



Code of recommended practice for local authorities on data transparency

Summary of responses to consultation



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Summary of consultation responses

Introduction

1. The Code of Recommended Practice for Local Authorities on Data Transparency (the Code) was issued by the Government for consultation on 7 February 2011. The Code was produced as part of the Government's commitment to increase transparency to every area of public life and to introduce a high level document for making public data generated by local authorities available and accessible.
2. Responses to the consultation were requested by 14 March 2011, though a number were received in the weeks following through a combination of an online forum, email or letter. Two hundred and twenty-nine responses were received in total from members of the public, local authorities and other organisations. A list of respondents is attached to this summary. We would like to thank all those who responded to the consultation.
3. This document provides a summary of responses to the questions asked in the consultation and the Government's response. Given the broad range of views submitted it has not been possible to include every point raised. However, we have carefully considered every contribution and are seeking to ensure that this short report provides a fair and balanced representation of the responses received. The full set of the responses received to the consultation is at Annex A in this document.

Consultation proposals

4. The Code will be issued by the Secretary of State in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 as to the publication of information about the discharge of their functions and any other matters which he considers related.
5. The consultation asked questions in five areas:
 - Whether the proposed Code and the principles contained within it, help to create the conditions whereby local people will be able to hold local authorities to account.
 - Whether additional data could be specified to increase transparency on how much funding is directed towards voluntary and community groups.
 - Whether the proposed Code sufficiently supports the publication and re-use of public data.
 - Whether all the bodies covered by the proposed Code should be included.

- Whether a salary threshold of £58,200 should be applied for disclosure of senior salaries in local authorities or whether a function test was more appropriate.
6. Many respondents also offered more general comments on transparency and data publication.
 7. The consultation responses can be broken down as follows:
 - Total responses: 229.
 - One hundred and forty-two (62%) came from all tiers of local government:
 - parishes/districts/towns: 75
 - principal local authorities: 67
 - Thirty-nine (17%) individual responses.
 - Twelve (5.2%) responses received from various council associations.
 - Eight (3.5%) responses received from the fire and rescue services.
 - Seven (3.1%) responses received from police authorities.
 - Twenty-one (9.2%) responses received from other organisations.

Consultation views

Consultation question 1: Does the proposed Code and the principles contained within it, help to create the conditions whereby local people will be able to hold local authorities to account?

8. There was broad support for increased transparency in local authorities and across the public sector more generally. Responses confirmed that a principles-based approach was an appropriate way to achieve this and, in particular, that local authorities should publish data in response to public demand.
9. A consistent theme was for greater clarity between the Code and other access to information legislation. Around a third of responses felt that the introduction of a Code should not duplicate existing legislation, particularly the requirements of Publication Schemes under the Freedom of Information Act 2000 or the principles in the Data Protection Act 1998.
10. Some responses questioned whether the Code as proposed would serve to increase transparency. For example, the Centre for Public Scrutiny did not believe the proposals supported greater local authority

transparency because an open-ended challenge to embed a culture of openness was missing. Other local authorities suggested a Code would not add to current practice on the disclosure of information.

11. A further headline message was that the drive for increased transparency needed to avoid 'dumping' of data onto the public, which risked blurring accountability rather than enhancing it. The tension between the benefits of publishing 'raw' data quickly and providing sufficient context to make the data more meaningful for people was raised. For example, Kent County Council highlighted its work to provide local people with the information they want as well as additional context. The existence of multiple audiences for local authority data was highlighted. These audiences included individual taxpayers, journalists or developers. The benefit of ensuring that publication of data met these audience needs was also highlighted.
12. A range of views were expressed on the minimum data for publication. Some responses suggested it was not in keeping with the 'demand-led' principle to then specify data that should be released. The Newspaper Society, however, was one of a number of responses that suggested the minimum data might be extended to include other areas of local authority business.
13. The benefits of releasing information quickly and getting data right first time were recognised. Some concerns were raised about releasing public data held by local authorities quickly after it had been produced. These centred on perceived risks resulting from local authorities not being able to scrutinise the data internally to ensure it was robust or because third parties might manipulate the data.

Consultation question 2: The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

14. Responses recognised the importance of vibrant voluntary, community and social enterprise sectors and the merits of greater transparency here. There was some agreement that the public interest here would also increase if the amount of local authority spending directed to voluntary, community and social enterprise organisations increased.
15. The need to define a voluntary, community or social enterprise organisation was identified as an issue to be overcome so that supplier details could be identified consistently and in a comparable way across different local authority areas.
16. Consultation responses also highlighted that publication of expenditure over £500 and use of contracts registers provided an important existing

source of information that might be exploited more. A range of current practice was highlighted. For example, Sheffield City Council confirmed that it published information on the voluntary, community and social enterprise sector through use of supplier categories; St Albans District Council suggested that the data could be extracted from accounting systems with an appropriate standard definition. Other responses suggested that finance systems would need to be amended in order to extract and publish such supplier details.

17. A number of responses highlighted the importance of wider information. For example, financial decisions were taken on the basis of value for money rather than on the type of organisation. Transparency on decision-making processes was therefore as important together with information that linked funding to expected outcome in Service Level Agreements, contracts or grant awards.

Consultation question 3: Does the proposed Code sufficiently support the publication and re-use of public data?
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18. The importance of being able to easily access and interpret public data was recognised. Publishing in re-usable formats and under an open license were therefore appropriate. Some responses questioned whether local authority data would be of value for research or commercial purposes.
19. A common request was for clarity on the relationship between the Re-use of Public Information Regulations and the ability to charge for data. Others suggested locally developed publication solutions would be more useful than a national Code. For example, Stockport Metropolitan Borough Council referred to their work on a Local Information System to provide a single point of access for all public information.
20. Promotion of the 5* journey to linked data was recognised as an appropriate challenge in line with current international best practice. Responses from principal local authorities in particular accepted that 3* data should be readily achievable but that moving toward 5* data would not be achieved without costs – nearly half of responses raised concerns over the potential for cost burdens in publishing more information.
21. The need for established data standards to improve quality and comparability and the journey to 5* data were also highlighted as essential.

22. There was recognition of the need to have appropriate controls in place to manage potential risks of payment fraud through the publication of greater information on local authority suppliers and expenditure. Some responses welcomed the general advice on mitigating the risk of fraud proposed in Annex A, while others referred to the benefits of existing internal control arrangements and policies for achieving the same end. Chartered Institute of Public Finance and Accountancy suggested that the Code should refer to their 'Red Book 2' *Managing the Risk of Fraud – Actions to Counter Fraud and Corruption* as this was already widely used by local authorities.

Consultation question 4: Do you believe all the bodies covered in the proposed Code should be included?

23. There were three headline views expressed. Firstly, that the list of bodies was appropriate as the Code sought to extend transparency expectations to a wide range of bodies in receipt of funding from council tax.
24. Second, a number of responses suggested the need for parity in transparency requirements across the whole public sector. Nearly a fifth of responses felt that the Code should apply to central government departments and other public bodies. The District Councils Network, for example, supported the principle of the Code but only if Government introduced similar arrangements for all other public bodies.
25. A third view related to coverage of local councils. Responses suggested that a Code applying from the smallest parish council meeting to a County Council was an ambitious undertaking. There was no disagreement that local (parish and town) councils should operate in a transparent way but many of the technical requirements of publication would be inappropriate particularly for the smallest bodies.

Consultation question 5: The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. Would a "function test" such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers, as defined in the Local Government and Housing Act 1989?

26. A broad range of views were expressed in response to this issue. Some deemed a salary threshold to be excessive because the public interest was based on roles and responsibilities rather than pay. Others highlighted the need to balance public accountability and personal privacy when disclosing salary details. The Information Commissioner's Office, for example, responded by highlighting its approach based on specific job roles and responsibilities.
27. Around a third of respondents felt that a job function test would be more appropriate with a majority favouring use of an approach consistent with definitions applied in the Audit and Account Regulations. Responses suggested this allowed for better comparison across different local authorities and that a specific threshold would not account for regional pay variations. It was also suggested that the Senior Civil Service pay scale did not readily translate to the local authority context.
28. Other responses supported the use of the threshold as a simple and appropriate approach for disclosure of salaries. This information in combination with details on job role and responsibilities provided the key information needed to judge whether pay reflected responsibility. A number of responses highlighted the need for clarity on whether teachers, as well as council officers, should have the threshold applied.

Government response

29. The Government concludes that introduction of a Code of Recommended Practice is appropriate at this time. Greater transparency is at the heart of the government's commitment to transform people's relationship with the state. It is a core component for the transfer of power to individuals and communities and for building the Big Society.
30. There is more to be done to ensure people have access to the data that they want. The Government has invited Parliament to undertake post legislative scrutiny of the Freedom of Information Act to review how well it works in practice and whether further changes are necessary. The Prime Minister recently announced commitments to publish key data on public services and the Government is also exploring ways to make open data the operating principle for public services (<http://data.gov.uk/opendataconsultation>). This Code provides a further impetus for improving public access to data held by local authorities. Ministers commit to reviewing the content and scope of the Code within 18 months.
31. The Government agrees with views expressed in the consultation that it is not desirable for publication of local authority data to become a compliance-based exercise. The minimum data specified for publication in the Code provides a basis for opening up the wealth of other data held by local authorities. There are many areas that should be opened up to hold local authorities to account, save money and highlight performance of services. If data would be made available under a Freedom of Information request its existence should be made public so that people can easily see what is held and access it. They should not be expected to understand what is held by local authorities in advance.
32. While the Secretary of State's ability to add to the list of bodies covered by the Code is limited by statute the Code should also stand as recommended practice in local authority partnership settings – for example, the operation of Local Enterprise Partnerships.
33. The Government is persuaded that the smallest local councils should not be expected to meet the requirements of data transparency. There is, of course, nothing to prevent all local councils working towards these goals but the expectation is that only those local councils with a precept income over £200,000 p.a. should meet them.
34. The Government has considered views expressed by some correspondents that the Code should use the definition of senior salaries as used in the relevant parts of the Audit and Account Regulations 2011. The Government agrees, however, with those respondents who considered that a salary threshold provides an effective, non-bureaucratic way for the public to determine whether pay matches levels or responsibility. The Code does not apply to schools

and it is not therefore the intention for salary disclosure to apply to teachers.

35. The Government wants to clarify its expectation that the information about budgets and responsibilities of an individual in receipt of a senior salary should include the total salary cost of all staff that they are responsible for. In addition, the Government agrees with those respondents who highlighted that organisational charts should include or be accompanied by details of all employees' salaries in relevant bands.
36. In his report *Fair Pay in the Public Sector* (15 March 2011), Will Hutton highlights the value of people having access to information about how senior remuneration in a public body relates to the pay of that bodies' workforce. He recommends that an effective way of enabling the public to measure this relationship is via publication of a pay multiple – that is the ratio between the most senior remuneration and the median average salary across the workforce. Further to this recommendation, the Government considers that an authority's pay multiple should be included in the set of minimum data that authorities should publish, as set out in the Code.
37. Transparency provides a powerful means for promoting efficiency without requiring the heavy-handed intervention of an unaccountable bureaucracy. Rather than creating a new financial burden greater transparency and accountability can help reduce wasteful expenditure. The central challenge is to adopt ways to make data publication business as usual activity and to ensure as much as possible the use of licenses that permit re-use of the data.
38. DCLG is keen to work with local authorities and other interested parties to explore ways to provide greater transparency on local authority spending directed to the voluntary and community sector. The development of standards to ensure greater comparability is also essential. Such standards are not appropriate for a high level Code. The better approach is for these to be developed by data holders and users working together to agree and adopt, by consensus, standards which solve real world issues – such as ensuring comparability.

Annex A: Full consultation responses

Consultation responses – local authorities

Ansty and Staplefield Parish Council

I am responding to the consultation on behalf of Ansty and Staplefield Parish Council. Whilst supporting the objectives of the initiative, the expense and amount of work involved for small councils could be prohibitive. Many councils such as ours employ just one part time member of staff. Members of the public can already access this information through the Freedom of Information Act. The Parish Council suggest that small bodies which have an annual precept of less than £100k be exempt.

Arlesey Town Council

Arlesey Town Council considered the consultation for the above Code of recommended practice for local authorities on data transparency at their Town Council meeting held on Tuesday 1 March 2011, and makes the following comments:

Revising the proposed Code

1. The Town Council felt that all published items of spend should be from £1,000
2. The Town Council agreed with the threshold of £58,200 to apply to disclosure of senior salaries in local authorities

Batcombe Parish Council

Batcombe Parish Council discussed the Code of recommended practice for local authorities on data transparency at its March meeting and is concerned at the implications this Code would have for a small Parish Council that currently has no website.

The Council would ask that the Code is made proportionate to the size of Parish Councils and their ability to publish information. We currently publish the details of all the financial transactions of the Council in the Council Minutes, which are placed on the village notice board each month for a week prior to and several weeks after the meeting they are approved at. The Council feels that this is more than adequate for a Parish Council of our size, and practically is all that we can do at present.

In addition every year the Parish Council publishes on the notice board a financial statement detailing its expenditure over the past year and an invitation for local residents to examine the Council's accounts. In my nine

years as Clerk no local resident has ever requested any further information on the Council's finances.

Can I also suggest that Parish Councils are consulted directly on matters that will have a major impact on them? I only heard about this Code when attending a workshop for Parish Clerks organised by the Somerset Association of Local Councils.

Biggleswade Town Council

At a meeting of the Town Council of the 8th March 2011 the Committee discussed the Code of recommended practice for local authorities.

The Committee ask that I submit to you that as on page 8 paragraph 3 Definitions, there is no reference Town Councils, does this mean that Town Council would be exempt from this code.

The Committee would also point out that what this code recommends' is a duplication of practices currently carried out by this Council.

Birmingham City Council

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Local authorities such as ourselves, have for a number of years, been one of the most transparent areas of the public sector. This was due to a number of legislative provisions, including the Local Government (Access to information) Act 1985, which predated the Freedom of Information Act by allowing individuals access to reports and other information about the decisions made by the Council, to the rights of individuals to inspect planning files under the Town and Country Planning Act 1990.

Birmingham City Council notes that throughout all the proposals and comments regarding the transparency agenda, no reference has been made to sections 14 and 15 of the Audit Commission Act 1998 which placed an obligation on local authorities to

- publish the annual accounts, and
- allow council tax payers to inspect any contracts, invoices or other documentation, relating to any payment in the annual accounts.

This would include the full contracts (save for any personal data) and would have included, until the recent Court of Appeal decision, pricing data and all financial information contained in the contract.

Under the Audit Commission Act, the extent of disclosure was and is indeed considerably greater than what is being proposed under the recommended practice for local authorities on transparency in relation to contracts.

Regrettably, BCC considers that many of the proposals contained in the code merely seek to add extra bureaucracy on to public authorities when public authorities are being compelled to reduce costs and reduce bureaucracy and that a substantial number of the transparency provisions are already being met by LA and that any additional benefits above what already exists will be outweighed by the additional resources required.

The Code seeks to implement provisions that mirror provisions already in existence, e.g. the obligation to disclose a register of Councilor's expenses and allowances, which BCC had operated for a considerable number of years prior to the Parliamentary expenses scandals and also ignores other legislation which already provides much of the information and indeed information often to a greater degree, than its proposed in this kind of practice, e.g. the provisions under section 14 and 15 of the Audit Commission Act 1998.

In addition to these statutory above statutory provisions, LAs are also continuing to process and handle ever increasing numbers of FOIs, the rate of which is still increasing.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Whilst BCC agrees that it is essential to allow local council-tax payers know how much funding is directed to the voluntary and community groups, and this would fall within the recommendation to disclose all payments over £500, which BCC has complied with, as well as the recommendation to disclose contracts from January 2011 and the provisions of the s.14 and s.15 of the Audit Commission Act.

However, even more important is not just the funding but also how that funding was spent. By allowing voluntary bodies, community group and the private sector to run public services, they should be held to the same level of scrutiny and transparency as the public sector in respect of their decision making processes and their use of public funds.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

Birmingham City Council, as with all public authorities in the United Kingdom, are subject to the Re-Use of Public Sector Information Regulations 2003

(RPSI). This provides that LAs should consider the licensing of information where it owns the sole IPR, to third parties, on a non exclusive basis, and allows public authorities the right to levy a reasonable license fee, based on the cost of creating such information, for the commercial exploitation of such information. The proposal in the Code seems to believe that all information held by a local authority in the minimum datasets belongs to that local authority. This is not the case.

For example, in complex contracts, various elements of data will be contained in the contract which does not belong to the local authority, e.g. business models of the contractor, or where a contractor has been required to produce the raw data for the LA. Whilst in many cases, a LA would consider such information exempt from disclosure under FOIA 2000 or the Environmental Information Regulations Act 2004 on the basis of commercial sensitivity/confidentiality, other information may be disclosed on the basis that the public interest in disclosure outweighs the public interest in withholding that information. Nevertheless, such information contains the intellectual property of the contractor and/or their legal advisors.

Following the recent Court of Appeal decisions, such information, including the intellectual property rights can be deemed to be the property of the third party and/or their solicitors, and as such, the obligation to allow individuals the right to copy and commercially exploit such information could be contrary to Article 1, Protocol 1 of the ECHR (Protection of Peaceful Enjoyment of Possessions), as adopted by the Human Rights Act 1998. Other examples include where external advisors have been instructed to advise the public authority on specific issues and as part of that advice, they are involved in drafting policy documents.

Whilst under the various access to information legislation, a LA can disclose such information without breaching the Copyright Designs and Patents Act, in so far as the disclosure does not confer any intellectual property rights on the recipient.

However, this does not permit the local authority to grant a license to use or commercially exploit the information created or provided by another body. This is reflected in the Open Government License which excludes, *"Information that has neither been published nor disclosed under information access legislation (including the Freedom of Information Acts for the UK and Scotland) by or with the consent of the Information Provider."*

The Open Government License is focused on the licensing of information in which the LA is the sole owner of IPR and falls in line with RPSI. However, in the examples provided above, the LA may not legally be able to provide such a license, unless with the authority of the IPR owners and to do so could be contrary to the Human Rights Act.

4. Do you believe all the bodies covered in Para 3 of the proposed Code should be included?

Birmingham City Council considers that the list of proposed bodies does not go far enough, bearing in mind the drive from central government for services to be provided by non public authorities, including mutual organisations, private sector organisation and charities, under various government initiatives.

Whilst such services will be provided through the use of taxpayer's funds BCC considers that these bodies should also be transparent.

As these alternative service providers will use public funding to provide services, in the spirit of transparency and as LAs move away from the service provider model to a mixed model, being both a service provider and also a procurer of services from voluntary and community groups, mutual co-operatives and also the private sector.

The Transfer of services outside the remit of the public sector does not automatically mean that the services will be any more efficient or cost effective, and the use of these external providers are in receipt of public funds and are providing public services it is only reasonable, given the government's focus on transparency, that these bodies should also be as transparent, in respect of the public services they provide. Whilst the government seems to be of the view that LAs are inefficient in comparison with both private sector and the voluntary sector, it fails to take into account additional statutory requirements imposed on local authorities which neither the private nor the voluntary sector are bound by, examples include the FOIA/EIR, the obligation under the DPA to go through unstructured manual files, none of which apply to either the voluntary or private sector.

This will become increasingly more important, as it is clear that the government's view is that more public services should be provided by these organisations, with public sector funding. Surely, as these functions are being transferred to these non public authorities as defined by the FOIA, the responsibilities under FOI/EIR etc should be transferred, rather than being retained by the LA in relation to those services. BCC is aware that both the Conservatives and Liberal Democrats pledged to expand the remit of FOI etc to cover private sector providers of public services, by deeming such organisations public authorities in relation to such services provided. It seems contradictory as government intends more transparency; it is also seeking to restrict such transparency by encouraging public authorities to move such services outside the scope of the public gaze.

By expanding this focus on transparency to include non public sector service providers, as well as local authorities would only assist in accountability and transparency in respect of public services.

- 5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management**

of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

In relation to the issue regarding disclosure of senior salaries names (with the option for individuals to refuse to consent for their names to be published), job descriptions, responsibility on a budget and numbers of staff senior salaries defined as being all salaries which are above £58,200 (irrespective of post) which is the senior civil service pay band.

Birmingham City Council takes the view that the salaries of all officers above the top of the GR7 pay scale £66,529 is a more appropriate cut off point. Above this point officers fall under the JNC framework, which would be easier to identify as being senior and having senior responsibilities and whose salaries are individually negotiated.

Birmingham City Council fails to see the relevance of requiring individuals to have their names published, even with the option for a right of an individual to refuse. The focus of the transparency agenda is that of the job role, rather than the employee.

It is unlikely that more than a nominal number of public servants would consent to their names being disclosed and as the focus of the proposal is for transparency in relation to job roles, it is unclear as to what benefit or additional transparency would be achieved by disclosing the names, bearing in mind the administration involved in having to contact each of the individual's concerned, in the local authority each time these figures are updated, to obtain their consent or refusal.

In the light of the fact that it is extremely likely that almost all staff will refuse to provide such consent, BCC fails to see that the benefits in disclosing the name of the employee when compared with the bureaucracy involved, each time the salary details are updated.

Furthermore, due to the rapid dynamic changes in LAs, including the steps required for the reductions of posts, it is unlikely that the information once collated, will be accurate for very long.

As such it is unclear what benefit the study of this information would have if it is inaccurate by the time it is published, as its only value would be as historical data.

Blackburn with Darwen Borough Council

Accountability

Response: The draft code does create a framework through which local people can interrogate council data and where necessary hold authorities to account. However, there is the danger that local people will not engage with this agenda, and/or could take information out of context. There is therefore increased pressure on authorities to promote the transparency agenda, to signpost residents accordingly and ensure that data is adequately described and presented.

There is the danger that some communities and individuals, who do not use and/or do not have access to the internet will be particularly disadvantaged and will not be able to access the data. This is particularly relevant in light of the Government's publicity code, and the fact that local authorities are having to significantly reduce their paper based communications with residents. Previously, the council newspaper has been used as a mechanism of signposting/communicating data to residents and informing them as to what was happening in their area. This was particularly for those residents who do not have/do not want access to the internet.

Data Protection

Response: The draft code simply says that data should be published with the Data Protection Act (DPA) in mind. This could pose a number of difficulties for authorities and the Code seems to be staying neutral, rather than suggesting that the DPA be reviewed to allow for transparency.

EU Inspire Directive

Response: Some of our services are already being asked to look at publishing data online as part of European Union regulations. We are concerned that there may be a crossover/duplication and increased work for individual Councils.

Version Control of the Consultation document

Response: Updated / amended versions of the consultation document are all dated February 2011.

Issue Specific Comments

Page 9, Scope

5. "Public data" therefore means the objective, factual, non-personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.

Response: It is not clear as to whether, by non-personal data, the draft code talking about analysis and reports, or raw data, for example, focus group transcripts or raw survey results. If focus group transcripts or raw survey results were published this would put local authorities at a disadvantage to

private sector companies who would never release such information. This may also discourage people from taking part in surveys.

Also, “on which policy decisions are based”, we understand this to mean policy decisions made for the whole of the Council. Is this going to be a recommendation or a mandate?

Page 10, DEMAND-LED

8. There are growing expectations that new technologies and data should support transparency and accountability. Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present it in new ways that makes its meaning more apparent. It is this process that will create demand for data.

Response: There is the potential that local authorities could publish over and above the amount of data that is actually required.

9. As a minimum, the datasets that should be released are:

- Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.

Response: Published data could identify sole traders and their revenue streams. This could cause commercial sensitivity and discourage some traders from working with local authorities.

- Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.

Response: Blackburn with Darwen, are currently unable to determine this data using our financial ledger system. A new accounting procedure would have to be developed, this will be time consuming and costly. This is likely to be an issue for many of the organisations detailed in section 3 of the draft code.

- An organisational chart of the staff structure of the local authority.

Response: The draft code is not clear as to whether individual staff will be named within the structure chart, or whether the chart will simply identify job titles. It would be helpful if this was clarified within the code, as this could cause sensitivities with staff, particularly those involved in working with vulnerable people.

- Policies, performance, audits and key indicators on the authorities' fiscal and financial position.

Comment: This requires more explanation as the wording is too vague.

Page 11, OPEN

12. Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.

Response: Should the requirement not be for all local authorities to make the data available online, rather than “most”?

14. Local authority information should be, where possible, published in open and machine-readable formats. The recommended five-step journey to a fully open format is:

- * Publish the available data on the web in whatever format;
- ** Make it available as structured data, for example in a spreadsheet rather than a .pdf document;
- *** Publish it in non-proprietary format such as comma separated values (CSV);
- **** User Uniform Resource Identifiers (URIs) to define and describe your data, thereby helping users discover and explore it, and understand its meaning and context, and;
- ***** Using URIs, incorporate
- ***** Using URIs, incorporate links in your data to related external sources.

And

15. Publication in both .pdf and .csv formats should be the minimum requirement.

Response: There seems to be some contradiction between paragraphs 14 and 15 with regard to the format in which data should be published.

Also, the proposed code does not include definitions of the following: Comma separated values (CSV) and User Uniform Resource Identifiers (URIs). For anyone without technical knowledge this information requires definition / explanation.

Page 12, TIMELY

17. Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in-house systems; organisational information should be published in line with central Government.

Response: If data is published in its raw format and as quickly as possible after it is produced, there is the possibility that inaccurate data could be

published. This could lead to confusion and incorrect decisions being made. We understand that where errors in data are discovered or files are changed for other reasons (such as omissions), local authorities should publish revised information. This will mean that the public, developers and or the media will have to regularly check to see whether any revisions/updates had been made. A “right first time” approach should be encouraged through this code, and if this causes a slight delay in publication, then this should be considered acceptable.

Bournemouth Borough Council Response

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

No, we don't see how the Code will add value, as the principles just repeat the legal requirement already imposed on public sector bodies by Section 19 of the Freedom of Information Act (FOIA) & Section 4 (1)(a) of the Environmental Information Regulations (EIR). The model publication scheme for unitary councils has already been adopted by Bournemouth Borough Council.

Information that could be used by members of the public to hold the Council to account has already been made widely available under established and new arrangements. The data that the Council publishes on its website includes: senior officer salaries and allowances; councillor allowances and expenses; expenditure over £500; organisational structure charts; service plans; performance information; statements of accounts and budget books; election data; the constitution; and agendas and minutes of Council decision making bodies.

Despite this, the number of requests submitted under the Freedom of Information Act continues to rise year on year. These are rarely from local people - the majority are received from the media and business sectors (non-local). These requests seek detailed information, which generally cannot be met via the information that is published to the Council's website. It is also unlikely that the publication of raw data would satisfy media applicants.

The Community Right to Challenge (Right to Bid) may also create a demand for information. Organisations proposing to take over the delivery of Council services are likely to be seeking data to support their business cases. Whilst the Council intends to be as helpful as possible, we are concerned that this may place an additional strain on already overextended resources.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

When attempting to bring together information on the grants and contracts we have with the community and voluntary sector, one of the major problems we have encountered is the definition of 'voluntary and community groups'. For instance, does this include social enterprises? The Government could help by agreeing and publishing an accepted definition, or by restricting the publishing requirement to registered charities only.

In many areas, such as Supporting People, commissioning decisions are taken on the basis of value for money and quality of services offered, not on the basis of the legal status of the organisation – charities will be in competition with private sector providers. Indeed, it is sometimes difficult to distinguish between private providers, social enterprises and charitable organisations.

Does the proposed Code sufficiently support the publication and reuse of public data?

The draft Code does no more than state the requirements of the Re-Use of Public Sector Information Regulations; it assumes that local authorities hold significant data that would be of value for research and commercial purposes. The only data that has been regularly requested under the FOI/EIR access regime during the five year period that the legislation has been in effect - and appears to have commercial re-use value - is that connected with property/land development. The Council is equipped to provide this information and has historically been able to charge for its provision. This is a matter that is currently under discussion between the Local Government Association and the Government.

We would question whether local authorities have significant other data with commercial re-use value. Local authorities are also required to make statutory returns in a number of service delivery areas to central government agencies. This information is already published to relevant central websites and is available for research purposes. Rationalising publication to a single central website (data.gov) appears to be a sensible suggestion which we would support, providing there was no additional call on Council resources.

However the Code does not take into account the resource implications for local authorities around managing and maintaining licensing arrangements for re-use purposes. There appears to be little point in issuing 'no cost' licences, which the Council is not resourced to do and from which there will be no monetary gain. The only point in issuing re-use licences is when local authorities are making a charge for such re-use, so that they can re-coup their costs in running a licensing scheme.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes, we agree that all bodies covered in paragraph 3 of the proposed code should be included.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

We would like to see the Government adopt the definition in the Audit & Account Regulations 2009, which was specifically included in order to address the issue of transparency with regard to salaries and allowances paid to senior management/key decision-makers. £58,200 is an arbitrary figure and officers earning above this threshold will be subject to continuous change. The criteria need to be based on the level of responsibility and executive decision-making powers an officer has within the organisation, not size of salary, because this will result in inconsistencies across local authorities. There should also be recognition that, due to some data needing to be withheld, publishing is not as straight forward as it would appear and that this requirement will come at a cost.

MINIMUM REQUIREMENT FOR PUBLISHED DATASETS:

Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.

Privacy legislation is briefly mentioned in the Code and the comment is that central Government believes that compliance can be achieved. However, it does not say how. In order to publish information about sole traders, private individuals will have to be named; names are generally sufficient to link to private addresses. The disclosure of sole trader information is likely to identify a living individual and their private home address. This does not comply with privacy legislation. The Code also fails to take account of services that are provided from private homes or by sensitive service providers such as counselling, foster care, childminding, and respite care. All of these services involve potentially vulnerable adults and children/young people. The Council does not agree that the publication of such information complies with privacy legislation.

Bournemouth Borough Council has now published this information inline with the Government's requirements, but has edited personal data from the current published expenditure information.

Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.

As stated previously, there is no legal definition of a 'social enterprise' so it would be up to the judgement of individual authorities as to what they included in any such list. For example, some definitions of social enterprises would include organisations such as the John Lewis Partnership.

Restricting this to registered charities would be simpler and provide consistency, but would miss some organisations that do provide services locally.

It might be simpler just to provide a list of all grants made by the authority – which would be to community and voluntary groups - and a separate list of all contracts to provide services regardless of the status of the organisation.

Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.

Names (with consent) are acceptable; the rest is unnecessarily onerous. Job descriptions (JD) can be provided on request and this seems a better option than publishing all JDs of senior staff. Numbers of staff, JDs and budgets alter on a regular basis due to the 'dynamic' nature of local authorities, which are subject to continuous development and change. Such information can only really be considered accurate at the time of publication. Budgetary information is published and it should not be beyond the ability of a member of the public to look at statements of accounts, budget books and structure charts to ascertain who is likely to be responsible for what.

An organisational chart of the staff structure of the local authority.

This Council would be concerned if the Government was proposing charts showing every post. We currently publish a management level structure chart, and Service Plans which set out the remit of each service. However, we are fairly regularly asked to provide structure charts with each named post and employee for between one to five Service Units, via the FOIA access regime. These requests are usually from businesses who wish to make direct contact with large numbers of officers in order to promote or sell their services. We rarely comply with such requests - the information would only be of value on the day it is provided due to the changeable nature of our business.

Councillor allowances and expenses.

This is published on the Council's website and we are already under a statutory duty to publish this in the local press on an annual basis.

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

In terms of data protection and freedom of information, confidentiality and commercial interest issues would have to be resolved with suppliers/contractors in order to ensure we comply with the FOIA/EIR. The Council adopts as open an approach as possible, but there is no doubt that some contract information is confidential and/or commercially sensitive. It is not unreasonable for companies to seek some level of protection against potential competitors. It would not be possible to publish full contract or tender documentation without a review of the documentation on each occasion to determine whether any editing is necessary to comply with access & privacy legislation.

The solution might be to publish certain key information in an edited version and this version would be agreed at the same time as the full contract.

The resource implications for the Council of adding these tasks to our bureaucratic processes are potentially significant and run counter to the Government's stated position on reducing 'red tape'.

With regards to the practicalities of implementing these arrangements, in the first instance we would like confirmation of whether the proposal relates to before letting, or after.

If it refers to before letting, will this just be for tenders or for all Council requirements, including those where the local contract procedures allow for quotes? It is felt that whilst this is commendable - and we as a council do already publish adverts on our web site and regional portal - the need for transparency may (if the threshold is put too low) have the opposite effect to that which the Government is hoping for. This will be caused by the practicality of the selection process. We must, within the procurement process, treat all bidders fairly. If we receive 500 responses to tenders/quotes we will have to evaluate these fairly. This means that we will either have to:

- evaluate all which will increase time taken to evaluate, potentially out of all proportion to the product / service being procured; or
- reduce this by short-listing.

To speed up the process of short-listing to a reasonable length, we will make the 'must haves' harder to pass, and this will inevitably have an impact on the amount of small and medium enterprises (SME) and Third Sector organisations winning bids, as it is these organisations who have less money and potentially less manpower. However, if the threshold for the advertising of tenders is set at a reasonable level, we feel the work will be proportionate and therefore achievable.

