

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE - 20 NOVEMBER 2009

MATTERS ARISING UPDATE REPORT

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide the Committee with a consolidated response to information requests made by Members at previous meetings.

2. BACKGROUND

- 2.1 As Members are aware, during the course of discussions at meetings of the Governance and Scrutiny Committee, Members, from time to time, seek information or clarification from Officers on particular matters which requires to be provided after the meeting. Such requests arise from, and reflect, the role of the Committee in respect of its scrutiny function.

- 2.2 The Committee at its meeting held on 3 April 2009 agreed that, in future, a report be submitted to the Committee to consolidate all responses to information requests made by Members of the Committee at previous meetings or, otherwise, provide an explanation as to why the relevant information is not yet available. This approach will formalise the various matters arising into report format thereby facilitating presentation of the information to Members and recording of the origin and progress of the issues raised.

3. UPDATE

- 3.1 The outstanding matters arising from previous meetings of the Committee and the current position with regard to the provision of information relative to each item is set out in detail in Appendix I to this report.

4. FINANCIAL/LEGAL/POLICY/COMMUNITY PLANNING/RISK IMPLICATIONS

- None arising directly from this report.

5. RECOMMENDATION

- 5.1 The Committee is asked to note the information provided in response to the matters arising as set out in Appendix I.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

6 November 2009
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LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Telephone Number (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX I

<u>NO</u>	<u>ORIGIN</u>	<u>ISSUE</u>	<u>UPDATE</u>
1.	Governance & Scrutiny Committee, 3 April 2009 (Item 7(ii), Page 675, 07/12)	<u>Planning and Listed Building Consent Appeal Decisions - 1 May 2007 to 31 January 2009</u> - Agreed that the Head of Legal, Procurement and Regulatory Services provide information to Members of the Committee on the amount of expenses awarded to the Council arising from the application by AMEC Project Investment PLC for a Windfarm at Kyle Forest, near Dalmellington.	The Head of Legal, Procurement and Regulatory Services advises that the settlement amount has been agreed as £33,763.74, and paid.
2.	Governance & Scrutiny Committee, 23 October 2009 (Item 4, Page , 07/12)	<u>S4 Courses offered within Schools</u> - The Executive Director of Educational and Social Services to provide information on the educational levels which are being offered within individual schools in East Ayrshire.	Information provided by the Executive Director of Educational and Social Services in Annex 1.
3.	Governance & Scrutiny Committee, 23 October 2009 (Item 3(ii), Page , 07/12)	<u>Awarding of Contracts - Period from 15 August to 9 October 2009: Domestic Energy Performance Certificate Contract</u> - The Head of Legal, Procurement and Regulatory Services to report back on the reasons for inviting tenders from the large number of contractors referred to for the Domestic Energy Performance Certificate Contract.	A briefing note to update Members on this matter is provided at Annex 2.

6 November 2009

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ANNEX 1

Additional Information Requested by Governance and Scrutiny Committee – 23 October 2009

S4 Courses Offered at Intermediate 1 and 2 (SCQF levels 4 and 5) rather than General and Credit Standard Grade (SCQF levels 4 and 5)

SUBJECT	SCHOOLS
French	Kilmarnock St Joseph's Stewarton
Media Studies	St Joseph's
Spanish	St Joseph's Loudoun (Int 1 only)
Mathematics	Doon St Joseph's Auchinleck (Int 1 only) Cumnock (Int 1 only)
Biology (all Int 1 only)	Auchinleck Doon Grange Kilmarnock Loudoun
Chemistry (all Int 1 only)	Auchinleck Cumnock Grange Kilmarnock Loudoun
Managing Environmental Resources	Stewarton
Physics	Grange Stewarton Auchinleck (Int 1 only) Cumnock (Int 1 only) Loudoun (Int 1 only)
History	Cumnock Grange
Business Management	Grange
Engineering Craft Skills	Auchinleck
Graphic Communication	St Joseph's
Computing (Int 1 only)	Doon Loudoun
Woodwork Skills	Auchinleck Doon (Int 1 only) James Hamilton (Int 1 only)
Home Economics	Cumnock

Hospitality (Int 1 only)	Cumnock (plus Int 2) Doon Kilmarnock Loudoun St Joseph's Stewarton
Art and Design	Doon Grange James Hamilton Kilmarnock St Joseph's Stewarton
Drama	St Joseph's
Music	Auchinleck Cumnock Doon Loudoun St Joseph's Stewarton
Physical Education	Grange St Joseph's
Religious, Moral and Philosophical Studies (Int 1 only)	Kilmarnock

ANNEX 2

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE – 20 NOVEMBER 2009

DOMESTIC ENERGY PERFORMANCE CERTIFICATES (EPCs)

Briefing Note by Head of Legal, Procurement & Regulatory Services

1. PURPOSE OF NOTE

- 1.1 The purpose of this note is to update Members of the Governance and Scrutiny Committee with the details regarding the award of contract for 'Domestic Energy Performance Certificates (EPCs)'.

2. BACKGROUND

- 2.1 East Ayrshire Council's Executive Director of Neighbourhood Services required to tender for a Framework Agreement of Service Providers to produce EPCs for Council Owned Houses and Flats.
- 2.2 EPCs are required for all Council Owned Houses and Flats where there is a tenancy change or prior to the Sale of Council Homes under the right to buy rented properties. Due to internal restructuring and unknown workload for the Council's own staff who produce EPCs, a Framework of firms is required as a back-up and used only where there is a requirement to produce EPCs that is surplus to the Council's own staff capacity due to the timescales required. The Council produce approximately 2,000 EPCs per annum, however it is unknown what proportion of this will be carried out through the Framework Agreement.
- 2.3 The contract is a Framework of 3 firms for a period of 2 years with a one year extension option, at the sole discretion of the Council.

3 TENDERING PROCEDURE

- 3.1 This tendering exercise was conducted along the lines of an Official Journal of the European Union (OJEU) 'Open Procedure'. Although the value of this contract was estimated to be under the OJEU thresholds, all tendering exercises are conducted in the same format to ensure fairness and equality of treatment of tenderers.
- 3.2 The 'Open Procedure' is used where appropriate or necessary and with this procedure there is no pre-qualification stage. It is a requirement of the 'Open Procedure' that all firms who express an interest must receive the tender documents.

- 3.3 The Council are required to publish all tendering opportunities via the Public Contracts Scotland website, below threshold contracts, as well as above threshold OJEU contracts. This website has been set up by the Scottish Government for use by all public authorities in Scotland, with one of the aims being to ensure in particular that SMEs have free access to tendering opportunities advertised within the public sector.
- 3.4 The EPC tendering opportunity was therefore advertised through the Public Contracts Scotland website generating 55 expressions of interest. It is usual for the 'Open Procedure' to generate a lot of interest and then for less than 50% of firms returning a tender. It should be noted that this website appears to be increasingly successful in that there is now a significant increase in interest from firms in the majority of the Council's tenders advertised through the website.
- 3.5 It is the Procurement Section's intention to increase the use of eTenders (ie all the tender documentation is available online via the Public Contracts Scotland website for downloading and the completed tender is also returned via the web). This will reduce the amount of paperwork that has to be issued and officer time taken to deal with the increase in interest in Council tenders.
- 3.6 It should also be noted that as the requirement for producing EPCs is a new legislative requirement, private sector firms have been busy training and ensuring staff are qualified to produce the EPCs and therefore there has been significant interest within the marketplace to gain business in this area.

David Mitchell
Head of Legal, Procurement & Regulatory Services

12 November 2009