

REPORT TO: Corporate Policy and Performance Board
DATE: 6th January 2015
REPORTING OFFICER: Strategic Director Policy & Resources
PORTFOLIO: Resources
SUBJECT: Code of Practice – Data Transparency
WARDS: Boroughwide

1.0 PURPOSE OF REPORT

1.1 The purpose of the report is to bring to the attention of the Board the introduction of a statutory requirement for the authority to publish items of data in accordance with the Local Government Transparency Code.

2.0 RECOMMENDED: That the Policy and Performance Board

1) note the authority's new statutory obligation to publish prescribed information in accordance with the Code and consider that which is recommended;

2) note the authority's additional resource requirements

3.0 SUPPORTING INFORMATION

3.1 In September 2011, as part of its local accountability agenda, Government published a Code of Recommended Practice for Local Authorities on Data Transparency. The Code identified a series of data sets that authorities were, as a minimum, encouraged to publish in order to promote local accountability

3.2 In autumn 2012 the government undertook a consultation exercise in which it was suggested that the original Code would be substantially revised with its basic requirements becoming mandatory and its scope extended.

3.3 Following the publication of the government's response to this consultation the DCLG finalised and published the [Local Government Transparency Code](#). The Code is accompanied by a [Frequently Asked Questions](#) document which addresses technical questions related to the publication of specific data sets. This Code set out specific data sets that were both required to be published and recommended for publication on a quarterly and annual basis.

3.4 Following this publication the Code was further revised by DCLG in October 2014 and the extended the data sets were required for

publication. In addition the Code specified that authorities were required to publish quarterly data as specified by 31st December 2014 and annual data by no later than 02nd February 2015.

- 3.5 The Code specifies a total of 116 items of data of with 82 being required for publication and 34 being recommended.
- 3.6 The Code states that the requirements have been made mandatory as *'the government want to put more control over local services and assets in the hands of local people and make it easier for them to participate in local democratic processes and decision making'*.
- 3.7 However it is arguably the case, on the basis of the specific data requirements and the timeframe of introducing re-useable publication formats, that the Code has been developed upon the publication of data that government consider is *in the public interest*, and for which there may be an existing or future demand from interested parties, e.g. organisations and private sector entities outside of the local community, as opposed to simply data that *is of interest* to local people.
- 3.8 Compliance with the Code will not be monitored by the Information Commissioners Office. The ICO will however react to complaints being received from interested parties and under existing frameworks, e.g. Freedom of Information Act, to ensure authorities fulfil their obligations.

Current position

- 3.5 The Code specifies a number of datasets that must be published, or are recommended for publication, within the following areas:-

Expenditure and Procurement

Authority land and Assets

Council constitution and senior organisational structures, responsibilities and salaries

Trade Union facility time

Fraud activity

Parking income and expenditure and waste collection contracts (neither of which are applicable to this authority)

- 3.6 The Council currently publishes the majority of the information in line with the original Code of Recommended Practice (2011) and which is specified as a requirement within mandatory Code published by the DCLG in October 2014.
- 3.7 The mandatory Code no longer specifies the publication of Members Allowances and Policies, Performance and External Audits which are currently published by the Authority and were identified within the original Code of Recommended Practice (2011). However it should be

noted that the Council has a responsibility to publish some of this data under other legislation¹.

4.0 POLICY IMPLICATIONS

4.1 There are no policy implications associated with this report.

5.0 OTHER IMPLICATIONS

5.1 In considering the data that is required and recommended for publication within the Code the most significant implications are that in addition to existing resource requirements² :

1. Approximately four weeks work would be needed to upgrade Agresso and related systems to collate data on spend > £500. Enquiries are currently being made as to whether the Agresso supplier has, or will be developing, a stand-alone module which can be used for this purpose and if so at what cost.
2. The recommended publication of expenditure > £250 would increase the time required to collate the information and redact personal data each month from 1 day to approximately 2 - 2.5 days.
3. To publish required data in relation all to Procurement Card spend would require 1 week's system development work with an ongoing administrative commitment of 1 – 2 days per quarter. The publication of recommended data on all credit card transactions would require a similar level of resource.
4. A small number of required data in relation to procurement activity is not currently captured which would require some limited work to Agresso and The Chest systems. Some of this work is now being undertaken by the supplier of The Chest system, the contract for which will expire in June 2015. At that time, and as part of the procurement system tendering process, which will be undertaken at a regional level, Halton will propose to partners that the requirements of the Code be given consideration.
5. There would be a very limited amount of work required to Agresso and some on-going administrative costs associated with entering additional data to meet requirements and recommendations related to the award of grants.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 There are no other implications associated with this report.

¹ Local Authorities (Members Allowances) (England) Regulations 2003 and existing Accounts and Audit Regulations (soon to be replaced with Regulation under the Local Accountability and Audit Act (2014).

² All resource indications are based upon 1 FTE

7.0 RISK ANALYSIS

- 7.1 There is a risk that a failure to meet the requirements of the Code, or consider its recommendations, could be damaging to the Council's reputation and credibility in the context of local accountability and transparency or should it be subject to investigation by the Information Commissioners Office.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 There are no issues relating to this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTIONS 100D OF THE LOCAL GOVERNMENT ACT 1972

- 9.1 None under the meaning of the act.