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**Report of Deputy Chief Executive**

**Report to Corporate Governance and Audit Committee**

**Date: 16<sup>th</sup> September 2016**

**Subject: Local Transparency Code**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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**Summary of main issues**

1. The Local Government Transparency Code 2015 is a mandatory Code and non-compliance could result in the authority being investigated by the Information Commissioner's Office or being subject to a judicial review and leading to reputational damage.
2. Affected services need to be aware of the requirements of the Code and their responsibilities in ensuring data and information is made available in the required formats and by the due deadlines.
3. The transparency agenda is high on the government's agenda and it is likely that amendments to the Code will be made on an ongoing basis. The council therefore needs to be in a position to react to any future changes.

**Recommendations**

4. Corporate Governance and Audit Committee is asked to consider the contents of this report and the assurance provided in respect of the council's substantial compliance with the Code and in providing access to published data and information.

## **1 Purpose of this report**

- 1.1 To provide Corporate Governance and Audit Committee with background information about the Local Government Transparency Code and how it impacts on the council.
- 1.2 To provide members with assurance that the council is substantially compliant with the Code and can respond promptly to any future changes.
- 1.3 To provide clarification as to how members of the public can access data and information highlighted in the Code.

## **2 Background information**

- 2.1 The Department for Communities and Local Government (DCLG) introduced the Code of Recommended Practice for Local Authorities on Data Transparency in September 2011 with the aim of encouraging local authorities to become increasingly open and transparent. This first version listed ten pieces of information which included datasets such as councillor expenses and allowances, election results and council expenditure over £500.
- 2.2 Most councils began publishing their spending above £500 however the publication of other datasets failed to gain traction. In September 2013, government carried out some consultation into making the Code mandatory and reviewing which datasets should be included.
- 2.3 At the time of consultation, Leeds City Council sought views from a wide range of individuals and responded separately to the Local Government Association (LGA) and DCLG. The outcome of the consultation stated that the Code was to become mandatory by October 2014 and that some changes were to be made to which datasets were required, increasing the number to fourteen.
- 2.4 The view by officers at the council throughout the consultation period was that the Code was likely to become mandatory and that being proactive meant that focus could then be diverted to other areas, e.g. publishing datasets which could reduce the number of Freedom of Information (FOI) requests. This proactive action meant that when a further amendment was made in April 2015 to include social housing asset values, the council was quick to respond and published the required dataset by the deadline of September 2015.
- 2.5 Leeds City Council has worked towards being as compliant as possible when publishing data and in some cases doing over and above what the Code requires. Appendix 1 outlines in greater detail what the council is publishing. Sections marked with an asterisk highlight those areas where the council is exceeding the requirements of the Code.
- 2.6 Officers working in the Information Governance (IG) Service provide guidance, support and monitoring to those business areas required to publish relevant data. Responsibility is assigned to individuals who publish and officers in the IG Service regularly monitor compliance, and ensure checks and balances are in place to provide continued compliance.

- 2.7 The council has developed a good working relationship with both the LGA and DCLG and has contributed to conversations on how best to implement the Code. Indeed, all datasets have been published in the formats (schemas) published by the LGA which the council provided feedback on. The council continues to influence the national agenda on Open Data and the Local Government Transparency Code.
- 2.8 In addition to working on the Code, the council has also published datasets on public toilets, planning applications and licensed premises as part of an LGA scheme and has more recently published data on brownfield sites as part of a DCLG scheme. When added to other publications on the Data Mill, Leeds City Council is now publishing over 200 datasets and is seen as a UK leader in this area.