If the proposal is to publish this information after the tender is let, we would have no concerns regarding publication of tender documentation and contract summary information. As a council, we already have a contracts register on

the regional portal which contains contract summary detail. With the implementation of e-tendering, ensuring publication of tender documentation should be easier for us to achieve. We would again, however, like to see a reasonable threshold put in place for this.

As already mentioned above, where the Council does have concerns is over the publication of whole contracts. The definition of 'sensitive' and 'commercially sensitive' will become an area of conflict. Our suppliers will not want all the details of their contracts known to all as this may impact their competitive edge. At the same time, we do not necessarily want all potential suppliers to see every detail of our agreements as this removes a substantial motivation for suppliers to put in low bids. This divide between what can be published and what should not be published will cause additional work to those who let contracts.

What we would prefer to see would be an option that increases what we would like to see published in a contract summary; a list of data that gives the transparency required without creating an industry and new consultancy revenues regarding what is and isn't publishable in a contract.

Policies, performance, audits and key indicators on the authorities' fiscal and financial position

In the absence of details of what this might cover, we suggest that the Council already publishes full information on the above. As stated previously, the Council publishes what is effectively an online annual report linking together spending and performance data. The Government is currently reviewing the key performance indicators it requires us to collect and we are taking the opportunity to review our mandatory and voluntary data collection which will streamline and simplify what we publish.

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

This is already published and we would expect to continue to do so.

ADDITIONAL COMMENTS

The Council would welcome some evidence from the Government that the 'minimum requirement' information is the sort of data that the public will want to see in order to perform their Big Society 'armchair auditor' role. There is clearly a 'push' from the Government to publish, but is there a 'pull' from the public to know?

The requirement to pro-actively publish information in accordance with Section 19 of the FOIA and the EIRs has been in effect since 2003 and 2004 respectively. The Council has consistently worked towards increased publication of information in accordance with the legislation (more recently the revised FOIA model scheme for unitary authorities). This Council feels that

introducing a Code which to a large extent restates existing arrangements is unnecessarily prescriptive.

We are of the view that the current legislative framework regarding the publication of information is adequate. Publication Schemes & Guides are monitored by the Information Commissioner's Office, which is able to take regulatory action if councils fail to meet the required standards.

Bourton on the Water Parish Council

The Council has considered the proposals and is extremely concerned at the time and resource implications of the proposed Code and wishes to submit the following comments:

1. Our Council fully agrees with the need for transparency and accountability for all local councils, given their special role and relationship with what are often very small communities, and their role in spending community monies. However, parish and town councils, by nature, comprise volunteer councillors and mostly part-time Clerks, and this is a key way in which best value can be provided to communities to ensure that maximum benefit is obtained from tax payers' monies paid over to these local councils by way of the precept. The type and level of reporting proposed will be unable to be incorporated into most council's councillor or Clerks' workloads and other services provided by them will therefore suffer. This is surely contrary to the intention of bringing benefit to communities.
2. Transparency and accountability is currently ensured via the reporting and public availability of all Council minutes, reporting of expenditure and production of cheque lists and the internal and external audit process. How will the proposed Code bring increased benefits over and above these existing arrangements? Why are these arrangements seen as insufficient to ensure transparency and accountability, and what is the evidence to support this? If problems have been reported, how do the number of problem Councils compare to the number of local councils throughout the country?
3. What has led to the proposed changes – are these to address issues raised by the public following difficulties experienced with the two issues? If not, then this would be change for change sake at the expense of an already overloaded and largely volunteer tier of local government.
4. We note that the Code is not proposed to be mandatory – what will be the value of introducing a non-mandatory code which is unlikely to be adopted by the vast majority of local councils? If this proves to be the case, surely this increases the likelihood of the Code

becoming mandatory in the future, at which point many councils, particularly the smaller ones, will be unable to comply, certainly without increasing costs via additional Clerk's hours. Again, this would be to the detriment rather than benefit of the vast majority of communities who currently have no problems in accessing information on expenditure reporting through the current channels.

5. The reporting limit of £500 is grossly low in modern times, where a large percentage of expenditure is likely to exceed this figure. Costs of many services are rising, driven by ever increasing oil prices, and this is unlikely to change in the near future. We are a village of just over 3,000 residents are to date have well over 40 items of expenditure this year that would exceed the £500 level, more if you count cumulative expenditure for repeat items. Additional reporting requirements for these items would increase the Clerk's workload to an unacceptable degree. If this is the case for such a small parish council, this will increase exponentially for even larger councils whose staffing levels are not likely to be much higher.
6. In the event that the Code becomes mandatory and Councils are unable to comply, will penalties be introduced?

Surely it should be sufficient to ensure that current system for the reporting of expenditure is adequate to address simply those issues raised in councils where specific problems have been experienced? This should be the case, rather than introducing blanket and unworkable legislation which will greatly penalise the overwhelming majority of councils which already take accountability and transparency issues very seriously, and which have not experienced any reporting related problems.

Introducing a very rigid and onerous reporting system, such as the five step journey proposes, will only discourage more individuals from becoming councillors at the very time when the Big Society seeks to encourage individuals into this level of government. This will introduce a top heavy system of administration at local council level which has clearly failed at higher levels and which is one of the reasons for devolution downwards in the first instance.

It would be helpful if those responsible for preparing the Code had actual experience of small council operation and the ramifications these proposals will have on the ground. It's difficult to imagine that this is the case.

Bracknell Forest Council

Please find below the Council's comments in relation to the draft Code of Recommended Practice for local authorities on data transparency. Bracknell Forest Council is committed to working openly with its residents and believes that the Code reinforces much of what is already in place.

I have extracted the questions upon which comments were invited and responded in turn:

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Freedom of Information Act assists people to hold local authorities account. It also implements the principles identified in the code;

- “Demand-led” – any person is entitled to request any information and the contents of the public website is reviewed regularly.
- “Open” – the Publication Scheme contains a vast amount of information and information about the environment is proactively disseminated (in accordance with Environmental Information Regulations 2004); and
- “Timely” – requests for information are responded to promptly and in any event within 20 working days.

As a result the Council has for some time published the majority of the minimum data sets on its website.

Public authorities are obliged to realise efficiency savings and are focusing on front line delivery. It is questionable whether the resource implications of the proposed code are proportionate to the value added to the public given information held by the Council is either already publicly available or supplied promptly upon request (unless it falls within a FOI exemption).

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

No other data sets are required.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

Information may be manipulated out of context or tampered with before publication elsewhere. This leads the Council to be concerned over data quality and assurance. However, it is recognised that allaying this unease is unlikely to be practicable.

4. Do you believe all the bodies covered in Para 3 of the proposed Code should be included?

The Council believe all the bodies include are reasonable but in addition; include Registered Social Landlords and Housing Associations. Also, “public authority” defined as “any person certain of whose functions are functions of a public nature”, to ensure all the bodies which deliver public services are accountable and transparent.

5. The Government’s preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a ‘function test’ such as that used in Audit and Account Regulations in 2009 be better e.g. “a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

The Council believe all the bodies include are reasonable but in addition; include Registered Social Landlords and Housing Associations. Also, “public authority” defined as “any person certain of whose functions are functions of a public nature”, to ensure all the bodies which deliver public services are accountable and transparent.

Further comments

Notwithstanding current resource pressures, the Council should be able to implement further transparency measures provided it is given realistic time scales in which to meet them and the requirements do not increase beyond what is currently set out in the draft code.

Bradford Metropolitan District Council

Bradford Council welcomes the opportunity to comment on the Data Transparency Code and our comments against the specific consultation questions are detailed below.

The Council already places a strong emphasis on accountability and transparency so that local people and partners can hold it to account. It is meeting the principles contained within the code through existing mechanisms

such as its Publication Scheme under the Freedom of Information Act and existing arrangements for publishing items such as the Statement of Accounts, committee scrutiny reports, performance reports, members' allowances and expenses and expenditure over £500.

We remain concerned, however, that central government driven requirements around publication of information will impose unnecessary costs on us as a Council, which while manageable now, will become increasingly onerous as we withdraw resources from back office functions in order to protect as many front line services as possible.

This is already demonstrated by the increase in demand for information through FOI requests, which already supports the data transparency agenda. In addition, we remain concerned at the obligation to disclose all expenditure over £500 that may be of a commercially sensitive nature.

Please refer to our earlier letter which I sent to the Secretary of State relating to the draft single data set on 23 February 2011, which also raises this issue in the context of data demands from Government departments on councils.

Will the Code help create conditions where local people can hold local authorities to account?

While we acknowledge the value of data transparency in supporting local people to hold local authorities to account, we do feel that in line with the principles of localism, what information is published should be entirely locally determined. We support the assertion in the consultation paper that publication of information should be demand led, but find it inherently contradictory that the government then sets a minimum requirement of data sets that should be released.

Are there additional data sets that should be specified to increase transparency?

We believe that the Code is sufficient in this regard but would reiterate that any additional demands need to be seen in the context of eroding back office resources to protect front line services.

Does the Code sufficiently support the publication and reuse of public data?

Paragraphs 12 to 16 of the draft code sufficiently support the publication and reuse of public data.

Should all the bodies ('local authorities') stated in the Code be included?

Bradford Council has no objections to the bodies being included although we would raise a general concern that the requirements of the code may be a particularly significant imposition to smaller authorities or lower tiers of local government such as town and parish councils. We also believe that the

Government should incorporate such a model in all areas of public sector and not just “local authorities.”

Threshold for disclosure of senior salaries

Bradford does not have a preference between the stated options concerning the reporting of salaries over £58k. However, there are broader issues on the question of confidentiality and protection for officers that should be considered. Additionally, there appears to be a contradiction in the policy because while the Government wishes Councils to embark on a new era of local freedom to help reduce the cost of bureaucracy, the policy creates additional bureaucracy by requiring the compilation and publishing of records for which there are unproven benefits in additional transparency, or even demand for it.

Brightling Parish Council

As a very small, rural parish this will present difficulties namely we do not have a dedicated parish web site. This is a conscious decision since it would most likely cut down on subscriptions and threaten the existence of our printed parish magazine which is available to all, regardless of whether they own or know how to use a computer. The Parish Magazine is therefore central to our way of life. We could have a parish website (using volunteers), we just do not feel that it is particularly appropriate for the reasons already given. Brightling may be considered anachronistic but that is the way the majority of people in Brightling appear to like it. Our parish meetings are open and we display the minutes including all payments on the parish notice board and can publish them in the magazine if that is required.

We would also like to point out that all our councillors have full-time employment on top of their council duties for which they do not claim any expenses. Although it would be nice to have retired people with some time to spare on the council, in reality they are being alienated by the growing legal complexities and insistence on the use of computers. Younger people who are happier to use computers simply do not have the time to spare and are also being put off by the amount of work involved. It is becoming a no win situation. In a time of economic hardship it is becoming increasingly difficult to process all the information which appears not to take into account the differences between district, town and parish councils. We do our best to keep costs down but feel we are being forced into an unrealistic way of working for a small, rural parish.

Bristol City Council

1. Overall the council welcomes the move to transparency through data publication. We are amongst the leaders in this area and already publish data in most of the areas covered by the draft code. The existing FOI Publication Scheme mandated by the Information Commissioner also covers very similar ground.
2. Our work so far has shown that there is significant cost to publishing data. The data can't always be extracted from existing IT systems without manual intervention, and augmenting or replacing the IT can be prohibitively expensive. Unitary Authorities like Bristol hold a vast volume and range of data, and if we are to publish it all and produce inventories for publication (as recommended in section 10 and 11 of the draft code) the administrative cost will be considerable. We would therefore like to see provision similar to that applied to Freedom of Information requests limiting the requirement to publish data if the business cost is too high. This could be set at an annual limit of say 350 person days or £35,000 (roughly the total cost of employing a clerical officer). Data publication is valuable but we do not think the public want to see councils setting up new administrative functions to do it.
3. The DCLG should work with local authorities, commercial providers and the Open Source community to agree open standards for data publication, which in many cases (eg organisation structure) don't exist at the moment.
4. The DCLG should also with local authorities to produce a target timetable for data publication over the next 5 years. This would allow local authorities to plan effectively, to inform the priority of work on open standards, and to bring pressure to bear on software suppliers to include facilities for publication in their products.
5. To increase transparency & accountability it is essential that all organisations covered by the code apply consistent criteria for the release of information, and that the code covers all the relevant bodies necessary for meaningful comparisons to be made.

If "senior salaries" are defined as those above £58,200 (irrespective of post) this will include large numbers of teachers employed by local authorities, but exclude teachers employed in academies or free schools as these organisations do not appear to be covered by the code of recommended practice. Teachers are paid under a nationally agreed pay scale which is already in the public domain and it is unclear how the publication of the names of individual teachers working for local authorities under these nationally agreed terms and conditions will enhance accountability. Transparency in this area would also be distorted by the differing requirements for local authorities compared to independent academies and free schools.

Applying a 'functional test' for the definition of a senior salary would introduce the need for an additional bureaucratic process to determine whether each

post meets the relevant functional test, incurring unnecessary costs. In addition any such functional test would be open to a degree of interpretation which would reduce consistency in the disclosure of information between the bodies covered by the code. This would hamper the ease of making the meaningful comparisons, which are essential for effective public scrutiny.

For the reasons outlined above Bristol City Council would recommend a definition of "senior salaries" based upon a pre-existing legal definition, specifically: the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989. Those meeting this definition of senior officers at Bristol City Council are easily identifiable, as they are employed under JNC Chief Officer (or JNC Chief Executive) terms and conditions.

It would also aid consistency if "the publication of an organisational structure chart for the local authority" was specifically defined as the structure for senior officers (i.e. the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989).

Brockton Parish Council

This Parish Council has an electorate of 920 persons, annual precept of £7,500 and a clerk paid for 6 hours per week working from home. We are Quality Parish accredited, for which we have already fulfilled the requirements of accountability. With these facts in mind it is difficult to understand how such a Parish Council is expected to meet the measures proposed in the Code and when a parish council and parish meeting is placed side by side in the definition with a county council, the common council of the City of London, etc. The need to further burden tax payers to pay for IT provision and more paid hours for the clerk to publish information not knowing if any of it is ever going to be read, when that information can in any event be gained by direct communication to the parish concerned, is extremely questionable.

The following queries arise:

Has an assessment of the practical ability of small parish councils to fulfil the expectations of the code been carried out?

How can the worth of the exercise be quantified in relation to small parish councils and parish meetings?

How much will the cost be to the precept payer, bearing in mind most Parish Councils have a limited or no website facility, do not have computerised accounting and have clerks paid for limited hours, who do not have access to ongoing IT training or development?

How does this approach encourage interest in becoming a Parish Council member?

Parish clerks are already expected to carry out a range of tasks far greater than expected of one person in many job descriptions. There would need to be an acceptance of responsibility, technical and financial, on higher authorities or national Government to give significant IT training and back-up as well as ensuring understanding of the full requirements of the Code to ensure smaller Parish Councils were fully compliant.

Publication of notice of meetings, minutes, annual accounts, annual report, Annual Parish Meeting, and the ability to attend any meeting of the Parish Council as well as the provision of any document requested as per FOI regulations would seem to be more than adequate provision of accountability from a council that serves 920 electors.

Brympton Parish Council

Brympton Parish Council has the following comments on the proposed "Code of recommended practice for local authorities on data transparency":

1. No. Approved Parish Council minutes give most of the information required to be "transparent". For many small Parish Councils and Parish Meetings, transparency, other than by publishing minutes, could be quite difficult to achieve as the cost of preparing, publishing and maintaining a web site could be a serious drain on small councils resources. Many other Parish Councils have pages within a "community web site" but the proposed new requirements are such that a "stand alone" web site would be needed to ensure that the code of practice is complied with. Many Parish Councils have only one part-time member of staff who has not undergone any training in IT.

Should the Code be applied to Parish Councils, the Clerk would require more training and more hours, adding expense to the salary bill of the Council - all to supply information that is already available. If the government wish all Councils to have web sites then, in view of the fact that the information is already available, funding should be allocated from government for this purpose.

2. No - all the details suggested is already available through the minutes.

3. The code may be sufficient.

4. No - Parish Meetings should be excluded from this list. A Parish Council is a corporate body, but not a Parish Meeting.

5. Brympton does not know of any Council to whom the transparency level proposed for salary level would apply. It is recommended that Parish Councils be excluded from this proposal.

Generally:

This Parish Council considers it is already transparent in its dealings and that the proposed Code is not necessarily relevant to the smaller Parish Councils.

Bury Council

Can you please clarify if schools based staff are to be included? Head teachers, deputies, teachers etc?

Calderdale Council

Thank you for the opportunity to comment on the Draft Transparency Code Consultation. Having read the document we at Calderdale Council would like to comment on the following;

- senior salaries – there are provisions in the Localism Bill which will require Council's to prepare and publish annually a Senior Pay Policy Statement for their Chief Officer posts. The new code provisions may well go beyond and include other senior staff depending on the extent of staffing structures.
- Organisational chart – a management structure chart is already published in the Constitution as a statutory requirement.
- Councillors allowances and expenses – there are already statutory provisions which require
 - a) the annual publication of allowances/expenses paid to Members under the Members Allowances Scheme; and
 - b) the maintenance of a register of payments of allowances and expenses made to Members which has to be open to public inspection.
- Democratic process – again, there are already statutory provisions covering the publication of the Constitution, agenda papers and minutes.

To clarify we would ask that the code needs to ensure that it fits with the statutory provisions which already exist. Of the above, the only information which is not currently accessible through our Council's website is that relating to payments made to Councillors in relation to allowances and expenses (although the Members Allowances Scheme is available as it forms part of the Constitution).

We already publish our spend over £500 and intend to publish salaries over £58,000 in the future.

Finally the reference to performance is ambiguous insofar as its not clear whether it's performance per se, or performance on authorities' fiscal and financial position.

We believe that the paper needs clarifying in parts and needs to correspond with legislation already in existence.

Cam Parish Council

Cam Parish Council has considered the proposals contained within the Transparency Code and has some concerns with regard to the application of these to the town and parish council sector. Answers to the specific questions posed are listed below, but the main concern is the apparent lack of understanding within the proposals of the operational capacity, organisation and great diversity within the town and parish sector. Most local councils already publish expenditure details, and all make it available on request, but to prescribe that the information must be available online and in particular formats ignores the fact that many small Parish Councils (and especially Parish Meetings) do not have websites, and a great number would not have the IT capabilities to convert information to specific formats. Indeed some still operate manual hand written cashbooks.

Publication of details of all payments over £500 might cause concerns from some contractors etc being used by local councils, as many use sole traders from within the local community, who might not be happy for their details to be so easily available. This is less likely to be the case in larger authorities, where most contracts will be with major suppliers, and might reduce the use of local suppliers and trades people, to the detriment of local (particularly rural) economies.

For all Parish Councils, including this one, the proposals will impose an additional burden on already high workloads for staff in order to collate and present the necessary data. As the vast majority of the data indicated is already available to people on request, this seems to achieve relatively little.

- Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

It provides people with ready access to information, but most if not all of this would have already have been available, although sometimes only on request. The potential use of this information to 'hold authorities to account' is less certain – publication of payments over £500, for example, only provides part of a picture – it gives no detail as to exactly what the payment is for, does not reveal the total annual cost of a number of smaller payments to the same supplier and provides relatively little real information to anyone who does not also have an understanding of the work of the authority concerned.

- The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Transparency in this area for town and parish councils could provide an indication of the additional cost having to be met locally to support organisations trying to meet the Big Society challenge whilst at the same time having facing severe cuts to their funding from other sources

- Does the proposed Code sufficiently support the publication and reuse of public data?

As stated above, prescribing formats for publication could prove onerous for town and parish councils. There are also concerns about making data reusable, in that it could result in misinformation being circulated – for example, the addition of a 0 to a figure, followed by dissemination of the information could cause real disquiet, especially in a small rural community. This council considers that publication in pdf format would be better in that it would retain the accuracy of the information, but, at the same time, people would be able to use that information in their own calculations if they so wish.

- Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Whilst all public bodies should follow transparency principles, the application of exactly the same rules, methods and guidelines for all authorities is not appropriate.

- The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Once again, this does not recognise the position of town and parish councils, where the Clerk is often to only member of staff and thus often in a position of control – but extremely rarely enjoys a salary level anywhere approaching the £58,200 threshold.

Cambridgeshire County Council – See other CCC

A couple of points that may require clarification.

Section 3 "Definitions".

Where do LA Maintained Schools sit in the transparency requirement - particularly as all of Cambridgeshire's schools have independent bank accounts and no spend or contract data is held centrally?

Section 9

What level/kind of transaction information do you require?

Do you want grants and payments to voluntary and social enterprises to be separated from other transactions, what financial limit and detail should we apply?

Copies of contracts and tenders - Do we publish them before or after they are let? What is the financial threshold before we have to release this data? Do we release the full document or will a summary suffice?

Following clarification of the Department's requirements we will be better placed to comment.

Cambridgeshire County Council

Cambridgeshire County Council supports the overall aim of the Government to increase transparency and accountability by publishing open and reusable data. This Council believes that such information enables the public to see how public money is spend and communities and business to see how they might respond to need.

The County Council also welcomes the development and adoption of a national code so that the need to increase transparency is consistently applied across the whole of the public sector. Indeed, we would propose that the code should apply to Central Government departments and the public data that is held by them.

Scope

Public sector bodies hold considerable volumes of "public data". Whilst this Council generally supports the publication of such data, we recognise that there could be a significant amount of work involved in publishing all data sets. We would welcome clearer guidelines about what should be made freely available and why. Whilst we understand that the main thrust of this Code is to enable local people, communities

business and the voluntary sector to find out how local bodies spend public funds, inevitably there will be comparisons made between similar public bodies. We would recommend that the Code should include specification of the metadata requirements in order that those comparisons can be made. Pragmatic guidelines such as the LGA “Data Handling Guidelines” will ensure that public bodies are not all reinventing the wheel in this regard.

Principles

DEMAND LED

This Council already publishes most of the datasets illustrated. We publish the names of the most senior officers and would see no reason to change that. Salaries are a matter of public record (stating from advertising a vacant post) and senior Officers are identified by post title and their name in reports to Members. Therefore the information does appear in the public domain; our practice makes it easier for the public to identify the most senior officers.

The registration inventories of data on data.gov.uk may result in increased volumes of queries (and possibly complaints) which must be resourced at a time when local authorities are making significant cuts to front-line services as a result of cuts in Government grants.

In addition, it is not clear how these inventories will differ from the publication scheme and asset registers, nor how frequently data.gov.uk will be refreshed and updated.

OPEN

We agree that, in principle, the format and licence arrangements should allow open sense, etc. However, the original provider of the data and the licence may see this as an opportunity to raise costs. Where a public body itself uses, for example, OS data as part of its own data, clarity about the licence issues is requested as otherwise the local authority may find it has breached OS copyright.

The 5 step process identified in paragraph 14 of the consultation document is labour intensive and onerous and would be a particular burden for small local authorities.

The Code suggests that publication of data will be welcomed by communities. Whilst in principle that may be true, this Council believes that we should respond to Community need rather than publish many datasets which are rarely accessed and used. The drive towards localism suggests that centrally held high level datasets may be of limited value in terms of promoting community responses.

Chaddesley Corbett Parish Council

The proposed code is not appropriate for many parish councils and parish meetings as they are too small for their expenditure to be significant enough for this degree of scrutiny. The additional resource required for such councils to be able to comply with the code, when they have one part time employee, often employed for no more than five or six hours a week, will be unreasonably burdensome and potentially expensive. There should be a de minimus budget level below which a much simpler reporting regime should apply.

These councils are already subject to requirements to make their financial affairs open to scrutiny as part of their external audit arrangements, they are subject to freedom of information legislation, their meetings are open to the public and the minutes of their meetings must be available for inspection. Further very detailed requirements to promote local transparency are not needed.

Charnwood Borough Council

Charnwood Borough Council welcomes the chance to comment on the draft code of recommended practice for local authorities on data transparency. The Council has the following comments on the draft code. Where these are linked to the comments specifically requested in section 7 of the consultation document these have been identified.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Council believes that the conditions have already been established and that a statutory code is unnecessary. Much of the information described in section 9 of the draft code is already being published as a result of other statutory requirements and good practice. The Council, along with many others, has already been working to provide more information to the public through its website and has, for example, been publishing details of its spending over £500 since October. Councils should be allowed to respond to local demands for information in a locally appropriate way. This will involve providing more information than is described in the draft code in some areas. However some items described in the draft code may be overly prescriptive for some local solutions, for example in terms of the technical specifications. Contract documentation in its entirety may be too large for useful publication and may contain information which would properly be exempt from disclosure under existing regimes.

Does the proposed Code sufficiently support the publication and reuse of public data?
and

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

In order to make the publication of information simpler and to enable a consistent set of data to be made available to the public, wherever possible requirements set out in a code should match requirements to publish information set out elsewhere. For example, the thresholds regarding senior salaries should correspond to those set out in the Audit and Account Regulations. The Freedom of Information Act already requires public bodies to produce a publication scheme setting out the information that they make available.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Extending the Code to parish councils and parish meetings would create an administrative burden that many would be unable to meet. Parish councils and meetings should be encouraged to publish this information but there should not be any statutory framework requiring them to do so. The Council is also uncertain whether section 2 of the Local Government, Planning and Land Act applies to parish councils and parish meetings.

Cherwell District Council

I am writing on behalf of Cherwell District Council in response to the consultation paper on data transparency.

I have addressed the specific questions asked but first would like to comment on each of the datasets proposed:

Expenditure over £500 – we are already publishing this. Whilst we believe it is important for there to be transparency in order to reduce public mistrust we would urge the use of interpretation software so that the data is organised with helpful drill downs and showing what is spent by service areas. Raw data is not helpful to the public. It is just a vast amount of data which causes confusion. Perhaps after a year or two it would be worth reviewing to consider increasing the value to £1 000 so people are not swamped by data. Please note approximately three hours a month is now spent by staff working through this information, redacting personal data from it and putting it on the website.

We would also suggest that all government departments should be opened up to this level of transparency.

Grants and payments to voluntary community and social enterprise sector clearly itemised and listed – this is new and whilst there will initially be a lot of work involved we do not object. We would suggest it should also include the term of the grant and any objectives to be achieved in return for the grant.

Senior salaries, names (with option for individuals to refuse to consent to their name being published), job descriptions, responsibilities, budgets and number of staff.

“Senior salaries” is defined as all salaries above £58 200 – the limit appears to be an entirely arbitrary figure which is irrelevant to local government. Publication of senior salaries is already required under the Accounts and Audit Regulations. It is not clear how this requirement is intended to work with the statutory requirement? Whatever disclosure is imposed on local government we would like to see the equivalent across the public sector as a whole.

An organisational chart of the staff structure of the authority – this is already part of the publication scheme. However it should only be to third tier. Personal data should not be included where there are clear health and safety reasons why it could be dangerous. Some organisations in the public sector, such as the police, will need to be exempted from this to a more senior level for security reasons.

Councillor Allowances and expenses – this is already public information as required by law. It does not need to be in a Code of Practice.

Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector – this is a new requirement. It must be clear this is tenders out not the tenders received in. There will be commercially sensitive information in contracts and it is not clear how this code of practice will work with applying exemptions under the Freedom of Information Act or exceptions under the Environmental Information Regulations. It is impractical to put on the website given the size of some of the contracts. Why is a Contracts Register not sufficient?

Policies, performance, audits and key indicators on the authority’s fiscal and financial position – this is already in the public domain as required by law. A Code of Practice is unnecessary.

Data of democratic running of authority including constitution, election results, committee minutes, decision making processes and records of decisions – this is already in the public domain as required by law. A Code of Practice is unnecessary.

Key questions and proposed responses

Does the proposed code help to create the conditions whereby local people will be able to hold local authorities to account?

Much of what is proposed is already in the public domain. It is perhaps worth reviewing after a year or two to see what impact there has been

The government believes it is essential local people know how much funding is directed towards the voluntary sector. Are there additional datasets which would increase transparency in this area?

Rather than just amounts of money it would be more helpful for it to be a contracts register with the contract or SLA noted, what services are provided, and the term of the arrangement.

Does the proposed code sufficiently support the publication and reuse of data?

It is unclear how this code works with the existing legislation which permits recharging

Should all the bodies proposed be covered by this code?

The code should be proportionate to the size of the body and the resources. It is unreasonable to expect parish councils and parish meetings to comply with all that is set out here. Indeed the cost of disclosure would be beyond the means of many small parishes.

The government's preference is for a threshold of £58,200. Would a "function" test such as that in the 2009 Audit Regulations be better? Or a definition of chief officers as used in the Local Government and Housing Act 1989?

The figure of £58,200 is entirely arbitrary. Is the government proposing a change to the 2009 Regulations? If so, why not change the regulations rather than confuse matters with a Code of Practice which is not consistent with the regulations? The reference to budgets and staff seems to imply that it is Heads of Service and above that are of relevance. Publication of salary bands to third tier already takes place in accordance with legislation.

Conclusion

There are two major concerns underlying what is proposed.

The first is the proposals appear to have no regard to existing legislation. It is unclear how the Code will work with existing legislation and what will be done about the inconsistencies.

The second is the failure to address the question of who pays for the compilation and maintenance of data, and the accessing of that data. There is a cost. The Reuse Regulations provides for charging. The assumption in this code is that data is “free”. Data is not “free”. To provide it “free” means the taxpayer as a whole pays for the resources taken, rather than those who access the data. This is a political choice which should be explicit. It is particularly difficult at a time when resources are so stretched.

Thank you for the opportunity to respond to this consultation and if you require any further clarification on the points made please do not hesitate to contact me.

Cheshire East Council

Please find comments from Cheshire East Council in response to the proposed Transparency code.

- We expect clear guidance on the level of data that is expected. For example, what detail is expected for data on Councillor allowances and expenses?
- We expect further guidance on what is considered commercially sensitive data in relation to publishing contracts and tenders, and how data that cannot be published due to data protection or commercial sensitivity or other freedom of information exemptions should be treated.
- We believe that the creation of a data inventory is a very significant undertaking and it is likely that this will take some years to achieve.
- We expect clarification of those specific areas where we will be able to charge for re-use to avoid challenges from users where charges are applied and we expect clarification on what is a reasonable charge.
- There will be a significant cost to meeting the expectations of this draft code of recommended practice, and affordability will influence timescales and ultimately whether some of the expectations can be met. Much of our data is held in older systems (including paper) to make this available would require resources in terms of finance and staff. While some data can be extracted automatically, most data will require manual review to redact or exclude exempt data.

Chesterfield Borough Council

Chesterfield Borough Council supports the transparency and accessibility agenda. We have a strong track record of publishing timely and accurate data including members’ allowances and expenses and more recently the requirement for publication of expenditure over £500.

We do have some concerns about some of the requirements in the draft code. Senior Officers can choose to opt out of the publication of their name, if some authorities choose to publish names and some choose not to or there is a mixture of named officers and withheld officer names at an authority this could lead to confusion and questions being raised about transparency. To ensure consistency and compliance with the Data Protection Act it may be preferable for names not to be included at the publication stage but available through Freedom of Information requests.

We also have some concerns about the additional burden of the data collation, website reorganisation, production and monitoring of the inventory necessary to meet these requirements. The handling of the queries generated by these data publication requirements also need to be considered. This code could present a significant challenge to many local authorities currently trying to make the difficult adjustments necessary to protect front line services from the revenue support grant reductions.

Churchdown Parish Council

The Council has reviewed the code of recommended practice and considers that data transparency is already embedded in policy and procedures for local councils, therefore major changes to existing policy and/or practice are unnecessary.

As far as this Council is concerned we do support making it clear to the tax payers such matters as staffing structure and full disclosure on monthly payments. Therefore, we will amend our website to give fuller details of staffing structure and will also put on the monthly payments sheet (this is already published to the public as an attachment to the minutes, but hard copy only), but no other changes to our practice are deemed necessary at present.

Lincoln City Council

The City of Lincoln Council is committed to being open and transparent, and as a small district council has to date published a significant amount of information on <http://data.lincoln.gov.uk/>, and is building on this to meet the proposals in the code. The following points respond to questions within the consultation document, as well as more general comments on the impact of the code on local government, and ultimately the taxpayer.

1. We would propose that the definition used of what constitutes a senior salary should be based on that in the Local Government and Housing Act 1989, and this would be easiest for the public to understand, and therefore more transparent.
2. The government needs to recognise the additional burden publication of this data places on authorities, and consequent financial cost, particularly at

this time of reduced resources in the public sector. For example, the publication of all expenditure over £500 rather than providing sufficient openness for councils to be held to account is actually generating more enquiries primarily from the media seeking further very specific detail on individual items of expenditure. This is creating more work, requiring additional resources in order to meet this new demand.

3. The code suggests that publication in .pdf format would be acceptable, but this contradicts the principle that data should be in its open and raw format. Will there be further more detailed guidance issued on where .pdf format might be acceptable or will authorities be able to use their discretion? Also will there be further guidance in respect to what is required, for example in terms of the level of detail to be reflected in an organisational chart of the staff structure to ensure uniformity across the sector or again can local discretion be applied?

