

Our ref: 22401086
9 April 2021

Mr P Swift
???

Freedom of Information Act 2000

Dear Mr Swift

I can confirm that the information requested is held by Birmingham City Council. I have detailed below the information that is being released to you.

Request

I have a simple request:

Are the KSoR rates those agreed with BCC to be used by Kier Highways when billing Third Parties who cause damage to Council property?

The KSoR rates can be found here:

<http://www.englandhighways.co.uk/wp-content/uploads/2021/02/KSOR-Annex-with-planning.pdf>

If the KSoR rates are the same if they are those agreed, then what is the problem with releasing said rates, why would they be commercially sensitive given they accompany every claim, are in the public domain and are based on an available schedule, CECA?

Of course, a problem then arises because you have stated there is no profit associated and the agreed rates are NOT based upon CECA.

If they are not the same, if appears Kier Highways KLTs are, once again, not complying with a highways maintenance contract, it appears they are again adding unauthorised uplifts. Additional concerns would be that your monthly updates have failed to identify this and claims against your road users continue to progress based upon high charges and Kier Highways Ltd seemingly acting outside their Authority.

It also appears that your council is unaware Kier Highways Ltd do not manage claims but place matters with lawyers from the outset giving rise to the potential

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for increased costs' their fees and interest.

<http://www.englandhighways.co.uk/inflating-costs-to-make-a-profit/>

These claims are not at 'cost' as advised.

Where is the transparency you wrote about?

Yours sincerely,

Philip Swift

[http://www.englandhighways.co.uk/birminghams-highways-out-of-the-frying-pan-and-into-the-fire/...](http://www.englandhighways.co.uk/birminghams-highways-out-of-the-frying-pan-and-into-the-fire/)

Response

Are the KSoR rates those agreed with BCC to be used by Kier Highways when billing Third Parties who cause damage to Council property?

Kier price Third Party damage claims using a fixed schedule of charges derived from first principles using the Construction Industry Joint Council (CIJC) Working Rule Agreement and Civil Engineering Contractors Association (CECA) Schedules of Equipment Rates. Kier Highways have agreement to adopt this approach. The invoices they send will be accompanied by a statement detailing the resources and associated rates which have been applied.

If the KSoR rates are the same if they are those agreed, then what is the problem with releasing said rates, why would they be commercially sensitive given they accompany every claim, are in the public domain and are based on an available schedule, CECA?

Invoices for claims that Kier raise to Third Parties are accompanied by a statement detailing the resources and associated rates, and the Insurers Guide Leaflet. Construction Industry Joint Council (CIJC) Working Rule Agreement and Civil Engineering Contractors Association (CECA) Schedules of Equipment Rates are publicly available publications and we are under no obligation to provide publicly available information under FoIA.

Where is the transparency you wrote about?

There is full transparency of costs between Birmingham Highways Limited, Birmingham City Council and Kier Highways under the terms of the contract. Kier Highways do not retain any recovered costs in relation to claims, and monies recovered are reconciled as part of the monthly application for payment process. When required and which is reasonable, claims handlers and solicitors will be used in order to recover costs that are due.

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Please quote the reference number 22401086 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days from the date this authority issued its initial response to your original letter and should be addressed to:

Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: infogovernance@birmingham.gov.uk

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office

Website: www.ico.org.uk

I will now close your request as of this date.

Yours sincerely

Jenny Bent
Business Support Coordinator

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