### **3 Main issues**

- 3.1 In some areas the council is publishing more than is required, and in others is substantially compliant with the necessary mandatory elements. There are some specific reasons why we cannot claim to be 100% compliant;
- To avoid public confusion with information being released at different times and to allow time for auditing of council accounts, annual financial datasets (senior officer salaries, payments to the 3<sup>rd</sup> sector and parking income and expenditure) are published in September in line with the publication of council's Statement of Accounts and Parking Annual Report rather than in April as required.
  - The senior officer salaries dataset should include details of officers whose salary is greater than £50,000 FTE. The council exceeds this requirement and lists all staff who have earned beyond the threshold, (e.g. extra honorarium payments). There is a requirement that responsibilities, budgets and staffing be listed for each individual. Publication of this level of detail is currently not possible as the information is not stored on council systems in a way which makes it cost effective to publish. Collection of the data would currently mean a manual and labour intensive exercise which could lead to inaccuracies. Responsibilities for the most senior council officers are however listed.
- 3.2 All the datasets listed in the Code are published on Data Mill North (formerly Leeds Data Mill). The website is highly publicised as *the* place for council data. Furthermore, its scope has now widened and is being promoted as the main open data repository for the North of England. All datasets listed on the website are categorised under the term 'Transparency' to aid searching and all are listed on the government's national data website, [data.gov.uk](http://data.gov.uk).
- 3.3 All published council data and information is also listed on its 'Publication Scheme', which is a requirement of the Freedom of Information Act. This directory can be found in the 'Your Council' section of [leeds.gov.uk](http://leeds.gov.uk) in the 'Council data and information' area. Anything listed on here also means that FOI requests are automatically exempted.
- 3.4 To further promote the council's work on this agenda, a dedicated webpage focusing on the Code has been created and can be easily found by searching 'Transparency Code Leeds' on [leeds.gov.uk](http://leeds.gov.uk) or through a variety of search engine websites (e.g. Google, Bing and Yahoo).

## **4 Corporate considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Consultation at various stages of implementation of the Code was conducted across a broad range of stakeholders including those services and officers directly affected by it. Additionally, key officers in legal services, procurement and finance were also consulted.
- 4.1.2 A report to Corporate Governance and Audit Committee was submitted on 9<sup>th</sup> April 2014 and progress subsequently reported through the Annual Information Governance report.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The Code states that presentation of the data “should be helpful and accessible to local people and other interested persons”. Data and information which the council publishes are all viewable on Data Mill North or Leeds.gov.uk and can be downloaded in a variety of formats. Furthermore, if a request is made for other digital or non-digital formats such as PDF, large print or braille, every effort will be made to assist. Contact Centre staff and officers working on FOI requests have processes in place to respond to these types of customer enquiries. Requests in respect of the Code would be managed through these existing processes.

### **4.3 Council policies and City Priorities**

- 4.3.1 Transparency is a key government priority and the Local Government Transparency Code forms part of that agenda. Additionally, one of the council’s values is in being ‘open, honest and trusted’ and Executive Board approved the report ‘Open Data: Realising the potential of an untapped resource’ in November 2015 which recommended the council work towards becoming an ‘open by default’ organisation.

### **4.4 Resources and value for money**

- 4.4.1 Capacity within directorates to publish the required data has been made available from existing resources and is now embedded. Monitoring is overseen by officers working in the Information Governance Service to ensure datasets are published on time and in the required formats.
- 4.4.2 It takes an average of 3 hours to process an FOI request. In 2014/15, the council received 1986 requests. In 2015/16 this reduced to 1619 requests however this still equates to an average of 4857 officer hours or 131 FTE weeks. Whilst it cannot be proven that the reduction is entirely down to the publication of data, some areas such as business rates, housing and fleet services have seen significant reductions in requests being made. Increasing the number of datasets made available to the public not only contributes to the transparency agenda but improves efficiency.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are no legal implications and no restrictions on access to information contained in this report.

## **4.6 Risk Management**

- 4.6.1 Not complying with the Code could result in the authority being investigated by the Information Commissioner's Office or being subject to a judicial review and leading to reputational damage. It should be noted however that publishing data and information contained in the Code can assist in reducing the number of FOI requests which the council receives.
- 4.6.2 Whilst there are specific individuals who are responsible for the publication of datasets, this requirements of this agenda are recognised by other officers within service areas. Additionally, compliance is monitored by officers unconnected with publication. Embedding various responsibilities in this way will minimise the risk of publication not taking place.

