycle access).
2	Cycle track - a designated route for cyclists not contiguous with the public footway or carriageway. Shared cycle/pedestrian paths, either segregated by a white line or other physical segregation, or unsegregated.
3	Cycle trails - leisure routes through open spaces, remote from carriageways

## Inspection Frequencies

'Well-Managed Highway Infrastructure: A Code of Practice' advises that the frequencies for safety inspections for individual sections of the road network or for individual assets should be based upon consideration of the following,

- category within the network hierarchy,
- type of asset, e.g. carriageway, footway, embankment, cutting, structure, electrical apparatus, etc,
- critical assets,
- consequence of failure,
- network resilience,
- use, characteristics and trends,
- incident and inspection history,
- characteristics of adjoining networks elements,
- the approach of adjoining roads authorities and
- wider policy or operational considerations.

**Table 4 Frequency of Inspection – Carriageways**

Category	Hierarchy Description	Frequency
1	Strategic Route	Monthly
2	Main Distributor	Monthly
3	Secondary Distributor	Monthly
4	Link Road	Quarterly
5	Local Access Road	Annually
6	Minor Road	Annually

**Table 5 Frequency of Inspection – Footways & Footpaths**

Category	Category Name	Frequency
1	Prestige Walking Zones	Monthly
2	Primary Walking Routes	Monthly
3	Secondary Walking Routes	Quarterly
4	Link Footways / Footpaths	Six Monthly
5	Local Access Footways / Footpaths	Annually
6	Minor Footways	Annually

**Table 6** Frequency of Inspections – Cycleways

Category	Category Name	Frequency
1	Cycle Lane	As per adjacent road
2	Cycle Track	Six Monthly
3	Cycle Trail	Annually

### Inspection Tolerances

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All road safety inspections will be carried out to the frequencies detailed in the following tables and should be completed within the tolerances shown in Table 7, as follows:

**Table 7** Inspection Tolerances

Frequency of Inspection	Inspection Tolerances
Monthly	± 5 working days of the Due Date
Quarterly	± 10 working days of the Due Date
Six Monthly	± 15 working days of the Due Date
Annual	± 20 working days of the Due Date

### Definition of above terms

- Frequency of Inspection - Monthly indicates that twelve regular spaced inspections will be carried out per year.
- Frequency of Inspection - Quarterly indicates that four regular spaced inspections will be carried out per year.
- Frequency of Inspection - Six Monthly indicates that two regular spaced inspections will be carried out per year.
- Frequency of Inspection - Annual indicates that one regular spaced inspection will be carried out per year.
- Due Date is the programmed date of an inspection.

### But subject to the following limitations

- If and for reasons beyond the control of the roads authority, any inspection cannot be carried out in compliance with Table 7 then a record should be made to document the circumstances,
- Due to the nature of the weather in Scotland it is probable that the road surface will be wet with some elements of standing or running water whilst an inspection is in progress. However, if the quantity of water is excessive then the inspection should be abandoned and an entry should be made to document the circumstances,

- As soon as reasonably practicable following the above events a deferred programmed safety inspection should be carried out on the effected length of road,
- If an inspection Due Date falls during an extended period of absence e.g. inspector holiday or illness, then the inspection must be allocated to another suitably experienced member of staff who has the capacity to undertake the inspection and
- Additional inspections may be necessary in response to user or community concerns, as a result of incidents or extreme weather conditions, or in the light of monitoring information.

## Defect Risk Assessment

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Inspectors undertaking safety inspections or responding to reported incidents require to use judgement in determining response times to observed or reported defects. 'Well-Managed Highway Infrastructure: A Code of Practice' recommends that roads authorities adopt a system of defect risk assessment for determining the response categories to road defects.

The Code does not provide any minimum or default standards but provides guidance and advice to support the development of local levels of service in accordance with local needs, priorities and affordability.

The procedure for risk assessment is as follows:

- **Risk Identification**

An inspection item for which the inspector identifies a hazard is to be identified as a risk. The types of asset to be inspected and the potential associated hazards from defects are detailed in the Inspectors Operations Manual.

