

NORTH LINCOLNSHIRE COUNCIL

POLICY AND RESOURCES CABINET MEMBER

LOCAL GOVERNMENT TRANSPARENCY CODE 2014

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To advise Cabinet Member of recent changes to the Code of Recommended Practice for Local Authorities on Data Transparency
- 1.2 The revised code sets out new mandated requirements which the council is now required to comply with.

2. BACKGROUND INFORMATION

- 2.1 In September 2011 The Code of Recommended Practice for Local Authorities on Data Transparency was published setting out the key provisions for creating greater transparency through the publication of public data.
- 2.2 The Code was issued to meet the government's desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. The government believes that availability of data can also open new markets for local business, the voluntary and community sectors, and social enterprise to run services or manage public assets.
- 2.3 The government is promoting the principle that all data held and managed by local authorities should be made available to local people unless there are specific sensitivities (e.g. protecting vulnerable people or commercial and operational considerations) to doing so.
- 2.4 Between 25 October and 20 December 2013, the Department for Communities and Local Government ran a consultation on updating the Code, and making it mandatory through regulations. In May 2014 the Department for Communities and Local Government published the "Local Government Transparency Code". This Code has been issued by the Secretary of State for Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980.
- 2.5 The government has decided to make regulations requiring authorities to publish information that they feel is necessary to embed transparency standards and promote democratic accountability. The government will regulate to require local authorities to provide the information in appropriate formats. Details are outlined in Appendix 1; however the main changes are set out below:

Dataset	Dept.	Comments
Expenditure exceeding £500	Finance	Additional data required to publish than we currently do. For example Merchant category, VAT that cannot be recovered.
Government Procurement Card Transactions	Finance	This new dataset is applicable to <u>all</u> commercial/corporate credit cards/charge cards.
Procurement information	Business Support	Additional data required to publish than we currently do. For example Reference, Department, Review Date all now required, also the contracts to be published are £5000 and above instead of £10,000 and above.
Local authority land	Regen.	New – dataset will need creating however we already publish the majority in other datasets i.e. Data Observatory, and GIS Inspire Data. Further work with Regen and other departments to consolidate this information is required.
Grants to voluntary, community and social enterprise organisations	Stronger Communities	Threshold has dropped to £5000 and not £10000 but we currently do not publish this dataset as previously was only recommended not mandatory. The issue for the council is this data is held in several service areas and requires consolidating.
Organisation chart	HR	Parts of this are published, but additional information is required now been made mandatory. An organisation chart of the top three levels including grade job title, contact details, salary etc.
Trade union facility time	HR	New dataset as a result HR are currently working with union reps to obtain the necessary information to publish
Parking revenues	Parking	New – requiring revenue collected from on-street and off-street parking and parking enforcement notices.
Controlled parking spaces	Parking	New – the number of market out controlled on and off-street parking spaces, also the number of free parking spaces available in its area.
Senior salaries	HR	Already publish but not in appropriate format as per the requirements, also additional information is required since the updated data transparency. For example list of responsibilities, budget held and number of staff.
Constitution	Legal	Already publish but not in an open and 3 star format
Pay multiple	HR	Already publish but not in an open and 3 star format
Fraud	Audit	New dataset, already discussed with Audit and datasets can be provided to publish
Councillor Expenses	Legal	Already publish annually but this dataset has been dropped from the transparency code but still requires to be published annually under legislation.

2.6 The new regulated code has increased the number of datasets, and in some existing datasets the data number of fields required to be published, for example:

On the senior salaries dataset we currently publish the job title, service area, Full-Time Equivalent (FTE) and FTE Salary. The revised code requires the following in addition to the existing information; a list of their responsibilities, the number of staff, budget held, details of bonuses and benefits in kind etc.

Appendix 1 provides further detail on all the mandatory datasets. The other change is that the new code would require where possible to publish all datasets at a 3 star rating (use non-proprietary formats like a CSV (comma separate

value) instead of an Excel Spreadsheet, because you need Excel to open an Excel Spreadsheet but CSVs can be opened in practically any software). Appendix 2 provides an explanation to the open data star ratings.

- 2.7 The Code states that public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. The recommended standard is the Open Government Licence published by the National Archives.
- 2.8 Local authorities are recommended to publish data in three star formats where this is suitable and appropriate, alongside open and machine-readable format, within six months of the Code being issued. Presently the code has been introduced under section 2 of the Local Government, Planning and Land Act 1980 and although this does not include monetary penalties for non-compliance this is expected to be introduced later in the year once ministerial approval has been granted and appropriate legislation amended. The ICO has the ability to enforce monetary sanctions as in the format of fines to local authorities that are none compliant.
- 2.9 Part 2 of the Code (this is the detail on the datasets to be published) will be mandatory when regulations, made under section 3 of the Local Government, Planning and Land Act 1980, come into force. The Parliamentary process to make part 2 of the Code mandatory will start shortly and is expected to be completed within 3 months of the Code been issued, subject to Parliamentary approval.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 - Implement the full code and begin investigation to the most cost efficient and effective process for publishing.
- 3.2 Option 2 - Implement the mandatory elements of the code, and begin investigation to the most cost efficient and effective process for publishing.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 requires significant additional resources in comparison to Option 2.