City of London

Local authority functions in the City of London are discharged by the City Corporation acting through the Court of Common Council. These functions are however only one component of the broader range of activities undertaken by the City Corporation which are not those of a local authority (and do not therefore involve the expenditure of public money). For example the Corporation acting by committees of the Court of Common Council owns and manages a number of public schools.

When identifying the Court of Common Council (the relevant executive arm of the City Corporation) as a body to be affected by legislation the current legislative practice is to include a description of the function or functions of the Court of Common Council it is intended to incorporate. Examples of such practice can be found in the current Localism Bill in Clause 7(1) and Clause 15(4)(h).

To avoid any possible uncertainty as to the application of the code we suggest that the Definitions in paragraph 3 of the Code should be extended to read:-

The Common Council of the City of London in its capacity as a local authority or police authority.

Such drafting would be consistent with the description in Schedule 1 of the Freedom of Information Act 2000.

Clifton upon Teme Parish Council

We are a small council with very limited finance and facilities to comply with the requirements of disclosure and publishing of data on a monthly basis with our limited resources could cause us problems. However our major concern is that information must be published as a .pdf file as a minimum requirement

- we are not prepared to publish data that can be easily amended and could be used for the wrong purpose.

We have no objections to releasing the information requested other than the frequency and format.

Comberton Parish Council

Comberton Parish Council met and considered this at its meeting on 9 March. The Parish Council is in favour of the principles contained within the consultation and has already has a website and openly publishes a great deal of information including all spending over £500, key policies, minutes etc.

London Borough of Croydon Council

Thank you for the opportunity to comment upon CLG's proposals for implementing data transparency in local government, I am responding on behalf of the London Borough of Croydon.

The Council is committed to greater transparency and providing the public with useful and accurate information. The Council has already implemented a number of the proposals in advance of the proposed code. Payments over £500 reports are published on a monthly basis in user friendly formats this being in place since December of last year.

However we are disappointed that central government has not been able to achieve the same level of transparency, the Council believe it to be important that central government set the benchmark for transparency and therefore we will continue to use this benchmark as a judgment of our own transparency standards and achievement over the period to follow.

In response to the specific questions/proposals in the consultation, we have the following comments:

Proposal regarding the threshold of senior salaries to be £58,200 to apply to disclosure of senior salaries in local authorities

In London, salaries tend to be higher than many other parts of the country, reflecting higher living costs and weighting factors which recognise the higher living costs associated with this part of the country. Therefore, an amount of salary would not reflect the decision making of the organisation. The Council would prefer a legal definition which would encompass the management team of the council as reflected in the current Accounts and Audit regulations.

The proposed code suggests that the job descriptions, responsibilities, budgets and numbers of staff also be published. This would be an onerous task as they would need to be updated on a regular basis and would not add

any clarity or additional useful information, the Council already publish vacancies with the associated job descriptions and personal specifications. Budgets can already be accessed through the RA forms which the CLG hold, therefore, the Council feel that this is a duplication of information given that the information is available under the current Freedom of Information legislation.

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

The Council currently publish its key contracts via the Pan London contracts register system, which is available to the public and suppliers. This covers the headline value, provider and dates of the contract. We think that the requirement to disclose contracts in full presents a large number of potential legal and commercial confidentiality issues, especially if the intention of the guidance, as it currently appears drafted, is that copies of the contracts themselves should be published. We believe that in the absence of very clear legal advice from DCLG to this effect, and acceptance by DCLG of all liabilities for any claims arising from such disclosure under what is merely a code and guidance rather than binding legislative requirements the inclusion of this requirement in the Code would place local authorities in the awkward position of either complying with a Code and risking legal action or not complying with a code and risking government censure. To comply with the Code would require a substantial resource as we would need to try and obtain consent from the contractors, then redact contracts and upload them as they would be in the public domain and form part of our Publication Scheme.

The bodies covered in paragraph 3 of the proposed code

The Council support the inclusion of those bodies in the proposed code and would add the inclusion of the Health Service to ensure transparency of data in this sector.

Democratic information on the running of the council

The Council is already required to publish details of the democratic running of the council, such as agendas and minutes of meetings, and support the continuation of this.

Anti-fraud Measures

Restricting the amount of sensitive data that is published will reduce the risk of payment fraud. Information should be restricted to company name or payee, amount, invoice reference and date. No details should be published regarding company number, VAT registration number, supplier address, supplier number, cost centres as this may readily provide fraudsters with details that will enable them to on the identity of one of our suppliers. We believe that this element of the Code should be seriously reconsidered as it will undermine the reputation of government for tackling fraud.

I hope this response will be useful in helping to finalise the Code of Practice and trust that the responses to the consultation will be transparent.

Cuckfield Parish Council

As Clerk to a fairly small parish council (turnover of about £250,000 p.a.), all our detailed accounts are available for the public to inspect at the office although I should point out that in the 20 years I have been in post, this has never been requested. The Parish Council would have no difficulty in publishing all the expenditure on our website as councillors already receive a statement listing all payments and this could easily be put on the website as a pdf document. However, if this has to be made available in a prescribed format, this would make the process very time-consuming and difficult for us. If it is decided to go ahead with this scheme, please ensure that this process is kept as simple as possible.

Denby Parish Council

The £500 limit for reporting of expenses is considered too low and would result in the reporting of a vast number of costs, and therefore significantly increase the workload of the parish council. The parish council suggest a limit of £750 or £1,000 would be more appropriate.

The parish council believes that this would duplicate reporting as most of the information is already available to the local public albeit in different forms. ie from published accounts or under previous legislation (such as the Freedom of Information Act)

Didcot Town Council

This Council supports transparency within Parish & Town Councils (P&TCs); however this code could place a considerable burden on P&TCs who are already transparent at the grass roots level.

Castle Donington Parish Council

- a) The general principles of the Code are good, however, there is concern about how it will actually work in practice;
- b) Not enough clear details on how it will be implemented;
- c) How it will impact on the work of the clerk and council;
- d) The extra hours required to implement the Code;
- e) The additional cost of the implementation (worked hours, additional staff and software requirements);

- f) The limits of the Code should be governed by appropriateness to the size of the council and of its needs;
- g) Consideration to be given to audit bands as a guide;
- h) Lack of broadband in many areas, even though the Government has a plan to get everywhere onto broadband by 2014 – but what happens in the interim;
- i) Is there a need to publicize on a monthly basis, would it not be more appropriate to publicize on an annual basis, perhaps in line with the Audit; there is concern that documents will be “re-used” to the detriment of a council;
- j) The implications for a small council, or parish meeting in particular, are beyond the need to supply information;
- k) NALC are understood to be unhappy with the consultation document as it could be interpreted in too many ways.

Dursley Town Council

I am writing to inform you that Dursley Town Council considered the Data Transparency Code Consultation at its Planning Committee meeting on 1st March and has **no comments** to make.

East Grinstead Town Council

East Grinstead Town Council has noted details of the above consultation and wishes to respond.

Overall, as a larger, more active local council we do not object to the proposals contained therein. We do however consider it essential that due cognisance is given of the impact of the proposals on smaller and medium sized parish and town councils, many of which do not have resources to meet the requirements as set out and not all of whom have web sites or capability/scale to create one.

Accordingly we do urge you to liaise closely with the National Association of Local Councils and the Society of Local Council Clerks who can provide informed input on behalf of the sector as a whole.

East Lindsey District Council

- Does the proposed Code and the principles within it help to create the conditions whereby local people will be able to hold local authorities to account?

East Lindsey District Council considers that the proposed Code and principles within it will certainly create the conditions whereby local people will be able to hold local authorities to account. In recent years East Lindsey District Council

has experienced an increase in the demand for transparency through the FOI/EIR process, seeing the average number of requests per month more than double in the last 3 years. It is hoped that by following the proposed Code it will see a reduction in the number of requests for information received through the FOI/EIR channel.

In terms of the minimum datasets that should be released, East Lindsey District Council is confident that most of this data is already available in the public domain through the publishing of Committee reports and now within the 'Transparency' section on the Council's website.

- The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

East Lindsey District Council is not aware of any additional data sets that should be specified to increase transparency in this area.

- Does the proposed Code sufficiently support the publication and reuse of public data?

The proposed Code appears to be lacking a definitive link to Copyright legislation and the Re-Use of Public Sector Information Regulations. There does not appear to be any kind of restrictions being placed upon the information in terms of re-use, particularly for commercial purposes.

- Do you believe all bodies covered in paragraph 3 of the proposed Code should be included?

The list of bodies covered in paragraph 3 of the proposed Code appears exhaustive in terms of publicly funded local organisations.

- The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability to ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in 'Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989.

East Lindsey District Council currently publishes senior salaries with a threshold of £50,000 p/a, which currently exceeds the minimum threshold recommended in the proposed Code. Should this change to meet a different

definition then the preferred guidelines to follow would be those based on the legal definitions outlined in the Local Government and Housing Act 1989 as opposed to applying the 'function test' used in the Audit and Account Regulations 2009. The reason for this preference is that the legal definitions are far more rigid than the 'function test' and are not so open to interpretation. Therefore, using the legal definition local authorities would be producing consistent information which is easily comparable by members of the public.

East Riding of Yorkshire

The Council is committed to ensuring robust public accountability and has for many years demonstrated this through well established processes and procedures.

The Council's response to the questions within the consultation are set out below.

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Any additional data disclosures must consider the requirement for transparency against the cost of providing the data and supporting the public, businesses and the media to understand the data, at a time when funding is reduced. Currently the Council is publishing details of spend over £500 on a monthly basis. This runs to 250 pages for January and there has been limited response from the public.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Local people are generally concerned about the quality of service delivery and its cost effectiveness rather than who delivers the service. There is no flag within the Council systems that would denote that a payment in respect of a service or grant is to a voluntary or community group and this additional data set would need to be created. Further guidance would be required as to the definition of a voluntary and community group, e.g. are the trading arms of large charities to be considered as part of the voluntary and community groups. Information in respect of payments to these groups will already be published in the spend over £500 list, resulting in duplication of information. An annual return of spend with this sector could provide the information required but reduce the burden of publishing this information on a monthly basis.

There are no additional existing data sets that could be specified to increase transparency in this area.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

The Council is concerned that the requirement to publish data in .csv format could lead to the potential for significant levels of fraud.

4. Do you believe all bodies covered in paragraph 3 of the proposed Code should be included?

Yes, although consideration should be given to an exemption for smaller bodies or allowing information to be published on an annual basis to reduce the burden on smaller bodies e.g. Small Parish Councils.

Further clarification is required in respect of how this code applies to schools and academies.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a "function test" such as that used in Audit and Accounts Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Local Government is already required to publish data on salaries in detail within the Statement of Accounts in accordance with the Accounts and Audit Regulations. Different disclosures lead to unnecessary duplication of effort and confusion for the public.

Disclosure of salary information has to balance both public interest with the rights of an individual. The disclosure of information in respect of individuals who "have the power to direct or control the major activities" and disclosure of numbers receiving pay in bands of £5000 strikes this balance.

We believe therefore that the requirements of the Code should mirror the requirements in the Accounts and Audit Regulations which appear to mirror the DCLG's "own" transparency information.

East Sussex County Council

Point 15 says "Publication in both .pdf and .csv formats should be the minimum requirement."

I believe the point should read “Publication in an open, machine-readable format should be the minimum requirement”. My reasons for this are as follows:

1. If this is setting out a **minimum** requirement, why should it involve publishing the data twice? The minimum requirement should be to make the data available, and one format is enough for that.
2. This requirement requires publication in PDF format, which will in most cases be one of the least appropriate formats available.
3. Whilst CSV is a good format for many datasets, it is not the best format in all cases. For example, hierarchical data is much better represented in XML.
4. This seems to conflict with the five-star requirement in point 14. Point 14 sets a target of publishing data in RDF, which I support. However by setting CSV as a minimum you make it more difficult to achieve publication in RDF, because the data would have to be published twice (in CSV and RDF), and the work to achieve that would have to be justified internally. In many cases RDF would simply be scrapped as a nice-to-have in favour of meeting the requirement for CSV, but if that requirement weren't there new projects could opt to publish in RDF from the start.

Ellesmere Town Council

Ellesmere Town Council's Finance and General Purposes Committee considered the code of recommended practice for local authorities on data transparency at its meeting held on 9th March 2011 and asked me to respond. Before responding to the questions raised in paragraph seven of the code, I think it may be useful to set the comments in context.

- Ellesmere is a medium sized market town in North Shropshire with a population of 4,659 of whom 57.8% are aged 18-64. 21.1% are 65 or older and 21.1% are under 18.
- It has a Town Council consisting of 12 elected members. The Town Council is a non-party political body.
- Being a Town Council, like other local and parish councils, it does not get any grant from Government. The precept raised for the services provided by the Town Council comes exclusively from the people who live in Ellesmere.
- The Town Council has a website (which it would like to update and modernise) but that website currently contains the names, addresses, contact details and photos of all the members of the Town Council and the Town Clerk; people can see and download the minutes of the Town Council and they can also see the Town Council budget.
- The budget is sufficiently detailed to be able to see the salaries of the part-time staff, the allowances to the Town Mayor and Deputy Mayor and all other items of expenditure.
- The Town Council made a specific decision not to pay allowances or expenses to any other member

- All members of the Town Council live in Ellesmere and they are all stopped by the people of Ellesmere and spoken to about Town Council (and other) services.
- Ellesmere Town Council is an example of democratic accountability in practice. Local residents do hold their Town Council to account not just through the ballot box but at every Town Council meeting they attend.

The Prime Minister's speech in Liverpool setting out the principle of localism – to restore power to local people and their democratically elected representatives – was welcomed by a lot of people. What has come out of Government in furtherance of the principle is anything but the restoration of power to democratically elected representatives.

Whilst the Town Council agrees with transparency and will comply with the law the code of recommended practice does nothing to further the restoration of power. It appears to be designed for principal authorities and large Town Councils. Why does the code apply to local councils such as Ellesmere Town Council which has a limited budget and few staff? There is a presumption that all this has to be available on the web. Whilst not disagreeing with the principle of transparency it must be borne in mind that transparency costs. Some parish councils just do not have the money (or staff resources) to accommodate what the Government proposes without increasing their administrative workload and their precept.

Consequently, our comments are as follows: -

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold authorities to account?

The conditions are already met, in the main, by principal authorities under existing legislation, codes of practice and plain good practice. The principles should not apply to parish councils or if the Government decides that they should apply then there should be a de minimis level.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and want to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Information on the size of grants to voluntary and community bodies are contained in the minutes of a local council.

Shropshire Council has set up a series of local joint committees made up of the local Unitary Authority member(s) and representatives from the parish councils within that joint committee area. Each local joint committee has a declared budget for voluntary and local groups to apply for and the decision as to how much each voluntary or community group may get is made publicly. All the decisions are also available on the Shropshire Council website.

There are no additional, existing data sets that the Town Council is aware of.

Does the proposed Code sufficiently support the publication and reuse of public data?

If anything it is gilding the lily.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

As stated previously, parish councils are wholly accountable to their electorate. If Government feels they should nevertheless be included there should be a de minimis level for exclusion.

The Government's preference is for a threshold of £58,000 to apply to disclosure of senior salaries in local authorities, etc.

This threshold would apply more to principal authorities and large Town Councils and is the Town Council's preferred option as well as the Government's.

Enfield Council

Enfield Council response to the code of recommended practice for local authorities on data transparency

Enfield Council broadly welcomes the Government's proposals to encourage local authorities to make more information and data available to residents and other interested people. We believe that it is right that citizens should have access to the information and data necessary to enable them to hold the Council to account for the decisions it makes and how their council tax is spent.

Like many other local authorities, Enfield Council is already making a wide range of information available and is continuing to work to ensure that this is readily accessible via the Council website and also, where appropriate, available in a range of publications and other formats.

We believe that it is important that the code is set at a high level, is not over prescriptive and supports the current sector standards and legal requirements under the Data Protection Act 1998 and the Freedom of Information Act 2000. We also believe that the code should apply across the whole public sector including all Government departments and agencies, which should also be held to account by tax paying citizens.

Essex County Council

Code of recommended practice for local authorities on data transparency: Essex County Council consultation response

Essex County Council both welcomes and recognises the need for greater transparency in the public sector and has already been working hard to improve this. Indeed many of the datasets specified within the draft code of recommended practice are already released and published by the council and have been for some time.

We welcome the opportunity to comment on the draft code of practice and would wish to submit the following comments in answer to the specific questions.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The code aims to provide principles upon which transparency and accountability by those responsible for public money can be built. We welcome these principles. However we have four main concerns with the underlying ethos and basis of the approach.

That local people should be able to hold elected representatives to account is a basic foundation of democracy. Data transparency can play a key part in this by revealing whether organisations are focusing on the right priorities, addressing them effectively, and achieving good value for money in doing so.

First, the release of personal data does not facilitate this process: instead, it infringes on employees' privacy, especially on a local level where individuals are likely to work close to their home.

Second, there should be discretion for local authorities to set their own timeframes for aligning to the Code, since for many there will be substantial administrative burdens required for compliance (see below on the voluntary and community sector), and prioritising this agenda may run counter to local priorities at a time when public services are under historically-unprecedented strain.

Essex County Council already publishes its spending data online, but recognises that this does not include the performance-based context discussed above: as for other organisations, this is an ongoing journey.

Third, transparency requires more than simply raw data about spending. Performance information is needed to be able to provide context; without it, the picture being portrayed is importantly incomplete.

The provision of financial data without the contextual performance information does not allow a proper understanding of value for money: for instance our financial data identifies a gross revenue expenditure of some £41m to support vulnerable older people, but this information in isolation does not help ‘armchair auditors’ to evaluate the effectiveness of such spending. While informed individuals and organisations may be able to make these links and draw conclusions, there is a risk that aiming such data at taxpayers could undermine the potential benefits and lead to confusion, misunderstandings and lack of trust. We would prefer to see the code be less prescriptive in its requirements, allowing authorities the discretion to provide locally-specific and relevant information.

Fourth, emphasising the value of raw data conceals the necessary mediation of analysis before it can be meaningful to non-experts. The quest for open data should be seen as part of the broader, more democratically-significant goal of information transparency. Data without performance or analysis is not without value, but does not present the full picture as required for transparency; we would like the Code to make this clear.

With the intended audience in mind, we are concerned that there is too heavy an emphasis on raw data in the formats specified. Provision of data does not in itself automatically lead to transparency. While it is vital that authorities are not able to delay or manipulate the data prior to release, we are keen to ensure that the data we provide is useful and supports those ‘armchair auditors’ in their right to understand and hold public authorities to account in the use of their money.

In particular, paragraph 11 of the draft code refers to the publication of inventories on data.gov.uk to support a single point of access. While we support the principle of single access points, we believe that this particular portal meets the needs of the developers and publishers of data within the sector, rather than its intended audience;

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

The phrase ‘funding directed towards the voluntary and community sector’ might suggest that there are readily identifiable pots of grant money, and that this is the main way that local authorities ‘direct funds’ to the VCS. In fact, most funding to the VCS goes in the form of Service Level Agreements (SLAs) and, latterly, contracts that have been bid for on a competitive basis. In these cases, contracting with the VCS to deliver services is done on the same basis as other ‘commercial’ suppliers, and singling out the VCS may neither be welcome within the sector nor useful for the public.

Essex is open about the grant funding provided to voluntary and community groups, but to treat the VCS as a 'special case' perpetuates myths – of dependency on grants and being uncompetitive in terms of outcomes and cost – which in many cases are no longer accurate. Equally, SLA-based relationships with VCS groups should be protected with the same degree of commercial confidentiality as with any commercial organisation.

Moreover, like many local authorities Essex does not categorise suppliers as VCS or otherwise, and, transparency in this regard will be a journey as supplier information is updated and improved. Implementing this requirement within short timescales will therefore be difficult due to the nature of current systems and the current economic demands on resources. Again, we would prefer discretionary time-periods for fulfilling these requirements.

As such we do not have any additional data sets to increase transparency in the area, and indeed would suggest that publication of any additional datasets should be left to local discretion depending on local appetite and context.

We would therefore seek to ensure that at least in the early stages, compliance with the code of practice is viewed as a journey towards greater transparency rather than an end state in itself.

Does the proposed Code sufficiently support the publication and reuse of public data?

Yes, although the recently developed Single Data List seeks to specify in its entirety the list of data required by government of local authorities, yet this code of practice makes no reference to it, which could cause confusion and allow the proliferation of further demands for information and reporting burdens. This should be co-ordinated with the SDL to ensure transparency and government demands are both met without undue administrative burdens on local authorities.

We do have some concerns about the requirement for publishing all information in a format and under a licence that allows open reuse (paragraph 13). While we recognise the value of providing data in a format which allows searching and sorting – and indeed we do this already for summary and transactional information – we do not believe that this is appropriate for all data. In particular, the ability to edit, copy and change detailed contracts and tender documents gives us significant concern and we would argue that these types of documents should be provided in PDF format to strike a better balance between transparency and potential misuse.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

The draft code of practice rightly acknowledges that greater transparency is crucial so that local authorities can be held accountable for their use of public money. However, we would concur with the recent comments made by Dame Margaret Eaton in her letter to the Prime Minister: that the same levels of transparency should be required not just of the range of bodies covered in

paragraph 3, but for the public sector as a whole including the NHS, Civil Service and other public bodies such as other types of publicly owned delivery vehicles and quangos. In Essex, locally accountable bodies spend some £4bn, only 40% of the total local public spending. Without a consistent approach across the totality of public services, the government and senior civil servants risk being accused of adopting double standards in their approach to transparency.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

We have no problem in principle with the publication of this data provided that it does not allow identification of individuals, and indeed we already publish numbers of staff earning salaries above £50,000 in bandings of £5,000. The current draft code suggests that publishing names should be the default position; we believe this runs contrary to paragraph 5 of the draft code "public data therefore means the objective, factual, **non-personal** data..."

In addition, given that paragraph 13 suggests that the data should be provided in a format that allows open reuse, there are concerns that this could compromise the privacy of individual employees, who are perhaps more likely to live close to the area in which they work than equivalent Civil Service employees. As we, along with every other local authority affected by these proposals, have a duty of care towards our employees, we would suggest amending the code to 'depersonalise' it by referring to job titles and salary bands – information already in the public domain from recruitment processes – rather than specifics of named individuals.

General comments

In addition to the specific comments in response to the questions above, we do have three more general comments to make.

First, while we already publish many of the details outlined in the code of practice, we would wish to see the government clearly define the outcomes they wish to see as a result, and for these to be monitored. This is to ensure that publication in such a specific and detailed way achieves the benefits intended and does not result in longer term unintended consequences. For instance, requiring the publication of detailed contractual arrangements could result in the withdrawal of potential suppliers with consequential price rises, or indeed a reversal of the situation which intends to help voluntary groups to put

forward credible bids to run services, whereby businesses use the data to undercut voluntary sector suppliers. It would be unfortunate if the Secretary of State sought to nudge Local Authorities into ensuring support for the third sector if at the same time, he provides commercially sensitive information to the market.

Second, the draft code itself contains a confusing mix of high-level principles (such as publishing information quickly) and specifics (such as the development of an inventory of data).

Finally, we remain concerned at the continuing number of detailed directives emanating from government. This does not appear to be in step with their localist rhetoric of 'freeing up' local authorities from the centrally imposed requirements, enabling them to take local decisions on how best to serve their communities.

Fernhurst Parish Council

In principle the Fernhurst Parish Council supports the transparency of financial data but is concerned that the proposals for the publication of other information, and the suggested formats of that information, will place an unreasonable and disproportionate financial and administrative burden on small Councils with just one, part-time, Clerk. Also, we would like to see software made freely available to us which would enable the financial data to be published "at the touch of a button" from our existing accounting records.

Is this consultation not somewhat belated as it refers to measures that are expected to have already been carried out?

That apart, the suggested requirements are far too onerous for small parish councils that have one, part-time, Clerk. There is simply insufficient time to publish and keep updated the type of data suggested. Working more hours to carry out the task, or employing another to do it would simply add to the public cost of services.

Smaller parish councils are likely to be unable and many, unwilling, to comply with the requirements. If pressure is exerted to force compliance, then I can see many Clerks and Councillors resigning. Not a great deal of help when considering 'The Big Society'.

Forest Heath District Council

Forest Heath District Council is please to comment on the code of recommended practice for local authorities on data transparency. Our response is set-out below:

Does the proposed code, and the principles contained within it, help create the conditions whereby local people will be able to hold councils to account?

Forest Heath supports the principles outlined in the code. Indeed the Council has been quick to embrace this agenda and build accountability. We believe we were the first district council in Suffolk to publish spend information, enhancing accessibility by providing a simple 'front-end' tool to manipulate the data. We agree that it is important to understand the scope of the data we hold but to use this understanding to inform what and how it is published. It will be of little value to the community to simply make everything available as there will be, and are currently, areas of information that are of particular interest to our communities and it is these datasets that authorities should focus on. We do not believe that local authorities themselves should seek to create demand and need to ensure that a 'data publication industry' does not emerge.

Should additional existing data sets be identified to increase transparency and be specified to ensure local people know how much funding is directed towards voluntary and community groups and / or transfer of services to that sector?

We have not identified any initial additional datasets but we support increasing the transparency on funding the voluntary and community sector. While spending in this sector could be included in a Council's publication of spend data, clarity could be improved by setting this alongside the award of grants.

Does the code sufficiently support the publication and reuse of public data?

The code provides sufficient support.

Are there criteria for publishing senior salaries (preference is for a threshold of £58,200) that could better increase accountability and ensure they are consistent with the level of responsibility?

Although the criteria are different, there are important links with the requirement to publish salary information in the statement of accounts. Discussions with CIPFA (Code of Practice) should be encouraged to explore opportunities for harmonising requirements. We do not believe that publishing the names of individuals with senior salary disclosures is necessary as accountability derives from management structures and the responsibilities of the post. By publishing summary information from job descriptions and structure charts/job titles this will be evident.

There are important considerations as local authorities are working more in partnership and joining services either as a merged service or under a shared services protocol. Shared senior managers/posts will need to be clarified or the 'employing authority' identified when costs are shared and some criteria may need to be adopted.

Are all the bodies required to comply with the code (local authorities are as defined in the LG Act 1980) are relevant?

Yes.

Other points

We support a view that the publication of contract and tender information should be linked to an authority's own Contract Standing Orders. Linking this to the relevant spend data, and not simply the 'in excess of £500', more accurately places actual spend against contracts. Providing 'contract' information for all spend data would be a significant administrative burden and of questionable value to the public.

While we support openness and transparency in the tender process, we have serious concerns about the publication of full contracts as these will contain commercially sensitive data (e.g. variations in standard terms and conditions). To exclude or redact this data is again a significant administrative burden and we recommend this request is removed.

Frampton on Severn Parish Council

Our responses relate to our particular situation as a small parish council with a budget of about £15,000 pa.

1. Our budget is already fully detailed and of course publicly available. All items of expenditure are individually agreed by council and minuted accordingly. Audited accounts are publicly available as the law directs.

We do not believe that any suggestion in the Code will increase our local accountability in any way.

2. We already record all such items individually. Our procedure is already fully public and transparent.

3. We are very doubtful of the value of such prescriptive requirements which we consider completely inappropriate for councils at our level.

4. It follows from the above responses that we strongly oppose the application of the Code to councils such as ours.

5. We are intrigued by this suggestion which is unlikely to affect councils such as ours, but we look forward eagerly to similar requirements being place upon businesses such as, for example, banks in public ownership and indeed all other private enterprises in the interest of securing the government's laudable aims of greater transparency and accountability.

Fulford Parish Council

Fulford Parish Council would like to make the following points in relation to the above document:

1. It is agreed that Parish Councils should be covered by the Code, however it needs to be recognised that parish councils may not have the necessary resources or expertise to publish information as described in paragraph 14.
2. Other ways could perhaps be considered for Parish Councils to comply with the Code for example publishing information in parish newsletters rather than online.

Gateshead

Response to draft consultation on the recommended code of practice for local authorities on data transparency

We are asked to respond to 5 questions: our responses are shown below:-

1. Does the code and principles help create the conditions whereby local people will be able to hold local authorities to account?

Local people have been able to hold local authorities to account for a number of years. Most of the data sets required to be published are already published on council websites. The accounts regulations have provided for contract information and councillor expenses to be open to public scrutiny and the right of inspection. The code does not create new conditions whereby local people will be able to hold local authorities to account more than they already can, using FOI, EIR's and access regimes under the Local Government Act and accounts regulations.

2. Are there additional existing data sets that should be specified in relation to funding of local voluntary and community groups?

There are no additional existing data sets.

3. Does the code sufficiently support the publication and reuse of public data?

Yes the code does, but the proposals regarding reuse contradict the Re-use of Public Sector Information Regulations; more clarity is needed in that regard.

4. Do we believe the bodies covered in paragraph 3 should be included?

Yes.

5. The Government's threshold of £58,200 to apply to disclosure of senior officer salaries is intended to increase transparency - you asked whether a function test such as that used in the audit and account regulations would be better.

We suggest that the function test in the audit and accounts regulations which is already in force and requires publication of the data, should be used, rather than developing another regime for publishing similar information.

There is a cost implication on publishing all data in open format and many councils will not have the tools in place to permit publication in open data format. If the proposal is that this has to happen then consideration should be given to phasing in and providing local authorities with the funding to be able to comply.

Gravesham Borough Council

General Comments regarding the code:

Gravesham Borough Council already complies with the vast majority of proposed data requirements released under this code of practice and is fully committed to providing an open and transparent approach to key data in the future.

There are however, a number of concerns that the proposed code raises which are as follows:

- Expense: there is a danger of the introduction of a 'cottage-industry' for producing data for transparency purposes, and this in turn would provide added exposure to enhanced numbers of FOI requests etc – this is something we have experienced since the publication of transactional data on our website. A comprehensive review would need to be undertaken into the cost impact on the council in terms of officer time, maintaining accuracy etc.
- The code offers the potential for mistaken and inaccurate comparisons between authorities. The publication of raw data will not allow for any contextual evidence to this, and the production of contextualised data will add further administrative burden to councils. In addition, how is the DCLG proposing to ensure the datasets in the code are answered consistently across all councils? This will ensure that there are 'like for like' comparisons and avoid mis-interpretation and confusion.
- Fraud/data sensitivity issues – there is a concern that publication of sensitive information could lead to the disclosure of information that may be misused against the council and organisations it is involved with and provide opportunities for potential fraudulent attempts against the council. Efficient systems will need to be put in place to prevent any fraudulent activity and this may create additional burden to local authorities.

Response to specific questions raised in the consultation:

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Unsure. Has it been proven these data sets are required or indeed wanted locally within specific areas? Consultation undertaken within Gravesham in recent months has shown that the public are more interested in information relating to specific key priorities for the council rather than 'data'. The council has published its expenditure statistics on the council's website and there has been little public interest in this so far (only media interest).

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

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3. Does the proposed Code sufficiently support the publication and reuse of public data?

Unsure. What is meant by an "*inventory of data*" and what data is expected to be included in this 'inventory'? Does this just refer to the data sets prescribed in this code or are there other data sets that would need to be captured? This needs to be clarified to ensure a consistent approach across all authorities.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

The main concern around this list is in relation to Parish Councils. It is unclear how the DCLG intends the expectations of this code to be managed by Parish Councils who have limited resources already.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

On the issue of publishing salaries above £58,200, there is a feeling that there is an element of 'pandering' to national press pressure to 'expose' certain national council chiefs. It is very difficult to see how the time and effort in revealing data sets including salaries over £58k will actually add to service delivery.

If this is to be brought in, our preferred approach would be something in line with the Accounts and Audit Regulations.

Hadlow Down Parish Council

Whilst this Council firmly believes in the principles of open democracy the proposals outlined are unlikely to add to that openness and at a cost that small Parish Councils can ill afford.

As a Parish Council is required to do by law, all meetings are held in Public and minutes are raised and published in three separate ways – the Village Website, The Parish Magazine and the 2 Parish Notice Boards. Within these minutes all expenditure is shown as are all items being tendered.

We are, in common with other Parish Councils and not just in the current climate but at all times, very conscious of the need to keep Council Tax to the minimum needed to support our Community's needs. The proposals will increase our costs as the Parish Clerk will need to spend additional time preparing the items as required by the proposed legislation. This is another burden which we do not believe adds to local democracy in a small Council.

We already have in place, via the Freedom of Information Act, the means by which we can be asked to provide data to the electorate and we do not believe that the new legislation adds anything to the Community's benefit. It may be that in larger Councils with larger budgets the cost can be absorbed and there may be a case for them to be within the legislation, whilst exempting smaller authorities from the proposals. After all, this Government has stated frequently that it desires to free businesses from red tape yet the proposals here are adding more and at a cost to Council Tax payers.

We would ask the Government to look very carefully at the proposals and their impact on the small Parish Council.