- **Risk Evaluation**

All risks identified through this process must be evaluated in terms of their significance which means assessing the likelihood of the risk happening and the likely impact should the risk occur.

- **Risk Likelihood**

The probability of a risk occurring will be quantified on a scale of Remote to Almost Certain. The probability of a risk occurring will also be quantified by assessing how many users are likely to pass by or over the defect and consequently the network hierarchy and defect location are important considerations in the assessment.

- **Risk Impact / Severity**

The impact of a risk occurring will be quantified on a scale of Negligible to Catastrophic.

- **Risk Matrix**

The risk factor for a particular risk is the product of the risk impact and risk. It is this factor that identifies the overall seriousness of the risk and consequently therefore the appropriateness of the speed of response to remedy the defect. Accordingly, the priority

response time for dealing with a defect can be determined by correlation with the risk factor as shown in the risk matrix, table 8.

**Table 8 Risk Matrix**

<b>Impact Likelihood</b>	<b>Negligible</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
<b>Remote</b>	NR	NR	NR	NR	P3
<b>Unlikely</b>	NR	NR	P4	P4	P3
<b>Possible</b>	NR	P4	P4	P3	P2
<b>Likely</b>	NR	P4	P3	P2	P1
<b>Almost Certain</b>	NR	P3	P2	P1	P1

- **Risk Management**

Having identified a particular risk, assessed its likely impact and probability and calculated the risk factor, the risk management procedure can be shown in the form of a risk management (response) matrix in Table 9.

**Table 9 Risk Management Matrix**

<b>Risk Category</b>	<b>Priority Response</b>
Critical Risk	Priority 1 response
High Risk	Priority 2 response
Medium Risk	Priority 3 response
Low Risk	Priority 4 response
Negligible Risk	No response

For defects located where carriageway and/or footway hierarchies intersect, for example at pelican or zebra crossings, or other defined crossing points at junctions, the hierarchy of the route with the most frequent inspection category will always take precedence in determining defect definition and responses. This principle will also apply to intersections between carriageways and cycle routes and between cycleways and footways and footpaths.



## Priority Response Times

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The Priority Response Times for each Defect Category are shown in Table 10 below.

**Table 10** Defect Priority and Response Times

Defect Priority	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>NR</b>
Response Time	<b>24 hours</b>	<b>5 working days</b>	<b>60 working days</b>	<b>Programmed Work</b>	<b>No Action</b>

### Priority 1: Make safe within 24 hours

Represent a critical risk to road users and should be corrected or made safe at the time of inspection, if reasonably practicable. In this context, making safe may constitute displaying warning signs and / or coning off to protect the public from the defect. Where reasonably practicable, safety defects of this Priority should not be left unattended until made safe or, a temporary or permanent repair has been carried out.

When a Priority 1 defect is identified within a larger group / area of defects, only that particular element shall be treated as a Priority 1 defect. The remaining defects shall be categorised accordingly.

### Priority 2: Repair within 5 Working Days.

This allows a more proactive approach to be adopted for those defects that represent a high risk to road users or because there is a risk of short-term structural deterioration. Such defects may have safety implications, although of a lesser significance than Priority 1 defects, but are more likely to have serviceability or sustainability implications.

### Priority 3: Action within 60 Working Days.

Defects that require attention although they represent a medium risk to road users. This allows defects of this nature to be included in medium term programmes of work.

### Priority 4: Consider for Planned Works Programme

The defect is considered to be of low risk; no immediate response is required. Defects in Priority 4 are not classed as safety defects and are collected to assist the development and prioritisation of Planned Maintenance Works Programmes.