5. RESOURCE AND OTHER IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 It is recognised that in producing these datasets there will be an impact on service area resources, mainly staff time in extracting, ensuring the dataset is fit for purpose and finally publishing.

Evidence suggests that publishing these datasets along with additional council datasets i.e. Freedom of Information Requests, public rights of way etc. would either reduce the number of requests that the council receives or the amount of resources required to answer these requests.

The government realises that the new obligations places new burdens on local authorities and agreed new burdens funding to meet the on-going annual costs of meeting the mandatory requirements of the Code. This would be paid under

section 31 of the Local Government Act 2003 as soon as possible after the Code has been published. We are presently awaiting additional information from government on this.

The intention is to utilise existing web resources both in technology and staff time and develop a process enabling officers to easily publish the datasets with little or no additional involvement. Significant work involved would predominantly be around creating the datasets and producing the relevant schema and business rules for publishing to maintain quality. It would then be the responsibility of the Data Quality and Information Management Officer to ensure that all datasets, schemas and business rules are maintained, managed, monitored and updated if there are any changes in the future.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable

7. OUTCOMES OF CONSULTATION & CONFLICTS OF INTEREST

7.1 Not applicable

8. RECOMMENDATIONS

8.1 That Cabinet Member notes the changes to the Code as detailed in Appendix 1.

8.2 That Cabinet Member agrees Option 2 - implement mandatory requirements only.

DIRECTOR OF POLICY AND RESOURCES

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Background Papers used in the preparation of this report: None

Appendix 1

Current datasets required to be published vs new datasets to be published

Current Dataset	New Dataset
<p>Expenditure exceeding £500 (Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should be expect such payments to be transparent)</p> <p>Including:</p> <ul style="list-style-type: none"> ➤ Costs ➤ Supplier ➤ Transaction Information 	<p>Expenditure exceeding £500 published quarterly.</p> <p>Including:</p> <ul style="list-style-type: none"> ➤ Individual invoices ➤ Grant payments ➤ Expense payments ➤ Payments for goods and services ➤ Grants to third-party providers ➤ Grant in aid ➤ Rent ➤ Credit notes over £500 ➤ Transactions with other public bodies. <p>Each individual item of expenditure will be published with the following:</p> <ul style="list-style-type: none"> ➤ Date the expenditure was incurred ➤ The local authority department which incurred the expenditure ➤ The beneficiary ➤ Summary of the purpose of the expenditure ➤ Amount ➤ Merchant category <p>Mandatory requirements are all the above, but the recommend published quarterly and expenditure exceeding £250</p>
<p><i>This is not a current dataset...</i></p>	<p>Government Procurement Card – publish all transaction on all corporate credit cards, charge cards and procurements including those that are not a Government Procurement Card.</p> <p>Including:</p> <ul style="list-style-type: none"> ➤ Date of the transaction ➤ The local authority department which incurred the expenditure ➤ The beneficiary ➤ Amount ➤ Summary of the purpose of the expenditure ➤ Merchant category <p>Mandatory requires are all the above but recommend including those that are not a Government Procurement Card also.</p>

Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector over the value of £10,000

Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector

Procurement information – publish details of every invitation to tend for contract to provide goods and/or services with a value that exceeds £5000, also every contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement that also exceeds £5000

Including:

- Title
- Description of the goods and/or services sought
- The start, end and review dates
- The local authority department responsible
- Reference number
- Title of agreement
- Supplier name and details
- Sum to be paid over the length of the contract or the estimated annual spending or budget for the contract
- Value Added Tax that cannot be recovered
- Whether or not the contract was the result of an invitation to quote or a published invitation to tender
- Whether or not the supplier s a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number.

