

Citizen Participation and Public Petitions Committee

17th Meeting, 2023 (Session 6), Wednesday
22 November 2023

PE1936: Remove potholes from Scotland's Roads

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

Introduction

1. The Committee last considered this petition at its meeting on [22 March 2023](#). At that meeting, the Committee agreed to write to the Scottish Government, Audit Scotland, and Police Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from Transport Scotland, Audit Scotland, and Police Scotland, as well as two submissions from the Petitioner, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 562 signatures have been received on this petition.

Action

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

Clerk to the Committee

Annexe A

PE1936: Remove potholes from Scotland's roads

Petitioner

Lesley Roberts

Date lodged

9 June 2022

Petition summary

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

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

Previous action

I have raised the issue with my MSP Stuart McMillan.

Background information

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

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

Annexe B

Extract from Official Report of last consideration of PE1936 on 22 March 2023

The Convener: PE1936, which was lodged by Leslie Roberts, calls on the Scottish Parliament to urge the Scottish Government to improve road surfaces by creating an action plan to remove potholes from trunk roads across Scotland and providing ring-fenced funding to local councils to tackle the problem.

We last considered the petition on 28 September, when we agreed to seek the views of a number of organisations involved in the maintenance of the road network. The committee has received responses from the Scottish Road Works Commissioner, the RAC Foundation, the Society of Chief Officers of Transportation in Scotland and the Civil Engineering Contractors Association.

The Scottish Road Works Commissioner notes that road authorities such as Transport Scotland and local councils are responsible for decisions relating to the repair and maintenance of roads. The commissioner does, however, have the power to impose financial penalties on road authorities that systematically fail in their duty to co-ordinate or co-operate when undertaking roadworks.

In its response, the RAC Foundation highlights call-out data that indicates that a United Kingdom motorist is now 1.6 times more likely to suffer a fault or damage caused by a poor road surface than they were in 2006. The RAC Foundation also notes cuts to transport budgets. That point was also highlighted in the submission from the Civil Engineering Contractors Association, which expressed disappointment that the Scottish Government has reduced the budget for motorways and trunk roads by more than £75 million in the 2023-24 budget. In the context of those financial pressures, the CECA states:

“we are rapidly approaching a tipping point for some local authorities whereby they will never catch up on the structural repairs on their network”.

I seem to recall that, in my local authority area, it was estimated that it would take 120 years to get the roads up to spec at the current level of spend.

The Society of Chief Officers of Transportation in Scotland submission highlights guidance for local authorities on taking a risk-based approach to their inspection and repair regime but notes that not all local authorities follow that approach. The response also notes previous investigations carried out by Audit Scotland on the condition of Scotland’s local and trunk roads.

We have also received two new submissions from the petitioner that raise further concerns about the deteriorating condition of the road surface and the impact that it is having on motorists. In particular, the petitioner highlights safety concerns about

driving at night or in wet conditions, and the impact on female drivers. The petitioner also wishes to draw the committee's attention to concerns that were raised about road conditions in Glasgow ahead of the Union Cycliste Internationale cycling championships, which are due to be hosted by the city later this year.

My only suggestion, in the first instance, is to note that, in last week's UK Government budget, the chancellor announced an additional £200 million for pothole repairs, presumably with a consequential coming to the Scottish Government of about £20 million. The Scottish Government has to decide what it wishes to do with those funds, but I think that we might legitimately inquire, on behalf of the petitioner, whether the Scottish Government intends to commit that consequential towards the repair of potholes, in addition to raising with the Scottish Government the concern expressed by the Civil Engineering Contractors Association that spending on motorways and trunk roads was seriously reduced in 2023-24 by £75 million, and ask what action it is taking to help build resilience into the road network across Scotland.

Do colleagues agree with that or have suggestions that might complement it?

Alexander Stewart: I agree with that. In the past, Audit Scotland published its "Maintaining Scotland's roads" report. It would be useful to follow up on any recommendations in the report and to get an indication as to what action is planned in future to try to tackle the issue.

The Convener: I know that "potholes" as a word can engender a degree of hilarity at times in certain quarters, but there is nothing funny about it if you drive through one and significantly damage your vehicle. It is becoming an almost anticipated experience for most motorists, which is not as it should be, and deeply concerning and worrying.