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**To: Council**

**On: 28 April 2022**

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**Report by: Director of Finance and Resources**

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**Heading: Governance Arrangements**

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## **1. Summary**

- 1.1 The main purpose of this report is to set out arrangements for Board and Council meetings up to and including the next scheduled meeting of the Council to be held on 30 June 2022. The report also considers arrangements for the Statutory Meeting of the Council which will be held on 19 May 2022.
- 1.2 The report confirms arrangements for meetings going forward considering the current position on public health measures and guidance in place to combat Covid-19, including the Omicron variant, and any other public health concerns that may prevent elected members attending meetings in person in the Council Chamber.
- 1.3 The arrangements set out in the report continue those previously put in place to allow maximum flexibility to enable meetings to take place in the most appropriate and safe way, while considering any public health guidance or advice available at the time of the meetings.
- 1.4 The report also proposes amendments to the Scheme of Delegated Functions; requests a delegation to the Head of Corporate Governance to amend the Protocol for Relations between Political Groups, Elected Members and Officers; proposes arrangements for flag flying in respect of International Workers' Memorial Day; requests a delegation to the Director of Communities & Housing to award funding for community gala days; and provides an update on the appeal by Paul Mack against the sanction of disqualification imposed by the Standards Commission of Scotland.
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## **2. Recommendations**

- 2.1 Council is asked to:

- a) Approve the arrangements for Council and Board meetings set out in section 3 of this report, which will continue to include the options to use hybrid meetings involving elected members attending meetings in person in Renfrewshire House, should this be consistent with advice and guidance on public health, or to hold meetings remotely using the Teams platform.
- b) Note that the arrangements for future meetings of Council and Boards will be brought to the next scheduled meeting of the Council on 20 June 2022;
- c) Note that the Statutory Meeting of the Council to be held on 19 May 2022 be held in the Council Chambers with the Chief Executive initially as the Chair.
- d) Approve the changes to the Scheme of Delegated Functions as set out in section 4 of this report;
- e) That it be delegated to the Head of Corporate Governance to update the Protocol for Relations between Political Groups, Elected Members and Officers to reflect changes in data protection legislation, the Councillors' Code of Conduct and changes in officer titles;
- f) That it be agreed that each year on International Workers' Memorial Day all flags at Renfrewshire House, Renfrew and Johnstone Town Halls are flown at half-mast.
- g) That it be delegated to the Director of Communities & Housing to consider applications and award funding to organisations involved in running local galas as set out in paragraph 6.1 of this report.
- h) Note that the appeal by Paul Mack was heard by the Court of Session and a written decision was issued on 11 March 2022 and that the appeal was upheld to the extent that the Court reduced the period of disqualification to a period of 10 months running from 10 May 2021.

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### **3. Background - Arrangements for the Next Cycle of meetings**

- 3.1 At its last meeting on 3 March 2022, the Council agreed to continue the previously approved arrangements for the conduct of Council and Board meetings including the availability of hybrid meetings for Council with conveners having discretion to continue holding meetings of their Board by Teams. It was also noted that all of the Council and board meetings would be broadcast live to allow the public to observe those meetings.

- 3.2 The Scottish Government Strategic Framework sets out a system of Covid Threat Levels. The guidance for workplaces, supports a managed and gradual return to office-based working, with a hybrid and flexible working practices encouraged. A focus is retained on maximising ventilation and enhanced cleaning and hygiene measures such as provision of alcohol based hand sanitizer. The ongoing return to Renfrewshire House is continuing for the time being to apply such measures including in the Council Chamber, reflecting the current guidance and the duty on the Council to protect the health and well-being of its elected members and employees.
- 3.3 The current arrangements in place that were approved at previous Council meetings allow for hybrid meetings to take place in the Council Chambers, but the protocol adopted by the Council for hybrid meetings allows each convener to decide to hold the meeting remotely by Teams. For the current cycle of meetings all conveners exercised the option available to them to conduct the meeting remotely using Teams. It is proposed that the current arrangements continue and are reviewed again at the next scheduled Council meeting on 20 June 2022.
- 3.4 The Statutory Meeting of the Council following the local government elections will take place at 9.30 am on 19 May 2022. At this meeting the Chief Executive will take the chair initially until the Provost has been appointed. The Leader of the Council will also be appointed at this meeting. As the Chair of this meeting, the Chief Executive will have the option to conduct the meeting remotely using Teams.
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#### **4. Amendment to Scheme of Delegated Functions**

- 4.1 The Council at its meeting held on 3 March 2022 agreed an emergency motion a report to amend the Scheme of Delegated Functions be submitted to the next meeting in relation flying of flags from Council buildings. It is proposed therefore that Section 5E of the Council's Scheme of Delegated Functions be amended to include an additional delegation to the Director of Environment & Infrastructure as follows:

To determine, in written consultation with the Heads of Corporate Governance and Facilities Management, the Provost and political group leaders, which major events deserving of recognition in respect of which flags are to be flown from Council buildings.”