## **5 Conclusions**

- 5.1 A report was submitted to Corporate Governance and Audit Committee on 9<sup>th</sup> April 2014 outlining what the council's responsibilities were in complying with the Code. Since that report, the council has been substantially compliant in publishing the necessary data and information.
- 5.2 Processes are now embedded to ensure continued compliance:
  - 5.2.1 Monitoring of datasets has been incorporated into the wider open data monitoring work. This is managed by information governance officers who check that datasets are updated on time and in the required formats. Individuals are chased where necessary.
  - 5.2.2 Named individuals in service areas have been allocated responsibility for publishing datasets and are aware of the support on offer from information governance officers.
  - 5.2.3 Information governance officers are in regular contact with representatives at the LGA and are informed of any potential future changes.

## **6 Recommendation**

- 6.1 Corporate Governance and Audit Committee is asked to consider the contents of this report and the assurance provided in respect of the council's substantial compliance with the Code and in providing access to published data and information.

## **7 Background documents<sup>1</sup>**

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.



## APPENDIX 1: INFORMATION AND DATASETS LISTED IN THE LOCAL GOVERNMENT TRANSPARENCY CODE 2015

Dataset title	Directorate responsibility	Publishing service	Required publication	Actual LCC publication	Links	Page views	Notes
Expenditure exceeding £500 (inc. Government Procurement Card (GPC) transactions)	Civic Enterprise Leeds	Business support centre	Quarterly	Monthly *	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	2068	<b>ALL</b> (not just above £500) council spending * (including GPC) is published monthly rather than quarterly.
Procurement information (inc. waste contracts)	Strategy and resources	Corporate Procurement Unit	Quarterly	Bi-monthly *	<a href="#">Data Mill North (tenders)</a> <a href="#">LCC Publication Scheme (tenders)</a> <a href="#">Data Mill North (other)</a> <a href="#">LCC Publication Scheme (other)</a>	3896	The waste contract information was a one-off publication which the council had already made available through the contracts register.
Local authority land	City Development	Asset Management	Annually (August)	Annually (August)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	518	
Social housing asset value	Environment & Housing	Housing	Annually (April)	Annually (April)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	154	Additional detailed information provided
Grants to voluntary, community and social enterprise organisations	Strategy and Resources	Financial Management	Annually (April)	Annually (Sept)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	214	
Trade union facility time	Strategy and Resources	HR	Annually (April)	Annually (April)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	245	

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Dataset title	Directorate responsibility	Publishing service	Required publication	Actual LCC publication	Links	Page views	Notes
Parking account	Environment & Housing	Parking Services	Annually (April)	Annually (Sept)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	133	
Parking spaces	Environment & Housing	Parking Services	Annually (April)	Annually (April?)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	237	
Senior salaries (inc. organisational chart data)	Civic Enterprise Leeds	Business Support Centre	Annually (April)	Annually (Sept)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	1086	The organisational chart information has been incorporated into this dataset as there was a high degree of overlap.
Constitution	Strategy and Resources	Democratic Services	Annually	Annually	<a href="#">LCC website</a> <a href="#">LCC Publication Scheme</a>	2912 #	Published as a report on leeds.gov.uk
Pay multiple	Civic Enterprise Leeds	Business Support Centre	Annually (April)	Annually (April)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	128	
Fraud	Strategy and Resources	Audit	Annually (April)	Annually (April)	<a href="#">Data Mill North</a> <a href="#">LCC Publication Scheme</a>	203	
Total times transparency datasets viewed						11794	

**KEY:**

\* Sections marked with an asterisk show where the council is publishing beyond the requirements of the Code.

# Constitution page views are taken from leeds.gov.uk as this is not a dataset. Statistics for all other entries are taken from Data Mill North.

The 'Page views' column show how many times the Local Government Transparency Code pages have been visited between 01/04/15 - 31/03/16.