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Report of the Director of Resources

Report to Corporate Governance and Audit Committee

Date: 27th February 2012

Subject: DCLG Code of Recommended Practice for Council Transparency

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

Summary of main issues

1. The Department of Communities and Local Government (DCLG) have issued a new Code of Recommended Practice for Council Transparency.

2. Whilst most of the requirements of the Code have already been met, work is ongoing to ensure the Council's full compliance.

Recommendations

3. Members of the Corporate Governance and Audit Committee are asked to note:

   § the new Code of Recommended Practice for Council Transparency.
   § the Council's progress towards implementing the requirements of the code.

1   Purpose of this report

1.1   DCLG published the Code of Recommended Practice for Council Transparency on the 29th September 2011. The Code of Practice sets out a number of principles that should underlay the publication of information by local authorities.

1.2   The code specifies that authorities should build and maintain an inventory of the public data that they hold, but in addition the code proposes information that should be published as a minimum.

1.3   This paper sets out what is currently being published by the Council, and what steps are being taken to move to full compliance with the code.

2   Background information

2.1   The code of Recommended Practice for Council Transparency is designed to help reveal the fine detail of authorities` daily business. Ministers believe that data transparency should extend beyond local spending and that full disclosure should be every councils default position. Subject to consultation, ministers are minded to make the Code a legally binding requirement to ensure authorities can be held fully accountable to the local people they serve.

3. Main Issues

3.1   Councils will now be expected to have regard to the code in all their data publications. The code is not legally enforceable, but it is apparent that Ministers are minded to make the code legally binding.

3.2   The code establishes three key principles behind council transparency being:

Timeliness- The code highlights that timeliness of making public data available is often of vital importance. It states data should be published as soon as possible following production, even if it is not accompanied with detailed analysis. Where practical, local authorities should seek to publish in real time.

Openness - Public data availability should be promoted and publicised. Presentations should be helpful and accessible to residents and other interested persons. Public data should be published in a format and under a license that allows open reuse, including for commercial purposes.

Local Demand - The code states that local authorities should not determine the value of their public data and the level of public demand, rather they should understand what they hold, what their communities want and then release it in a way that allows the public developers or the media to use.

3.3   The code states that local authorities should build and maintain an inventory of the public data they hold. If public data would be released under Freedom of Information, it should be included in the inventory. These inventories should be registered on data.gov.uk.

3.4   The code also proposes the minimum datasets that should be released. They are:

- Expenditure over £500 (including costs, supplier and transaction information)

- Senior employee salaries, names (with the option for individuals to refuse consent for their name to be published), budgets, numbers of staff reporting to, and responsibilities of staff paid over £58,200

- An organisation chart including salary bands and currently vacant posts

- The pay multiple, the ratio between highest paid salary and the median average salary of the whole of the Councils workforce

- councillor allowances and expenses

- copies of contracts and tenders to businesses and to the voluntary sector, community and social enterprise sector

- grants to the voluntary, community and social enterprise sectors should be clearly itemised and listed

- policies, performance, external audits and key inspections and key indicators on the authorities fiscal and financial position

- the location of public land and building assets and key attribute information that is normally recorded on an asset register

- data on the democratic running of the local authority including the constitution, election results, committee minutes, decision making processes and records of decisions.

3.5   The table below details what Leeds City Council already publishes with regard to the minimum requirements:

Requirement	Details
Over £500 payments	Monthly on both LCC open data site and data.gov site
Employee salaries, names staff paid over £58,200	Information about the top three tiers of management as to salary band and job title. Number of staff paid over £50k published as part of the accounts.
An organisation chart s	Quarterly on the Council's internet open data site
Pay multiple	Currently being calculated for publication.
Councillor allowances and expenses	Annually on the Councils website.
Copies of contracts and tenders	Information is recorded regarding contracts on an online system that can be accessed by the public.
Grants to the voluntary	Grants for 2011/12 will be published at the year end.
Policies, performance, external audits and key inspections	Published on the Councils website.
The location of public land and building assets	Further development work required.
Data on the democratic running of the local authority	Published on the Councils website.

3.6   In anticipation of the Code becoming legally binding and for ease of public reference, all the required data currently published will linked to the Council's Open Data and the DCLG data.gov.uk sites.

3.7   In respect of those areas the Council is not currently publishing any information the following work is planned or is currently being undertaken:

- The pay multiple calculation will be reported in the Pay Policy Statement to be approved by Council in March.

- Officers in the Resources Directorate to work with City Development to clarify what information should and can be published with regard to assets. As an interim solution the Council's has provided the DCLG data.gov site with information as to the assets owned by the Council. Consideration is being given to including the same data on the Council's own open data site.

- Procurement are working on assessing the practicalities of publishing all the requested information in the Code for contract and tender documents. The interim solution will be to have a link to the Procurement system on the open data site which will provide public with access to contract and tender information.

- Once the above data has been created the information will be published on the Council's open data and DCLG data.gov sites.

3.8   Once the minimum requirements are met a review will be undertaken as to the extent to which the Council adopts a more proactive and co-ordinated approach to transparency and the publication of information, and what arrangements we need to put in place to adopt such an approach.

3.9   The development of the Councils internet and intranet site will need to take into account the need to maintain an inventory and a central point to publish data to ensure Council has data transparency.

4. Corporate Considerations

4.1   Consultation and Engagement

4.1.1   The code states local authorities should not pre-determine the value of their public data and the level of public demand but they should understand what they hold, what their communities want and then release it in a way that allows the public, developers or the media to use it. At this early stage of compliance with the new code, no consultation has been undertaken but the option remains in the future to consult on any additional information communities want.

4.2   Equality and Diversity / Cohesion and Integration

4.2.1   This report does not highlight any issue regarding equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 Being open, honest and trusted is one of the key values of the Authority. Leeds City Council would demonstrate its commitment to this value if it has good data transparency.

4.3.2 All of the information which the Council would publish under the code would be otherwise available in response to freedom of information requests.

4.4 Resources and Value for Money

4.4.1 There are resource implications in publishing information, and adopting a more proactive approach to publication will have some impact, although there will be a clear expectation that this will need to be managed within existing resources.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The code or practice is not mandatory given the additional powers of the Secretary of State to make regulations if he considers it necessary to ensure authorities publish information as set out in the code, therefore the Council could choose to ignore it. However, it seems that the code is a precursor to more extensive disclosure requirements proposed in the Protection of Freedoms Bill, which in many ways is likely to lead to a more rigid and less flexible approach to the local publication of information.

4.6 Risk Management

4.6.1 There are no direct risk management implications of this report.

5. Conclusions

5.1 The new Code of Recommended Practice for Council Transparency has been published and whilst it is not yet mandatory, the Council current publishes most of the Codes requirements. Further work is being undertaken to ensure the Council meets the minimum requirements of Code.

5.2 Consideration of the Codes requirements are being considered as part of the new internet and intranet sites.

5.3 Once minimum standards are achieved a review of further information suitable for publication will be undertaken.

6. Recommendations

6.1 Members are asked to note:

6.1.1 the new Code of Recommended Practice for Council Transparency.

6.1.2 the Council's progress towards implementing the requirements of the code.

6.2 Members are asked to consider whether they would wish to receive a further progress report on this issue.

7. Background documents

7.1   The Code of Recommended Practice for Local Authorities on Data Transparency

7.2   Local Government, Planning and Land Act 1980

7.3   Freedom of Information Act 2000

7.4   Environmental Information Regulations 2004

7.5   Re-use of Public Sector Information Regulations 2005

7.6   INSPIRE Regulations 2009