And that the remaining paragraphs are renumbered accordingly.

- 4.2 It is also proposed that Section F, delegations to the Director of Finance & Resources, paragraph 1(b) is amended to reflect changes in guidance related to legislation as follows, additional words in italics:

“(b) To change references to any piece of legislation or *related guidance* where the legislation or *guidance* is amended or repealed and to insert references to new pieces of legislation or *guidance* where the new pieces of legislation or *guidance* largely re-enact the provisions of the amended or repealed legislation or *guidance*.”

- 4.3 It is further proposed that paragraph 61 of Section D, delegations to the Director of Communities & Housing Services be amended from

“61. In respect of the Counter Terrorism and Security Act 2015 Prevent Guidance (Scotland) to be the Council’s single point of contact for Prevent and to make arrangements for holding Prevent Professional Concerns Case Conferences as required.” to

“61. In respect of the guidance issued under sections 36(7) and 38(6) of the Counter-Terrorism and Security Act 2015 to support Prevent Multi-Agency Panel members - to be the Council’s single point of contact for Prevent and to be the designated Chair of PMAP for Renfrewshire.”

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## **5. International Workers’ Memorial Day**

- 5.1 It has been the custom and practice over a number of years that on International Workers’ Memorial Day all flags at Renfrewshire House, Renfrew and Johnstone Town Halls are lowered to half-mast. This has been done under the delegated authority of the Director of Environment & Infrastructure in consultation with the Heads of Corporate Governance and Facilities Management and the Provost. It is proposed that, instead of this ad hoc arrangement, this ceremony now be included in the list of days on which the flags on Council buildings are flown at half-mast.
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## **6. Funding for Gala Day Organising Committees**

- 6.1 It has become apparent that a small number of gala day organising committees will not be able to apply for funding from Local Partnerships as the date of their event precedes that of the relevant Local Partnership meeting in June. It is therefore recommended that delegated authority is given to the Director of Communities, & Housing to consider applications by organising committees that are specifically impacted by the scheduling of meetings. Applications will be assessed and if required conditions are met, an appropriate offer of funding will be made from existing budgets.
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## **7. Appeal Against Disqualification**

- 7.1 Members have previously been advised that following a Hearing, the Standards Commission of Scotland imposed a sanction of disqualification on Paul Mack to reflect their findings that he had breached several paragraphs of the Councillors’ Code of Conduct. The Standards Commission’s decision was then the subject of an appeal to the Sheriff Principal of North Strathclyde. The Sheriff Principal refused the appeal and the disqualification was upheld.
- 7.2 Mr Mack subsequently submitted an appeal to the Inner House of the Court of Session. The Inner House heard the appeal on 2 March and issued its decision on 11 March 2022.