Hampshire County Council

1 Introduction

1.1. The Council appreciates the opportunity provided by DCLG to respond to the Code of Recommended Practice for local authorities on data transparency. However, any areas not covered by this consultation response should not be viewed as approved by exception.

1.2. Hampshire County Council fully supports the drive for government, both central and local, to be open and transparent to the public. In fact, it is drafting a set of Transparency Principles that outline for the public the County Councils commitment to transparency.

1.3. In endorsing the principles of open data publication, we believe it is also important to note that although the publication of data is a valuable addition, it should not become a substitute for existing democratic scrutiny and governance arrangements. Suitable safeguards should be considered to ensure that publication does not subvert the important democratic scrutiny responsibilities of Elected Councillors.

2 Scope

2.1. We feel that there should be a greater linkage to the principles laid out within the Freedom of Information Act 2000.

3 Principles

3.1. The County Council supports, in general terms, the draft Public Data Principles published by the Public Sector Transparency Board. We question therefore why it is felt that Local Government would require a different set of principles to those laid out for the public sector as a whole.

3.2. The County Council sees genuine benefits to efficiency and the public purse coming from greater use of open data across the public sector as a whole, not just local government, and it is vital that all public organisations publish comparable open data and work from the same set of basic principles. An holistic approach will provide opportunities for public-minded developers to create applications that utilise open data made available by the public sector, private companies e.g. utilities and broadcasters, and the voluntary sector, but we all need to work from the same principles.

3.3. Although the Transparency Board has yet to finalise these principles, there is a danger that Local Government would be required to work within 2 sets of differing guidelines. We feel that it would be more appropriate to allow sufficient time for this body to complete its work.

3.4. We also note that there is a separate public consultation on the possible creation of a Public Data Corporation. It is unclear what the remit would be for the PDC and we feel that these should be considered as a whole, not separately. This is particularly important as, in future, datasets from multiple agencies are likely to be linked and aggregated. The potential for conflicting advice from a number of different Government Departments in this area could cause confusion and inconsistency, undermining the long term potential benefits of open data publication. None of us need additional barriers to be placed in the way of openness.

4 Minimum datasets

- 4.1. Although we can understand why the Department might outline a list of datasets it would like published, there appears to be an inconsistency in the level of detailed requirements, with some, such as Councillor allowances and expenses, containing no details, whereas others, such as senior salaries contain detailed implementation requirements. This is in stark contrast with the aims of the Recommended Practice as outlined in section 6 of the consultation document (“It is for local authorities working with others, to determine detailed implementation arrangements”).
- 4.2. We feel that the types of data sets published should be led locally, in our case, by demand from the public of Hampshire, to whom we are ultimately accountable. That is the approach that we have taken to date, for example with the publication of spend over £500 and Councillors’ gifts and hospitality.
- 4.3. It is important that the potential benefits of greater sharing of open data and the fundamental changes that this will have on how government works with the public do not become obscured by short term insistence on particular sets of data.
- 4.4. In terms of the details of such publication (i.e. the detailed implementation arrangements), the County Council believes that open data should be published using the fundamental principles of the freedom of Information Act 2000. Parliament has appointed a body for determining the appropriate balance between the public interest in publication of particular information and the public interest in withholding it, the Information Commissioners Office. In terms of public sector salary information publication, the Information Commissioner has made a number of decisions over the appropriate level of publication and the County Council accepts these as sound.
- 4.5. The County Council feels that the publication of full remuneration information within the Statement of Accounts provides the public with a fuller picture of the cost of individual senior management posts to the public than salary alone, in that it also includes details of any additional benefits. To that end, the appropriate time to publish this information is with the Statement of Accounts itself at the year end.
- 4.6. The draft, in our view, does not lay sufficient weight to the genuine concerns over invasion of personal privacy, breach of confidentiality or damage to other compelling interests. As we have stated earlier, we believe that Parliament has provided the appropriate safeguard to balance those interests with the public interest to publish, in the form of the Information Commissioners Office.
- 4.7. The publication of salary information, without appropriate contextual information, does not allow the public to make genuine comparisons between the use of public money between public sector organisations,

and local authorities in particular. The differing size, capability and business models of local authorities mean that simple comparisons of resource levels can be deeply misleading.

4.8. Individual Councils should be able to determine the strategies that they wish to employ, and provide the information so that those decisions can be held to account by local people. Those decisions determine the size and make up of the leadership and management resource. Effective stewardship of tax payers' money should therefore not be determined using crude or incomplete data, but on the ability to deliver overall cost effectiveness, as is evidence by our ability to devise, implement and deliver our 25% management reduction strategy.

4.9. For the reasons stated above, the County Council believes that a monetary figure alone is fundamentally misleading.

5 Fraud – Annex A: Anti Fraud Measures

5.1. Whereas the County Council welcomes common sense control measures to combat the use of open data to attempt to defraud public bodies, we feel that it is essential that the publication of open data does not itself create significant bureaucracy, such as additional processes, or it is in danger of becoming an industry.

Harrogate Borough Council

Whilst we agree that data should be transparent and available to the public, we have some specific concerns in respect to the contract data and particularly commercial data in relation to the council-owned Harrogate International Centre.

We support the principles of open and transparent data and indeed already publish financial, performance, constitutional and voluntary grant information on the Council website.

The concerns that we have in relation to **contractual data** are listed below:

- Putting copies of all contracts/tenders on the website could be onerous; we would need to check each document for clauses that could reveal matters that adversely affect a company's commercial interest
- What would be the lowest threshold for the contract value before it has to be published?

Harrogate International Centre

One of the distinguishing aspects of our Council is that we directly operate a major conference and exhibition business at the Harrogate International Centre. As such, we have a concern about publishing contractual data for the conference centre; both in terms of client confidentiality and competitor exposure. We would not want to risk adversely affecting our market position by making data available to our competitors.

The 'Local Transparency: a practitioners' guide' (LG Group Transparency Programme Group, November 2010) cites in Appendix B that data relating to 'potential betrayal of a commercial confidence, or prejudice to a legitimate commercial interest' may very rarely be redacted and will need justification to be redacted from publication. We feel that the conference data would fall in this category and would have concerns about publishing it.

Haverhill Town Council

Haverhill Town Council considered the proposed Code of Practice at their meeting held 22nd February 2011.

Paragraph 9

Is the £500 figure net of VAT or gross?

Organisations that, say, pay their insurance premiums monthly will not declare the sum, as it falls below £500, whereas those who pay in one instalment will be required to list it. To a casual observer it would appear the first organisation pays no insurance. This will not aid those individuals trying to compare between Councils.

Not all grants to the voluntary sector are by way of direct payment - e.g. a Council may purchase a piece of equipment (from supplier X) then donate it to a charity. The purchase will be recorded but not that it is for a future donation.

Paragraph 12

It is important to recognise that a great many smaller organisations do not publish their information electronically, and therefore publishing in paper format must be an option.

Paragraph 14

The code should set out a common format and layout that all authorities must follow, otherwise trying to make comparisons between authorities is both difficult and time consuming.

Herefordshire Council

1. *Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?*

Broadly yes. It is recognised that local authorities should respond to best practice as it develops and be proactive in reviewing and pursuing higher standards. The principles of being demand led, open and timely are supported. It would however be necessary to ensure that the public were aware that at times certain information requested would not be readily available but that local authorities would work to deliver on requests as appropriate.

2. *The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?*

It is important to be able to readily identify the public funding directed towards the voluntary and community groups. It is however suggested that instead of the creation of additional data sets, the current data sets relating to expenditure is appropriately refined to ensure that funding to the voluntary and community sector is easily identified.

Voluntary and community groups should be encouraged to publish appropriate information on websites in support of the transparency agenda.

3. *Does the proposed Code sufficiently support the publication and reuse of public data?*

Broadly yes. All appropriate data sets should be available in both .csv and .pdf files.

4. *Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?*

In principle yes, however further consideration would possibly be required for town and parish councils and their expected compliance of the code.

Whilst appreciating that the following suggested bodies fall outside the definition of local authorities within the 'Act', it is proposed that consideration be given for an aligned transparency approach which would encompass voluntary organisations and community groups in receipt of public funding and NHS (including Foundation Trusts).

5. *The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to*

increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

For clarity of approach, a threshold aligned to the Senior Civil Service minimum pay band would be acceptable.

It is suggested that job descriptions clearly outline a post's responsibilities which would include both budgetary and staffing.

Herne & Bloomfield Parish Council

The parish council consider it unnecessary to publish every item over £500. The accounts and payment schedules are available to residents on their request. This creates additional work for clerks who are struggling to keep up with the current workload. It is understood that this information will need to be supplied in a particular format which will not be available to most parish councils many do not have accounts on computer but are done manually.

Hertfordshire County Council

Hertfordshire County Council broadly supports the proposals put forward in the code of recommended practice for local authorities on data transparency, and would appreciate the following points being considered as part of your consultation:

- The suggested threshold of £58,200 is useful as an indicative remuneration level when considering the disclosure of senior salaries, but it would aid appropriate disclosure if organisations were also encouraged to carry out an "accountability test" to identify roles where salary information should be published/released (i.e. allow this type of test in addition to setting a minimum threshold).
- Where senior salaries are being published / released, individuals should be given the opportunity to object to the release of personal data (or data which could constitute personal data, such as unique job titles) in line with their rights under the Data Protection Act 1998. However, the decision on whether or not to release the data should not

simply be based on an individual's refusal to consent to it; the decision should be made by the organisation (as Data Controller) having properly balanced the legitimate concerns of the individual with the public interest in disclosure.

- Organisational charts should not be required to be "live". Regularly updated snapshots should be acceptable to allow organisations time to consider legitimate exemptions to disclosure/undertake redactions.
- Online Freedom of Information Publication Schemes should act as basic inventories of published data, with the navigation structure of relevant sections of organisations' websites providing a more detailed listing of / route to data. The requirement to maintain an inventory of data should relate to published data rather than all data held by an organisation; it will not be appropriate for an organisation to confirm it holds/provide access to all data it processes.
- Data should be published as soon as is reasonably practicable after it is produced. However, organisations must have time to undertake appropriate quality assurance processes to minimise the potential for inaccurate or inappropriate disclosure of data.

Holywell-cum-Needingworth Parish Council

- Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Response: Yes

- The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Response: No.

- Does the proposed Code sufficiently support the publication and reuse of public data?

Response: Yes

- Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Response: No. Parish and Town council should be excluded or at least a threshold used, as the requirements are too onerous. The Freedom of Information Act has already placed a disproportionate impact on the work of some smaller parish councils. Many rural parishes do not have a good broadband service, so electronic publication of data would be impossible. Not all councils have a website.

The proposed data sets are too onerous a requirement for parish and towns councils as they frequently have only 1 part time member of staff. If the sector has to be included the requirements in terms of data sets should be reduced the sector.

- The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Response: The threshold is suitable as stated.

Hull City Council

Hull City Council is pleased to respond to the consultation in relation to the Consultation on a code of recommended practice for local authorities on data transparency.

Hull is committed to data transparency, with a clear council policy, and a range of pro-active work to develop our approach in this regard. Activity is overseen by an Information Governance Group, chaired by me as the council's Senior Information Risk Officer. This response has been overseen by that Information Governance Group, the Corporate Strategy Team, the Council's Overview and Management Scrutiny committee and has been considered at full meeting of Council.

The council does believe that the proposed code, and the principles contained within it, can help to create conditions whereby local people will be able to hold local authorities to account. We recognise though, that data and information may not be the same, and believe that creating those conditions is about more than simple access to more spending data, and more about context and clarity about the numbers rather than simply the data itself.

Our customer strategy states a belief that that the involvement of local people in designing, delivering and improving services is essential, and calls for the involvement of customers in development of web-based services. The council would therefore suggest that the code could require consultation with local people in the development of each council's open data agenda.

We support the use of open and readable formats and the use of the Open Data licence, and we do believe that all the bodies covered in paragraph 3 of the proposed Code should be included in the code.

Hull City Council is committed to compliance with the Secretary of State's requirements in relation to open data and transparency issues, and to greater transparency in relation to Senior Officer salaries. We support the publication of job titles and job descriptions, accountabilities, and budgets and staff numbers managed, as we believe that those do increase accountability. However, we are concerned that a requirement to publish salaries does not yet fully address issues of whether associating salary with any particular individual furthers the accountability desired.

Many staff have entered employment with no expectation of their salary being made public, and indeed, many may expect that it is not. We are unclear whether or not there yet exists a legal right to publish, or that Data Protection law allows for publication as proposed. We are also particularly concerned that any risks that might arise where, in some cases, individuals have chosen not to tell a spouse, family or other about their actual salary have not been addressed. We recognise the suggestion in the code that a right of individuals to not to be named be included, but recognise too that for most posts of the required seniority individuals will be identifiable by job title and therefore may be put at risk.

We do recognise the importance of clarity about expenditure on staffing in general and might suggest that salary information could be published in the form of salary bands as a simple dataset identifying Grade, Spinal Column Point, Salary and number of people in category.

Specific points contained within the document at bullets 8 to 20 are responded to in the attached Appendix.

We are grateful for the opportunity to respond and hope our remarks are helpful.

Appendix - Hull City Council Response

Point	Text	Support	Partially Support
8	There are growing expectations that new technologies and data should support transparency and accountability. Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should they understand what data they hold, what their communities want and then release it in a way that	We are committed to the involvement of local people in designing, delivering and improving services is essential, and calls for the involvement of customers in development of web-based services. The council would therefore suggest that the code could require consultation with local people in the development of each council's open data agenda.	

	allows the public, developers or the media to present it in new ways that makes its meaning more apparent. It is this process that will create demand for data.	The words 'that makes its meaning more apparent' – calls for context as well as raw data.	
9	<p>As a minimum, the datasets that should be released are:</p> <p>Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.</p> <p>Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.</p> <p>Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.</p> <p>An organisational chart of the staff structure of the local authority.</p> <p>Councillor allowances and</p>	<p>We are committed to publishing expenditure over £500 and extending publication to include all items of expenditure</p> <p>We agree that expenditure should identify grants and payments to the voluntary sector</p> <p>We support the publication of job titles and job descriptions, accountabilities, and budgets and staff numbers managed, as we believe that those do increase accountability.</p> <p>We are committed to publication of an organisational chart of the staff structure of the local authority.</p> <p>We already publish councillor</p>	<p>We are concerned that a requirement to publish salaries does not yet fully address issues of whether associating salary with any particular individual furthers the accountability desired.</p> <p>We recognise that many staff have not taken employment with the expectation of their salary being made public, and indeed that many may expect that it is not. Indeed we believe that existing legislative requirements may constitute a barrier to the publication of such information - we are unclear whether there yet exists a</p>

	<p>expenses.</p> <p>Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.</p> <p>Policies, performance, audits and key indicators on the authorities' fiscal and financial position</p> <p>Data of democratic running of the local authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.</p>	<p>allowances and expenses.</p> <p>We are committed to publications of contracts and tenders.</p> <p>We already publish, and will seek to extend publication of, policies, performance, audits and key indicators on the authorities' fiscal and financial position</p> <p>We already publish data of the democratic running of the authority</p>	<p>legal right to publish, or that Data Protection law allows for publication as proposed. We are also particularly concerned that any risks that might arise where, in some cases, individuals have chosen not to tell a spouse, family or other about their actual salary have not been addressed.</p> <p>We recognise the suggestion in the code that a right of individuals to not to be named be included, but recognise too that for most posts of the required seniority individuals will be identifiable by job title and therefore may be put at risk.</p>
10	<p>Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.</p>	<p>We agree, and recognise the development of an inventory of data as an opportunity to be proactive.</p>	

11	These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.	We agree.	
12	Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.	We agree.	
13	Information must be published in a format and under a licence that allows open reuse, including commercial and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archive is the recommended standard. Where any copyright concerns exist with information, these should be made clear.	We agree.	
14	<p>Local authority information should be where possible published in open and machine-readable formats. The recommended five-step journey to a fully open format is:</p> <p>* Publish the available data on the web in whatever format; ** Make it available as structured data, for example in a spreadsheet rather than a .pdf document;</p>	We are pleased to identify ourselves as 3* already, but recognise that tackling URIs needs particular technical support and that there is therefore a cost associated with that activity.	

	<p>*** Publish it in non-proprietary format such as comma separated values (CSV);</p> <p>**** User Uniform Resource Identifiers (URIs) to define and describe your data, thereby helping users discover and explore it, and understand its meaning and context, and;</p> <p>***** Using URIs, incorporate links in your data to related external sources</p>		
15	Publication in both .pdf and .csv formats should be the minimum requirement.	We agree.	
16	Local authorities should have controls in place to reduce the risk of any payment fraud as a result of publishing data. A risk management approach should be used to support these open standards. Potential measures to support this are suggested at Annex A of the Code.	We agree. We recognise though that risks of fraud and of data protection implications are both likely to carry with them an associated cost.	
17	Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in-house systems; organisational information should be published in line with central Government.	We agree but recognise the risks of DP breaches or inaccuracy and the necessary costs associated with checking and correction	
18	Data should be as accurate as possible at first publication. While errors may occur the publication of information should not be unduly delayed to rectify	We agree but recognise the risks of DP breaches or inaccuracy and the necessary costs associated with checking and correction or with breaches	

	mistakes. Instead, publication and use of the data should be used to help address any imperfections and deficiencies. This concerns errors in data accuracy not errors in redacting personal data, which is covered below.		
19	Where errors in data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment.	We agree but recognise the risks of DP breaches or inaccuracy and the necessary costs associated with checking and correction, or with breaches	
20	Local authorities must comply with the law on data protection, and so must not release data if that would contravene the Data Protection Act 1998 or section 100A(2) LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. The However, the Government believes that local transparency can be implemented in a way that complies with the Data Protection Act.	We agree but recognise the risks of DP breaches or inaccuracy and the necessary costs associated with checking and correction or with breaches	

Hythe and Dibden Parish Council

I am responding on behalf of Hythe and Dibden Parish Council.

The Parish Council has considered the above code and believes it is unnecessary should **not** apply to Parish Councils, for the following reasons.

It felt that the Parish Council is already transparent in its operations in that

1. All meetings are open to the public
2. A list of all payments (not just those over £500) form part of each Council agenda a copy of which is held on the website in PDF format
3. Minutes are already available on the website
4. Apart from the Chairman, no member receives any
5. All grants to the voluntary sector are made in open session at Council and are recorded in the subsequent minutes.

Islington

The following comments on CLG's proposals for implementing data transparency in local government are made on behalf of the London Borough of Islington. We have already implemented much of what is proposed in the Code and are committed to increased transparency, but have concerns in respect of some elements of the proposed Code.

1. Proposal that a threshold of £58,200 to apply to disclosure of senior salaries.

We would prefer the definition for identifying the staff about whom the data should be released, to be based on the provisions of the Local Government and Housing Act. This will be straightforward to apply and to explain to the individuals. It will also avoid inconsistencies in the seniority of staff affected between authorities in different geographical areas; salaries in London, for example, are generally higher.

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

We are concerned that the proposal that we should release "copies of contracts and tenders" should be clarified. If the intention is that all contract and tender documentation is published on line this would be very onerous and lead to a huge archive which would be potentially difficult for member of the public to navigate. Redacting documents to be published in order to comply with data protection and confidentiality requirements would be extremely time consuming and costly. It seems more practical, and equally valuable to the public, to make documentation available on request, on reasonable notice to allow for any redaction to be carried out.

While this would be our preferred approach, an alternative might be for the Code to allow for this documentation to be kept available on line for a period after it is initially released, but with freedom for it then to be removed and supplied only on request.

Currently key contracts in London are published on the Pan London Contracts Register system, which is available to the public and suppliers and there is a proposal to set up a Pan London Procurement Portal in summer 2011. This will be used for publishing information on contracts and will include named officers to contact directly. Interested parties can approach the relevant contact for more detailed information and for contract documentation.

Ivybridge Town Council

Whilst this Council fully understands the Government's wish to make data generated by authorities available and accessible to the public, it is imperative this is a proportionate response, taking into account the size of authority and the legislative framework in which it already sits.

As a rule, the larger the authority then the more complicated it can be for the public to readily access the information they require, as it can be held in so many different formats and separate departments of the organisation. That is rarely true for Parish Councils. It is important to reiterate that, as the most local, democratically elected body, a Parish Council could hardly be more accessible to the community - whether face to face, by telephone, posters and notices or by electronic means. The fact that we are accessible in the more traditional formats has probably meant that there is less need for dependency on electronic media, which combined with the rural nature of much of our sector and the poor broadband speeds, then this is not altogether surprising.

Parishes have not been able to benefit from the external investment that Principal Authorities have undertaken in IT and sometimes lack the skills/capacity to move towards the levels of computerisation anticipated by this Code nor do they necessarily have actively managed websites. In the current economic climate that type of investment may not be a priority and one of the overriding tenets of Localism is to respond to your own community in the manner which suits them best, and for a part time Clerk electronic forms of communication may well not be uppermost in the Council's thinking if the Post Office or Local School is closing and the residents are working on a practical level to save services.

As Clerk, in the position of advising my Council, I do not even understand what is being talked about in paragraphs 12 to 14 of the Draft Code - nor do we have any IT staff on our payroll who could interpret these requirements. We would have to buy in that IT expertise at a time when our priorities are elsewhere.

The legislative framework within which we operate has been described as archaic, for example in relation to payment laws introduced in 1894, and you may not be aware that (currently) we are not permitted to utilise electronic

banking and have to obtain signatures of two Councillors on each cheque or other order (although changes we intended to be introduced during 2011). The Minister, Grant Shapps, said, "It's time to bring Parish Councils into the 21st Century so that they can get on and do their jobs faster and simpler way" but seeing that has yet to be enacted these current proposals are premature and all the unreasonable to expect us to be ready to embrace the IT expectations anticipated in this document.

However, as there is recognition that this would apply to "most local authorities" it is sincerely hoped that there is going to be greater flexibility in how this Code, or what elements of it, would apply to Parishes.

Currently, the Accounts and Audit Regulation require us to open our accounts books to the public for 20 working days each year so that they can come in and inspect our accounts and there are rights to challenge payments by contacting the Auditor.

Additionally, good practice for Councils is on a regular basis, in our case at each Policy and Resources meeting, to present a list of cheques and direct debits paid over that last period (normally a month)- a meeting held in public session. In smaller Councils they often list all the payments in the minutes - it might only be five cheques, for example, with the actual amounts paid and to whom. The purpose of this is to indicate that our sector is already providing a great deal of transparency which probably needs tweaking, rather than involving us in the Code of Practice which potentially creates a much greater bureaucratic burden, but with no clear benefit in terms of transparency of financial decision making.

We had been preparing for the fact that details of expenditure over £500 would be rolled out to the Parish sector in due course, so provision had been made to enable us to include this information on our website which enables staff in the office to keep it up to date. The type of format proposed in the Code would potentially require a redesign of our website and additional training for the in house office staff, who are required to be flexible all rounder's rather than dedicated IT or data staff.

In terms of the specific comments on the code:

Whether the Code is the right tool to encourage people to play a bigger role in Society is debatable. In every community there are some people who are vexatious and controls could be required to ensure that they did not create a burden on small authorities. Genuine questions and challenges are already dealt with via Freedom of Information Act and this offers people who have concerns to access the information they require. Annual Town Meetings offer opportunities for calling for Parish Polls and asking questions directly of the elected representatives. As best practice Parish Councils endeavour to publish minutes and agendas on notice boards or websites enabling people to participate at monthly meetings - generally with, at least in relation to the Council meeting providing open access for any questions which are generally put in place by Principal Authorities.

The amounts of money that Parish Councils give to voluntary and community groups is generally well publicised locally as the size of budget rarely means that these are significantly sized contracts, but more frequently hundreds of pounds for services such as support for youth groups or local transport initiatives. Parishes could legitimately be considered as part of the voluntary sector themselves and would concur that getting services transferred from Principal Authorities is a challenge so we may wish to take advantage of the local accountability ourselves.

The Code may well be appropriate for Principal Authorities and other bodies listed but it is premature in its current form to consider the inclusion of Parishes, and may never be appropriate, as there are other ways that we can make our actions transparent without necessarily replying on displaying data on a website. As an option, having a financial threshold above which it is necessary to comply might be considered as an approach.

It is welcome that the recommended Code of Practice on Publicity has recognised the way in which Parishes connect with their communities by permitting them to provide a monthly newsletter, rather than as for Principal Authorities on a quarterly basis. This reflects the different approach to communication as a local level and this same assessment should be taken into account when deciding how much (if any) of the Data Transparency Code is relevant.

The salary disclosure threshold would be largely irrelevant to our sector as there are probably only around 50 town councils who would pay in excess of this sum.

This Council applauds the efforts being taken to give the public better access to information but any new Code of Practice needs to be proportionate to the size and capacity of those organisations being asked to comply.

Keighley Town Council

Q1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

A1. The principles of providing information that will enable the public to make an informed judgment on the effectiveness and management of a public body are to be applauded and long overdue. The information provided should be accessible via a link on the bodies Home Page, not hidden within various sub-menus.

Q2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

A2. With the increased possibility of voluntary and community groups running services, clarity in this area is important. A specific definition may have to be made as to what constitutes a “voluntary” or “community” group. Many such groups are controlled and/or managed by the funding body and are effectively a branch of the funding body, but as a group is not necessarily subject to the same scrutiny. Decision making and staffing structures should be made available for these groups and they should also have to declare salaries, in line with this code. Funding for these groups should go hand in hand with a service level agreement, which should be published and linked to the funding item along with an outcome report on the use of any funding, including the no of employees and a table of the annual salaries, in £5K bands, details of any quantifiable area of benefit, admin costs and a client satisfaction index.

Q3. Does the proposed Code sufficiently support the publication and reuse of public data?

A3. No. Information is only useful if you can disseminate it. A list of amounts with suppliers and budget headings allows you to know what is spent under each budget heading and with each company but gives no clue to value for money or what is actually being paid for. For example, an item published with the details of “Procurement” and “Temp Agency – Admin” has cost £719K in one month – does this refer to 1 very expensive person for 1 month, 1 slightly less expensive person for a longer period or 100 or 1000 people and what level of job were they doing?

Q4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

A4. While the bodies in paragraph 3 should be subject to transparency there should be varying degrees. It would be impossible for a Parish Meeting or Parish Councils to comply with the online publication of all the datasets

mentioned, even if they have them, as they do not have the resources to do so, many not even having the use of a computer. It must be recognized that one size does not fit all and that if smaller bodies are expected to fully comply this will lead to a massive and disproportionate increase in precept or decrease in service. A lesser compliance level should be included for smaller bodies.

For the very large authorities the amount of £500 seems rather low, perhaps a figure of £1000 would be a better figure, with an additional safeguard of a list of suppliers and totals for any supplier being paid over £1000 within any month.

Q5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

A5. Perhaps a better more inclusive indicator figure would be the level at which a person on a standard tax code would start paying the higher level of tax. As this is higher than the average wage it would seem a reasonable starting point. The figure would also have to be calculated pro-rata to cover short-term contracts and part time hours. The calculation should also include the value of all parts of a remuneration package and any other allowances or expenses that they receive from outside bodies, that they take part in solely due to their current post, the names of these bodies should also be published. While names would not be necessary a job title and short job description should be included, to enable comparison to the private sector.

Councillor allowances and expenses should also include any allowances or expenses received from any other public bodies or joint committees etc., that they are members of solely due to their position on the publishing authority and the amount of time that they are expected to give to these bodies.

Kemsing Parish Council

Kemsing is a Parish in Sevenoaks District with about 3,270 electors. There are 13 Parish Councillors, none of whom was elected on a party political basis.

We had thought that the policy was to reduce bureaucracy and enable local authorities to concentrate on delivering 'front line' services to the public. Unfortunately these proposals are yet another example of the reverse, namely

the imposition of more bureaucratic burdens on local authorities which will divert their resources into unproductive activities. This is particularly the case for Parish Councils such as ourselves whose administrative resource is one part-time clerk.

It is not appropriate for us to comment on the implications of larger authorities but in the case of Parish Councils, we believe this Code purports to address perceived problems which do not actually exist. If Parish Councils are forced to follow the procedures set out in this paper, their very limited resources will be diverted away from work which is more useful to the Public. We believe Parish Councils (and Parish Meetings) should be excluded from its scope.

Having said that, much of what is proposed is already available to the public under existing regulations, including being contained in the minutes of the Parish Council and Communities. These are available on the Councils website.

We have no evidence that our Council tax payers want to see details of contracts over £500 and have particular concern over the recommendation to release names of suppliers which is in conflict with the reference to "non-personal data" in paragraph 5. We do not believe it is right that small traders should have details about contracts they enter into made available to the public including their competitors.

General conclusion

Our District Council is ceasing to fund public lavatories as a result of Government funding cuts. We believe that employing civil servants on this sort of activity when local authorities are being forced to withdraw useful public services, shows an odd sort of spending priorities, which we doubt that many tax payers would share.

Royal Borough of Kensington and Chelsea

This response is made on behalf of the Service Improvement Team, Royal Borough of Kensington and Chelsea.

Introduction

The code of recommended practice is broadly welcomed. It is a positive step in increasing the democratic accountability of local authorities. The publication of open and reusable data is a crucial step in enabling local people to play a bigger role in society and there should be a minimum expectation on local authorities to publish certain key data sets, as set out in the code.

However, there are some aspects of the guidance which we feel need clarification. These issues are identified below, along with some proposed amendments.

Relationship to existing guidance

The purpose of this code is somewhat unclear in light of the fact that more detailed guidance has already been published. The Local Government Group have already published guidance concerning the publication of local spend data, salary information and contracts and tenders data. Does this code seek to summarise the existing guidance, to complement it, or to supersede it? What is the legal status of the code – does it have more force than the existing guidance? The consultation document refers to a ‘statutory Code of Recommended Practice’. ‘Statutory’ implies that it is a legal requirement, whereas ‘recommended practice’ implies that the code will not be enforced. The code needs to be clear about what must be produced and what is optional.

Confidentiality and data protection principles

Clarification is required on the relationship between the proposed code and existing data protection principles, in particular the one relating to Rights of Individuals - ‘to prevent any processing of their personal data that may cause damage or distress’. In the experience of the Royal Borough of Kensington and Chelsea (RBKC), examples exist of where individuals have objected because they are in regulatory roles and are concerned that, by publishing their name and job as well as salary, their personal information such as their home address becomes easier to locate. Local authorities must still have the right to withhold data if they believe that there is a case to do so – and to make a decision on whether to withhold more than name particularly if the code requires publication of actual salary rather than salary band.

Disclosure of senior salaries

It is felt that a salary threshold is preferable to a ‘function test’ or a legal definition when determining the cut off point for publication. The advantage of a salary threshold is that it is the simplest approach to implement and the one that is the least open to differing interpretations, thereby securing a minimum standard of transparency across the board.

A ‘function test’ is open to wide interpretation and therefore would only serve to reduce accountability and transparency. Local Authority structures are not consistent and if other public sector organisations are to be covered by the code it will be difficult to get a definition that works for all.

Employing a legal definition would be preferable to using the ‘function test’ but would not be preferable to a salary threshold. Again there is more room for interpretation when employing a legal definition than when applying a threshold and so once again transparency is compromised.

It is felt that the suggested threshold of £58,200 is too low. A fair proportion of a large authority’s workforce is likely to exceed this threshold and so publishing this data, including job descriptions, budgets, number of staff, and

responsibilities, represents an onerous burden on already stretched resources.

Proposals:

Salary bands – we feel that the right balance between transparency and personal privacy is to publish salaries within a £5,000 band. This will provide the public with enough information to interrogate an authority's salary spend whilst at the same time upholding individual privacy and data protection rights.

Higher salary threshold – if a salary threshold is the favoured option, then we feel that, in order to reduce the burden on local authorities, the threshold should be higher than the recommended £58,200. If the £58,200 threshold was adopted then RBKC would have to publish details of over 90 staff which represents a significant bureaucratic burden. A higher threshold is proposed – this could be the £100k figure proposed by Eric Pickles as the threshold above which there should be greater member input. The code will need to make clear whether what is required is just a list of those above the threshold or if the expectation is that the actual salary is included for each person on the list.

Further information - Local Authorities should be able to determine what information they publish on top of salaries and names and at what level this information becomes relevant. However, the expectation should be that this further information (budgets, responsibilities, job descriptions etc) should be published for the top two tiers of management plus the Chief Executive.

Performance related pay:

Should annual performance related pay payments be included? These are not guaranteed payments and therefore this information has not been published to date.

Data inventory

The code of recommended conduct requires that local authorities develop an inventory of the data they hold and ensure it is published. These inventories should be published to data.gov.uk. Is there an industry standard these inventories should adhere to? Would just a simple list be adequate? Could the council's website be considered an adequate data inventory (sitemaps list all the information that is available on a website)?

