

<b>MEETING:</b>	<b>Audit &amp; Governance Committee</b>
<b>MEETING DATE:</b>	<b>16 July 2015</b>
<b>TITLE OF REPORT:</b>	<b>Transparency Code</b>
<b>REPORT BY:</b>	<b>Information Governance Principal Officer</b>

## **1. Classification**

Open.

## **2. Key Decision**

This is not an executive decision.

## **3. Wards Affected**

County-wide.

## **4. Purpose**

The purpose of this report is to update Members formally on the actions undertaken, and those proposed to be undertaken, to ensure compliance with the revisions made to the Transparency Code by the Department for Communities and Local Government in October 2014 under The Local Government (Transparency Requirements) (England) Regulations 2014.

## **5. Recommendations**

**THAT:**

- (a) Subject to any comments the Audit and Governance Committee wish to make, the report be noted; and**
- (b) The Committee supports and endorses the actions proposed in order to address compliance with the Transparency Code.**

## **6. Alternative Options**

6.1 There are no alternative options.

## 7. Reasons for Recommendations

- 7.1 The Audit and Governance Committee should be aware of the actions undertaken already with regard to compliance with the Transparency Code and to maintain an overview of actions required to raise the openness and transparency of the council through increased publication of data, and publication through open data wherever possible.

## 8. Key Considerations

- 8.1 The aim of the Transparency Code is:

*“to ensure that local people have enough key information to enable them to hold their authorities to account. This, in turn, will enable people to contribute to the local decision making process and help shape public services”*

*Department for Communities and Local Government: Local Government Transparency Code 2014*

*Frequently Asked Questions*

- 8.2 The Transparency Code requires the council to publish certain sets of information (“datasets”) as “open data”. Open data is data published in a machine readable, non-proprietary format so that users can access and re-use it regardless of which computer system they use. The dataset requirements in the Transparency Code are:

### ***Publishing spending and procurement information***

- expenditure exceeding £500
- Government Procurement Card transactions
- procurement information (tenders and contracts)
- grants to voluntary, community and social enterprise organisations
- waste contracts

### ***Publishing organisation information***

- organisation chart
- senior salaries
- the pay multiple
- trade union facility time
- fraud
- constitution

### ***Publishing land asset and parking information***

- local authority land and building assets
- parking accounts and parking spaces

- 8.3 The Transparency Code and guidance from the Local Government Association outline the specific fields or attributes needed under these headings; for example, for expenditure

exceeding £500, fields include supplier details, purpose of expenditure, date and amount.

There are some mandatory requirements, and some recommended requirements; for example, publishing expenditure exceeding £500 is mandatory, £250 is recommended. Some datasets must be published at least quarterly and others must be published at least annually.

- 8.4 Within the council, the teams who are the owners of the data have prepared and published the datasets meeting the mandatory requirements on the council website with support as required from the Information Governance Team and the Web Services Team. A procedure for this has been produced so that the responsibility for maintaining the data and its ongoing publication is owned by teams.
- 8.5 The council aspires to publish more data proactively as capacity allows and to that end the online mandatory training for staff in the requirements of legislation such as the Freedom of Information Act encourages members of staff to publish documents wherever possible where no exemptions apply or to redact parts of documents where such exemptions apply.
- 8.6 An Open Data Policy is in place to support members of staff in making the process of publishing data automatic and in an open format.

## **9. Community Impact**

- 9.1 Increased publication of information in an open format allows members of the public to achieve greater scrutiny of the council and enables communities to make informed choices as part of decision making processes. Open formats increase the re-use of information by communities for other purposes than local authority business processes. The council's agreed values include a commitment to being open, transparent and accountable.