- 7.3 While the content of the written appeal submission had indicated the Appellant sought to quash the disqualification, the issue before the hearing was whether the length of the disqualification was excessive. There was no appeal against the findings of the original Panel. In making their decision the Court state that they proceeded "...on the basis of the findings made by the panel, including: their assessment that these were serious breaches; that the appellant had no basis for the allegations he was making; that they constituted gratuitous personal abuse; that the breaches were deliberate in nature, intended to be disrespectful, to cause offence and to harass; that the appellant had no insight, and had failed to learn from two prior suspensions imposed for breaching the code, thus raising issues about the prospect of repetition; that the breaches included not just discourtesy, disrespect and abuse towards other councillors, but involved intimidation and harassment of council employees; and that the breaches had the potential to disrupt working relations and pose a threat to the council's reputation and to the role of elected representatives. In short, the panel was fully entitled to reach the conclusion that the only appropriate sanction was disqualification, and that the disqualification ought not to be brief."
- 7.4 The Court found that the Panel had erred in not giving sufficient weight to the question of the upcoming Local Government Elections, that it had not sufficiently addressed the need to select a period of disqualification that did not interfere with the Appellant's Article 10 rights freedom of expression, and had exceeded its remit in deciding the Appellant was unfit to hold office. The Court therefore quashed the disqualification of 16 months and assessed, of new, what period of disqualification should be imposed. Taking in to account the period already served, the Court imposed a disqualification of 10 months running from 10 May 2021.
- 7.5 The reduced period of disqualification imposed by the court has an impact on one matter. Mr Mack will be able to stand for election in the upcoming Local Government Elections whereas the previous length of disqualification would have prevented him from so doing. Beyond that, the imposition of a shorter period does not change the impact of a disqualification. It remains the case that Mr Mack is not an Elected Member of Renfrewshire Council as he ceased to be a councillor as soon as the disqualification was imposed.

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## Implications of the Report

1. **Financial** – None.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** – None.
4. **Legal** – As detailed in the report.
5. **Property/Assets** – None.

6. **Information Technology** – The report refers to the successful introduction of a system from Public-i which enabled hybrid meetings to be undertaken with some members being present in the Chamber with others accessing remotely and also for those meetings to be broadcast live.
7. **Equality & Human Rights** – The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – The proposals in the report recognise that it's formal Council and Board meetings only take place in Renfrewshire House when it is safe to do so. The report also acknowledges that where meetings can take place in Renfrewshire House, the number of attendees may be limited the restrictions that are in place at the relevant time.
9. **Risk** – None.
10. **Privacy Impact** – The report refers to the live broadcasting of Council and Board meetings.
11. **Cosla Policy Position** – None.
12. **Climate Risk** – None.

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#### **List of Background Papers –**

- 1) Minute of the Council meeting on 3 March 2022.

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**Author:** Mark Conaghan, Head of Corporate Governance.





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**To:** Council

**On:** 28 April 2022

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**Report by:** Lead Officer

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**Heading:** **Review of Bus Deregulation and Effect on Transport Services in Renfrewshire**

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**1. Summary**

- 1.1 As part of the annual programme of activity for 2018/19, the Audit, Risk and Scrutiny Board agreed to undertake a review on bus deregulation and the effect on transport services within Renfrewshire.
- 1.2 This report summarises the scope and findings of the review, which have been presented to meetings of the Audit, Risk and Scrutiny Board over the last two years, incorporating a pause during the outbreak of the Covid-19 pandemic. Reports presented to the Board are appended as background papers.
- 1.3 The findings of the review demonstrate that the bus industry is in a state of flux as a result of the pandemic and provisions of the new Transport (Scotland) Act 2019. Despite this, there are a number of opportunities for the Council to work in partnership with Strathclyde Partnership for Transport, commercial operators and local communities to promote, strengthen and enhance bus services across Renfrewshire.
- 1.4 The report was approved by the meeting of the Audit, Risk & Scrutiny Board at their meeting held on 21 March 2022 when it was agreed that it be forwarded to the Council for approval.

- 1.5 Subsequent to the meeting of the Board, McGills Buses contacted the Chief Executive indicating that there was a factual error in paragraph 4.2 at the third bullet, which states that

“The majority of bus services in Scotland are operated on a commercial basis by privately owned operators. Transport Scotland subsidises a proportion of the costs of the bus network (around 44%) through a Bus Service Operators Grant (BSOG) and payments made to operators under the national concessionary bus travel scheme (NCT).”

McGills advised that the BSOG amounts to around to 10% of operator costs nationally and around 7% of their costs.

Members are asked to note that the reference to 44% figure does not relate solely to the BSOG, but is the proportion of operators’ revenue made up from various elements. This section of the report should have read

*“The majority of bus services in Scotland are operated on a commercial basis by privately owned operators. 44% of operator revenue nationally comes from Local or Central Government Transport Scotland through concessionary travel reimbursement, Bus Service Operators Grant (BSOG) or supported services.”*

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## 2. Recommendations

### 2.1 Council is asked to:-

- (i) Note the review outcomes, subject to the change to paragraph 4.2 as noted at 1.5 above, and
- (ii) Approve the recommendations of the Board’s review as set out in section 6 of this report.

