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31 March 2025

Dear Convener,

Thank you for your letter dated 11 March 2025, seeking further information following the Committee's consideration of the Scottish Road Works Register (Prescribed Fees) Regulations 2025 in relation to related matters on the tendering process and the cost of running the Register.

Firstly, it may be useful to know the tendering and procurement of the Register is an entirely separate matter to the statutory collection of the prescribed fees. Regardless of who currently holds the contract, the collection of the fees by this method would still apply.

The Register is procured by the Scottish Road Works Commissioner ("The Commissioner") in his statutory capacity as the "legal keeper" of the Register. Although the post of Commissioner is independent of Government, it remains an 'Other Significant Public Body' which means the general financial rules applicable to public bodies apply. This includes the requirement to comply with the Scottish Public Finance Manual and associated guidance. The Register was last procured in 2024. The Commissioner's procurement policies are founded on the Scottish Public Financial Manual, as well as relevant guidance issued by The Scottish Government's Procurement and Commercial Directorate.

The Register was last procured in 2024. A Procurement Board (including the Commissioner's office, representatives of users of the system, and officials from Transport Scotland, the Scottish Government Procurement and Commercial Directorate and the Scottish Government Digital Directorate) was established to oversee the procurement and ensure it was managed effectively. This saw an invitation to tender issued which invited tenders through the Public Contracts Scotland Portal in the standard way.

An implementation group consisting of members of the road works community was also set up to ensure that the procurement process delivered in the best interests of the statutory users of the Register, which includes Scotland's roads authorities and statutory utility firms. Symology Ltd were awarded the new contract for the provision of the Register from April 2025. This is a four-year contract with an option to extend for a further three years.

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The fees collected from previous years have been detailed in the associated Business and Regulatory Impact Assessment (BRIA), and this has been completed for each year the previous Regulation has been revoked and replaced. The table below shows the overall fee for each of the eight previous financial years, as well as number of works and cost per works.

Financial Year	Cost	No. of works	Cost per works
2016/17	£832,000	130895	£6.36
2017/18	£850,000	131647	£6.46
2018/19	£746,249	130305	£6.52
2019/20	£855,000	128,625	£5.80
2020/21	£911,000	119724	£7.14
2021/22	£915,000	141743	£6.43
2023/24	£882,993	150872	£6.06
2024/25	£901,314	163147	£5.83
2025/26	£1,008,819		

The key factors in driving the fluctuations in cost are:

- A) Inflation will impact the overall cost e.g. for the financial year 2025/26 the increase is broadly in line with what would be expected in line with inflation on the previous contract, but it is worth noting this is the first year of the new contract following the procurement.
- B) If excess income has been paid by Register users, this is offset against the level of fee income that must be recovered in future years e.g. for the financial year 2024/25 the total of £901,314 was lower than normal due to the Commissioner offsetting funds collected but not spent in the previous years.
- C) Number of works carried out by users will vary the amount that each user pays. The formula developed with the road works community shared the estimated full cost of operating the Register across utility company and road authority users, taking cognisance of the different operational needs of both organisation types. The associated BRIA details the splitting mechanism in further detail.

I thank the Committee for its request for further information and hope this is helpful.

Yours sincerely,

JIM FAIRLIE

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