Recommended that all Contracts are placed on the Contracts Finder, as well as any other local portal, every invitation to tender or invitation to quote for contracts to provide goods and/or services with a value that exceeds £10,000. Information should be published on a monthly basis or ideally as soon as it is generated, also the following:

- Every invitation to tender for contracts to provide goods and/or services with a value that exceeds £500 instead of £5000
- Details of invitations to quote where there has not been a formal invitation to tender
- All contacts in their entirety where the value of the contract exceeds £5000
- Company registration number at Companies House
- Details of invitation to tender or invitation to quote that are likely to be

	<p>issued in the next twelve months</p> <ul style="list-style-type: none"> ➤ Details of geographical coverage of contracts entered into by the local authority ➤ Details of performance against contractual key performance indicators ➤ Information disaggregated by voluntary and community sector category ➤ Details of existing waste collection contracts, at the point they publish quarterly contract information under Part 2 of the Code
<p><i>The location of public land and building assets and key attribute information that is normally recorded on asset registers</i></p>	<p><i>Local authority land</i> to be on an annual basis, but recommended that it is published on a monthly basis or ideally as soon as it becomes available. It is also recommended that local authorities should publish all the information possible on Electronic Property Information Mapping Service.</p> <p>Publish details of all land and building assets including:</p> <ul style="list-style-type: none"> ➤ all service and office properties occupied or controlled by user bodies, both freehold and leasehold ➤ any properties occupied or run under Private Finance Initiative contracts ➤ all other properties they own or use, for example, hostels, laboratories, investment properties and depots ➤ garages unless rented as part of a tenancy agreement ➤ surplus, sublet or vacant properties ➤ undeveloped land ➤ serviced or temporary offices where contractual or actual occupation exceeds three months and ➤ all future commitments, for example under an agreement for lease, from when the contractual commitment is made. <p>There are some exclusions but each land or building asset the following information must be published together in one place:</p> <ul style="list-style-type: none"> ➤ Unique property reference number ➤ Unique asset identity - the local reference identifier used by the local body, sometimes known as local name or building block. There should be one entry per asset or user/owner (egg. on one site there could be several buildings or in one building there could be several users

floors/rooms etc. – where this is the case, each of these will have a separate asset ID). This must include the original reference number from the data source plus authority code

- name of the building/land or both
- street number or numbers - any sets of 2 or more numbers should be separated with the '-' symbol (e.g. 10-15 London Road)
- street name – this is the postal road address
- postal town
- United Kingdom postcode
- easting and northing (geocoding in accordance with ISO 6709 Standard Representation for Geographic Point Location by Coordinates, usually a centre point of the asset location)
- whether the local authority owns the freehold or a lease for the asset and for whichever category applies, the local authority must list all the characteristics that apply
- whether or not the asset is land only (without permanent buildings) or it is land with a permanent building.

<p><i>Grants to the voluntary community and social enterprise sector should be clearly itemised and listed</i></p>	<p><i>Grants to voluntary, community and social enterprise organisations</i> the data would need to be published annually but recommended monthly. Each identified grant the following information must be published as a minimum:</p> <ul style="list-style-type: none"> ➤ date the grant was incurred ➤ the time period for which the grant has been given ➤ the local authority department which awarded the grant ➤ the beneficiary ➤ beneficiary's registration number ➤ summary of the purpose of the expenditure ➤ amount.
<p><i>An organisational chart of the staff structure of the local authority.</i></p> <p>Including:</p> <ul style="list-style-type: none"> ➤ Salary bands ➤ Details of currently vacant posts 	<p><i>An organisational chart of the staff structure of the local authority.</i></p> <p>Annual publication. Publish an organisation chart covering staff in the top three levels of the organisation. The following information must be included for each member of staff included in the chart:</p> <ul style="list-style-type: none"> ➤ grade ➤ job title ➤ local authority department and team ➤ whether permanent or temporary staff ➤ contact details ➤ salary in £5,000 brackets, consistent with the details published for Senior Salaries ➤ salary ceiling (i.e. the maximum salary for the grade). <p>Local authorities should publish:</p> <ul style="list-style-type: none"> ➤ charts including all employees in the local authority whose salary exceeds £50,000 ➤ the salary band for each employee included in the chart(s) ➤ information about current vacant posts, or signpost vacancies that are going to be advertised in the future.

<p><i>This is not a current dataset...</i></p>	<p><i>Trade union facility time</i> – annual publication</p> <p>Publish the following information:</p> <ul style="list-style-type: none"> ➤ total number (absolute number and full time equivalent) of staff who are union representatives (including general, learning and health and safety representatives) ➤ total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union activity ➤ the names of all trade unions represented in the local authority ➤ a basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full time equivalent days spent on union activities multiplied by the average salary divided by the total pay bill).
<p><i>This is not a current dataset...</i></p>	<p><i>Parking revenues</i></p> <p>Annual publication</p> <p>Local authorities must place a link on their website to the following published data or place the data itself on its website:</p> <ul style="list-style-type: none"> ➤ revenue collected from on-street and off-street parking ➤ parking enforcement notices. <p>It is also recommended that local authorities publish a breakdown of how they spend or use revenue from parking charges and enforcement activities.</p>
<p><i>This is not a current dataset...</i></p>	<p><i>Controlled parking spaces</i></p> <p>Annual publication</p> <p>Publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces</p> <p>Local authorities should publish the number of free parking spaces available in its area which are provided directly by the local authority or an estimate of the number of spaces where free parking space is not marked out in individual parking bays or spaces.</p>