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## 3. Background

- 3.1 The Audit, Risk and Scrutiny Board of 27 August 2018 agreed that a review on the topic of bus deregulation would form part of its annual programme of activity for 2018/19.
- 3.2 The purpose of the review was to evaluate the effectiveness of current or proposed legislation in providing bus services to the public, enabling consideration of any proposals regarding changes in the legislative framework.

- 3.3 The scope of the review firstly considered legislation and available information on bus deregulation, before gathering views from statutory bodies, commercial operators, community groups and stakeholders. The municipal model operated by Lothian Buses to the east of Scotland was also considered to inform the review.
- 3.4 A final stage of the review considered the impacts of the Covid-19 pandemic on the bus industry and future service provision.

#### 4. **Key Findings**

- 4.1 Progress reports were presented to the Board at each stage of the review. The key findings from each stage are summarised below.

##### Review of Legislation – 26 August 2019

- 4.2 The outcomes of this stage of the review provided the Board with a summary of the legislative framework governing bus services, key trends and academic research.
- The Transport Act 1985 introduced the deregulated market within the British bus industry. This limited transport authorities to subsidy of socially necessary bus services, provision of infrastructure and the creation of statutory partnerships to deliver improvements to services.
  - The Transport (Scotland) Act 2019 became law on 15 November 2019 and is now the central legislation governing bus services in Scotland. The Act updates statutory partnership models and introduces powers to allow a transport authority to provide bus services, subject to a number of tests and criteria.
  - The majority of bus services in Scotland are operated on a commercial basis by privately owned operators. Transport Scotland subsidises a proportion of the costs of the bus network (around 44%) through a Bus Service Operators Grant (BSOG) and payments made to operators under the national concessionary bus travel scheme (NCT).
  - The general trend of bus service patronage is decline. While 74% of all public transport journeys were made by bus in 2017/18, the number of journeys has decreased by 20% from 2007/8. Factors contributing to this decline include increased car ownership, improved rail services, changing employment patterns and growth in online services.

## Transport Authority and Commercial Operator – 23 September 2019

4.3 The outcomes of this stage of the review provided the Board with a summary of the views of the Regional Transport Authority, Strathclyde Partnership for Transport (SPT) and commercial operator McGill's Buses.

- Buses offer significant flexibility as a transport mode and are capable of quickly adjusting to changing circumstances. They have a significant role to play in daily lives and are the mode of transport most likely to be used by those on lower incomes.
- Public sector investment in infrastructure supporting bus services is limited and often orientated to road and rail enhancements. Policies such as providing free parking encourage car use and add to growing congestion. McGill's consider congestion to be one of the most significant factors affecting the running of services.
- In this context a stronger emphasis on policies and infrastructure investment to promote sustainable transport, augmented by stronger partnerships between operators and authorities, would support improvements to bus services.

## Stakeholders and Community Groups – 4 November 2019

4.4 The outcomes of this stage of the review provided the Board with a summary of the views of community representatives and key stakeholders, including Bus Users Scotland, Unite the Union and Lochwinnoch Community Council.

- Congestion and journey times are key issues which influence the attractiveness of bus as a transport mode. Innovations such as real time information and contactless payment are positive and increase the simplicity and attractiveness of bus use.
- Buses are a social and economic necessity, providing residents with the ability to access vital services such as health centres, shopping, schools and workplaces across Renfrewshire. Bus services are often limited and have contracted in terms of scale and frequency in recent years. The impact of this may be significant on the most vulnerable, such as the elderly population or those on lower incomes.
- Greater transparency in the use of public sector funding and decisions made by commercial operators would be helpful. The views of bus users and communities are paramount and the opportunity for these groups to be involved in the process of service delivery would be welcome.

- To improve services, the potential for Renfrewshire Council to consider powers within the Transport (Scotland) Act 2019, including municipal services, should be investigated.