Kent County Council

1. Kent County Council strongly supports the government's aims to increase transparency and accountability in public services and welcomes the opportunity to comment on the draft Code. As an authority we are fully committed to the Transparency agenda and believe we should not and need not wait for any new legislation instructing us to do publish data. We are

looking at a wide range of ways to improve our transparency and play a central role in rebuilding faith in local government. Indeed, we have already begun to look into ways of making our information more accessible and meaningful to the public over the last few years – for example through our Pick n’ Mix innovation pilot that has published open data with the ability for mash-ups, and through the publication of salaries/allowances, expenses, JDs and videos for our Corporate Management Team and Cabinet Members to explain their roles to our residents more clearly.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

2. Kent County Council endorses the principles of the Code on the whole however we do have some concern about the lack of localism in this approach, and the recognition of the need for data to be meaningful. We feel what is vital in getting this right is giving local people the information they need in a way they want to receive it and which explains what things cost and their value rather than specifying technical datasets to use. That is why we are committed to not only publish invoices over £500, which provides little context about why the money was spent or whether it was good value, but also to explore the best ways of providing information in a way that truly informs our residents (such as through bubble diagrams), whilst recognising the need to create a system for doing this that does not create excessive cost burdens in a time of severe financial pressure for local authorities.

For an authority the size of Kent County Council, that has an annual revenue spending budget of around £2.350 billion, the publication of invoices over £500 amounts to some 12-15,000 items a month – and these must all be manually checked for data protection purposes. Specifications set out in the Code for the publication of data must leave room for proportionate and practical interpretation based on the scale of organisation in question.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

3. No. Local authorities may want to think about the best way of presenting this information so it is easily accessible to the public however there is room for discretion in how this is done depending on the particular circumstances of each authority and the make up of the VCS in the area.

Caution needs to be given to prescriptive definitions of specific datasets such as those suggested in section 9 of the Code regarding grants and payments to the voluntary sector. Whilst we are fully dedicated to making our information available to the public in a meaningful way, publication of this category will require a classification of suppliers that we don't currently have so can't pull directly from our systems at present. We are seeking new ways

of managing our data with consideration of this agenda so that it is easier to extract details required by the public however a balance must be given between opening up data we have so that it is freely available, and specifically creating new datasets which will have significant costs implications in the short term for the public purse, at a time of front-line cuts to services.

Does the proposed Code sufficiently support the publication and reuse of public data?

4. The Code sufficiently supports the publication of open data however we would like to see a stronger emphasis on the need to make this meaningful for the public and give context to data, particularly where there is a known interest (for example, senior officer salaries or foreign travel). An authority, we have begun by using our FOI reports to indicate areas of particular interest to the public as a priority for publication. We are also committed to developing an interactive website so that we do not only provide raw data (with an ambition to move to real time reporting wherever possible) but that residents and businesses can understand and interpret this data and better hold us to account for delivery of services and value for money.

Publication of senior officer salaries

5. The threshold suggested in the Code is an arbitrary one - local government does not use the civil service pay structures therefore this is an artificial ceiling without any real meaning for this context. A definition based on function or legal definition would be far more sensible and would also allow comparison across authorities e.g. the salary paid to a head of service in one county versus another would be able to inform the public over relative value for money/context.

We fully support the recommendation for the publication of all senior officer post titles and organisation charts. The taxpayer must have the right to scrutinise salaries paid for by the public purse and what these jobs entail. Caution should be given, however, to some of the issues associated with publication of personal information such as names for positions below the most upper tiers of management. We should not penalise dedicated and talented staff for working in local government over the private sector by infringing their personal privacy in a way that does not actually offer additional transparency to publishing posts and salaries. It implies a 'name and shame' culture rather than one where we value our staff in a time where we need their skills and commitment the most.

Furthermore, the same rules must apply on a consistent basis for all jobs paid for by the public purse across the civil service, health, education etc as for local government. For meaningful transparency of information, we must give the public access to data that allows them to compare salaries across the sector.

Additional comments regarding the publication of spending data

6. The code itself is at a generic level so that details of invoice and contract publication are not spelt out. We have commented on these in detail in previous consultations and will continue to do so.

Kirklees Council

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Yes, to some extent. With regards to publishing local authority expenditure, the key is the context that sits along side the data sets. Without a clear explanation of what each line means or stands for, it will just cause more confusion. However, as with most authorities, they have little or nothing to hide when it comes to expenditure; their time and resources should be spent on working with local communities to agree what are the relevant data sets are they would like to see as opposed to a blanket approach of publishing everything they have.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

While this consultation is about recommended code of practice, it is not very specific on what the minimum data set actually includes in local authorities' area of work. It says "policies, performance, audits and key indicators on the authority's fiscal and financial position". We would like further clarification on:

- what they the Government mean by performance – can we assume it is information as we choose to define it, in the spirit of localism etc?
- and whether performance includes the Single Data List, emphasising the burden and duplication list already creates (and its other weaknesses) if we have to submit the data to govt and also collate it to publish ourselves.
- The paper also makes the point about publishing quickly and as accurately as possible at first publication – as we know from experience with performance information those aren't always compatible. Annual (late) performance information can be accurate but in-year is different. With performance information we would have to make a choice sometimes between quick but estimated and slower but accurate
- The point about clarity of what the expectations are, and putting in place an expected way of working without the detail sorted, which

comes across particularly strongly in the LGA document on the Single Data List, is worth making her too. As is the reducing the burden point.

We would also like further information on what monitoring and/or sanctions there are and whether these in reality form part of a performance regime.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

Yes, to some extent but local authorities should be disciplined in what they produce and not just public every data set going. Also, any data set needs to be issued with guidance or a presentation to make its meaning more apparent.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

The only bodies missing are the PCTs. They should not be exempt especially when public health will soon be a local authority responsibility.

5. The Government preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief offices, as defined in the Local Government and Housing Act 1989?

We believe a function test would be more appropriate as the initial concerns raised by both councillors and officers were that the breadth and depth of such roles are fully expressed. Publishing the just the basic salary does not provide enough context and may mislead. We also believe the rules for local authorities should be no different to those that apply to all central government departments.

Knowsley Metropolitan Borough Council

Knowlsey Council (the Council) supports transparent government and already routinely makes available a wide variety of information on expenditure, senior officer salaries/responsibilities, policies, performance and decision making via our local Publication Scheme. The Council also responds positively and within

statutory time limits to requests made for information under the FOI Act 2000, or Environmental Information Regulations 2004.

It is in this context, that I would like to make a number of comments in response to the consultation on the 'Code of Recommended Practice for Local Authorities on the Publication of Data' (the Code).

Fundamentally, the Council believes that the introduction of the Code is unnecessary. In particular, the suggested introduction of the Code fails to recognise the existing requirements to publish information through the annual Statement of Accounts, the Publication Scheme issued under the FOIA, the EIR, or the latest requirements to publish information on expenditure, contracts and tenders over £5000 from January 2011.

Furthermore the introduction of an additional set of national guidelines in an area which is already well supported by regulation does nothing to promote the current Government's much vaunted localism agenda.

The Council believes that the Code is also anomalous with the Government's stated aim of reducing waste and protected front line services. Clearly, the introduction will place an additional burden on the Council to routinely collate and publish information which can already be obtained by other means, e.g. the regulations mentioned above. As a consequence, it will divert increasingly diminished resources away from providing services in order to collate, verify and publish the information. At a time when the Government has significantly reduced the funding available to the Council to provide services to the community, it is very difficult to see how this can be a legitimate national priority.

The council also strongly contests that there is any evidence from analysis of previous FOIA requests that there is any demand for the information from our residents. Indeed, since the Council acceded to the Government's demands for details of all expenditure over £500 to be published, only a few of our residents have accessed the information and no queries whatsoever have been received. The Government's assertion that there is an army of armchair auditors waiting for this information was completely unfounded.

The Council is also concerned that the Code (as it stands) means that the Government will be adopting a two-tier approach to the publication of salary details for senior public servants. The Code proposes that details would be published in the case of any Council Officer who earns more than £58,200 per annum, yet the Department for Communities and Local Government own approach is to publish information on Directors salaries (i.e. those earning over £79,999). Furthermore, the Department does not publish additional details such as job descriptions responsibilities or budgets, all of which can already be found in the Council's Publication Scheme. Any Code on senior officer remuneration must be consistent across all sectors of our public services.

In summary, Knowsley Council believes that the Code is wholly unnecessary and is another example of the Government making it more difficult for local authorities to protect and provide front line services.

Specific comments

Knowsley council believes that the suggested Code is wholly unnecessary. However, assuming the Government sees fit to introduce the Code, the following specific comments would improve the draft Code:-

Paragraph 9

- Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.

Commercial sensitivity and personally information will need to be protected and this will require vetting of this information prior to publication. This process may be resource intensive and therefore that value of separately itemising this information should be reconsidered.

- Senior salaries, names (with the option for individuals to refuse to consent for the name to be published), job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 per annum (irrespective of post), which is the Senior Civil Service minimum pay band.

This element of the Code is unnecessary. Knowsley council already publishes the salary details of its Chief Executive, Executive Directors and Statutory Officers via the annual Statement of Accounts and as set out in the local Publication Scheme. The Statement of Accounts also includes details of officers earning more than £50,000, albeit in a non personal way, i.e. it includes the number of officers falling within certain incremental salary bands starting with those earning over £50,000.

The proposal within the Code would mean publication of personal information for employees whose details are currently anonymised in the Statement of Accounts.

This requirement also seem at odds within the Department of Communities and Local Government's own approach as their website only includes information on "Directors' salaries" (i.e. those earning over £79,999 per annum) and does not provide job descriptions, responsibilities or budgets (as can already be found in the Council's local Publication Scheme).

Rather than setting a pay limit, it would be more appropriate to disclose information for 'persons who have responsibility and power to direct or control major activities', or those which are legally defined. In the Council's case this would continue to be the Executive Leadership Team and any Statutory Officers.

- An organisational chart of the staff structure of the local authority.

The Code does not clarify what level of detail needs to be provided in the organisational chart of the staff structure of the Council. This could be resource intensive to maintain and publish.

- Policies, performance, audits and key indicators on the Authority's fiscal and financial position.

Audit information could include confidential information which would be inappropriate for publication. This aspect therefore requires greater clarity and appropriate safeguards need to need to be put in place.

Paragraph 10

Not all Council information will be suitable for publication due to Data Protection Act requirements and Freedom of Information Act exemptions. This will require regular vetting of the information intended for inclusion on the inventory, which will again incur additional resource.

Paragraph 17

Again, it will potentially be resource intensive to publish information as quickly as possible after it is produced. It is recommended that information is published periodically and not necessarily "straight away".

The Department of Communities and Local Government needs to clarify how quickly organisational information needs to be published after the Code comes in to effect, as this is not clear in the current drafting.

Paragraph 18 and 19

If inaccurate information is published, there could be potentially be reputational damage to Knowsley Council

If information is inaccurate at the time of the publication, it will therefore (quite rightly) need to be changed.

It will be resource intensive to republish information and therefore Paragraph 18 and 19 should not be included in the Code as the priority should be for information to be accurate upon publication.

London Borough of Lambeth Council

1. Introduction

1.1 We welcome the code and its principles of transparency. Residents must be able to hold us to account and we have always been proactive in providing details of expenditure, committee meeting minutes and breakdown of senior staff salaries. Lambeth supports the public use of its data to highlight inefficiencies, and open new markets for local business, voluntary and community sectors and social enterprises.

2. Response

2.1 The definition of “public data” (Point 5).

The expenditure data required under the Code is generated, but not collected, in the course of public service delivery. The collection and collation of the data into the required format for publication; and the publication itself presents a significant cost to the authority in terms of officer time.

2.2 Demand-led (Point 8).

Lambeth is in favour of allowing the public and media to develop new methods of presentation but wary of the risk of alteration of the datasets; we would like assurance that appropriate controls are in place to prevent this.

2.3 Minimum datasets (Point 9).

“Expenditure over £500 (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.”

(2.3.1) “body acting in a business capacity” needs clarification. Does this include payments to for example other public bodies for services?

(2.3.2) The £500 threshold should refer to individual payments and not to total payments to each supplier. The latter would impose an excessive burden. Can this be clarified?

(2.3.3) “transaction information” cannot be provided at a supplier level, as a supplier could receive several payments, each relating to different transactions.

(2.3.4) If the level of detail published is to change, suppliers must be given fair warning so they can reconsider their decisions to supply based on commercial confidentiality considerations.

2.4 . “Fully open format” (Point 14)

Lambeth has achieved the first 3 of the 5 prescribed steps. The fourth and fifth steps cannot be achieved unless clear guidance and support is received on how to derive URIs from datasets which do not fit the format required by

CLG's ESD-Toolkit. Lambeth, in common with most English authorities, cannot provide the level of data required to fit the required format.

2.5 Format (Point 15)

Expenditure data is published in CSV and MS Excel formats. The information is not currently published in PDF as this format does not allow the manipulation of data, and is therefore not as transparent or useful to data users as MS Excel format.

2.6 Timely (Point 17)

Lambeth's expenditure data is published monthly, on the last Friday of the month following the reporting period. Any earlier than this would not allow sufficient time to gather the information, review the robustness of the data and convert into the required format for publication.

2.7 Exclusions and exemptions (Point 20)

Personal data should be excluded from publication based on classification of suppliers on our council's financial system. A large-scale data-cleansing exercise was undertaken in December 2010 to ensure we met January deadline, but Lambeth cannot guarantee compliance with DPA 1998.

3 Further general comments

3.1 In general we note that Lambeth makes available the majority of the datasets suggested, and is working through the five step journey to producing fully open data. This process is significantly more straightforward for some datasets than others, and this will necessarily affect our ability to provide truly open data for public re-use. It is currently the case that much of the geographic data held by local authorities is restricted from publication and further re-use by virtue of the fact that it is based on Ordnance Survey intellectual property. Lambeth is working with a number of other London boroughs and the Ordnance Survey to clarify the implications of this situation.

3.2 With regard to timeliness it will be necessary to consider any legal, regulatory or contractual implications. These may impact on what data can be published and when. Whilst accepting that public re-use of information will help to identify errors and discrepancies, it must be noted that publishing data quickly rather than ensuring that it is accurate may result in a significantly increased workload for the authority if many users report the same data issue.

3.3 We suggest that the proposal to publish 'grants and payments under contract to the voluntary community and social enterprise sector' be reconsidered. Many of these organisations provide support to our most vulnerable citizens and it may therefore be necessary to withhold information in this category.

4 Communications

4.1 The Freedom of information Act has already created a great amount of work for staff across the organisation. London Borough Lambeth receives around 40 FOI queries a week. Transparency and accountability are crucial but point 10 of the consultation requires an inventory of data which would grow according to public demand. This point needs clarity and boundaries as there is a danger that significant increases in staff time could be given up to compiling and placing this information online, which could detract from the core business of the council. Presumably, much of this data would be available via FOI requests in the first place.

4.2 Furthermore, while transparency is imperative information in isolation or out of context can be misleading and at worst distorted.

4.3 The emphasis on transparency appears to be about local people knowing more about expenditure and decisions. It would be useful to place greater emphasis on how information is made available that allows for constructive input. For instance having information about the successful delivery of services would give greater confidence to local people. The emphasis at the moment is too much on the negative and should focus on information that enables informed interaction with the authority either through budget consultation, policy development or a move towards greater responsibility in the community.

Leeds City Council

Q1 Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Council welcomes the Government's proposals around data transparency as it reflects our broader ambitions to have greater openness and transparency around our data and information. In this regard our answer to the first question is yes, but only to a point.

The proposed code covers a significant amount of information to be disclosed and the general public will rely on local web developers and the media to interpret the data into usable applications. Many of the raw data sets may also require some commentary or context for people to make sense of them. There is also an issue around consistency of language and what data sets should be called, in order to assist the public to find what they require. In this regard we have to question whether, without greater guidance and definition, local people will genuinely be in a truly informed position to hold the Council to account.

Q2 The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions

and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

The council takes the view that central government should not be over prescriptive about what is published and accept local flexibility to allow this agenda to develop and better reflect local circumstances. As a Council we have always taken a positive stance on the publication of data and information and can point to the many areas where we already make information available such as committee reports, members allowances, Freedom of Information responses etc. In this regard the Council welcomes the principle but asks that prescription in the Code is kept to a minimum.

Specifically, there is a concern about the resources required to provide and maintain a database for payments of £500 and over. This threshold means the Council is involved in over 10,000 transaction per month, and the work involved in manually inspecting information to be redacted should not be underestimated.

It is the Council's view that the publication of this information should be consistently applied across the public sector, but government should take account of organisational size and set different financial thresholds for different organisations. For example, if the threshold for Leeds City Council were set at £5000, we would still be required to publish up to 2000 invoices per month.

Therefore the Council feels strongly that the £500 threshold be re-appraised with the view to it being set at different levels dependent on the size or type of organisation. The Council's view is that for an organisation the size of Leeds City Council, this threshold should be set at £5000.

With regard to voluntary and community groups, there are some concerns that there may be a duplication of effort if this information is already published as part of the publishing of all expenditure in excess of the financial threshold (currently £500). In order to avoid duplication but assist the public in identifying voluntary sector bodies, a compromise would be to just add an indicator field to the published information and contracts data to enable voluntary sector organisations to be easily filtered. Again this would require a clear definition of what defines a voluntary organisation in this context.

Q3 Does the proposed Code sufficiently support the publication and reuse of public data?

The view of the council is that it does support publication and reuse of public data, but with a number of caveats. It accepts that the code supports the publication and reuse of data, but whether it is sufficient is a value judgement. The amount of information required to be published, along with issues around different formats and lack of standards may undermine the general principles of openness and transparency. As it stands this proposal will benefit journalists and data companies but not local people or communities as it requires specific skills to interpret and manipulate data. Council's already

publish a broad range of financial information and there may be some merit in bringing all this together in an open data site using open data formats rather than traditional formats such as PDF's.

One thing that isn't clear is how these proposals link to the Re-use of Public Sector Information Regulations 2005. If public sector bodies make information available otherwise than in response to requests under FOI/EIR, then they are entitled to decide whether or not to permit re-use for other purposes, and in addition they are permitted to charge for allowing re-use, as long as such a charge does not exceed the cost of collection, production, reproduction and dissemination of documents and "a reasonable return on investment" (see Regulation 15). In addition, if information is disclosed under FOI/EIR, it seems unlikely that the basic duty to disclose can be read as authorising the subsequent use of the information disclosed in breach of the intellectual property rights of third parties, or of the public authority concerned (see the decision of the Court of Appeal in *The Office of Communications v The Information Commissioner* [2009] EWCA Civ 90, in relation to third party intellectual property rights in information the subject of an EIR request). If the Draft Code is introduced as it stands, authorities will be faced by a conflict between the Code requirements for free commercial or other re-use on the one hand, and the EU based regime for the re-use of public sector information (and general copyright law) on the other, which permit charging.

Q4 Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

The Council's view is that there are a number of bodies missing and some clarity is required. It was felt that the terms 'city council', 'unitary authority' and 'metropolitan council' should be included. The issue of central government and associated departments was also raised.

The definitions in the draft code include local authorities of all sizes right down to parish councils and parish meetings. For these requirements to apply to parishes seems totally disproportionate and an even poorer use of their resources than it would be for larger authorities.

Q5 The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Local Authorities are represented by the Local Government Employers (LGE), which is a separate employer to the Civil Service. As such, senior officers are not paid in accordance with the Senior Civil Service pay bands. Each Local Authority has the autonomy to set their own pay and grading structure and therefore the annual salary of £58,200 has no relevance in the Local Government context.

Given this, we believe that the use of a financial threshold to determine which posts fall within the disclosure is flawed and will lead to different levels of disclosure across all Local Authorities, thereby providing an inconsistent set of information to members of the public. It is therefore felt that the Government should reconsider the use of a financial threshold.

Also, under the Accounts and Audit Regulations 2003 (as amended 2009), local authorities are already required to disclose information on their employees' remuneration in two sections. Full details are required for senior employees who have a role in the overall management of the authority or who occupy statutory posts, and whose annual salary is above £50,000. Those senior officers whose salary is above £150,000 are required to be named. The disclosure includes a breakdown of senior officer remuneration over the following categories:

- Salary & allowances;
- Employer's pension contribution;
- Bonuses;
- Expense allowances;
- Additional benefits (both cash and non cash)

It is the view of the Council that this information is already published and made available to the public and therefore there is no reason for further publication that will lead to duplication in effort and possible confusion for the public.

Q6 Any Other Comments

In providing a response to the consultation, stakeholders also provided a range of general comments in relation to the Code of Recommended Practice and these are set out below, in no particular order:

There is a view that the code should be clearer about expectations to publish such information on the website. Most Councils do not have the capacity to develop applications which use and interpret data. Therefore the emphasis and focus is on publishing such data in a usable way on an existing website. Leeds City Council is trying to make sure local developers, journalists and the public know where to find opendata, but guidance on this would be valuable to ensure consistency in practice across local authorities.

There is concern that if the Council is required to produce an organisation chart, there needs to be some clarity on the level of detail expected to produce this. As Leeds City Council is such a large organisation there is a

concern that the production of such a chart would be so complex that it would render it meaningless, particularly to the public.

In respect of audit information and indicators of the fiscal and financial position of the Council, this information is already published in the public domain and there is a view that the location of this information on the Council's website is probably easier for the public to find than placing it into an open data page as suggested by this consultation.

It is not clear what value there is to the public in publishing all contract information on the website, particularly compared to the cost of making this available. It is thought that a more practical and cost-effective way to provide such information to the public would be to publish a list of summary data for all contracts and offer to provide full documentation for specific contracts on request and subject to FOI requirements.

Leicester City Council

We believe the proposed Code is a step in the right direction for forming greater accountability within local authorities. Indeed, our new Information Management Strategy embraces the principle of publication and reuse of public data where not exempt from Data Protection and Freedom Of Information Act. The Code does raise some issues which we feel need to be addressed if its application is to prove successful. These are:

- Paragraph 9. Copies of contracts and tenders.

Is the principle to publish the actual contract or merely a spreadsheet summary? Obviously a copy suggests an image of the original document which for confidential and commercial exemptions under Sect 41 FOIA and Sect 43 FOIA would be heavily redacted and in a format that is unlikely to be reusable. More guidance is required on specifically what is expected as this seems to contradict both the principle of reuse and current legislation.

-Paragraph 9. Publication of Senior Salaries.

We agree that Senior salaries are published with the option for individuals to refuse consent for their name to be published in line with DPA.

- Paragraph 10. Local Authorities should develop an inventory of the data held and ensure it is published.

The development of data asset registers for central government is already framed in the Mandatory Minimum Measures included within Data Handling procedures in Government: Final Report. The applicability of that requirement within central government was severely watered down for local government when issued as a joint "guidelines" paper by LGS/SOCITM/SOLACE and whilst where possible elements have been acted upon there has been no mandate for action. Addressing the requirement would be better set within a wholesale local government Information Assurance initiative and not piece meal as in the proposed Code.

- Paragraph 17. Data will often be of most use in its raw format. In its raw format data is also most at risk of misinterpretation and misrepresentation. This requirement builds in a greater degree of risk to good governance and a likelihood of increased query and cost to the Local Authority in the administering FOIA requests. For example, we already receive a plethora of requests under FOIA which are an abuse of the legislation, such as sales requests or political activists. We feel more legislative guidance on publication schemes to compliment FOIA and the Code is required to ensure that the essence of FOIA isn't compromised.

Lichfield District Council

I tried to post the message below into the forum, but I had an IT issue which I suspect is a problem at our end. I'd be happy to share our figures for the hits on our spend data, but the levels of interest are very low and we suspect the majority of hits are from employees. I'd certainly like to press CLG to publish wider information on how others are doing and if they have seen demand for the spend data in particular what did they do to achieve such interest. Have you seen any benefit from the data published by CLG?

Given the prioritisation we all face it would be good to have some reassurance that prioritising work in this area will not detract from greater benefit through doing other things.

The consultation is nicely put together, but it is only a recommendation at the end of the day. As such the assumption must be that it could all be ignored.

Given the hard times we all face is there any convincing evidence that the actions suggested in the consultation will lead to benefits that offset the costs of complying with the recommendation? It would be useful to know what analysis has been undertaken to show positive benefits from the spend data already published. So far the analysis at my authority would suggest that interest as measured by hits on the website is almost negligible.

In principle we would all agree with making as much data as open and transparent as possible, but equally as resources are so tight, is there any evidence out there to suggest that this initiative is worth pressing forward with?

Has a cost benefit analysis been done? What levels of public interest will define 'success'?

London Borough of Bexley

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The London Borough of Bexley already publishes a large amount of the data outlined in the code on its website. Bexley believes that the code will create the conditions for local people to hold the local authorities to account.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Bexley believes that the details included in the code will be sufficient. However, Bexley also believes that there should be a minimum level should be set for publication of grants and contributions. We would suggest that the requirement to publish should apply to both voluntary and community organisations and businesses for contracts over £10,000 only. Contracts that are worth less than this amount would not be of such interest to the public and adding this additional burden to the data collection requirements in the Single Data list will increase the already considerable data burden placed on local authorities to collect and publish data.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

Yes – Bexley believes that the code does support the publication and reuse of public data. Bexley also believes that the Department for Communities and Local Government should be subject to the same requirements.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Bexley believes that all of the organisations included in paragraph 3 of the proposed code should be included. Bexley also believes that the Department for Communities and Local Government should be subject to the requirements of the code.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control

the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Bexley believes that £58,200 for the disclosure of senior salaries is set at too low a threshold. Although Bexley understands the need to be accountable to the public, we feel that only details of Chief Officers (i.e. Chief Executive and first tier) should be published.

London Borough of Camden

We welcome the opportunity to comment on the proposed code of practice on data transparency. We have responded to the specific questions in the consultation and have some general comments about providing supplier payment information.

Questions posed as part of the consultation process

Q Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

A Camden believes in the importance of publishing data and information about the council's performance and finances, and is launching a data observatory which will bring much of our information together in one place and will initially enable residents and other interested parties to view almost 200 datasets about the borough and the services and activities of the council and its partners.

The code implies that releasing raw quantitative data will drive greater public accountability. Our experience suggests that this raw data will only be of interest to a limited number of residents and rather than focusing on data alone, both qualitative and contextual information are important in helping the public to understand whether services are being delivered effectively.

Camden's experience is that the public requires qualitative and quantitative data to be interpreted and presented effectively for residents to be able to make judgements about value for money of services and the council's performance as a whole.

We feel that the draft code may be placing too much emphasis on opening the data up to commercial use at the expense of ensuring accountability to all members of the public, and local authorities can work collaboratively with developers to make data more accessible to all residents.

We believe that the method for providing accountability puts too much reliance on developers and the media to interpret the data (which will otherwise be in a form that most members of the public will find totally inaccessible). There is a risk that certain interest groups will have undue influence at the expense of those who are not in a position to exert influence in this way and are less able to access and interpret data.

Q The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

A We agree that local people should know how much funding is directed towards voluntary and community groups and we routinely include information about grants in reports going to Cabinet and Council, but we have not been able to identify any additional data sets that would increase transparency in this area.

Q Does the proposed Code sufficiently support the publication and reuse of public data?

A Yes, in general, the Code gives sufficient support and there are opportunities to gain support and guidance elsewhere to help meet the publication guidelines. It might prove helpful to provide some sort of guideline or timeline by which data should be published in a fully open and linked format.

Q Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

A Yes, the Code must be inclusive if it is to achieve its overall intentions although it is likely that for some organisations, parish councils for example, there will be a significant additional burden and cost involved as many do not publish this data at present.

Q The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory

chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

- A Given that the intention of publishing the data is to increase accountability and ensure salaries are consistent with level of responsibility, Camden believes that the 'function test' would be the best way of determining the scope for disclosure of senior salaries.

The proposal to publish the names of post holders gives cause for some concerns over confidentiality since, where a job is quite specific, it will be possible to deduce who the person is even if a name is not published.

The partiality of information on the names of post holders (since many may refuse permission for their names to be published) will lead to inconsistencies in data within and between public bodies that will reduce its overall value in providing accountability. It would be fairer (and significantly less burden) to drop this requirement.

The process of consulting staff will cause additional burden as will ensuring that all associated information regarding job descriptions etc. is kept up-to-date. For this reason Camden recommends that this information is only published once a year and represents a snapshot.

Supplier payment information

We welcome clarification as to the data content required for the local spending work. In particular we are pleased that certain fields are no longer being requested as this information is not easily obtainable and would have required manual intervention on our part.

However the provision of the VAT number along with the continued requirement for the supplier ID and transaction number is a matter for some concern. We are increasingly aware of ever more professional attempts by criminals to defraud money via councils' payment process. These attempts are often made via attempts to change bank account details or the provision of false invoices both of which become more believable, and in the right format, with access to the data requested. It is hard to see what additional benefits there are to the armchair auditors through the provision of this information, as any attempts to seek clarification can make use of other reference points such as supplier name, expense description and account. Certainly any benefits in terms of added clarity are more than offset by the increased risk of fraud which could be assisted by the full publication of all requested data fields.

One further consideration is whether or not there is benefit from knowing that information has been redacted on one of two grounds. Again since this is a judgemental and manual process our recommendation would be that

displaying "redacted" alone should be sufficient and would help to ease the increasing administrative burden of producing this information.

London Borough of Havering

The London Borough of Havering welcomes the opportunity to comment on the draft version of the code. Whilst we generally welcome measures that increase openness and transparency, and indeed locally we have made great strides in this already, we have raised some concerns in this response about achieving the intended outcomes of the Code, particularly the increased burden on local authorities in the work required to make public a large volume of datasets to make the data meaningful to the general public.

General comments

It is unclear from the consultation proposals whether the Government plans to enforce councils to publish their data. In the spirit of localism, we would welcome a non-statutory approach to this.

The code makes no mention of the Single Data List, a set of 463 pieces of data from the Government that it will require local government to collect on its behalf. We would like clarification if Central Government will be publishing this data once we have submitted it, and in what format.

The Code does not recognise the level of investment that will be required to form an inventory of all the data held by each Council, and to keep this up-to-date. The Code states that "Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published." (p.11).

Requiring local authorities to publish large amounts of data online, in a way that is easy for the public to understand and use, with the necessary contextual information, will be extremely resource intensive, particularly where additional investment in software is required. Data cleansing will almost certainly need to take place in order for datasets to be published, which given the scale of the government's proposals, could be a huge, and expensive, task.

Given the extent of these additional requirements, imposed at the same time as funding reductions, we feel is unrealistic, and indeed against the very ethos of localism, to impose these data collection and reporting requirements on local authorities. The Code, and all other Government policy relating to data transparency, needs to acknowledge that local authorities are facing challenging times in terms of resources and capacity which will impact on our ability to publish all our data sets so that they are of use to local people.

A list of all data that the Council holds is a huge amount of information and spreadsheets – further guidance is required about the level of detail that this

needs to go down to. There is no evidence to suggest that local people want access to the a very high level of detail, such as would be provided through the Single Data List, for example, or what value it will add. Perhaps the focus of the Code should not be that *everything* needs to be in the public domain, but that the most important data for public scrutiny and guiding improvement should be published – the core information relating to the running of the organisation, its performance against key priorities and the life outcomes of its residents.

Specific comments

We have no objections to the recommended minimum data sets that should be released as laid out in the bullet points (para. 9), to be displayed on a national data website. However, with the exception of the democratic data, these relate entirely to money. Whilst financial information is incredibly important to report publicly on, there is the risk that other, non-financial performance data will be overlooked, and that without other data, such as those demonstrating improvements in outcomes, financial performance indicators can be taken out of context.

We would like clarity about whether we would need to include data in our inventory that is already publicly available from source, or whether the Code is referring to only local data generated by the Council. For example, much of the public health data we use is already available, at local authority level, from the Department of Health's own websites. Making this available in a second place is not necessarily aiding transparency but merely duplicating effort.

When thinking about the requirement on children's and adults social care services in particular, we generally welcome improved publication of local accounts of performance as a replacement to the regulation undertaken by OFSTED and CQC. However, there needs to be clearer guidance about what the expectations on these services are and also how the public will be supported to understand the 'big picture'. There may be a role for HealthWatch in this, particularly regarding adult social care.

In paragraph 8 of the consultation, we feel further clarification of what 'they should understand what data they hold' actually means in practice. There are huge volumes of data in all local authorities, including an abundance of data that is service specific or to do with internal processes, used by managers for the running of their service. This typically may not be of any interest or use by the public or other agencies.

The Code does not specify how long data, once published, should remain in the public domain. As data sets and performance information are updated with new and latest versions, does the older data need to be archived for the reference of anyone who might wish to trace historical trends or data at a given time? Unless data is continually kept up to date, it is of little value, potentially creating confusion about what is the latest data or issues about storage of such vast quantities of information. Again, this will require a significant additional staffing resource to maintain.

In paragraph 8, there is a contradiction in the instruction that councils should not pre-determine the 'level of public demand', but should understand 'what data they hold, what their communities want...'. By understanding what communities want and releasing data accordingly, we feel we would be in effect pre-determining public demand. We feel that the meaning of this is unclear and open to interpretation and would suggest this is re-worded for clarity.

In paragraph 16, regarding controls “to reduce the risk of any payment fraud as a result of publishing data” we ask the extent to which redacting is acceptable¹. On a technical point, we ask is this subjective or will guidance be included in the final Code?