Fergus Ewing: I concur with the suggestions that have been made thus far. The petitioner has pointed out that, as well as the inconvenience and the risk of damage to vehicles, there is the risk of potholes leading to a personal injury. For obvious reasons, cyclists, for example, are more prone to accidents, such as falling off their bike, where there are potholes, and if a car has been incapacitated by being driven into a pothole and, therefore, the motorist has to stop by the kerb, perhaps in a remote rural area, there is a risk of anything happening, frankly, when they are waiting for an emergency vehicle to come along. In extremis, there is the risk of someone losing their life as a result of an accident occasioned by a pothole.

I am not sure whether the police or anyone else records whether poor road maintenance is listed as a contributory factor when they do their analysis of fatal accidents, but I would be interested to at least ask the police whether that is the case.

I am very much attracted to the idea that, if additional funding were to come to Scotland, it should be used for this issue. I am not suggesting that it necessarily be

used for the motorways, which, in my experience, are pretty well maintained—they have to be, given the speed of the vehicles that use them—but it could be used for the roads in cities, not least in Edinburgh. The roads here are in an appalling state, as are the roads in Glasgow, sadly. The situation is becoming considerably worse.

The problem has bedevilled Scotland since devolution, as seen in the various audit reports over the years and the backlogs that you have alluded to, convener. It is something that affects people; obviously all of us, as MSPs, frequently receive complaints from constituents about the effects of accidents that have been occasioned by poorly maintained roads.

The Convener: It would be interesting to inquire of Police Scotland the extent to which the condition of the roads has been a contributory factor in accidents that police have had to attend. Dipping back into my now long-distant past career in the retail motor industry, I recall that, as a large repairing operation, we did not routinely have to undertake repairs as a result of damage caused by potholes. To be fair, there were considerably fewer automobiles on the roads 30 years ago than there are today. Notwithstanding that, all of us can see a deterioration.

The word “pothole” can mean so many different things. It can mean just a little bit of rough texture on a road, which is messy, but it can also be quite a heavily disguised but large and fairly dangerous pothole, which, if the road is busy, people will often not have advance sight of until they find themselves in it. That needs to be taken far more seriously as it becomes a potentially more dangerous experience.

Are we agreed that we will write to the various organisations and keep the petition open?

Members *indicated agreement.*

Annexe C

Transport Scotland submission of 11 May 2023

PE1936/I: Remove Potholes from Scotland's Roads

Thank you for your letter of 18 April requesting consideration on a number of areas relating to potholes on Scotland's roads.

Transport Scotland officials have provided an update on the following areas, attached as Appendix A to this letter:

- Concerns raised by the Civil Engineering Contractors Association that spending on motorways and trunk roads was reduced in the 2023-24 budget, and what action is being taken to help build resilience into the road network across Scotland.
- The announcement in the UK Budget of additional funding for pothole repairs and whether the resulting consequential will be made available for pothole repair in Scotland.

I hope this information is helpful.

Appendix A

TRUNK ROADS

Transport Scotland, through our Trunk Road Operating Companies and Design Build Finance Operate (DBFO) Concessionaries, is responsible for the management and maintenance of the strategic trunk road network including motorways.

In 2023-24 we are investing £525 million in managing, maintaining, and safely operating the Scottish motorway and trunk road network. We will continue to invest in our extensive trunk road maintenance and operations programmes, to improve Scotland's trunk road network through essential road maintenance schemes, our bridge strengthening programme, renewal of ancillary assets and increasing the resilience of the network to unplanned events such as landslides, flooding and extreme weather events. In addition, the overall condition of our network

is being enhanced through the delivery of our capital investment programme, including the A9 dualling programme.

Transport Scotland has maintenance contracts in place with Operating Companies to provide Scottish trunk roads that are safe, efficient, and well managed. As part of their continuing inspection and management of the trunk road network, our Operating Companies have an obligation to inspect the network twice weekly. These inspections are primarily to identify defects that require prompt attention (Category 1 defects) because they present, or could present, an immediate hazard to road users, including cyclists. The Scottish Government fully funds the repair of all road surface Category 1 potholes, which are repaired by the Operating Companies within the strict timescales set out in their contracts. All Category 1 defects in the road surface must be made safe by 6am the following morning and permanently repaired within 28 days.