<p>Senior employee salaries. ‘Senior employee salaries is defined as all salaries which are above £58,200 and above (irrespective of post)</p> <p>Including:</p> <ul style="list-style-type: none"> ➤ Names (with option for individuals to refuse to consent for their name to be published) ➤ Job descriptions ➤ Responsibilities ➤ Budgets (should include the overall salary cost of staff reporting to each senior employee) ➤ Numbers of staff 	<p>Senior employee salaries</p> <p>Annual publication</p> <p>Local authorities must place a link on their website to the following data or must place the data itself on its website:</p> <ul style="list-style-type: none"> ➤ the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000 ➤ details of remuneration and job title of certain senior employees whose salary is at least £50,000 ➤ employees whose salaries are £150,000 or more must also be identified by name. ➤ a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) for all employees whose salary exceeds £50,000.
<p><i>This is not a current dataset...</i></p>	<p>Constitution</p> <p>Will require annual publication and local authorities must publish this information on the website.</p>
<p><i>The ‘pay multiple’</i> – the ratio between the highest paid salary and the median average salary of the whole of the authority’s workforce.</p>	<p><i>The ‘pay multiple’</i></p> <p>Annual publication</p> <p>Publish the pay multiple on their website defined as the ratio between the highest paid salary and the median salary of the whole of the authority’s workforce. The measure must:</p> <ul style="list-style-type: none"> ➤ cover all elements of remuneration that can be valued (e.g. all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) ➤ the median earnings figure should be that of all employees of the local authority on a fixed date each year, coinciding with reporting at the end of the financial year ➤ exclude changes in pension benefits, which due to their variety and complexity cannot be accurately included in a pay multiple disclosure.

<p><i>This is not a current dataset...</i></p>	<p><i>Fraud</i></p> <p>Local authorities should publish annually the following details of their counter fraud work:</p> <ul style="list-style-type: none"> ➤ number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information)(England) Regulation 2014, or similar powers ➤ number of counter fraud staff employed by the authority ➤ amount spent by the authority on counter fraud work ➤ number of fraud cases investigated ➤ number of occasions on which fraud was identified, and ➤ monetary value of the fraud detected and recovered.
<p><i>Councillor allowances and expenses</i></p> <p>Currently this information is published in either a PDF or word document on the councils website</p>	<p><i>Councillor allowances and expenses</i></p> <p>This dataset is no longer included; however there is still the requirement to publish this information under legislation, so it is recommended that this is published in an open and transparent format.</p>

Appendix 2

5 star open data standards

Tm Berners-lee, the inventor of the Web and Linked Data initiator, suggested a 4 star deployment scheme for Open Data. Below are some examples for each of the stars.

- 1 Star - make the information available on the Web (whatever format) under an open licence
- 2 Star - make it available as structured data (e.g. Excel instead of image scan of a table)
- 3 Star - use non-proprietary formats (e.g. CSV instead of Excel)
- 4 Star - use URIs to denote things, so that people can point at your stuff
- 5 Star - link your data to other data to provide context.

Costs and Benefits

1 Star - As a consumer...

- You can look at it
- You can print it
- You can store it locally
- You can enter the data into any other system
- You can change the data as you wish
- You can share the data with anyone you like

As a publisher...

- It's simple to publish
- You do not have explain repeatedly to others that they can use your data

2 Star - As a consumer you can do all of 1 Star and additionally...

- You can directly process it with proprietary software to aggregate it, perform calculations, visualise it, etc.
- You can export it into another (structured) format

As a publisher...

- It's still simple to publish.

3 Star - As a consumer, you can do all what you can do with 2 Star data and additionally...

- You can manipulate the data in any way you like, without being confined by the capabilities of any particular software.

As a publisher...

- It's still rather simple to publish

4 Star - As a consumer, you can do all what you can do with 3 Star web data and additionally...

- You can link to it from any other place (on the web or locally)
- You can bookmark it
- You can reuse parts of the data
- You may be able to reuse existing tools and libraries, even if they only understand parts of the pattern the publisher used.
- You can combine the data safely with other data. URIs are a global scheme so if two things have the same URI then it's international and if so that's well on its way to being 5 Star data!

As a publisher...

- You have fine-granular control over the data items and can optimise their access (load balancing, caching, etc.)
- Other data publishers can now link into your data, promoting it to 5 Star

5 Star - As a consumer, you can do all what you can do with 4 Star web data and additionally...

- You can discover more (related) data while consuming the data
- You can directly learn about the data schema.

As a publisher...

- You make your data discoverable
- You increase the value of your data
- Your own organisation will gain the same benefits from the links as the consumers.