

I am seeking clarification

https://www.whatdotheyknow.com/request/kier_highways_damage_repair_rate and information:

4. The basis upon which Kier Highways Ltd is to charge at-fault Third Parties. You state 'We do not hold this information and it is not held on our behalf.'

A. Please explain why it is not held on your behalf; the contractor is acting in your name, undertaking a council responsibility.

We have previously confirmed to you that the responsibility for carrying out the repairs and obtaining payments from third parties is the responsibility of Kier under the contract if they wish to pursue it and we do not hold this information

B. Please also provide your audits of the contractor insofar as repair works/costs are concerned. The audits I anticipate addressing:

5. The protection the council put in place to prevent Third Parties being overcharged i.e.

No recorded information held as no such audits have taken place

A. Your extract from the contract in the attached document states 'costs' may be pursued.

I am seeking all information the Council possesses relating to your ensuring road users, Third Parties are:

B. being presented 'cost' and no more. The charges presented are at odds with 'costs'.

C. Being afforded the opportunity to carry out the works.

It does not appear protection stated is effective

You have been supplied with the recorded information held

8. You state 'Kier recover reasonable costs and any third party would be able to request a breakdown of costs incurred. There are no 'specific' rates as each site will be different'. The above audits will address whether the Council has satisfied themselves the rates are reasonable and how.

This is not recorded information held

A. Please explain the statement: There are no 'specific' rates as each site will be different:

a. It appears each site will have specific rates

b. To what sites are you referring

The above statement is at odds with Kier's application of the KSoR (Kier Schedule of Rates) which are 'specific' rates utilised at 'all sites'

This is not information held by the Council and we are not required to create information under the Act.

c. Please ensure the information provided address this incongruity.

With regard to:

2. the schedule of costs for works on the highways i.e. staff, operatives, plant and materials charged to the Council and. whether the Council is charged, for any works, by Kier Highways by using CECA rates

A. in what respect is confirming whether CECA rates are utilised, a set of rates in the public domain, commercially sensitive.

The schedule of rates used in the current contract is commercially sensitive as the Council is in the middle of the procurement process for the new highway contract

a. Please address the request for this information i.e. confirm or deny

We hold the schedule of rates in the Contract

We have previously confirmed to you that the responsibility for carrying out the repairs and obtaining payments from third parties is the responsibility of Kier under the contract and we do not hold this information

I note the 'commercial interest' exemption applied to the rates Kier Highways charge the Council.

The information I am seeking is:

B. whether Kier Highways utilise the same rates when billing the Council or a Third party for incident attendance and damage repairs.

We have previously confirmed to you that the responsibility for carrying out the repairs and

obtaining payments from third parties is the responsibility of Kier under the contract and we do not hold this information

C. If not, why not

See above

It would be odd if a Third party was liable to Surrey County Council for diminution in value of a damaged chattel in one sum if sued by the council itself and in a different sum if sued by the council via Kier Highways i.e. it would be odd if there were two schedules of rates being utilised for the same works, varying subject to who is to receive the bill; a TP or the council.

This is a comment

D. is the situation 'odd'; I await the relevant information

This is not a request for recorded information but an invitation to comment on your opinions