The Transport Scotland Road Asset Management Plan (RAMP) sets out how Scotland's trunk road network is maintained strategically and efficiently in order to protect our assets and ensure maximum value for money from our road maintenance activities.

LOCAL ROADS

With regards to local roads, local authorities have a duty under the Roads (Scotland) Act 1984 to manage and maintain local roads in their area and duties under the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of traffic.

Local authorities are independent corporate bodies with their own powers and responsibilities and are entirely separate from the Scottish Government and consequently are afforded financial freedom to act independently. As such, the vast majority of funding is provided by means of a block grant. It is then the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources available to them, including on road repairs, on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities. Ultimately, it is for locally elected representatives to make local decisions on how best to deliver services to their local communities.

The Scottish Government recognises the crucial role which local authorities and their employees play in communities across Scotland and the challenging financial circumstances they face. That's why the Scottish Government is working with COSLA to agree a New Deal for Local Government in Scotland, aiming to balance greater flexibility over local financial arrangements with improved accountability for delivering outcomes. Despite UK Government cuts, the Scottish Government has protected local authorities in the most challenging Budget since devolution to provide nearly £13.5 billion in the 2023-24 Local Government Settlement – a cash increase of over £793 million or 6.3%, which is a real terms increase of £376 million or 3%.

Audit Scotland submission of 15 May 2023

PE1936/J: Remove Potholes from Scotland's Roads

Thank you for your letter dated 18 April regarding the committee's consideration of the above petition and whether there are plans to follow-up on the recommendations in our *Maintaining Scotland's Roads* report. The Auditor General has asked me to respond on his behalf.

We do not currently have any plans to do further work on Scotland's roads. The Auditor General is currently consulting with the Scottish Parliament on his draft work programme. The committee will have received a letter on 3 April from the Convener of the Public Audit Committee, forwarding the draft work programme and seeking the committee's views. The committee may wish to use this process to express an interest in further work in this or any other areas.

I hope the committee finds this information useful.

Police Scotland submission of 16 May 2023

PE1936/K: Remove Potholes from Scotland's Roads

I refer to your email of 18 April 2023 which was forwarded to me as Executive Lead for Road Policing.

On behalf of the Citizen Participation and Public Petitions Committee of the Scottish Parliament, and as resolved at its meeting 22 March, you sought ‘... information on whether and how often poor road surface is recorded as a contributory factor in traffic incident reports, particularly for fatal accidents’.

I should caveat my response by observing that the relevant records held by Police Scotland in this regard do not include non-injury road traffic collisions. The figures provided below are for injury collisions that include ‘Defective Road’ amongst the contributory factors recorded by the reporting officer. Not all collisions have contributory factors recorded. Where this contributory factor is recorded it will not necessarily relate to a pothole. Ensuring absolute accuracy would require a detailed review of all road traffic collisions attended by Police Scotland over the past three years to determine the extent, if any, to which the condition of the road surface played a role in each instance. Given the resourcing and cost implications of same, this is not practicable.

Over the past three years, between 1 April 2020 and 31 March 2023, Police Scotland recorded 95 road traffic collisions with ‘Defective Road’ as a contributory factor. Of these, 2 were fatal collisions. Both of these had other, primary, causation factors recorded.

I trust this information helpful but please do not hesitate to contact me if you require anything further.

Petitioner submission of 20 May 2023

PE1936/L: Remove Potholes from Scotland’s Roads

Whilst all these paper exercises are ongoing, I note that nothing has changed and, if anything, things continue to get worse.

Potholes are a significant factor in deeming whether health and safety is being adhered to. It is not appropriate that a driver must focus on the copious potholes and unsafe road condition, rather than the road and subsequent signs in general, or how others such as pedestrians, vehicle users or cyclists use such a road. Many times, I have been forced to literally cross over the white line on the carriageway to miss a huge

pothole on my side of the road. Health and Safety is not being adhered to in any way. Whilst the Highway Code states that drivers should adapt their driving to the “appropriate type and condition of road you are on”, we don't really have a road left to drive on. In some places the holes take over the tarmac and therefore, the Act does not really seem relevant. Whilst stating that a car should be road worthy, the same cannot be said for the roads. In a number of cases a car will probably fail an MOT because of pothole damage. It's simply not in line with the Road Traffic 1988 (as amended). Equally it contravenes health and safety in entirety.

