



Community and Enterprise Resources
Executive Director **Colin McDowall**
Roads and Transportation Services

Lee Turnbull

[request-220680-
@xx](#)

Our ref: FOI-EIR/2752801
Your ref:
If calling ask for: Crawford Lindsay
Phone: 01698 453839
Date: 07 August 2014

Dear Lee Turnbull

Freedom of Information (Scotland) Act 2002 (FOISA)
Environmental Information (Scotland) Regulations 2004 (The EI(S)Rs)
Request for Information

I refer to your information request received by the Council on 18 July 2014 in which you ask for the following information.

1. What computer software are you using for Roads Maintenance, Works Ordering and Inspections, how much are you paying per year, how many users are you licensed for, is this provided as Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?
2. What computer software are you using for Street Lighting Management, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?
3. What computer software are you using for UKPMS/Pavement Management, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?
4. What computer software are you using for Bridges/Structures, how much are you paying per year, how many users are you licensed for, is this provided as a Managed Service and is there a fixed length associated with your current contractual arrangements, if so when?

Freedom of Information (Scotland) Act 2002 (FOISA)

The Council has considered that the information is exempt from the provisions of FOISA. The relevant exemption is that the information is subject to the Environmental Information (Scotland) Regulations 2004 (section 39(2) of FOISA). The Council will go on to respond to your request in terms of the EI(S)Rs.

Information released

The Council can give you part of the information that you have requested. The information is detailed below:

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080 Fax: 01698 453600
Text Phone: 01698 454039 Email: enterprise.hq@southlanarkshire.gsx.gov.uk



1. I reply to items 1, 2 and 4 above. The computer software used by the Council for Road Maintenance, Works Ordering (Roads and Lighting), Inspections, Street Lighting Management, Bridges and Structures is Bentley's Atlas 4.3., which is not a managed service. Atlas 4.3 is a packaged system which includes all the above plus additional functionality (such as network and gazetteer capabilities). The site licence is for 274 users and is renewed annually on the 1st of January each year.
2. Atlas 4.3 has UKPMS functionality which we do not currently use. As part of the Scottish Road Maintenance Condition survey contract, run through Society of Chief Officers of Transportation in Scotland (SCOTS), for all the Scottish Local Roads Authorities. W.D.M's UKPMS 4.7 software is used to view the condition survey data. The council has 11 user licences for this software and the licence renewal is due annually in the 1st July.

Information held back in terms of Regulation 10(5)(e) of the EI(S)Rs

The Council is unable to give some of the information requested to you because it is exempt from the provisions of the EI(S)Rs]. The relevant exemption in this instance is that:

- ❖ The disclosure of the information would or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest (Regulation 10 (5)(e))

How the exemption applies to the information that we are holding back

The rates and costs agreed by the software providers and their suppliers are commercially sensitive. Release of this information would affect their commercial interests when bidding for similar works as it would provide competitors with an insight into their rates. Disclosure of this information would therefore be likely to prejudice substantially the confidentiality of commercial information and is considered exempt.

The Public Interest Test

The fact that an exemption applies does not mean in itself that the Council can hold back the information. It can only hold back the Information if the public interest in doing so outweighs the public interest in disclosing the information.

The Council has considered this test and has decided that the public interest in hold backing the information outweighs the public interest in providing the information to the public.

This is how it reached its decision.

For disclosure

The Council considered the following public interests in favour of giving out the information

- ❖ Disclosure would enable the public to exercise their rights under the Regulations

Against disclosure

The Council considered the following public interests in favour of hold backing the information

- ❖ Release would be likely to prejudice substantially the confidentiality of commercial or industrial information
- ❖ It is in the public interest to maintain a competitive environment for businesses.

Conclusion

Release would enable the public to exercise their rights to information under the Regulations. It is considered, however, that the public interest is best served by the protection of commercial interests and thereby maintaining a competitive environment for businesses. It is in the public interest that a course of action which would undermine a company's ability to tender competitively for works is avoided.

Consequently, the Council cannot comply with your request in full because part of the information is exempt from the EI(S)Rs.

Request for Review

We have an internal panel (the Review Panel) to deal with complaints from people who are not happy about the way that we have handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of FOISA. Please note that if you wish to complain, you must do so by 16 October 2014. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling of your request for information.

You should send your request for a review to:

Mr. W. Dunn
Information Compliance Manager
Finance and Corporate Resources
Floor 13, Council Offices
Almada Street
Hamilton ML3 0AA

Alternatively, you can request a review at foi.reviews@southlanarkshire.gov.uk.

Appeal to the Scottish Information Commissioner

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether we have dealt with your request properly. Please see the Commissioner's website at www.itspublicknowledge.info for further details.

Yours sincerely

George Wells
Road Maintenance Manager