## **10. Equality and Human Rights**

- 10.1 This proposal does pay due regard to our public sector equality duty as set out below as it supports the principle of improving access and ensuring that not only our services are accessible but also the data that we publish:

- "A public authority must, in the exercise of its functions, have due regard to the need to -
- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

## **11. Financial Implications**

- 11.1 Whilst there are no direct financial implications from complying with the code it does increase the level of administration and add to the specification of IT systems that in turn will increase costs. Not acting on these recommendations increases the likelihood of a

complaint potentially resulting in enforcement action by the Information Commissioner, the Local Government Association, or a judicial review which would have significant cost implications.

## 12. Legal Implications

- 12.1 Failure to deliver the actions places the council at risk of a judicial review.

## 13. Risk Management

- 13.1 The council has met the initial obligations to publish data under the Transparency Code and has a procedure in place to ensure that this data is maintained and added to. Further publication of other information is supported through the Open Data Policy with advice from the Web Services Team and the Information Governance Team. A greater emphasis on publication is being given through the Digital by Default programme being undertaken by the council which should encourage the cultural change required for publishing information routinely and not just on request. There may be risks around insufficient staffing capacity to publish large amounts of data to set up initial processes until publication as a routine activity is established. Also, there are risks around the possibility of releasing protected information in error more data is published. This is mitigated by the mandatory training that all staff are required to complete, and the clarification of the roles and responsibilities within the open data policy.

The data required to be published by the Code is available on the council web site from the following links:

### ***Publishing spending and procurement information***

- expenditure exceeding £500  
[https://www.herefordshire.gov.uk/media/1580341/January\\_2015\\_expenditure.csv](https://www.herefordshire.gov.uk/media/1580341/January_2015_expenditure.csv)
- Government Procurement Card transactions  
[https://www.herefordshire.gov.uk/media/1677073/credit\\_card\\_transactions\\_quarter\\_to\\_311214\\_for\\_web.csv](https://www.herefordshire.gov.uk/media/1677073/credit_card_transactions_quarter_to_311214_for_web.csv)
- procurement information (tenders and contracts)  
[https://www.herefordshire.gov.uk/media/7923974/copy\\_of\\_contracts\\_register\\_november\\_2014.xls](https://www.herefordshire.gov.uk/media/7923974/copy_of_contracts_register_november_2014.xls)
- grants to voluntary, community and social enterprise organisations  
<https://www.herefordshire.gov.uk/business-and-employment/business-grants/grants-offered-by-herefordshire-council>
- waste contracts  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/democracy/transparency-contracts-and-expenditure>

### ***Publishing organisation information***

- organisation chart  
[https://www.herefordshire.gov.uk/media/7963589/org\\_chart\\_feb\\_2015.pdf](https://www.herefordshire.gov.uk/media/7963589/org_chart_feb_2015.pdf)
- senior salaries  
[https://www.herefordshire.gov.uk/media/7963588/pay\\_policy\\_statement\\_2015.pdf](https://www.herefordshire.gov.uk/media/7963588/pay_policy_statement_2015.pdf)

- the pay multiple  
[https://www.herefordshire.gov.uk/media/7963588/pay\\_policy\\_statement\\_2015.pdf](https://www.herefordshire.gov.uk/media/7963588/pay_policy_statement_2015.pdf)
- trade union facility time  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/municipal-operation/joint-partnership-forum>
- fraud  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/democracy/transparency-contracts-and-expenditure>
- constitution  
<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=332&MId=4894&Ver=4&Info=1>

***Publishing land asset and parking information***

- local authority land and building assets  
[https://www.herefordshire.gov.uk/media/7963467/land\\_and\\_buildings\\_asset\\_register\\_january\\_2015.csv](https://www.herefordshire.gov.uk/media/7963467/land_and_buildings_asset_register_january_2015.csv)
- parking accounts and parking spaces  
<https://www.herefordshire.gov.uk/transport-and-highways/parking/parking-accounts-and-parking-spaces>

## **14. Consultees**

14.1 None outside internal sign off.

## **15. Appendices**

Appendix A - Procedure for Publishing Local Government Transparency Code Data

Appendix B - Open Data Policy

## **16. Background Papers**

16.1 None identified.