In paragraph 9, we ask the following questions:

- Does this include posts which are part time but pro rata would exceed £58,200?
- Will this include salaries enhanced by honorariums for 'acting up' when an unfilled vacancy persists, which would then exceed £58,200?
- Will the list of senior salaries include posts that are currently vacant?

We also ask for clarity around the reason for including people's names against senior salaries and ask what value this adds. We would prefer this requirement to be amended to job titles and salary only.

The current charging policy for dealing with FOI states that local authorities cannot charge if the work entailed is estimated to cost less than £450 (i.e. 18 hours @ £25). Against a backdrop of reduced resources and given the increased volume of FOI requests that the Data Transparency Code of Practice will undoubtedly bring, we feel that the number of hours and/or the £25 per hour charge should be reviewed. Perhaps a more realistic figure would be 8 hours (i.e. an average working day) would be more appropriate and fairer to councils.

We feel this is an associated concern when thinking about the Code for data transparency because publication of data will surely lead to further questions being asked by the public, particularly if data is published with no contextual information.

¹Redacting is form of editing in which multiple source texts are combined (redacted) and subjected to minor alteration to make them into a single piece of data, in an appropriate form for publication

London Borough of Hillingdon

1. Does the Proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

a) The Code needs to be clear about the need for compliance with the Competition Act. The requirement to publish certain data could result in the LA being non-compliant with the Act and compromise the competitiveness of providers which directly benefits our residents

b) Perverse incentive – the publication of data seeks to increase opportunities for the voluntary community sector and social enterprise to play a bigger role in society and local communities. There is a risk that larger private sector providers will use the published data to increase their share of the market at the expense of smaller providers by using published data to target markets which they are not currently working to meet.

2. Are there additional, existing data sets that should be specified to increase transparency in this area?

Please see point 4 about joint procurement arrangements.

3. Does the proposed Code support the publication & re-use of public data?

a) Yes.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

a) The Code would benefit from further information about the publication of data from other joint arrangements. E.g. there are a number of joint procurement and purchasing arrangements which LAs are part of and it is not clear whether these should be included ('Laser' for energy, ESPO – Eastern Shires Purchasing Organisations).

5. Publication of senior salaries – is the threshold of £58,200 workable to apply to disclosure of senior salaries in local government? Or would a function test (Audit and Account Regulations in 2009) be better (i.e. a role). Or a definition based on legal definitions - chief officers?

a) The suggested salary threshold in the draft code of practice of £58.2k represents the bottom of the senior civil service pay scales and does not directly relate to local authority pay scales. Pay scales in local government are variable (e.g. regional variations) and therefore it may be more useful and comparable from one local authority to another to use roles to determine which salary pay scales are used.

London Borough of Merton

Thank you for the opportunity for the authority to comment on the draft code.

The authority is in support of the principles that support the code and already publishes a large amount of the data that has been identified as required to be published in the code. For example, publication of expenses, member allowances, its decision making record and its spend over £500.

However, the authority is concerned about the impact of the draft code particularly on the following points:

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

The authority does not publish its contracts as a matter of course, but does respond upon individual requests. It is of note, that since the authority has been publishing its spend over £500, that there has only been one direct request for more information. In order to comply, the authority would need to invest in additional computing programming to support the existing software and there would be very significant officer resource involved in locating, scanning and redacting all the documents. For the size of the project and the number of officers entering into contracts on behalf of the authority, it is likely to involve a start up of officer resource in excess of 400 hours. This is the equivalent of 1 full time employee working all year on the project.

Each document would need to be reviewed to ensure that there it contains no commercially sensitive or personal data.

If the duty is to apply retrospectively, rather than just to new contracts, the officer resource would need to be diverted from elsewhere in the authority.

The authority considers the amount of officer resource involved to comply with this section of the code will be disproportionate and it will be more cost effective to respond to individual requests for contract details.

The authority suggests that the publication of draft contracts which already form part of the tender documentation would meet the public interest without causing excessive demand on resources.

Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. “Senior salaries” is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.

Rather than set the publication limit at a salary point, the authority suggests that a function or definition test would be fairer and more meaningful across

the sector. For a London Borough, proportionately there will be a much larger number of staff who have their salary and role details published, than say a smaller district. The authority agrees with the suggestion in the consultation material of setting the level at Chief Officer and deputy Chief Officer level.

Local authorities should develop an inventory of the data that they hold and ensure it is published.

The authority has already compiled an inventory of its paper records. This project took one officer on a full time basis nearly one year to complete and is in a format for internal use and not easily published. The authority holds very significant amounts of electronic data and a review with a view to publication of the inventory would involve a similar amount of resource. Whilst the authority acknowledges that such an inventory is ideal, in order to prepare this within a target timescale will not be able to be absorbed without additional resource or the diversion of resources from other service areas.

The authority takes the management of its information very seriously and has a robust publication scheme. It is committed to improving its transparency within its current resource envelope.

London Borough of Richmond upon Thames

1. General Principles

1.1 The London Borough of Richmond upon Thames supports the principle of openness. It has led in putting it into practice. The people who pay should be the people who have the say. To have a say they must be informed. Thus we welcome the Government's aim to place more power into people's hands by letting them see how their money is spent. The Council strongly supports the publishing of financial and other information in a way which enables local people to challenge how much is spent and for what purpose. Accordingly, following the election in May last year, the new Council was amongst the first in the country to publish details of items of spending over £500.

1.2 However, given the challenging financial climate, it is important to avoid unintentionally imposing administrative overheads without in any way diluting the commitment to greater transparency. The final Code should strike a balance between ensuring all Councils pursue the transparency agenda without creating unnecessary bureaucracy.

1.3 In line with the localism agenda we believe local authorities should have the freedom to respond to the drive to increase accountability to local residents in ways which best fit local circumstances and priorities.

We do recognise the danger that some Councils may seek to use such freedom to avoid having to publish, but 'naming and shaming' should encourage them to improve far more cheaply and swiftly than regulation, backed by legal enforcement.

2. Expenditure over £500

2.1 It is straightforward to publish the basic list of payments. We already do so. But, if transaction detail is required, every invoice will need to be checked to ensure no personal information appears. A redaction process would be time-consuming and costly. For example, we are currently publishing about 1,800 items per month.

2.2 We submit it would be preferable to publish higher level detail and then to provide additional transaction information as required. We aim to provide answers to any queries raised within two working days. So we are confident we could deal with this expeditiously, but staff effort would be directed where it was needed rather than having to spend time in the old-style tick box exercises favoured by the previous Government in checking each transaction detail to avoid inappropriate disclosure.

3. Voluntary Community and Social Enterprise Centre

3.1 Items over £500 paid to these organisations are already published. We need clarity as to whether this section refers to all payments and grants regardless of amount.

3.2 We also have no way of logging the status of an organisation automatically within our finance system so this requirement may impose a cost/administrative burden.

4. Senior Salaries

4.1 The Council is about to publish details of all salaries in excess of £58,200 as specified in the draft code. We support the recommendation in principle. We already publish the top 20 posts in the authority. Again, last May, the new administration took swift steps to extend the list which then included the Chief Executive and Directors only.

4.2 Our experience to date is that such interest as exists is in salary and overall job title. We wonder if *all* the additional detail requested would add to public understanding of an individual's role and responsibilities. We will accept direction on this point.

4.3 We require clarity as to whether the requirement to disclose would include salaries in maintained schools, which are funded in Council budgets and are frequently substantially in excess of the £58,200 limit.

5. Contracts and tenders

5.1 It is not entirely clear what is required under this section. The proposal says that we should release “copies of contracts and tenders”. This could imply Councils should publish all contract and tender documentation on line. Such a requirement would be very onerous and, on the basis of experience to date, we think of limited interest.

5.2 The resources to implement this, including redacting information from documents, which may be commercially confidential or potentially breach the Data Protection Act, would be considerable and could leave councils open to costly legal challenge.

5.3 We take this opportunity to comment that contract rules are already skewed against smaller contractors. Onerous compliance requirements could further limit the desire we, and other Councils have, to open contracts to smaller and local providers.

6. Inventory of data

6.1 We cannot comment meaningfully as it is not clear what this is intended to include. A list of every data set held by the authority could be an enormous undertaking.

7. Fraud

7.1 We note the comments in the draft code about the potential for fraud as a result of publishing data. This Council is opposed to the publication of any information which may increase the risk of fraud e.g. internal vendor reference numbers.

8. Conclusion

8.1 In conclusion, while we strongly support the aims of the code, we are concerned that, as currently drafted, it might promote otiose costs of the tick-box kind that we thought Ministers wanted to end. The Freedom of Information Act has shown well-intentioned legislation can lead to major unintended cost. Regulatory cost push, if not avoided, should focus on areas of greatest public risk and potential interest.

8.2 We therefore would prefer a system which enhances disclosure and public access, but where simple and easily available data sets are published and used as a gateway to further detail on request, rather than blanket publication of all available data sets and supporting detail with the administrative handling the latter would require.

8.3 On a broader note, we believe transparency and public accountability would be further enhanced if similar requirements were placed on all parts of the public sector.

London Borough of Sutton Council

Sutton has a strong commitment to transparency and involving residents in the decisions it makes. As one of the first Councils to release “over £500 spending” data, in August 2010, we support the government’s intention to make data available for use by residents. We are also one of the first councils to make real inroads in to the publication of data and would be very happy to work with the government as a pathfinder in this area of work.

We support the introduction of a recommended code of practice, detailing minimum expectations, leaving implementation arrangements to local authorities. This would be in keeping with the government’s commitment to decentralisation and a reduction in bureaucracy.

We also support the intention to provide access to data on salaries, councillor expenses, financial position, performance and any other data set that does not reveal personal or sensitive information. However, the timetable for releasing this information should be a decision for individual local authorities who are facing significant resource pressures in the light of reduced funding.

In response to the specific consultation questions:

Does the proposed Code and the Principles within it help create the conditions whereby local people will be able to hold local authorities to account?

The proposed code of practice will introduce some minimum standards and expectations for the release of basic public data sets. This will set a strong foundation from which to build, but is unlikely to create the conditions whereby local people will be able to hold local authorities to account.

In its raw format the data is only useful to a minority of residents who are accustomed to manipulating tables of information or can translate open data into applications and visualisations. Sutton-based open data developer Adrian Short describes a hierarchy of users on his blog www.adrianshort.co.uk :

1. **data experts** and computer scientists who can use semantic web technologies;
2. **software developers** who can use XML, JSON, etc.;
3. **power users** who can use CSV, spreadsheets, RSS, KML/Google Earth, perhaps Yahoo Pipes;
4. **general users** who can use a web browser;

5. **off line users** who need printed materials, ambient displays, public screens etc.

When considering how to create conditions where local people can hold authorities to account the government needs to bear in mind that the majority of the population will fall into groups 4 and 5 above. This means that interpretation, analysis and visualisation of data will be required so that they can effectively participate.

This is a role for local councils and their communities; the recommended code of practice does not need to set out how this should happen.

Increasing transparency of funding towards voluntary sector groups – are additional data sets required?

The code of practice does not need to make specific provisions for the publication of voluntary sector funding.

Any payments to voluntary and community groups over £500 can be identified through the publication of spending data. The majority of councils have been publishing this data since January 2011. Councils are already aware of the need to show how the voluntary sector is funded in their local areas and have been working under local Compact agreements to ensure transparency in funding arrangements. The £500 spending data gives a framework on which to build, the addition of information about what type of organisations are being paid will be a natural progression and is something Sutton is already working on. However we do not support the notion of a statutory requirement to publish such information which would create a false tension and conflict between local authorities and their local voluntary sectors and a difficult requirement to enforce,

The Government could further support the publication of information about the voluntary sector by requiring the Charity Commission to make its databases available in an open format. By re-using this information, alongside local spending data, residents will be able to gain a fuller understanding of the voluntary sector in their area. It would be a relatively simple task to combine charity commission and local spending data to show how the sector is funded. By focussing on encouraging the release of useful data from other bodies, rather than placing additional requirements on councils, you will achieve your aim.

Does the proposed Code sufficiently support the publication and reuse of public data?

Yes

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. Would a function test or a definition based on legal definitions be better?

A threshold, as described, is a very arbitrary measure and will completely ignore regional variations in salary.

It would be preferable to require all local authorities to publish information on the salaries of at least the top two tiers of management. This is a reasonable expectation and a number of councils are likely to publish significantly more than this "minimum requirement".

Luxulyan Parish Council

- Appears to be aimed mainly at Central and traditional local authority government set up.

- Central Govt
County Council
District council

Therefore does not reflect situation in Cornwall with Unitary County Council and then Parish/Town Council with nothing in between.

- Administrative burden for small Parish Council is going to be out of proportion to suggested benefits for local electors.
- Costs of providing systems i.e. separate website with regular updating and maintenance, to provide information on regular basis will increase financial burden on local electors. Many Parish Administrators are paid an hourly rate on work they undertake so extra work creates an extra cost.
- Principles as published refer to publishing information driven by what the public and business want to see and use. There is no proven demand for the type of information to be made available at Parish Council level. Since I have been Parish Clerk, 4 years, the Parish Council has not had one request to view financial records or any query on published accounts (or any requests under Freedom of Information or Data Protection legislation). Therefore it is highly questionable whether at Parish Council level that the extra cost of providing financial and other information proposed is the best use of Public money.
- Many people in rural communities are elderly with no access to internet so Parish Councils will have to publish information in traditional media,

newspapers or local magazines doubling time and money to ensure every elector has access to the same information.

- Data.gov.uk site as a source for all Councils to publish information is too cumbersome. I tried to find out what grants Central Govt will pay to Cornwall Council for 2011/12 and had no hits. What chance will an elector from Luxulyan have of finding out details of parish council finances.
- Suggest a de minimis limit so that Parish Council's with small populations and budgets are exempt from the proposed legislation. Suggest limit based on Council precept of below £25,000, or 750 households.

Maldon

- Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

We are committed to the principles, but think that it is probably too early to answer this. As stated in the code itself, as the public become more aware of the availability of information, the amount that authorities publish will increase.

- The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

The support given to voluntary and community groups is not always financial - other resources or "benefits in kind" are often provided, which may be difficult to quantify.

- The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

£58,200 threshold is appropriate.

Other queries or areas which we would like clarified regarding the minimum requirements:

- Re Councillor expenses - does this mean that full details of individual expenses claims should be published or simply the expenses that they are entitled to claim (e.g. mileage)?
- Re copies of contracts and tenders to businesses and voluntary sector - would only current contracts need to be made available or would details of past contracts have to be published (and if so how far back would we have to go)? Would it be possible to put a threshold on this so, for example, only details of contracts with a worth of say over £30,000 need to be published?
- Re audits - does this relate only to external audits or does it mean that internal audits also have to be made available?

Marden Parish Council

Cllrs have viewed the document on the above consultation and agree wholeheartedly with the content. Marden Parish Council does try to make everything available to members of the public by electronically, via our website, and hardcopy, through visit to the Parish Office.

Mayfield and Five Ashes Parish Council

With regard to the above consultation document I would comments as follows:

- Para 9 - we are able to meet all of these requirements with little additional work.
- Para 10-19 - we currently publish on line and have a data inventory, but would like further guidance on open section, para's 12-16.

The proposed code should help to create the conditions for people to hold parish councils to account. So far as a parish Council is concerned we hold and publish data on local community and voluntary groups. With regard to contracts over £500 - does this relate to a single contract or to a contractor who may carry out a number of smaller tasks which in total would exceed the £500 mark. The bodies covered in paragraph 3 of the code should be included. The accounts and audit regulation definition for salary disclosure is our preferred option.

Melton Borough Council

Key Points:

- List of items – why not insist that the standard is for each local authority website, rather than data.gov.uk publishing? No need then for an inventory to central govt, which means less bureaucracy.
- Inventory – is this by class of entity? For example, the inventory shows minutes and their website location, local authority by local authority, rather than list of every individual item? Full item lists will be enormous and time-consuming to set up and maintain.
- Published contracts will have to be compliant with commercial confidentiality requirements (Court of Appeal Veolia decision) and FOI/EIR exemption/exception.
- The transparency requirements will have resourcing implications – the concern is that this will increase bureaucratic burdens.

Meysey Hampton Parish Council.

We have issues that this is being set up as a "one size fits all".

Clearly smaller Parish Councils will have serious problems with costs, expertise, staff and facilities trying to comply with this. To comply it is inevitable that the precept will have to be raised.

It must be remembered that Councillors are volunteers and give their time for free. It is already getting difficult to find people willing to stand to be a Parish Councillor and increasing the work will make it harder.

Many Clerks also do the job for the good of the community and only take small salaries sometimes even working for free. A lot will be saying they did not sign up for this.

We believe this should not apply to small Councils, say those with fewer than 1000 on the electoral roll or a budget of less than £20,000.

Mid Sussex District Council

Please find below the response of Mid Sussex District Council to the Transparency Code Consultation. Mid Sussex District Council support the principles of greater transparency and were the second Council in the country to publish spending over £500, notwithstanding these concerns.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Yes, MSDC agree that this is the case.

Does the Proposed Code sufficiently support the publication and reuse of public data?

MSDC are concerned about the realities of implementing and monitoring this. How is it possible to monitor the reuse of data? (MSDC has always had concerns over the Public Sector re-use of Information, the main problem being how do we enforce it? As the Code is stating that we carry on as we are under the current PSI Regs, we are concerned that we will still encounter the same problems of being able to identify who is reusing our data if they do not tell us. We already have this on our website but get very few companies/individuals who actually tell us they will be reusing our data, either gained under FOI or from the current Transparency information we publish.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes, MSDC agree with this.

A preference for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities, rather than the other methods suggested in the consultation.

MSDC don't feel the need to comment on this as MSDC already publish salaries of £50,000 or above and are happy to change this if this amount becomes the agreed figure.

The time taken and amount of work involved by providing information in several formats.

This is an area where MSDC have concerns. We do not currently publish data in all the formats suggested and are concerned about the amount of officer time it will take to provide information in the variety of formats as suggested. This will lead to a significant amount of extra work in some areas and some data protection concerns will arise given the volume of information intended for publication.

These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.

Is the current publication scheme as currently used for FOIs sufficient for use as inventory? If not, this could lead to more time and work for officers in order to provide duplicate information.

Newcastle City Council

There are three points we wish to feed back.

1. Relating to point 9- we do not feel it is appropriate that names of all officers with a salary above £58,000 (or anyone who isn't listed as senior staff) should be published. Those individuals have a right to privacy under the Data Protection Act 1998.
2. In terms of publication of all contracts- the amount of work needed to redact commercially sensitive information is excessive and an unnecessary burden. The publication of the copies of contract would not assist in transparency due to the amount of redacted information, suppliers, value and duration of contract arte already published.
3. Point 16 refers to payment fraud. No information that could be used for such is allowed to be published under the Data Protection Act and the provinces of this transparency code. Therefore this seems to be an unnecessary, and possibly contradictory inclusion.

North Tyneside Council

North Tyneside Council is committed to providing relevant and useful information to its communities to support their understanding of the democratic processes of the Council and to help individuals engage with the Council. It already provides much of the data proposed in the Code via an online data store, and consequently support its general principles.

Our comments therefore relate to making the Code completely clear and ensuring it meets local needs.

General comments

The Code of Practice does not mention how long the data should be published for. After a relatively short period of time most of the published data could become obsolete or out of date for most uses/purposes.

The Code provides for exclusions and exemptions based on the Data Protection Act (DPA) and the Freedom of Information Act (FOIA). To comply with these and other legal obligations, the council tries to gain and maintain consent from individual members of staff for their personal data to be published in this way. This is a huge administration burden.

Simplifying and clarifying the legal obligations, such as removing the need for consent, would reduce this administrative burden. For example, if the Secretary of State made regulations under paragraph 3(2) of the Local Government, Planning and Land Act 1980 that would require public authorities to comply with the Code, that may simplify the legal issues involved.

Similarly having a recommended and structured process to ensure that exemptions were correctly applied would help to ensure that all public authorities published similar levels of data and it would reduce the local administrative burden. For example there could be a simple diagram or checklist for spend data, which clarifies when we should advise potential suppliers of our obligations under the Code, how exemptions might apply, timescales for publication and how to deal with complaints.

Expenditure over £500

We believe there needs to be greater clarity over how 'expenditure over £500' is defined. For example, is it the total amount on an individual invoice or the total amount paid to a supplier in a particular period? Does it take aggregated spend or batch payments into account?

Senior salaries

The Code states senior salaries including names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff should be published. 'Senior salaries' are defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.

According to the ONS 'Annual survey of hours and earnings resident analysis' the gross weekly earnings in 2010 for full-time workers residents in North Tyneside is £457.00 compared to £811.90 in Westminster. This makes the cut-off for publication 2.4 times local average salary in North Tyneside, but just 1.4 times local average salary in Westminster.

Rather than having a national threshold of £58,200 we propose it would be more relevant to have a threshold based on percentage above the local average wage. This would enable the public to compare their local authority's senior pay rates against local wage conditions. We would propose twice the local average wage as a cut-off easily understood by residents.

Northampton Borough Council

<p>Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to</p>	<ul style="list-style-type: none"> • In general, yes. • How do the Draft Public Data Principles, (shown detailed in Appendix F to this Management Board Report) as described on Cabinet Office and data.gov.uk, align with the Code? Does the new Code supersede the Draft Public Data Principles? If not will these also be statutory? • Local people will need to know that the data is available; the Code does not detail a need for proactive publicising only that the inventory be made available on www.data.gov.uk. However the Public Data Principles state, '<i>Public bodies should actively</i>
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<p>account?</p>	<p><i>encourage the re-use of their public data</i>'. Is it intended that local authorities promote the data and its use?</p> <ul style="list-style-type: none"> • The consultation states '<i>If people are to play a bigger role in society, they need to have the tools and information to enable them to do so.</i>' To what extent would LAs be required to provide tools to enable interpretation and understanding of the information? Or is open data the minimum tool required? • Local people may need assistance in interpreting and understanding the data in order to hold LAs to account. Would local authorities be required to actively engage with local people to assist their use of the data? The Draft Public Data Principles state, '<i>public bodies should provide information and support to enable it to be reused easily and effectively</i>'. This would be in a similar vein to the expectation within the Neighbourhood Plans element of the Localism Bill that assistance will be given to local people to develop plans. However the Code infers that it will be up to the '<i>the public, developers or the media to present it in new ways that makes its meaning more apparent</i>'. • Meta data must be published alongside open data i.e. version control, period of time covered, detail of data in scope and out of scope, when the decision was made (e.g. in publishing Councillor expenses provide a link to the minutes where the decision was taken on level of compensation), definitions (e.g. of column headings, explanation of key terms i.e. redaction), calculation methodologies e.g. food hygiene standards and contact details. The Code does not make this contextual information a requirement but perhaps it should to enable the data to be used more effectively. • To truly hold LAs to account, data would need to be compared and contrasted across authorities. The use of linked data, and therefore nationally defined Unique Resource Identifiers (URIs), would enable this. This is included in the Public Data Principles published on data.gov and within the Code. The principles advise that data is released quickly and then re-published in Linked format. Is it anticipated that this would be included in the revised Code in 18 months time? LAs would need to prepare for this in advance and begin embedding processes to ensure Linked data can be published as part of the process rather than after • Compliance with the Code will introduce additional resource burdens to all bodies affected; therefore any approach should consider the demand to resource it.
<p>The Government believes it is essential local people know how much funding is directed towards</p>	<ul style="list-style-type: none"> • Transparency would be supported by detail of what the voluntary / community / social enterprise sector provide for the funding they are given. For example, specific services they provide eg support, advice or in the case of commissioned services, publish the outcomes to be delivered and the achievement against them. • It may also be appropriate to publish Partnership Protocols /

<p>the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing datasets that should be specified to increase transparency in this area?</p>	<p>Commissioning Frameworks to state how these relationships are maintained, how performance is monitored etc.</p> <ul style="list-style-type: none"> • Detail of what work is undertaken in partnership with the voluntary sector but where funding is not necessarily given e.g. services for the homeless.
<p>Does the proposed Code sufficiently support the publication and reuse of public data?</p>	<ul style="list-style-type: none"> • The Code should outline the key roles and responsibilities of the Government Bodies involved in the Transparency agenda e.g. CLG, HM Treasury. • Where there are a number of sources of information available – which is the key/ primary governing body e.g. Transparency pages on Cabinet Office website, LG Transparency group or data.gov.uk? Already access to guidance differs on each site and where deadlines are noted on some sites they may not be noted on others e.g. the deadline for the publication of contracts and tenders. This is further complicated with the added influence of the media and online transparency initiatives, all providing opportunities for publication and access to guidance. As this Code is to be statutory it is essential LAs thoroughly understand what they are required to publish and by what deadlines. • The Code does not refer to timescales or resource factors. For example, timescales for publishing data on the LA inventory. • Significant expenditure is already published as part of Council meetings and open to scrutiny in public meetings / consultation – what added benefit is there to publishing separately without the decision making context? • To what level will the data inventory go e.g. generic high level data descriptions or detailed fields available? Undertaking this audit could be highly resource intensive, it is likely to be a continually evolving list. High level data descriptions would reduce the ability to effectively link datasets however the publication of them would be much timelier. • How will best practice be identified and shared, through data.gov.uk? Best practice should focus on the use of open data to increase local accountability not just on usability of software. The Code states '<i>LAs should respond to best practice as it develops</i>' - In what timescales are LAs expected to adopt best practice? • Is it intended that only the minimum datasets be enforced through the Code? Where datasets are requested what statutory obligation are we under to publish them?

	<ul style="list-style-type: none"> • In principle '<i>Demand led</i>' is a method of prioritisation however a strategy for publication would aid LAs in delivering linked datasets. It may be that certain datasets should be published as a priority due to the potential benefits to local people. • Where datasets are requested is there a timescale in which a response must be made? Should the request for data be published, with expected timescales, or where data will not be supplied, the reason for this given e.g. exclusions under the Data Protection Act or data is not '<i>generated in the course of public delivery</i>'? What basis is there to delay publication on resource grounds? • Would '<i>Demand led</i>' be via the national agenda e.g. via Government social media sites and / or via local requests for data? Would initial steps be to make all FOI requests public utilising sites such as www.whatdotheyknow.com and linking directly to a central publication page on Council websites? • To what extent should LAs undertake analysis of the data in order to aid interpretation and re-use by local people? Is the expectation that, where raw data is published, analysis will be undertaken by 'armchair auditors' or organisations and re-published? • Where local people are unable to undertake analysis, or are apathetic to, how will it be encouraged that they hold LAs to account? However, it is understood that it only takes one creative idea to deliver significant changes. • LAs will report data centrally through the single data set – who would be responsible for publishing this, LAs or Government departments? There is a danger of data becoming published multiple times by different groups / bodies. How will version control be co-ordinated? • Who defines the key fiscal/financial measures to be reported, are these to be agreed nationally (e.g. £500+ spend) or decided in-house?
Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?	<ul style="list-style-type: none"> • Would the Code be applied to external organisations who deliver services on behalf of LAs e.g. contracted services, trusts or commissioned services? As private companies or charities these organisations would already need to comply with publication standards e.g. annual reports and financial statements. • All Government agencies should also be covered within the Code as organisations that deliver outcomes for local people or with public money. • There will be significant resource implications on many of the organisations on the list. Parish Council's may for example be unable to resource data releases over and above the minimum requirements. This could reduce the ability to hold them to account effectively where limited context data is published to aid interpretation.
The Government's preference is for a threshold of	The Code states that the minimum that should be released is ' <i>Senior salaries, names (with the option for individuals to refuse to consent their name to be published) job descriptions, responsibilities, budgets</i>

<p>£58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?</p>	<p><i>and numbers of staff.'</i></p> <ul style="list-style-type: none"> • It is important that the option to refuse publication of names is retained within the final Code • The aim to '<i>ensure salaries are consistent with level of responsibility</i>' will only be met if there is a clear method of describing responsibility e.g. job descriptions or clear explanation of how salaries are set e.g. Hays. • A focus on the number of staff will miss those with responsibilities to deliver projects or programmes where staff may not be directly line managed. • Does the definition include part time staff whose pro-rata salaries fall below the threshold? • Would the definition cover temporary staff, those on fixed term contracts, agency workers or contractors? Contractors would be included in expenditure over £500 but may not be highlighted in senior salary datasets.
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Northamptonshire County Council

Point 8:

- We are wholly committed to completing an inventory of our datasets and reproducing it in a council datastore, but the right to certain pre-determinations needs to be retained by LAs in order to ensure accuracy of data and full assessment of data protection issues. It will be unrealistic to expect LAs to realise all data without consideration of its veracity and its impact.
- Release of misleading or incomplete data would, in our eyes, be worse than no data at all.

Point 9:

Senior officer salaries etc

- Detailing budget and staff responsibilities of senior staff is not an accurate measure of their role or their impact on their organisation. Senior officers in charge of community partnerships for instance will have relatively low figures in both fields, but an obvious and pivotal role in facilitating council interaction with VCS groups and therefore a very tangible and positive impact on local residents.
- If the £58,200 threshold is to remain the advised lowest limit for local government, it would be seen as a favourable signal of real commitment if central government resolved to adopt this agenda as rigorously as local government is being asked to in publishing senior salaries.
- The £58,200 threshold poses some interesting dilemmas in itself.
 - a) At NCC we have already done the work to discover which and how many of our staff earn £58,200 plus. Approximately 51% of those staff on our payroll that were returned as earning above the threshold are teachers, Heads or otherwise. At LA level we would benefit from a steer from either the DCLG or the DCLG in tandem with the DfE to know what issues the release of this data on teachers could incur. Aside from anything else, the process of consulting with what is a high number of teachers on the implications of this code will be a difficult exercise.
 - b) At NCC we already release details of 34 senior officers, including our Chief Fire Officer and Directors of our shared services entity LGSS. This is a comprehensive list which represents NCC's senior team as defined by NCC. 3 of those officers whose details have been published actually earn less than £58,200, but were included because we believe they play a significant role in our authority.

Copies of contracts and tenders

- NCC has been publishing copies of its tender documents for a number of years through a website that advertises public sector contract opportunities in our county.
- The release of contract documents is a more problematic issue
 - a) We have already received correspondence from major suppliers informing us that they could enact legal consequences should the details of their contracts with NCC be placed in the public domain. We as a local authority would feel much more comfortable if the law could catch up a little with this issue and give some guidance or reassurance on this issue.
 - b) We understand from correspondence that any direction to release contract documents will affect newly signed contracts only, and not encourage any form of backdating. A definitive steer on this would be helpful.
 - c) Even if the ask is just for newly signed contracts, amending contract templates to alter freedom of information clauses etc. and then preparing, what in some cases will be, massive physical contracts into a releasable form will be a hugely time-consuming exercise. This will be taken up not just through the physical collation, but through the education and culture change that will be required of the large and diverse range of contract managers present in our organisation of some 17,000 employees.

Northumberland County Council

Thank you for the opportunity to comment on the Code, the County Council's comments are as follows:

1. Northumberland County Council is committed to providing relevant and useful information to our communities, to support their understanding of the democratic processes of the Council and to help individuals engage with the Council and we already provide much of the data proposed in the Code, and consequently support its general principles.
2. The Council is aware that the Association of North East Councils is preparing a response on behalf of the 12 councils in the area and we endorse their views. We would also like to respond on our own behalf as detailed within this letter.
3. Producing lists of data may create conditions whereby local people can hold local authorities to account but the Council feels that it should have the freedom and flexibility to translate this data into information in a meaningful format so that people are more able to challenge.
4. With regard to the proposals in respect of publishing salaries of senior staff, the Council would prefer a requirement to publish salaries based

on definitions. For example head of paid service, statutory chief officers, deputies etc. similar to those as defined in the Local Government and Housing Act. The preferred alternative would be the requirement to publish salaries of those posts that were defined as 'senior managers' by the relevant organisation. The least favoured option would be to publish at a defined salary cut off level as this may bring Head Teachers and other school staff into the requirements as such salary levels are determined by individual schools, albeit they are employees of the County Council. Also, to publish the supporting data such as budgets and numbers of staff for a much wider number of employees will be unnecessarily onerous when Councils are trying to decrease the time and resource spent on back office functions.