#### Lothian Buses and Unite the Union – 20 January 2020

4.5 The outcomes of this stage of the review provided the Board with a summary of the municipal model of operation run by Lothian Buses to the east of Scotland. The Board also received additional information from Unite the Union in relation to the Transport (Scotland) Act 2019.

- Lothian Buses are the only municipal operator in Scotland, owned by the City of Edinburgh Council and adjacent local authorities. Lothian have a fleet of 850 buses and carry around 120M passengers per annum.
- Lothian operates as an arm's length company. While in public ownership, the view and strategy of the company is determined on a commercial basis. As such, the company compete with and may act on a similar basis to private operators.
- A number of factors have contributed to Lothian's success and are not considered by the company to be directly related to public sector ownership. These include significant population growth to the east of Scotland, the lack of a competing rail network and the promotion of policies and infrastructure which support bus operation, such as bus priority lanes and parking charges.
- Lothian face similar pressures to other operators and patronage dropped by 1.6% in 2018 as a result of issues such as congestion and changes to travel patterns related to employment and retail trends.
- Unite the Union consider that the deregulated system benefits large operators and that public ownership is the most appropriate mechanism for the bus system to operate in the interests of passengers. Unite support use of franchising powers within the Transport (Scotland) Act 2019 as an initial step towards public ownership.
- Views on franchising are mixed. The Society of Chief Transportation Officers in Scotland (SCOTS) are supportive but consider that the process is complex, while the Confederation of Passenger Transport (CPT Scotland) and Lothian Buses consider that statutory partnerships would support more effective outcomes.

4.6 This stage of the review updated the Board with a summary on the operation of bus services during the pandemic and the early stages of recovery, developments over this period and progress in relation to the bus service provisions of the Transport (Scotland) Act 2019.

- During initial lockdown restrictions in March 2020 bus services were reduced to around 40% of normal operations, with patronage declining to 15% of pre covid levels. Passenger numbers have since recovered to around 60-70% but longer term projections are unclear, given uncertainties relating to the impact of the pandemic on retail and office sectors.
- The Scottish Government supported operation of the bus network during the pandemic through emergency grant funding, in view of the significantly reduced demand for services and associated impact on revenues. Transport Scotland forecast that £120M was provided to operators in 2020/21 and forecast a further £88M in 2021/22.<sup>1</sup>
- The Scottish Government Bus Partnership Fund, which seeks to support transport authorities to work in partnership with operators to deliver bus priority measures, was launched in late 2020. A bid from Glasgow City Region in spring 2021 secured £3.655M from the fund, of which £2M will support the delivery of measures within Renfrewshire.

4.7 Further changes to grant support for bus services have now commenced. The Young Persons Free Travel Bus Scheme was introduced on 31 January 2022 and extends free travel to those between 5 and 21, in addition to those over 60 via the existing National Concessionary Bus Travel Scheme.

4.8 A new grant framework for bus services will also commence in April 2022. The Network Support Grant will replace the existing Bus Service Operators Grant (BSOG) and continue to include temporary additional financial support during Covid-19 recovery. Conditions of the new grant system include commitments from operators to consult with relevant transport authorities on timetabling, service patterns and levels of provision.<sup>2</sup>

## **5 SPT - Bus Options Scoping Study**

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<sup>1</sup> <https://www.transport.gov.scot/public-transport/buses/covid-19-support-grant/>

<sup>2</sup> <https://www.transport.gov.scot/public-transport/buses/network-support-grant/>

- 5.1 In February 2022 SPT published the outcomes of a study on the applicability of the bus provisions within the Transport (Scotland) Act 2019<sup>3</sup>. The study sets out a range of options to achieve the desired outcome of a world class bus system within the Glasgow City region.
- 5.2 The study states that changes to governance of bus services alone cannot achieve the desired outcome and that a significant increase in funding and reform of existing funding streams are required. The study also notes the interconnectivity of the bus network within Glasgow City Region and that as a result, any reform of services would be most appropriately considered on a regional basis.
- 5.3 A range of reform options are considered within the study, aligned to powers within the Transport (Scotland) Act 2019. The study concludes that measures such as franchising and municipal ownership may be suitable for delivery of transformational change, but are subject to significant development costs and financial risk to local transport authorities.
- 5.4 In view of this the study recommends a range of steps to develop proposals further, including a detailed review of the bus network within each SPT local authority area, discussions with Transport Scotland and Executive Officers and Elected Members within Glasgow City Region.

