

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE – 26 MARCH 2003

BUILDING AND WORKS MONITORING REPORT

Report by the Director of Homes and Technical Services

1. PURPOSE OF THE REPORT

- 1.1** To advise the Committee of the Director of Homes and Technical Services' investigation on the possibility of submitting reports to this Committee for consideration in public on appropriate aspects of the operation and the performance of Building and Works DLO, as requested by this Committee at its meeting on 29th January, 2003.

2. BACKGROUND

- 2.1** In the past some members have enquired at Committee whether or not it was possible to consider the detailed information provided in the Building & Works Monitoring Report to the Housing Committee as an item in public, rather than as an excluded item in terms of the Local Government (Access to Information) Act 1985.
- 2.2** The Council in general considers all of its business in public in accordance with one of its core values of "Access". However, it is recognised that within the decision-making process there are certain matters, which require to be dealt with in private due to commercial/personal sensitivity. The Local Government (Access to Information) Act 1985 provides for this and identifies the specific exempt categories. In terms of the Scheme of Delegation, officers are required to identify such business coming before the Council and its committees and make appropriate recommendations to exclude such information in terms of the appropriate exclusion specified in the Act. Thereafter each committee is required to resolve to take these matters in private.

3. DISCUSSION

- 3.1** Consideration has been given as to whether or not therefore the report can be placed on a public agenda. There are essentially only two options here. The first of these is to continue to consider the report in detail as it is currently laid out. If that is to continue to be the case, and members are to see detailed information in a useful and informative matter then that information cannot be provided in a public forum. The information which is provided in terms of the detail of the DLO Operating Statement is extremely commercially sensitive and would make available to the DLO competitors more than adequate information upon which they could base tenders and bids. No organisation could contemplate making that information publicly available, without at the same time recognising that it is likely to cause them some considerable difficulties in the market place.

3.2 The alternative option is to provide information in a public form, but on a much less detailed basis than that which is currently provided. In its turn however that would not allow members to examine and discuss in detail the position of the DLO and the information which could be provided in a public forum would be much less useful in that regard.

3.3 In conclusion, the DLO is considered to be a discrete commercially sensitive Unit and as such is entitled to the same protection under the Local Government (Access to Information) Act 1985 as its Private Sectors competitors.

4. LEGAL IMPLICATIONS

4.1 The Council requires to comply with the provisions of the Local Government (Access to Information) Act 1985 as referred to in Paragraph 2.2 above.

5. FINANCIAL IMPLICATIONS

5.1 Whilst there are no specific financial implications arising from the recommendation of this report, however if the current level of information were to be provided and discussed in a public forum it is anticipated that this would have a major impact on the viability of the DLO .

6. RECOMMENDATION

6.1 It is recommended that:

- i. The current information continue to be provided as an excluded agenda item in terms of the Local Government (Access to Information) Act 1985 for the Housing Committee.

James Lavery
Director of Homes and Technical Services
15 March 2003

BACKGROUND INFORMATION

Nil

For further information please contact James Lavery, Director of Homes and Technical Services on 01563 – 554875.

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