

LOCAL GOVERNMENT TRANSPARENCY - CONSULTATION ON CHANGES TO THE 2015 CODE

Policy & Performance Advisory Committee - 7 June 2016

Report of	Chief Executive
Status:	For Consideration
Key Decision:	No

Portfolio Holder Cllr. Peter Fleming

Contact Officer Lee Banks Ex. 7161

Recommendation to Policy & Performance Advisory Committee:

Members advise on the Council's response to the Governments consultation on changes to the 2015 Local Government Transparency Code.

Reason for recommendation: To ensure that Members views inform the Council's response to Government on proposed changes to the 2015 Local Government Transparency Code.

Introduction and Background

- 1 In 2011 the government issued the Code of Recommended Practice for Local Authorities on Data Transparency, with a stated intention to place more power in citizens' hands, to increase democratic accountability and to make it easier for local people to contribute to the local decision making process and help shape public services.
- 2 The scope and content of the 2011 Code of Recommended Practice for Local Authorities on Data Transparency was reviewed in 2012. As a result of the Government published a revised Local Government Transparency Code in October 2014, and further updated the Code in February 2015.
- 3 Since October 2014, compliance with part of the Code has been mandatory. The Local Government Transparency Code 2015 requires the Council to publish certain information (as set out below), and recommends that certain other information is also published. Cabinet resolved that information recommended to be published be done so "if it were readily available".
- 4 Currently the Council is required by the Code to publish, on a quarterly basis, details of expenditure exceeding £500 and information about procurement and contracts. The Code also requires the Council to publish, on an annual basis, information about local authority land, social housing

assets, grants to voluntary, community and social enterprise organisations, an organisation chart, details of trade union facility time, the parking account, details of the number of parking spaces, senior salaries, the constitution, the pay multiple and details of local authority fraud detections.

- 5 Data published as a requirement, rather than a recommendation, must be published in open format. However, no particular format for the presentation of the data is stipulated, nor does the Code mandate exactly where local authorities should publish all their data. In practice, most local authorities publish their transparency data on their own websites.
- 6 The Government are proposed that the Local Government Transparency Code 2015 be updated to provide the opportunity for greater town hall transparency and also to enhance scrutiny of the use of public assets and resources, including through better comparison of data.

Consultation on changes to the 2015 Code

- 7 The Department for Communities and Local Government published a consultation on strengthening the local government transparency code on 12 May 2016. The consultation will be open for eight weeks, closing on 8 July, and proposes changes to the following elements of the existing Local Government Transparency Code 2015:
 - i. **Land Assets:** to extend the current provision for publishing land assets with additional requirements in particular around planning and housing provisions and the publication of the data through the government e-pims (property management information management system) portal;
 - ii. **Procurement information:** Making procurement information available in a standard format through a central portal;
 - iii. **Contracts:** to provide further details about in-house service contracts and how they have been market tested in a prescribed form;
 - iv. **Parking:** to extend the current provision to also include information about a breakdown of income from parking charges and details about penalty charges notices;
 - v. **Method of publishing:** to extend the current general provision of publishing data anywhere on the council's website to publishing data on specific websites in specific formats; and
 - vi. **Small and Medium Size Enterprise:** to extend the current provision to publish what proportion of spent is made annually to SMEs.
- 8 Provided at Appendix A is the full consultation document setting out further details on the proposals being set out.

Responding to the consultation

- 9 It is recommended that the Council provides a response to the Government setting out its views on changes to the Transparency Code. As is usual with consultations of this type this will be done, unless recommended otherwise, by Portfolio Holder decision.
- 10 To inform the Council's response the views of the Advisory Committee are welcomed.
- 11 Officers would wish to highlight for Members attention the proposal to introduce a new requirement to set out the reasons and evidence of value for money in relation to in-house service provision and the proposal to centralise some data collection and to propose a prescribed way to place information on a Council website. These may run contrary to the Council's ambition to develop its own website to not only hold its data but make it more usable to interested parties.

Other Options Considered and/or Rejected

- 12 The Council could consider not responding to the Government's consultation. This would not be recommended as it is likely that the proposals as set out will place an increased burden on the Council's staff resources and in places run contrary to local plans and ambitions for its data.

Key Implications

Financial

- 13 From the information provided within the consultation document it is anticipated that there will be limited, if any, financial impact on the Council. Where new burdens are being introduced the Council may wish to highlight in any consultation response that this should be funded by Government.

Legal Implications and Risk Assessment Statement

- 14 Regulations require that the Council comply with the Code as set out and any new requirements introduced in an updated Code.
- 15 There is some, albeit, relatively low risk to the Council that costs will increase as a result of any new requirements introduced and equally some risk that the amount of staff resource applied to compliance with the Code will increase. Failure to comply with the Code carries reputational risk.

Equality Assessment

- 16 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 17 The Government has set out a consultation to update the 2015 Local Government Transparency Code. It is recommended that Members provide their views to inform the Council's response to the consultation.

Appendices

Appendix A - 'Strengthening Local Government Transparency', consultation on changes to the Local Government Transparency Code 2015.

Background Papers:

Local Government Transparency Code 2015
<https://www.gov.uk/government/publications/local-government-transparency-code-2015>

Dr Pav Ramewal
Chief Executive