5. Generally the Council feels that the requirement to publish salaries above a certain level, if applied to local government, should also apply equally to other parts of the public sector including the civil service and higher education.
6. The Council does not think it is necessary to publish names of staff, nor the number of employees senior managers are responsible for. Numbers of staff is a very fluid commodity which will require a disproportionate amount of time for input and maintenance. Individual names may be acceptable if they are the names of defined senior staff but it is unnecessary to publish all names of staff earning over a defined annual amount.
7. With regards to requiring the publication of the staffing structure, it would be helpful if this was intended to be the senior staffing structure rather than the detailed staffing structure of the whole Council. Detailed structures change regularly when budget cuts are implemented and/or structures are reviewed when individuals leave their employment.
8. The Council feels that detailing every single contract and tender may limit our ability to drive best value through our commercial activity. During procurement processes we always respect the commercial sensitivity of those organisations that choose to bid and doing this is based on sound principles of securing best value. There may be an unintended consequence of prices actually going up and not down if we publish the costs for all contracts.
9. The Code talks about publishing 'inventories' on Data.UK but does not define them. If it refers to classes of information i.e. minutes, reports or agendas that should not be a problem. If, however, lists of reports, minutes etc are required that is a different matter.
10. The code talks about a data journey where information will gradually be produced in different formats. Specific reference is made to spreadsheets and csv files but certain categories of information do not lend themselves to that format e.g. minutes, reports etc.
11. The publication of data as quickly as possible after it is produced requires further clarification. Currently we only hold data internally until this has been reviewed by the Executive and this can be 3 months after

the end of the appropriate quarter. The Council would be uncomfortable about publishing information as soon as it is available without the opportunity for it to be scrutinised internally.

12. One final point, when the Government determine the final rules and issue the statutory code of practice, it would be helpful if the Freedom of Information Act could be revised to reflect such arrangements. So, where information is published by a Council, it would be an acceptable response to an FOI request to simply refer the person making the request to the already published information even if it is not presented in a format that reflects the individual FOI request. Publishing information should eliminate the requirement to respond to FOI requests of the same or similar nature.

Nottingham City Council

Nottingham City Council recognises the need for transparency and accountability. There are three key issues raised by the draft Code:

1. Nottingham City Council has already taken steps to make data available to our citizens through the website e.g. the constitution, election results, committee minutes, decision-making processes and records of decisions. We have also made information about procurement for small contracts more easily accessible via an on-line portal [Source Nottinghamshire](#). We have a long standing commitment to ensure access to tendering and commissioning opportunities for the voluntary and community sector. In 2009/10 we let contracts and awarded grants worth an estimated £65.8m to voluntary sector organisations, and the 2010/11 figure is estimated to be £66.8m. We have developed a commissioning framework jointly with the voluntary sector. We are also taking measures to develop the market, for instance through publicising well in advance when contracts for services are coming to an end, so that small businesses, social enterprises and voluntary sector can develop their services and get geared up to tender for opportunities.
2. It is our view that a number of the proposals in the draft Code do not add to this in a meaningful way and present a cost to the taxpayer for financial gain by companies.
3. Furthermore they are not in the spirit of localism. It should be for local authorities to decide what data to publish and in what format, taking into account local needs and requirements. We also consider that the draft Code has an element of “double standards”: if the code applies to local authorities it should also apply equally to central government departments and other public bodies (including quangos), which are far less transparent to local people.

More details comments follow on the specific consultation questions (Appendix 1) and the proposed data requirements (Appendix 2).

Appendix 1

Nottingham City Council - specific comments on the questions posed in the consultation document

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Government is confusing transparency with “publishing data”. A lot of data is meaningless without contextual information.

This Council has consistently sought to improve the information provided to the citizens of Nottingham through improved communication and consultation. The overarching objective has been to increase the level of citizen involvement in the life of the city. Data transparency can contribute towards this objective providing that this data is accessible and meaningful. Given the volume of data that a large council will generate, if these requirements are not met, publication can be confusing and transparency is defeated. We are concerned that this will lead to a large quantity of confusing and less-than-useful data, rather than information, which could actually reduce transparency by producing data-overload i.e. the sheer volume of less-than-useful data could make it harder to find useful information.

There appears to be a strong movement away from judging performance based upon outcomes and back to scrutiny of inputs.

The data sets on expenditure over £500 published by other local authorities (and DCLG) do not in our view improve transparency or facilitate accountability because it is not possible for citizens to judge value for money, necessity of expenditure etc from the information given. Data quality of descriptions are not robust for meaningful analysis (generally ledger systems allow for 30 or so characters of description, which is insufficient to actually explain the context of expenditure). There is especially important as there is clear evidence from authorities where publication has been taking place for some time now, including some London Boroughs, that publication is generating a significant additional workload, with which local authorities facing large cuts in budgets and reductions in back-office staff will be ill-equipped to deal. The additional workload anticipated relates to two key areas:

- the need to redact personal data without which it would possible, for example, for names of looked after children to be published along with the costs of their care packages;
- additional enquiries relating to basic ledger data. Several authorities started this publication in mid-2010. There is evidence from these sources of a significant interest being generated and the receipt of a large number of enquiries. Experience has shown that as interested commercial organisations begin to use the data to consider their own opportunities, this ‘data-mining’ generates a large number of complex enquiries.

Activities such as the public inspection of accounts and the power to use Freedom of Information already provide for interrogation of the Council, crucially accompanied by context to make the information it meaningful. This consultation proposal does not.

Please see comments on the minimum required datasets at Appendix 2.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Nottingham City Council has been working with the voluntary sector to develop a commissioning framework and to open up opportunities to run commissioned services. We have published the commissioning framework (on the website), have run training for voluntary sector groups and will be developing a forward plan of commissioning opportunities to be published during 2011. We are also listening to what the voluntary and community sector say they need in order to be in a position to deliver more services; for instance, we are looking at what support small providers may need to be able to bid (i.e. developing the market). Voluntary sector groups have said that they would benefit from accessible information about needs so that they can proactively develop their offer to meet future needs and this is increasingly available e.g. the Joint Strategic Needs Assessment.

There were additional data in grant funded areas such as the Local Area Agreement, Working Neighbourhood Fund and Supporting People databases, however with the removal of these specific grants then these data sets (and a significant number of these associated services have been lost)

Does the proposed Code sufficiently support the publication and reuse of public data?

The proposed formats in which data are to be released presents no issue – we already publish data in either pdf or csv format on our website.

The licence appears robust and covers ourselves with a data is supplied ‘as is’ and not holding the City Council liable if it is used.

However, the critical issue remains that private companies should not automatically be able to use, for commercial gain, data prepared by the City Council and we do not believe that tax payers’ money should be spent on providing information for commercial purposes. We therefore strongly recommend that the Code should allow councils to exclude commercial gain from the terms of the licence.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

If it is going to apply to local government it should also apply equally to central government department and other public bodies (including quangos).

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Nottingham City Council already publishes in the [Statement of Accounts](#) salary details and job-titles of senior officers, as defined in the Regulations, earning above £50,000. Further, this also contains a breakdown of the number of employees whose remuneration was £50,000 or above (in bands of £5000). When jobs with the council are advertised, salary scales are published, and we have recently gone through the process of equalisation. This openness about pay compares very favourably to private sector practice.

It should be noted that only a tiny proportion of local authority staff are paid at this level. Out of Nottingham City Council's 12,000 employees, only 130 are paid at this level (93 schools and 37 non-schools) which represents just under 2% of schools staff and 0.5% of non-schools staff.

Other comments

As a point of principle Nottingham City Council expects that any requirements made of local authorities are adhered to equally by other public sector organisations including central Government departments.

Nottingham City Council comments on proposed data requirements

<u>Proposed requirement</u>	<u>Response</u>
Expenditure over £500	<p>Nottingham City Council has stated that this data will be published once there are regulations in place. The Council has consistently sought to improve the information provided to the citizens of Nottingham through improved communication and consultation. The overarching objective has been to increase the level of citizen involvement in the life of the city. Data transparency can contribute towards this objective providing that this data is accessible and meaningful. Given the volume of data that a large council will generate, if these requirements are not met, publication can be confusing and transparency is defeated.</p> <p>The requirement to publish data on items of expenditure above £500 will not yield much useful information because of the limitations of</p>

	<p>ledger systems. Ultimately financial ledger systems were not generated with the intention of making transaction level data useful to an external individual.</p> <p>The data sets published by other local authorities (and DCLG) do not in reality improve transparency or facilitate accountability because it is not possible for citizens to judge value for money, necessity of expenditure etc from the information given. There is especially important as there is clear evidence from some of the London Boroughs, where publication has been taking place for some time now, that publication is generating a significant additional workload. We estimate that the indirect costs of publishing basic ledger data could be £100,000 a year. The additional workload anticipated relates to two key areas:</p> <ul style="list-style-type: none"> • the need to redact personal data without which it would possible, for example, for children looked after to have their names published along with the costs of their care packages • additional enquiries relating to basic ledger data. There is evidence from other local authorities of a significant interest being generated and the receipt of a large number of enquiries. Experience has show that as interested commercial organisations begin to use the data to consider their own opportunities, this 'data-mining' generates a large number of complex enquiries.
Grants and payments under contract to voluntary community and social enterprise sector should be clear itemised and listed	<p>We assume this is a subset of the requirement to publish items over £500. 2009/10 and (estimated) 2010/11 data was already published in October 2010 as an Executive Board Commissioning Sub-Committee report.</p>
Senior salaries and names, job descriptions, responsibilities, budgets and numbers of staff	<p>Nottingham City Council already publishes in the Statement of Accounts:</p> <ul style="list-style-type: none"> • The number of senior employees whose remuneration was £50,000 or more, in bands of £5,000. • Full disclosure (job title, name and remuneration) for senior officers whose annual remuneration is £150,000 or more. • Reduced disclosure (job title and remuneration) for senior officers whose annual remuneration is less than £150,000 but equal to or more than £50,000 and who report directly to the Chief Executive <p>It should be noted that only a tiny proportion of local authority staff are paid at this level. Out of Nottingham City Council's 12,000 employees, only 130 staff affected (93 schools and 37 non-schools) which just under 2% schools staff and 0.5% of non-schools staff. We feel that it is important that individuals have the right not to be named. In some cases there may be potential personal safety issues.</p> <p>Of the methodologies suggested, the function test is weakest as it is most open to interpretation. A set salary would give a specific limit for</p>

	<p>all and would be administratively the simplest option. A legal definition (such as head of paid staff, chief officers and deputy chief-officers) would allow easier comparison across all Councils (if in some certain roles are below the threshold and other above). We currently use the legal definition of “senior officer” for publishing salaries in the Statement of Accounts.</p> <p>If this requirement is to apply to local government it should also apply equally throughout the public sector.</p>
Organisation chart of the staff structure of the local authority	We have no issue with this proposal.
Councillor allowances and expenses	The City Council’s already publishes monthly on our website details of member allowances and expenses (example). The annual Statement of Accounts contains aggregate allowance data and we publish individual Councillor allowances annually in the Nottingham Post (local newspaper) – this is legal requirement. The Allowances Scheme is also available on-line as part of the Council’s constitution.
Copies of contracts and tenders to businesses, the voluntary sector and social enterprise sector	<p><u>Contracts</u></p> <p>The main issue here is what is meant by contracts: actual contracts or a summary of key information about contracts.</p> <p>Actual contracts are likely to contain commercially sensitive information and have confidentiality clauses within most if not all. Some e.g. care contracts may also contain personal information about vulnerable individuals. Sensitive or confidential information would therefore need to be redacted which would take significant staff resources. We would question whether publishing copies of all contracts would be helpful to someone seeking the information.</p> <p><u>Tenders</u></p> <p>All contracts over EU limits have tenders and contract awards published on the European Journal website.</p> <p>We have a Nottinghamshire portal for smaller tenders (greater than £14,000): Source Nottinghamshire which consolidates all notifications for tender and contract awards.</p>
Policies, performance, audits and key indicators on the authorities’ fiscal and financial position	<p>Key strategies such as the Medium Term Financial Strategy, Medium Term Financial Plan and Treasury Management Strategy, the Full Accounts, capital and revenue budget and monitoring reports and performance reports are all already publicly available as they are approved by Full Council or Executive Board (Cabinet).</p> <p>Summary audit reports are presented to Audit Committee as part of the quarterly internal audit quarterly reports (example)</p> <p>With the abolition of the Audit Commission, it will be for councils to appoint their own auditor and publish the findings. We are not opposed to publication of audits/inspections; however we believe there should be a distinction between audits requested by councils to help</p>

	them improve their management processes and those that are required. It may otherwise act as a disincentive to voluntary self improvement for all audits to be published.
Data of democratic running of the local authority including the constitution, election results, committee minutes, decision-making processes and records of decisions.	<p>All are already available on the City Council's website: Constitution Election results Committee Online</p> <p>We publish decisions of approvals of expenditure/savings by Portfolio Holders above £50,000 and Key Decisions of Executive Board (Key decisions relate to expenditure/savings of £0.5m revenue over one year / £1m capital, or which are significant in terms of its effects on communities living or working in an area comprising two or more wards in the City). Decisions of approvals of expenditure by Ward Members through the Area Committees are also published.</p> <p>We are planning to reduce the limit for Portfolio Holder decision to £25,000 and are also taking steps to publish details of actual expenditure of £25,000 or above, in line with central Government.</p>
Develop an inventory of this information, and register it on data.gov.uk	This appears sensible.
Information must be published in a format and licence that allows re-use including commercial and research activities	Private companies should not automatically be able to use data prepared by the City Council at tax payers for commercial gain: the Code should therefore allow councils to exclude commercial gain from the terms of the licence.
Local authorities must comply with DPA 1998 and 100A(2) LGA 1972	It will be a significant challenge to take out all personal data from extracts and publish within short timescales expected by Central Government.
Anti-fraud measures	We support the measures to guard against fraud and already operate most of the measures suggested.

Nottinghamshire County Council

The County Council welcomes your proposals for a new statutory code of recommended practice (**Code**) which promotes transparency and openness in local government. The Code will provide members of the community the opportunity to scrutinise how money is being spent by local authorities; this should encourage greater public interest in the County Council's decision making processes which is good for democracy and accountability.

The County Council already embraces the spirit of openness and transparency and publishes a wealth of information on its website. The County Council publishes senior officers' details including their pay and allowances as well as those of Members, in addition to expenditure data on

contracts and tenders over £500.

We are broadly positive about the proposals contained in the proposed Code.

There is however one area of concern which we feel we should bring to your attention; this concerns the proposal in paragraph 9 of the Code in relation to the publication of copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.

We have already dealt with a number of requests for information concerning contract and tender documentation including requests for copies of bidders' tender proposals and final contract awards. These requests have been received from individuals, interest groups and undertakings which often turn out to be competitors and unsuccessful bidders. There will often be know-how, confidential and commercially sensitive pricing information contained within the bidders' tender documents and the awarded contracts.

Dealing with the requests can often be time consuming as it involves sifting through a wealth of information and consulting the bidders or successful contractor to determine the scope of the information that may be released.

The process of consultation cannot be circumvented because the risks of releasing an undertaking's confidential and commercially sensitive information could lead to legal action being taken against the relevant local authority.

We have had first hand experience of the difficulties that can be caused when releasing this type of information. In the *Veolia* case, the appellant waste management company appealed against a decision requiring the County Council, under the Audit Commission Act 1998, to allow public access to information relating to a waste PFI contract. Veolia had a contract with the County Council for waste management. Veolia had asked the County Council not to disclose the documents on the ground of commercial confidentiality and brought proceedings to compel the County Council not to disclose them. The County Council could have been potentially liable for substantial damages had it disclosed the information deemed to be commercially confidential.

In the case of every contract or tender to be disclosed, local authorities will need to identify the confidential commercial information and determine whether the overriding principle of protection of confidential information outweighs the public interest factors of transparency and freedom of information. An authority must get this determination right otherwise it could potentially face legal challenge.

Most of the information which may be of the greatest public interest will probably often consist of the information deemed commercially confidential.

Undertakings will be very reluctant to agree to the release of such information as they will be understandably concerned that it could be used to their competitors' advantage. Disclosure of such information by a local authority could prejudice an undertaking's commercial interests and breach confidentiality.

The sensitivity of information may diminish over time but this will require a re-

examination of the contracts and tenders at regular periods to establish whether they are still commercially sensitive. This may involve further rounds of consultation.

Whilst we welcome the proposed Code we feel that the proposal to release copies of contracts and tenders will potentially be time consuming and costly for local authorities to implement and could lead to legal action being taken against a local authority should they inadvertently release commercially sensitive information or breach confidentiality. We feel that this aspect of the proposed Code deserves further consideration.

Nynehead Parish Council

We have a concern about the proposed requirements to publish information especially on items of expenditure over £500 (excluding salaries).

For a small council such as ours (five members serving a population of less than 400 and with a part-time clerk) it is essential that any arrangements to publish information should be simple and cost-effective. In our case all transactions, as it happens very rarely over £500, are recorded in the minutes of our monthly meetings which are available at council meetings and displayed on village notice boards and on the village website. We would regard this as an appropriate and proportionate way of meeting this requirement in a rural community.

Oldham Council

1. Does the proposed code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Oldham Council would generally agree with the principles outlined in the briefing paper. But feel further clarification is needed within the code for the following four areas;

- It should also be made clear what is meant by 'held to account'?
- Will it be the responsibility of each local authority to manage their own approach?
- Do the public think it is valuable?
- What is the rationale to publish just senior salaries above £58,200?

One of the main concerns regarding Data Transparency for Oldham Council is, what would the cost implications of this be to local authorities? Consideration would need to be paid to time constraints and capacity issues, where all the data would come from and if this was an achievable task in the current climate of capacity reduction. Implementation of the code may potentially require new web systems.

The Council supports the proposals to release data in ways that allows the public to reuse it but feels uncertain as to whether a raw data list is really going to empower local people to become involved. Surely it would make more sense to ensure the public have access to performance reports and financial data in a format that make its meaning apparent. (A lot of financial information is difficult to understand and interpret in a raw format for professionals so runs the risk of at least confusing and at most misleading the public)

Only data that is useful should be published e.g. with reference to transaction information, what does this include, for what purpose would it be published and is it of use and will it enable accurate interpretation?

The spending limit of £500 risks unnecessary scrutiny on irrelevant areas, which leads to inappropriate, vexatious and at times trivial requests for information which takes the focus off the big issues and priorities.

It is not just about finance, but efficiency and what the public are getting for their money, Oldham Council is committed to ensuring that the public have access to our budget decisions, our efficiency information, write offs and virements. A clear link with performance and satisfaction is vital and there could possibly be an opportunity for a 2-way reporting process, i.e. give people the opportunity to feed back and guide priorities.

We would ask that there be a clear understanding as to what is meant by the statement 'copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector' is published.

Oldham Council makes use of The Chest when seeking invitations to tender which ensures public accessibility. This has been noted as best practice and ensures a proactive approach to the tendering process, ensuring a fair and thorough approach. Contracts are publicised on the North West Improvement and Efficiency Partnership website.

Publishing copies of tenders could potentially jeopardise business interests (due to commercial sensitivity businesses may not want this info published so there is the risk of losing contracts)

2. The government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

The Council is committed to supporting and working closely with our voluntary and community sector. The Council has done all it can to minimise funding cuts to the sector and would want to do all it can to ease any required transition of services to the sector. We already work closely with the voluntary and community sector in a number of areas, including development of our

local information system. We will seek the sectors views on whether or not there are other datasets that might be of use to them. We are committed to working with our voluntary and community sector to develop the tools and information that may be of use to them.

Forthcoming requirements to publish equalities data could be of particular use to the voluntary and community sector. We are currently working towards this.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

There needs to be an agreed format of publication across all organisations. As well as, clear definitions of what is to be included and in how much detail. If different authorities report slightly differently, the data would be meaningless in comparison. For example, an authority may declare an invoice of £600, but another not declares 2 invoices of £300. The data would be more useful if it was interpreted and disseminated in an easy to read format, e.g. GIS mapping. Also, usual and unusual financial data should be separated to prevent misinterpretation of usual spend.

In relation to timeliness, the speed with which we are expected to release data is likely to increase pressure and raise capacity issues.

Data quality should also be paramount. If errors are found data should not be released before they are corrected. Publishing incorrect information and rectifying mistakes at a later date could lead to problems e.g. damaging supplier's interests, reducing customers trust in our data, if people are using data with inaccuracies there could be serious consequences such as liability action.

4. Do you believe all the bodies covered in paragraph 3 of the proposed code should be included?

Oldham agrees the bodies covered in paragraph 3 should be included but also the NHS (and related health bodies), possibly our Arms Length Organisations, both cooperatives and those with charity status could also be included.

Inclusion of the proposed bodies gives an opportunity to involve private organisations to show performance, for example where we have funded a business, show how many employment opportunities have been created, or show increases in house prices in an area following investment in regeneration activity.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has

responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

There are general concerns over the disclosure of the thought that a specific person's salary as opposed to a salary connected to a post needs to be shared. Naming a person could lead to harassment and questions of a perceived worth of an individual as opposed to a specific post.

Local Authorities are in a position where they are responsible for the budgets for certain posts that are set by other governing bodies e.g. teachers, how would this be highlighted? Is the starting figure of £58,200 based on basic salary or would calculations need to be made where gross salary due to overtime, allowances etc took a person over the threshold?

Oundle Town Council

Oundle Town Council has considered the consultation issued on Data Transparency and would state that whilst we understand the recommendations, we have concerns that the format for publishing data will cause additional costs and time burdens on the administrative staff. All of this information is currently available from our website and offices and is made available as per the Freedom of Information Act. These additional steps are therefore felt to be unnecessarily burdensome for a local town council.

Oxford City Council

1. The proposed Code seeks to give the status of statutory guidance to the non-statutory request of the Secretary of State to Councils to publish expenditure over £500. The proposed Code goes further and opines on matters which are existing statutory obligations (Freedom of Information, Environmental Information Regulations, Access to Information rules under the Local Government Act and Account and Audit Regulations). That is unnecessary duplication. The Code would be better directed to doing one thing well. That is, placing on a statutory footing guidance relating to the publication of data or expenditure.
2. Paragraphs 4 and 5 of the Code seek to define the scope of the guidance. A definition of 'public data' is set out at paragraph 5 which is absent from the list of definitions in paragraph 3. Conversely, the defined expression 'Local Authority' is not used in Paragraph 4 but rather the undefined expression 'Public Bodies'. Paragraph 6 is unnecessary. It simply recites an existing obligation.

Paragraphs 4, 5 and 6 should be deleted. The 'scope' of the Code is dealt with by paragraph 1 which is headed 'Introduction and Application'.

3. Paragraph 7 introduces a set of 'principles' which are then expressed as single words ('open', 'timely', 'demand-led') in the remaining body of the code. That is a poor attempt at defining principles.
4. The second sentence of paragraph 8 instructs Local Authorities not to pre-determine the value of their data but to establish what their communities want, and then to release it, not in accordance with the wishes of the community, but rather in a way which allows others to "present it in new ways that make its meaning more apparent". That tortuous route will then "create demand for data".
5. The principle of 'demand led' is a poor one. The obligation under the Freedom of Information Act is to release data which exists, not to create new data. There is a distinction to be drawn between being pro-active in publishing data and the creation of demand for data where no such demand exists. The Authority has no issue with the former but objects to the latter on the basis that it will inevitably direct resources away from simple service provision.
1. The use of the word 'datasets' in paragraph 9 is jargon. 'Information' is adequate. Taking each category of information in turn-
 - Expenditure over £500 – the Authority has no objection to publishing this information but has not historically done so because the information, by itself and not contextualised, is of limited comparable value. Local Authorities should be trusted to disclose meaningful information to the public not directed to disclose raw meaningless data.
 - Grants – this information is routinely published.
 - Senior salaries – this is a topic which is inapt to be dealt with in this Code of Practice as there are existing statutory obligations on senior pay disclosure within the Audit and Account Regulations. If the Government wish to enforce the disclosure of the names of Officers earning above £58,200 then it should provide Local Authorities the statutory excuse to do so. There can be no justification for providing a three tier approach to pay disclosure (those caught by the Audit and Account Regulations, those caught by this proposed guidance and those caught by neither). If the Government is not prepared to legislate for wider disclosure of personal information then it should not deal with the issue through a Code of Practice.
 - Organisational chart – this information is routinely published.
 - Counsellor allowances and expenses – this is an existing statutory obligation and need not be repeated here.

- Copies of contracts and tenders – most Authorities already publish a Contracts Register. The key information to stimulate private sector interest relates to the term, subject and value of the contract, not the whole terms of the contract. The guidance should also refer to ‘invitations to tender’, not simply ‘tenders’. The former are routinely published, the latter are usually confidential.
- Policies, performance indicators, etc – this information is routinely published
- Democratic information – this is an existing statutory obligation and need not be repeated here.

Oxfordshire County Council

Oxfordshire County Council welcomes the opportunity to respond to CLG on this consultation and would like to offer comments as follows:

We agree with the need for greater transparency for all public bodies and we already comply with most of the requirements set out in the draft code. However, there is a contradiction between the Government’s decentralisation agenda and the imposition of further requirements, with the resulting bureaucracy. The recently announced review of statutory duties is potentially a huge step towards decreasing the burdens on Local Government and we look forward to submitting our comments. As suggested in that review, it should be for local authorities to determine what constitutes vital information, rather than be forced to comply with additional codes and legislation. Some of the detailed requirements in the code will not add to the transparency of the organisation and we object to their introduction.

Further, we believe that the requirements should also apply to central Government Departments and non-departmental bodies, as these institutions also have a responsibility to be transparent to the public in their actions. In response to the list of proposed datasets within the Code that should be released, we make the following comments:

Publication of expenditure over £500

We already conform to the requirement to publish all expenditure over £500 – this information is available in the required format on the County Council’s website.

Grants and payments under contract to the voluntary, community and social enterprise sector; copies of contracts and tenders to businesses and to the voluntary, community and social enterprise sector.

Payments and grants to the voluntary, community and social enterprise sector would be covered by the contract rules. We would have no objection to

publishing details of these grants as the information is not commercially sensitive, and has already been made available via a number of FOIs. However there is potential for this requirement to produce additional work for staff.

In terms of information pertaining to contracts and tenders to businesses, however, we suggest that preserving commercial sensitivity is essential in order for the local authority to obtain the best possible price in relation to contracts.

Senior salaries

The Localism Bill already sets out a number of statutory provisions in relation to senior pay and accountability.

The Council's Statement of Accounts, which is published on our public website, already includes details of the remuneration for senior staff, including the enhanced disclosure of remuneration to senior staff as defined in the Accounts and Audit (Amendment No.2) Regulations 2009, to include all sums paid to or receivable by an employee including expense allowances chargeable to tax and non taxable termination payments including enhancement, redundancy and pay in lieu of notice. This is over and above what is proposed under this code.

The opt out provision in relation to the naming of individuals could lead to inconsistent practice amongst local authorities, and even indeed within a local authority as to who wishes to opt in or opt out of that provision. Part compliance would reduce the ability of anybody to undertake a transparent analysis. In the circumstances it is recommended that there be a general requirement to have a generic summary of the main duties and responsibilities of senior staff.

Organisation Chart

Details and organisation charts of the council's directorates and services are already available on the public website, along with contact details for each area.

Councillor allowances and expenses

The council already publishes full details of payments made to councillors in respect of allowances and expenses on a monthly basis and this information is available on the website.

Policies, performance, audits and key indicators on the authorities' fiscal position

The council already publishes on its website details of key policies and strategies that sit beneath its Corporate Plan, and we also make available information on performance. External audits undertaken are also made publicly available.

In terms of internal audit reports, these usually identify weaknesses within the organisation including financial systems and areas of fraud. It would be of concern if that information were made public as this could be exploited, and be a disincentive for an organisation to undertake critical analysis of its systems. As a matter of public interest there should be open and frank discussion and investigation of these matters on a confidential basis. With the publication of large amounts of data, there is a risk, identified by Internal Audit, for a greater chance of fraud and it is suggested that internal audit reports should not be publicly available, although clearly a summary of the audit activity that is undertaken is published as part of the Chief Internal Auditor's annual report.

Data on the democratic running of the local authority

The council publishes full details of information pertaining to the democratic process including papers for Council, Cabinet and Scrutiny meetings, the constitution and election details. These are available online or for inspection as paper copies at council offices. This is in addition to the public's admittance to meetings of Council, Cabinet and Scrutiny.

General Comments:

Data transparency is something that we, in common with most local authorities, would agree with and endorse. However, there is an inevitable increase in workload as a result of numerous requests for clarification and interpretation of data that is made publicly available. In a time of diminishing resources those further queries are difficult to respond to. Many of the queries are from the Press and while we accept their right to hold us to account some enquiries do not obviously serve any useful purpose and it can be hard to see how the data is being used to highlight inefficiencies. We feel strongly that if new requirements are being placed onto local government at this time, this should be matched by the removal of other burdens in order to ensure overall workload does not increase.

Given the increased access to information provided by FoI and publication of payments over £500, we question why the opportunity has not been taken to review the public inspection regime that gives the public the right to see the council's accounts and other key documentation. The current regulations give the public a right to see and make copies of all books, deeds, contracts, bills, vouchers and receipts. This can lead to requests that are unreasonably expensive to respond to. The regulations also assume that all 'documents' are available in one place throughout the statutory three week period - which is simply impossible to arrange. Many 'documents' exist only in electronic format these days and it can be time consuming and expensive to remove personal details from them so they can be inspected. A right to make reasonable requests within the inspection period should remain. We should be obliged to respond to requests within a defined period then the requester should have a specified period for inspection.

We also note that the Code will apply to Parish and Town councils. Due to their size many of these local councils may not have the staff expertise or capacity to comply with the requirements of the Code immediately. We therefore suggest that small local councils should be given advice and guidance at an early stage to enable them to comply as fully as possible with the Code.

Peterborough city council

The Council welcomes the move towards a formal code of practice in this area, and are pleased to note that we are already publishing many of the additional requirements, such as Councillor Allowances.

We remained concerned about the proposals to publish contract details with external suppliers. Peterborough City Council has a track record of entering innovative partnerships with the private and voluntary sector. For example we have this month signed a 23 year partnership with Enterprise to provide Council services including Refuse and recycling collections, Street cleansing and management of Parks, trees and open spaces. This partnership will deliver significant savings for taxpayers. We are also currently in the procurement process for a partner to deliver our back office services. A fundamental principle in these partnerships is that we expect the partner to grow the business, providing additional value for the taxpayer, and also providing a further economic stimulus to the area.

Our discussions with the private sector throughout these processes indicate that they would be more reluctant to participate in such partnerships, along with other contracting opportunities generally, if such contract details were to be made public.

The release of such commercially sensitive information will inevitably restrict the market place, to the detriment rather than advantage of local government. At such we do not support this proposal.

Petersfield Town Council

Petersfield is an historic market town set within East Hampshire District close to the border of West Sussex and within the South Downs National Park. The town has a population of between 14-15,000 and is one of the largest communities within East Hampshire.

Members considered the contents of this consultation at their recent Finance & General Purposes Committee meeting and resolved to make the following response to the five points particularly requested within the consultation document.

- 1 For parish and town councils there appears to be little new in the Code except the requirement to publish all expenditure over the minimum

sum of £500. Petersfield Town Council believes it has been exceeding compliance with this requirement for several years by attaching its 'Schedule of Payments' each month as an Appendix to the Council minutes and publishing them on our web site. Within our tier of local government the proposed Code is unlikely to have significant impact or encourage greater public involvement in our activities although this may differ within a larger local authority.

- 2 Within the parish and town council sector, details of funding granted to the voluntary sector and community groups is already available. Petersfield Town Council's Publication Scheme includes its annual budget documentation. This details the amount of grants made to specific voluntary and community groups on an annual basis that are termed our 'perennial clients'. Additionally, the deliberations of the council's Grants Panel and the subsequent decision by the Council on other community grants applied for by a variety of different organisations are available via the Council minutes. Historic data is also maintained detailing which organisations apply, how often and the amounts of grants awarded. Within the parish sector I cannot think of any other groups that need to be specified, but the sector is so varied and must be able to respond to the needs and wishes of the community so differing groups could easily be identified in some places that do not apply elsewhere.

It would seem to be an unnecessary increase in bureaucracy and 'red tape' for all data within these data sets to be re-published on a separate data.gov.uk web site as suggested. If the public wants the information it should be sufficient for it to be readily available to them. Also, are you really geared up to receive all this information from approximately 9,000 councils in the parish sector? What would be gained from this exercise? Such a plethora of data in one site is likely to confuse the public rather than enlighten them and encourage them to get involved.

- 3 Yes – but apart from research it is unclear what re-use of data is envisaged.
- 4 Yes.
- 5 The Government's suggested use of a threshold seems the most sensible option although it would also be appropriate for this figure to be index-linked. The use of 'function tests' or 'legal definitions' would lead to anomalous data because within the parish and town council sector many councils only employ a part-time clerk on a small salary.

Portsmouth City Council

Whilst Portsmouth City Council supports the Government's aim for local authorities to publish data on their websites so that armchair auditors are able to review and challenge it, the recent consultation document raises the following concerns.

- The existing scheme has only been fully operational since 31st Jan 2011 and the full impact on LAs in terms of additional costs and work is not yet fully known and has not been reviewed.
- Although the transparency agenda is designed to inform lay members of the public, without the necessary context the information could be very misleading and open to misinterpretation.
- The proposed requirement to clearly itemise and list grants and payments under contract to the voluntary community and social enterprise sector will require changes to financial systems. Payments to these organisations are not currently identified as a separate payment group so to identify them will initially require an extensive manual exercise followed by changes to the system to avoid manual input on this every month.
- Senior salaries over £58,200 can readily be identified but the consultation also proposes to show details of job descriptions, responsibilities, budgets and number of staff. In a large authority such as Portsmouth City Council, there will inevitably be a number of staff within this category. We already publish an explanation of the salary bands as part of the current Transformation Agenda data. The need to publish individual job descriptions and responsibilities and the identify budgets and numbers of staff that each manager is responsible for will be very time consuming and especially difficult at the current time when budget savings have resulted in major restructuring of individual services being undertaken. Some of these reviews are still in train so the data that will be required has not yet been fully updated to reflect the new/proposed structures although the anticipated savings have already been taken out of the budget.