Whilst noting that £75 million has been removed from the road network budget where has that £75 million gone, and which budget was this transferred to? Given the absolute disgraceful state of our networks I think it's appalling that such mismanagement of funds has been allowed to happen.

As a former Health and Safety Rep and Equality and Diversity Rep, I am very concerned about the networks. I am concerned that equality is not being considered. Looking at this from an angle of equality or perhaps better described as inequality, I must highlight serious concerns.

For instance, consider a woman who is driving home alone and hits a pothole. What if she contacts the breakdown services and they advise that there will be a long wait for assistance? In that time anything could happen to her in that car. What if she tries to change a tyre and comes out of the car and again something happens? Is that equality? No, it is putting those who are vulnerable at even more risk. What if a child is in the car?

I have looked at the comments and messages on the pothole page which I manage. I note that a number of drivers are frightened to take their cars out in case they hit a pothole on this increasingly unsafe network and are duly left with a hefty bill that they can ill afford. Claims for compensation are an absolute trial and deflection on a colossal scale. Given the times we live in and the ever-changing landscape regarding food bills and utility bills, it is a disgrace that we are forking out more money in car repairs due to the mismanaged of Scotland under the SNP-led Scottish Government. As ever, it would be absolute deflection from those in public service roles who are more concerned about

themselves and protecting their roles, rather than the people of Scotland. It's an absolute disgrace, and yet something else my SNP MSP feels that he can't discuss!

Petitioner submission of 8 November 2023

PE1936/M: Remove Potholes from Scotland's Roads

I submitted this petition some time ago after being the victim of yet another pothole. Whilst driving, full attention should be given to the road conditions and to others who are using that road (whether than be cyclist, pedestrian or other motorist). However, I find that one can't concentrate fully on road conditions as one is having to take more time to swerve and avoid holes in the road to avoid hitting them and causing a serious accident. Health and safety is ignored and I find it unacceptable that potholes within our networks are simply to be accepted as an everyday hazard when they can cause serious damage to a car, and potentially an accident which takes a life. I have been behind cyclists who are having to pull out into the middle of the road to avoid a pothole. Whilst car users have the safety of suspension, a cyclist is not afforded that luxury and would be completely at risk of death if he or she comes off their bike into motor traffic. There is no consideration for this whatsoever. There is also no consideration for the Road Traffic Act in line with driving as to the conditions of the road.

When you then consider adverse weather conditions the road user is even more at risk. As humans we risk assess every day and yet we find ourselves in the position of not being able to risk assess when it is required the most. When you are driving, you are in charge of a lethal machine, which has the potential to cause injury and death. Therefore, risk assessment is notably and importantly required at all times. How can one then risk assess when the road is wet or full of ice? If you cannot see the potholes and craters in the road, how can you risk assess to ensure the safety of yourself and others? You can't.

Since the SNP Government joined forces with the Scottish Green Party under the Bute House Agreement, I honestly feel that things have gotten a lot worse. Many local roads are crumbling due to a lack of local government funding and the trunk roads are being left to rot, causing

much detriment to road users. Risk assessment is not taken into account and health and safety is ignored completely. Our lives are simply deemed as potentially expendable whilst £75 million is removed from the motorways and trunk roads budget with no consideration whatsoever.

Where is accountability these days? Why are our lives being put at risk due to financial mismanagement within the Scottish Government. If they cannot manage the financial budget, it is perhaps time the Bute House Agreement was terminated, and both political parties gave way to other politicians who can work in line with what is required to protect the people of Scotland. We must all work in line with risk assessment, health and safety and the protection of human life. Until then we are simply expendable behind the wheel of a motor vehicle or a bike.

It is my view that this situation is dangerous and unacceptable and could be seen to be contravening the Human Rights Act 1998, specifically Article Two on the right to life.