## 6 Recommendations

- 6.1 Bus services play a significant role in daily lives and provide linkages to vital services, often for the most vulnerable. They offer significant flexibility as part of a sustainable transport system which reduces congestion, improves air quality and in turn supports the Council's response to climate change.
- 6.2 A key finding emerging from the review is the decline of bus patronage, as a result of factors such as increased car ownership, changing employment patterns and growth in online services. The impact of the pandemic has further affected patronage and the longer term implications are not yet clear.
- 6.3 In view of this, measures which seek to arrest further decline and support growth in patronage and service provision should be prioritised in the short term. The £2M of Bus Partnership funding recently secured for the delivery of bus priority measures within Renfrewshire is a significant and positive step.

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<sup>3</sup> [https://www.spt.co.uk/media/vh5prl5y/sp180222\\_agenda11.pdf](https://www.spt.co.uk/media/vh5prl5y/sp180222_agenda11.pdf)

- 6.4 Aligned to these measures, further investigation of the powers and ownership models within the Transport (Scotland) Act 2019, in partnership with SPT and in view of the Options Scoping Study, should be considered to support longer term aspirations for transformational change.
- 6.5 In this context, the key recommendations from the review and to be considered by the Council are set out below.
- (i) Embed and strongly promote sustainable transport modes, particularly bus services, as a key element of the Council's corporate policy and wider strategies. This will require the consideration of policies and proposals which seek to actively discourage use of private cars in favour of public transport.
  - (ii) Build upon and maintain regular dialogue with operators to support the smooth operation of bus services and consider scope for improvements. This may for example include a review of programmed roadworks and alternative routes, supporting a reduction in congestion affecting bus services, improving reliability and in turn consumer confidence.
  - (iii) Continue to explore opportunities to invest in infrastructure which would support policies promoting public transport, for example priority bus lanes and traffic management measures which favour bus services, such as priority traffic signal operation, complementing the emerging Bus Partnership Fund proposals for Renfrewshire.
  - (iv) Engage with both bus and rail operators to consider opportunities to more effectively integrate transport modes and provide a stronger public transport network across Renfrewshire.
  - (v) Commit in partnership with SPT to using all of the regulatory power within the Transport (Scotland) Act 2019 to prioritise municipal operation.

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### **Implications of the Report**

- 1. **Financial** - None
- 2. **HR & Organisational Development** - None
- 3. **Community/Council Planning** – None
- 4. **Legal** - None
- 5. **Property/Assets** - None



6. **Information Technology** - None
  7. **Equality & Human Rights** - None
    - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
  8. **Health & Safety** - None
  9. **Procurement** - None
  10. **Risk** - None
  11. **Privacy Impact** - None
  12. **Cosla Policy Position** - None
  13. **Climate Risk** - None
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### **List of Background Papers**

- a) Audit Risk and Scrutiny Board, 28/5/19 (Bus Deregulation Report 1)
  - b) Audit Risk and Scrutiny Board, 26/8/19 (Bus Deregulation Report 2)
  - c) Audit Risk and Scrutiny Board, 23/9/19 (Bus Deregulation Report 3)
  - d) Audit Risk and Scrutiny Board, 4/11/19 (Bus Deregulation Report 4)
  - e) Audit Risk and Scrutiny Board, 20/1/20 (Bus Deregulation Report 5)
  - f) Audit Risk and Scrutiny Board, 16/3/20 (Bus Deregulation Report 6)
  - g) Audit Risk and Scrutiny Board, 24/8/20 (Bus Deregulation Report 7)
  - h) Audit Risk and Scrutiny Board, 25/10/21 (Bus Deregulation Report 8)
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