



Derry City & Strabane
District Council

Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin

Derry Cittie & Stràbane
Deistrick Cooncil

Ref: FOI / 2228

09 January 2019

Mr
Email: @gmail.com

Dear

Freedom of Information Act 2000 Request Contracts Toilets Castlederg

I refer to your FOI request and respond as follows:

Request:

**I ask for the following information under the freedom of Information
When the contract for looking after toilets in Castlederg and other areas**

‘a Copy of the advertiment seeking tenders’

A tender was only sought in relation to providing toilets in Castlederg. A copy of the advertisement is no longer available as the council disposed of the documents after 7 years in accordance with the Council’s Retention and Disposal Schedule as attached.

‘The number of companies that applied’

Three Companies submitted tenders.

‘Copy of their tender for the contract’

The Council considers that to disclose the information you have requested would prejudice the commercial interests of the parties concerned and this information is therefore exempt from disclosure under section 43 of the Act. This information is commercially sensitive to prospective tenderers and it is important to their competitiveness that they are able to remain as a participant in the market.

With regards to the Council’s commercial interest, if the Council disclosed this type of information it would adversely affect our ability to source suppliers in a competitive environment.

Where the Council decides that the information requested is exempt from disclosure under section 43 of the Freedom of Information Act, it must then apply what is known as a “public interest test”. This requires the Council to decide whether, in all the circumstances of the

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case, the public interest in maintaining the exemption outweighs the public interest in disclosing information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure.

When considering factors which would favour disclosing the information, the Council had to assess whether disclosure of the information would:

- Allow for more informed debate on the issue;
- Promote accountability and transparency for our decisions and in our spending of public money; and
- Assist the public to understand and challenge our decisions.

Against these considerations the Council had to balance the likelihood of disclosure having an adverse effect on the commercial interest of the tenderers concerned and the Council itself.

Having taken into account the arguments for and against disclosure, the Council decided that the public interest in this case is best served by maintaining the exemption and by not disclosing the information requested, at this stage. The Council considers that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of the tenderers concerned and the Council itself. In this case there is an overriding public interest in ensuring that companies are able to compete fairly and in ensuring there is competition for public sector contracts.

You can find out more about Section 43 by reading the extract from the Act and some guidance points we consider when applying this exemption https://ico.org.uk/media/for-organisations/documents/1178/awareness_guidance_5_v3_07_03_08.pdf

‘What company got the contract’

The Contract was awarded to Healthmatic Ltd, Redman Road, Porte Marsh Industrial Estate, Calne, Wiltshire. SN11 9PR

‘A copy of the interview panels recommendations giving a particular company the contract’

Please see attached a copy of the Council minute giving recommendation of Chief Technical Officer to Legacy Strabane District Council in relation to awarding of the contract. Information has been redacted with reference to the other tenders received.

‘When did the contract start when does it finish’

Contract started in November 1994. Ended on 30th June 2018.

‘What amount of money is the Council paying the contractor’

Council does not currently have a contract.

‘How is it broken down between the different areas EG Castlederg Sion Mills Newtownstewart Plumbridge ETC’



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No contract currently exists.

'Did Council approve the contract'

Yes.

'Was this contract awarded by the then Strabane D C or the New Derry Strabane District Council'

The contract was awarded by the legacy Strabane District Council.

'If Council got away with closing Castlederg toilets (And they won't) how would that change the company contract'

There is no contract currently in place.

You asked an additional question on 14th December which we are replying to as part of our response to this particular Freedom of Information request. Your question was....

'I ask why Castlederg toilet was coined entry when these other toilets were free entry'

The toilets in William Street, Castlederg were a replacement for toilets that had been located in the Diamond area of the town prior to their demolition. Council took the decision to provide the coin operated facility in its present location.

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes. Firstly our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would advise however, the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely

Head of Health & Community Wellbeing

Enc



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