It is not clear what you mean by staff numbers and budget. For example in the case of a Head of Service, is it number of staff and the overall budget that he/she is responsible for within that service, or the number of staff and the budget that the manager is directly responsible for i.e. the staff he/she directly line manages and the budget he/she has authority to spend? There is a risk that there will be double counting of both staff numbers and budgets unless there is very clear guidance and this would be very misleading to armchair auditors.

- An organisational chart of the staff structure of the authority can either be summarised or very detailed i.e. down to individual posts. It is not clear exactly what you are seeking.

- Councillor allowances and expenses are currently published annually in arrears. Is it the intention that this information is published monthly or quarterly as well?
- Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector are already available on our website, but contracts with the voluntary community and social enterprise sector are not shown separately. If we were required to separate these out, changes to the computer system would be necessary.
- The majority of the information relating to polices, performance, audits and key indicators on the authority's fiscal and financial position, the constitution, election results, committee minutes, decision-making process and records of decisions are already available on the website and form part of the PCC Publication Scheme. It is not clear why you feel the need to include this within the consultation proposals.
- To meet the requirements of the Data Protection Act, Section 100a(2) LGA 1972 and the Freedom of Information Act 2000, all of the data to be put onto the website under the transparency agenda has to be QA'd to ensure that no personal data is inadvertently published. This work is very time consuming and not currently resourced so is an added burden at a time when all local authorities are making major budget savings, particularly in back-office areas where this will fall.
- The consultation document mentions that the content and scope of the Code will be reviewed in 18 months time. The guidance for the current publication scheme was changed several times prior to implementation in January 2011; changes to guidance increase the cost of implementation of the scheme because reports etc have to be reworked and this diverts resources away from other work and can cause costly delays. On balance it would seem sensible to allow the existing scheme to run for a year before reviewing it and then perhaps incorporate any extension to the scheme, after allowing a reasonable period of time to prepare for implementation.
- At the present time it is fair to say that the cost of the effort required to publish the data currently required under the transformation agenda is disproportionate in terms of public interest to the number of armchair auditors who have looked at the data on line.

Redcar and Cleveland

This council has seen and considered the response forwarded to you from the Association of North East Councils. Having had input into that response, this

Council wishes to fully align itself with the comments and observations made to you in the response from the Association of North East Councils and I would be obliged were you to note the position.

Rodney Stoke Parish Council

We wish to applaud the overall objectives of the draft Code of Recommended Practice for Local Authorities on Data Transparency.

- We believe that conditions exist already for local people to hold local authorities to account. In the case of a small Parish Council such as this, agenda and minutes of meetings are regularly published on notice boards. The commencement and completion of audit statements are also published on notice boards to ensure local people are aware and to offer them the opportunity to inspect budgets and accounts and hold the Parish Council to account over expenditure. (Draft Code consultation paper page 4 item 7 and page 10 item 9).
- Not all Parish Councils have their own websites, so to publish on line is not possible. (Page 11 item 12 to 16).
- Not all Parish Councils have their own computer facilities. Very often Parish Clerks are based at home for work and use their own PC's for Parish Council business. (Page 11 item 12 to 16)
- We believe the application of the proposals should be more proportionate to the needs of smaller bodies such as Parish Councils.

Rotherham Metropolitan Borough Council

Rotherham Council has a history of making information available to the community. The Council already provides much of that specified in the draft Code of Recommended Practice, and has done so without the need of any sort of central dictate from government. The Council has made a lot of information available via the FOI Act, the FOI Publication Scheme and we are currently updating the disclosure log. Additionally, the Council has made available monthly publications of spend over £500 on a voluntary basis, following the request by government. In relation to the data that the Council already makes available, we will continue to do this irrespective.

In relation to some of the specific requirements set out in the draft code we would comment as follows:

“Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed”.

It would be helpful to know why these provisions do not extend to businesses, when the specification in relations to contracts does.

“Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. “Senior salaries” is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.”

Any requirement that has an opt-out clause appears to be a nonsense, as it is expected that most people would choose to opt-out. We are also concerned about the definition of a “senior salary”. We are conscious that ministerial announcements have already described salaries in local government of over £100,000 as being “excessive”. Now there is an attempt to centrally prescribe what is “senior”. It would be difficult to make comparisons across different sizes of local authorities, yet alone with the civil service. We regard this provision to be nothing more than centralistic interference from an inward looking government and civil service.

“Councillor allowances and expenses”.

The Council complies with the current requirement to publish information. It is not clear what further is expected by this draft code, unless it is to publish more than once per year. If this is the case, please refer to general comments below.

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

Whilst we are not opposed to making information available, this needs to be proportionate to the size and nature of the specific data. This is best determined at the local level, not prescribed by government. Over specification by government could lead to unnecessary workloads and costs to compile unproductive data that would be a waste of money. The Council believes that its current practice of making information available when requested meets the need to be transparent.

We are also concerned about the likelihood of increased risk of fraud arising from the publication of certain information. This issue has already been raised as a concern by the Council’s Audit Committee in relation to the publication of spend details over £500. We appreciate that the government has attempted to address this in the appendix to the draft code. Notwithstanding this, there is no evidence that the government has carried out any risk assessment of the potential for fraud, yet alone be sure that their proposed measures would be adequate to tackle it. The Council believes that should the government insist on the publication of data that opens the public purse to fraud, and should the local authority have taken the steps recommended, that the government should take full responsibility for any loss and reimburse any local authority or third party so affected.

“Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information”.

It is downright insulting that the government should presume to direct a local authority about how to manage its data and information.

General Comments

It appears that no impact assessment has been undertaken in relation to the introduction of this code, or at least no impact assessment has been published. It is clear that full compliance with the requirements of the code would bring increased costs arising from new requirements. The government has previously indicated that it retains the “new burdens principle”. In view of this, the Council believes that on finalisation of the code and having regard to the statutory provisions outlined above, the government should undertake an impact assessment to include increased costs for local authorities and make grant payments accordingly.

Salford City Council

1. “Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?”

Answer:

We do not believe the Code’s requirements will make councils more transparent and accountable for the reasons set out below:

- For most of the data sets described, either publication is already required or this council and most others already make intelligent decisions on transparency and accountability and routinely publish information.
- In some cases, for example the publication of expenditure and contract data over £500, the Code merely forces the publication of reams of data without any context to set it all in. The Council routinely publishes budget information before the start of the year which is a far more helpful and useful source of information.
- In the case of contract publication, the Council is very concerned that the Code jeopardises our relationship with partners and threatens the success of public sector procurement activity. Contracts typically contain commercially sensitive information: existing partners and potential tenderers would be unlikely to want their technical and business practices and pricing structures open to scrutiny by their competitors. The Council already publishes decision notices and, for tenders with a value above the EU threshold, notices in OJEU. In each, these identify the name of the successful tenderers and the

contract value. We believe that this should be sufficient and that the Code should require no additional disclosure.

2. ***“The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?”***

Answer:

A field within the Council’s currently-published £500+ expenditure data would meet the Code’s requirement to identify payments and grants to voluntary organisations. The Council’s routinely-published budget pages are a useful source of information on the Council’s expenditure plans. We have no other recommendation on additional data sets.

3. ***“Does the proposed Code sufficiently support the publication and reuse of public data?”***

Answer:

No comment on this question.

4. ***“Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?”***

Answer:

We expect that, like Salford City Council, most councils will already be open and transparent. On that basis, we do not believe the Code would be particularly useful for any of those bodies.

5. ***“The Government’s preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a ‘function test’ such as that used in Audit and Account Regulations in 2009 be better e.g. “a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?”***

Answer:

We consider that a disclosure different to that prescribed for a council’s statement of accounts is irrelevant and confusing. The Code should recognise that that disclosure is already made and make no other prescriptions.

Sandy Town Council

Sandy Town Council would like to make the following comments:

1. Parish and Town Councils should not necessarily be included in the legislation. Many parishes are very small with only one member of staff working a few hours a month. Some do not have websites and would have to invest a disproportionate sum of money compared to the population of the parish in order to comply with this legislation. Perhaps this should apply only to Towns and Parishes who precept over a certain amount (£500,000 would seem appropriate).
2. The requirement to publish data in csv and pdf formats would again be onerous for smaller parishes, as previously stated many have not got the capacity or infrastructure to deal with this.
3. The requirement to publish all expenditure over £500.00 will mean that often the only payments shown for some parishes will be the Clerk's remuneration, violating their rights under the Data Protection Act.

Selsey Town Council

Members of Selsey Town Council have read the consultation documents on the above and would make the following comments -

- They question whether the treatment of officers and the publication of salary levels is beyond that of the private sector
- They question whether it is fair for the higher earners in the public sector to have their salaries directly attributable to them
- They question the appropriateness of having the details of contractors working for Councils on the Council website. Some issues of contracts and costs should be a little more carefully dealt with. Not all contractors will want their business and the levels they charge published. It might make it difficult for Councils to find contractors who would be happy for such information to be publicly displayed. Would not such information then give competitors an edge in the next round of tenders?

Sheffield City Council

Thank you for the opportunity to be involved in the consultation on the proposed code of recommended practice for Local Authorities on Data Transparency. We have also provided our comments through the Local Government Group but also wanted to feedback to you direct in view of the important issues and to share our expertise.

Firstly let me set the context in that as Commercial Director for Sheffield City Council I am responsible for all the commercial third party spend of circa £700 million per annum and as you may be aware Sheffield is on of the most advanced Local Authorities in terms of the level of engagement and outsourcing with the private sector. My comments are in respect of the spend, procurement and contracts aspects of the data transparency proposals, as follows:

1. Transparency Principles

We fully support the transparency principles and believe that over the last 2 to 3 years have been developing best practice in this area. For example we have:

- Published our full contract register (including grants) for over 2 years (www.sheffield.gov.uk/currentcontracts)
- Have established a forum of representative from all the public sector organisations across Sheffield, private sector and third sector who have met every 3 months for over 2 years to lead on data availability/transparency and the standardisation/simplification of procurement processes across the eight public sector bodies involved
- Have created a single web portal (www.buy4sheffield.co.uk) to assess procurement related information and support in all eight public sector bodies in Sheffield
- The above initiatives resulted in the Government Opportunities GO Awards for Excellence in Public Procurement 2010 for Supplier & Market Place Engagement

Our comments on specific proposals are as follows:

2. Expenditure over £500

We support this and already publish this monthly in the required formats (www.sheffield.gov.uk/paymentstosuppliers)

We have now added an additional analysis tool as from April which enables detailed analysis of spend by simple Thompson (i.e. Yellow Pages) classification codes

3. Grants to 3rd Sector

We support this and it is already included in our Contracts Register. We have also categorised all our suppliers so are able to provide further detailed analysis (e.g. SME, 3rd Sector, BME etc)

4. Copies of Contracts

We support the publication of a detailed Contracts Register and as previously stated have published this for over 2 years

However we have strong concerns about the proposal to publish actual contract documentation and consider this an extremely costly and unnecessary proposal on the following basis:

- (a) Our representative group from the supply market have discussed this proposal and see no benefit in it or market demand as proposed
- (b) In over 2 years of practical experience we have dealt with specific requests for further information which we have readily provided. None of these would have benefited from the publication of full contractual documentation. The key is that it is clearly published who to contact for information requests (email and telephone) and that these are dealt with in an open fashion and quickly. In view of this our experience is that people do not have to rely on the formality of an FOI request and we have little or none of these for our commercial activities
- (c) The cost of such a proposal is huge. As a large local authority with a high degree of outsourcing our volume of contractual information runs into tens of thousands of pages. In terms of publishing this it would require that not only commercial information was identified and removed but also Intellectual Property Rights (IPR) components. IPR is an intrinsic competitive part of any bid then incorporated into the contract and would have to also be removed. This task would therefore require considerable procurement professional, legal and IPR specialist time together with the supplier time in negotiating the elements to be removed. As previously stated our practical experience is that the same transparency objective is easily achieved without this in a far more cost effective manner which is proven to meet the needs of those requesting the information

I hope these comments are helpful and I would be very happy to support you in any way with out practical experience in these areas and for you to quote what we believe is our best practice

Shildon Town Council

The Town Council considered the consultation paper at its meeting held on 7th March and whilst it supported the principle of open and transparent local government it resolved to submit the following queries/concerns for your attention:

- There has to be a concern that the administrative processes required to satisfy the publication of the minimum datasets may prove to be overly onerous for the smaller parish councils.
- There is a concern that the publication of copies of contracts and tenders may lead to commercially sensitive information becoming publicly available.
- There is a presumption that publishing the data online will make the data easily accessible for the public to use and reuse and there is a concern that in some communities, and some parts of a community, access to online data is not readily available.
- Whilst the requirement to publish details of senior salaries would not have a direct impact on the Town Council the requirement upon local authorities as a sector of employment to publish such details is not entirely equitable.
- The Communities and Local Government Transparency Unit is scheduled to consult shortly on specific guidance as to how town and parish councils should comply with the requirement to publish details of items of expenditure over £500 and this consultation should be extended to provide specific guidance in respect of all of the minimum dataset requirement.

Shrewsbury Town Council

Firstly, it is understood that the Code is issued in the exercise of s2 Local Government, Planning and Land Act 1980 which places a duty on local authorities to publish information; we do however note that whilst the Parish & Town Council sector has been included within this Code, we are not in fact duty bound by such legislation. Will there then be amendments to primary legislation to ensure the Local Council sector must comply?

The Town Council is of the opinion that the provision of any public information is only as good as how the end user wishes to interpret it. We already provide much of the information contained within the code as a matter of routine on our website and our experience has shown that so far we have not had anyone holding us to account by virtue of the information we make available.

Much of the information requested for publication only part presents a full picture and may give a false impression of the level of support. For example the Town Council will be required to provide information on the level of financial support we give to the voluntary and community sector. This will not show much of the tangible/in kind support we give, which is much less quantifiable but no less important.

Much emphasis is placed on the usability of the data and the ability for others to use and interpret as they see fit. We are struggling to understand how the type of data required is likely to be re-used.

Currently we have no officer with salary excess of £58,200. Whilst it may be the minimum Senior Civil Service pay band, it has little evidence to our sector. The suggestion that only salaries of statutory posts should be included. In our case the salaries of the Town Clerk and the Responsible Financial Officer (the only statutory posts in our sector) are not the two highest paid posts. We already provided a breakdown of the number of staff in various pay bands within our annual accounts, which we believe is more meaningful than that which is suggested.

We would also wish to comment on the provisions to publish all payments over £500 and the use of such to local people. This does little to reflect the overall financial position of the Town Council and without say the publication of copies of the invoices are likely to hold public bodies to account. Already our full payment schedule is published as part of our supporting documents for our Finance & General Purposes Committee, which we feel is more meaningful to the local people.

The Code requires us to prepare an inventory which should be registered on data.gov.uk. We have visited this site and do not find it user friendly. We would also question the need to store data in two separate places (our own website and this central dump); surely this will result in failures to keep both areas up-to-day.

Please do not take this as a reluctance to comply with the Code. We would see that we already do comply. We would however question how is such a Code enforceable given the statutory duty from which it originates.

South Lakeland District Council

Para 5 - SCOPE

“Public data” therefore means the objective, factual, non-personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.

Para 9 – DEMAND LED

Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.

- Published

Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.

- Current systems do not identify voluntary, community & social enterprise organisations separately to enable this information to be produced: additional resources required to produce: approx 1 week of collating information from suppliers.

Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.

- Published

An organisational chart of the staff structure of the local authority.

- Published

Councillor allowances and expenses.

- Published

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

- No split currently between businesses and the voluntary/community/social enterprise sector.

Policies, performance, audits and key indicators on the authorities' fiscal and financial position.

- Published

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

- Published

Para 10

Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.

- This is a large project - collation and control will be time consuming especially ensuring it is kept up-to-date.

Para 12 – OPEN

Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.

- This will become a very long page once all the datasets above are included.

Para 13

Information must be published in a format and under a licence that allows open re-use, including commercial and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archive is the recommended standard. Where any copyright concerns exist with information, these should be made clear.

- Isn't this becoming unnecessarily detailed?

South Norfolk Council

I have been pointed towards your code of recommended practice on local authority transparency by one of the Councils we provide internal audit services for, and thought I might provide a response.

I wanted to say that I was very pleased that recognition of having appropriate controls in place to mitigate the risks arising from publishing data was made. Of course, Councils should have appropriate controls in place to mitigate potentially fraudulent suppliers regardless of whether or not they have to publish the data, as I'm sure you appreciate. I also understand the focus on supplier details as this is one of the main risks arising when people know which Councils purchase from which suppliers; I don't know if you are aware, but there have been some fraud reports circulating regarding fake letters being sent to Councils pertaining to be from genuine suppliers which have resulted in significant fraudulent overpayments.

As an internal auditor, I've had various discussions with staff regarding the checks they do perform on suppliers. Most actually find it quite difficult to ensure supplier details are correct; there is a balance to be struck between ensuring segregation by having staff in payments teams undertaking checks on supplier data - when these staff don't "know" the suppliers and therefore

may be caught out, and having staff in service teams notifying of such changes to the payments team as they are more familiar with the client. There are also some financial systems that are seemingly incapable of running reports of supplier changes and amendments, which thus restrict the ability to review and approve such changes, and therefore detect inappropriate amendments.

There were a couple of other points that should be made in Annex A:

- Ability to amend supplier details within the financial system should be appropriately restricted
- Appropriate security controls should prevent and / or detect inappropriate access to the financial system
- Staff with abilities to amend supplier details should have other functionalities on the financial system restricted (e.g. not able to raise and authorise purchase orders)

Southend-on-Sea Borough Council

Our response to the consultation questions are as follows:

Consultation question	Response
Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?	<p>The principles of open, timely and demand-led publication of data are sound.</p> <p><u>Open</u></p> <p>Publication of structured data on the web in machine-readable formats should ensure that information is made easily accessible to the public for use and re-use.</p> <p><u>Timely</u></p> <p>Publication of data as quickly as possible will ensure the public have data to use that is as relevant as possible. We welcome the expectation that this data will be 'as accurate as possible' and the realisation that errors may occur, but acknowledge that the rectification of errors should not unduly delay the publication of data.</p> <p><u>Demand-led</u></p> <p>We welcome the clarity that DCLG has given in listing the minimum datasets that should be released. However, there is an expectation that councils will understand what their communities want and then release the data in</p>

	<p>a way that allows the public, developer or the media to present it in new ways that makes its meaning more apparent. This could become extremely difficult if different parts of the community wish to see and use the data in conflicting ways.</p> <p>The proposed code states that local authorities should develop an inventory of the data that they hold and ensure it is published. We already have a Freedom of Information (FOI) publication scheme, if we use this we would not need inventories that were separate to this scheme.</p>
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Consultation question	Response
<p>The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?</p>	<p>The underlying principle behind this initiative assumes that it is right and desirable to transfer delivery of local authority functions to the voluntary and community sector. In doing so it fails to take account of:</p> <ul style="list-style-type: none"> • local choice as exercised by councillors; • existing expertise and the achievement of VFM in currently adopted service delivery models; and • the level of interest or more importantly the capacity/capability of the voluntary and community sector to take on council services. <p>Publishing data without giving thought to these issues is unlikely to increase the transfer of services and may lead to unrealistic expectations and hence a deterioration in the relationship between councils and the voluntary/community sector.</p> <p>A measure of the % of 'council services' delivered without Local Authority staff could provide an indication of a councils willingness to use alternative delivery mechanisms. It should then be for the Council to determine whether its preferred option is the voluntary sector, private sector or staff mutual. One limitation of this measure would be where local authorities already have a strong engagement with the voluntary sector.</p>

Does the proposed Code sufficiently support the publication and reuse of public data?	<p>The Government is proposing a statutory code on the use of 'public data' at a time when it is also intending to reduce centrally imposed performance management and control.</p> <p>It is also puzzling that there appears to be no reference to the Local Government Group's proposals for a data hub. If the Government is serious in its intention to reduce Whitehall directed control and the imposition of central performance arrangements why does the consultation not fully endorse the Knowledge Hub proposals.</p>
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Consultation question	Response
Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?	The list, as proposed, will place a significant burden on parish and smaller district councils. If the intention is to ensure consistency and transparency across the wider public sector it would make sense to include the proposed GP consortia in the list.
<p>The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities.</p> <p>This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct</p>	<p>The imposition of a financial threshold to determine 'senior salaries' in local authorities will cause problems as £58,200 might equate to the salary of a senior manager within a district or parish council, but this may not necessarily be the case with the larger London Unitaries or Metropolitan Borough Councils.</p> <p>The facility for individuals to refuse to allow their details to be published may nullify any meaningful comparisons depending on how widely it is used.</p> <p>For us the definition based on legal definitions as defined in the Local Government and Housing Act 1989 would be more straightforward and for us would probably result in the same list as the £58k threshold.</p> <p>The proposal to publish staff earning more</p>

<p>or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”?</p> <p>Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?</p>	<p>than £58,200 in Local Government is inconsistent with current disclosures of the salaries of Civil Servants or other public service employees.</p>
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Southwark Council

Thank you for this opportunity to comment on the proposed code of practice on data transparency, to which we are responding on behalf of Southwark Council in the capacity of section 151 officer and monitoring officer.

In respect of the areas which you have highlighted for specific comments, we should like to make the following observations.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Council supports all principles that make information pertaining to the management of the organisation more transparent to members of the public directly impacted by the contents of the information released.

This transparency needs to be subject to personal and commercial confidentiality, reasonableness and the costs of administering any vehicle. These costs include those relating to the creation, publication and increased levels of scrutiny and subsequent enquiries arising from these publications. Given resource constraints on local authorities and similar bodies, this will create an administrative overhead that may be disproportionate with the benefits.

The Code has as one of its principles 'Demand Led' and paras 8 and 10 refer to the development of an inventory of data and using new ways to present it, with a resulting increase in demand for information and more information being published. There needs to be explicit recognition that there are costs associated with this and that there is a need for a balanced and proportionate approach in determining the time and resources to be spent on the publication

of data and how this will be funded in the context of the need to deliver front line services.

We would also like to highlight the risks of duplicating process with those already provided for through external audit, public inspection of accounts and freedom of information legislation and regulation.

We welcome however the recognition in the consultation document that "it is for local authorities... to determine detailed implementation arrangements".

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

No comment

Does the proposed Code sufficiently support the publication and reuse of public data?

See comments at point 1 above.

Do you believe all the bodies covered in Para 3 of the proposed Code should be included?

In the context of data transparency in local authorities, rather than a threshold of £58,200, we would prefer either a function test such as that used in the Accounts and Audits Regulations 2009 or a definition based on legal definitions, as defined in the Local Government and Housing Act 1989, both of which appear to be more relevant than reference to the Senior Civil Service minimum pay band.

Minor Typos/presentational improvements

Paragraph 3 19th bullet point – specify which Act in order to make this point stand alone and to avoid confusion if the bullet point above (which refers to the relevant Act) is amended, replaced with etc;

Paragraph 8 line 3 – delete duplicate 'they' between 'should' and 'understand';
Paragraph 14 step **** - replace 'User' with 'Use';
Paragraph 20 final sentence – delete first 'The'

We hope that this helps in your consideration of this matter, but please do come back to us if you require further information on any of the points raised.

Southwater Parish Council

This Council welcomes the majority of and the ethos behind the government's Recommended Practice for Local Authorities. This Council is already endeavouring to display on its website such data. There are, however, a number of concerns, these centring around transparency of data involving individual members of staff who could be targeted by vexatious members of the public. This relates to the publication of job specifications which could easily identify an individual member of staff by co-ordinating this information with the corporate organogram. Therefore, their data would not be secure.

The government should be aware that not all Parish Councils have the ability or wherefore all to display financial and other data and it should be recognized that facilities should be made available by their District Councils (or other principal authorities) to display such information on their behalf. The additional costs that may have to be incurred otherwise would have an adverse affect on the public purse.

St Albans City and District Council

St Albans City and District Council support the transparency agenda. It is right that local residents should have access to a wide range of data held by public bodies, including Local Authorities. In St Albans, the Council have already taken steps to ensure that data is clearly available and brought together prominently on the Council's website in the form of a 'Your Council and how it works' webpage.

In general – in keeping with the localism agenda – the Council does not favour the proliferation of national codes of practice or guidance which is prescriptive about the ways in which elected councils should go about delivering this agenda. However, the Council understands that there may need to be a measure of consistency in the way different authorities go about implementing greater transparency. This will help local residents understand what they can expect, ensure a consistent set of requirements allowing all data to be re-used easily, and help residents benchmark one organisation against another.

However, in devising a code, the key is to ensure that it also conforms to the other principles the Government have set out for local government – such as localism, minimising burdens¹ and bureaucracy, and promoting innovation rather than caution in public services. As drafted, we do not consider the code yet meets these requirements

We have set out below our responses to the specific questions posed in the consultation document, but also make some general comments at the end,

Q. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

A. The Government sets out that the code should be a 'high level but formal' basis for the local transparency agenda. The draft Code outlines what the Government believe to be the core information the public will require to see how Councils are spending their money.

Overall the Council agrees with the three principles. However, the first principle is that data should be demand led. Historically the information local residents require has been requested through Councillors or questions at Council meetings. The Council is not clear what evidence about demand supports the inclusion of the items in the Code. There is no information in the consultation document about why the items selected have been picked. In St Albans, we recently consulted widely on what information and data local people wanted to see as part of our work to develop local community engagement. While local residents were interested in information and feedback on local services, overall costs and value for money and outcomes (such as crime rates) there was less discernible interest in seeing detailed information on contracts, job descriptions etc. The inclusion of these detailed items could have significant resource implications which increase the burden on local authorities at a time when resources are severely constrained. In terms of the datasets being suggested, therefore, we would make the following points:

□ While it is right that the local residents should be able to see the overall pay and responsibilities of senior staff who work for public bodies, as well as the organisational structure, the code should not stray too far into detailed, prescriptive areas such as individual job descriptions, which clearly do not fit the code's intention to be 'high level'. There is a risk that this could encourage unfair and personal harassment or press/political debate in relation to individual public officials who cannot defend themselves in public or the press, and encourage debate to focus on the means, not the outcomes, of local public service delivery.

We note that there appears to be no comparable intention to publicise individual job descriptions for all senior civil servants or special advisers.

□ Likewise, we have concerns about the requirements to publicise all contract information. We understand and support the intention to allow scrutiny of the extent to which Councils are commissioning services through these sectors, and gaining value for money for the taxpayer.

However we see two key issues:

○ First – that individual contracts will include price and cost information that could be used by other suppliers, especially larger suppliers, to gain a commercial advantage (for example by using their size to offer 'loss leaders' to undercut smaller suppliers). This could lead to the opposite outcome from the one the Government wishes to see;

○ Second - that to reduce this risk the time and money spent in reviewing contract documentation and redacting potentially commercially sensitive information could be very significant.

Some of our contracts run to hundreds of pages. The likely result is that less information will be put by suppliers in contracts, increasing the risk of conflicts or difficulties later.

The Code should focus on the uniform way of delivering information in an open and linked format, which can be rolled out into Councils publishing their Single Data List information, alongside other information as requested by Councillors or through questions to Council.

The publishing of data listed in the Single Data List rather than submitting to Government would, immediately give residents access to the most up-to-date information on their area – reflecting the localism agenda.

The Code outlines a data request, without sufficient explanatory information the data will be incredibly hard to decipher by residents. Valuable tools to making this data into information to allow developers and the public to make this into clear and transparent information with suitable comparators are becoming available through organisation such as the ESD-toolkit and the Local Government Group (LGG) but are still largely not known or understood by the sector.

Q. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specific to increase transparency in this area?

A. The Council agrees that it is in the public interest for residents to understand what proportion of Council spending is directed towards the voluntary and community sector. This data already exists within the accounting system and through clearer definitions this could be collated and presented clearly without undue difficulty. The Government should not be prescriptive on proposed formats otherwise this could be an additional burden.

Until tools are developed to make this data freely available to the public, via developers or the Government, much of this information will be created in spreadsheets without comparators.

Q. Does the proposed Code sufficiently support the publication and reuse of public data?

A. The principle of being able to provide data in a re-usable format is generally a new principle to local authorities – the Code is to be commended for its effort to simplify this process and to create an escalating scale for local authorities to work through. This combined with third party work to help embed open and linked data in local authorities systems will enable better

provision of public data in a format open to reuse, although human interaction should not be ignored.

It would be helpful to know if the Government is intending to create comparative tools for members of the public to use this data in an intuitive fashion, possibly at www.direct.gov.uk, or whether their intention is to enable developers to create these tools – such as www.OpenlyLocal.com – through producing a harmonised format. Either should be commended, but without long term goals there is a short-medium term issue of data being provided without any value being derived.

Q. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

A. We believe this code should be embedded across the public sector, including the NHS and all other public bodies as well as Government departments. This will ensure the maximum value is gained from data made available to the public to a single standard allowing individuals to understand their local area and the services they receive.

Q. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management for the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, nonstatutory chief officers and deputy chief officer, as defined in the Local Government and Housing Act 1989?

A. There has been contradictory guidance⁴ to that stated in the Code on the boundary of salary disclosure, which used the top tier of staff in employment of the Council. As we have already produced this information by the 31 January 2011 deadline we are happy with this definition as comparison between similar roles in differing sized authorities can be made. Further changes to the current methodologies adds additional burden at a time when councils are dealing with significant cuts to funding and the resulting reduction in staff and the CLG's intention to reduce the burden on local authorities.

As yet, we have not seen an indication of how comparability data should be published. We suggest that the LGG give further consideration to how best this could be done without imposing undue burdens (for example allowing comparison of overall budget, number and salaries of senior staff in councils covering similar functions and populations)

St Edmundsbury Borough Council

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

In our view, people ultimately base their judgements on a council's performance on the experience they have living, working and visiting an area. Whilst we fully agree with the principles of increasing transparency and accountability, people's interactions and experiences with the council will always count for more than a list of data. Importantly, data needs to be presented with sufficient contextual information; otherwise balanced judgements cannot be made. For instance, how much one council spends on housing cannot simply be compared to that of another without sufficient contextual information, such as levels of deprivation.

We would caution that efforts to increase the amount of information made available would have to be balanced with the need for clarity and ensuring that good quality data is provided. The quality of data provided is not specifically addressed by the proposed principles and we feel that more emphasis should be given to ensuring accurate data.

Are there additional, existing data sets that should be specified to increase transparency in this area?

The proposed Code suggests some data sets which should be published, as a minimum. In most cases, such as democratic and performance information, this has been publicly available for a number of years. In the case of expenditure over £500 we have published this information since the start of 2011 and followed the best practice guidance set out by the Local Government Group.

We would welcome clarity about the proposed data set for grants and payments to voluntary, community and social enterprise sector. We assume that transparency is around the decision on funding a VCS group or transferring a service to them, not a record of when monies are actually paid out (which will be included in the publication of expenditure over £500).

For project funding the actual payout can be months, and sometimes years, after the allocation. However, we would welcome clarity on this issue. It is also worth noting that the monetary support given to the VCS is only one element of how councils provide support, for example assisting them in external grant applications, providing training at little or no cost, which will not be captured by reporting funding allocations.

The proposed Code states that authorities should publish an inventory of data that they hold. We would welcome clarification as to what is intended here. In the absence of any detailed guidance, we assume that the inventory should

only include data that is publicly available and not a list of all data that we hold. An inventory of all data held by the council seems like an overly bureaucratic and costly (in terms of staffing resources) exercise and would raise people's expectations that they could access data, only for their request to be turned down due to data protection issues.

Does the proposed Code sufficiently support the publication and reuse of public data?

We have followed the best practice guidelines whereby there should be a single access page for data. However, we could caution that the more data sets are published, the more likely that the information becomes unwieldy, even via a single access point.

The proposed Code suggests that information is published in spreadsheet format, as opposed to .pdf. Whilst we follow this best practice where possible, some information is better published in .pdf, for example, a structure chart. Some discretion therefore needs to be applied.

Do you believe that all the bodies covered in paragraph 3 of the proposed Code should be included?

The bodies covered by the Code appear to be appropriate although the requirements in terms of publishing data should be proportionate to the size and resources of the authority; a Parish Council has a different level of resource to a Metropolitan Borough.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability. Or should a legal, or other, definition be applied?

The Code proposes a number of options which could be used to define 'senior salaries'. In our view applying a threshold of £58,200 for a district council is a preferable to either a function test or legal definition. The salary threshold, in line with the civil service, avoids ambiguity.

We also agree with the Government that, since a job description is to be provided, individuals should have the option to refuse to consent to their name also being published in this particular dataset. As we understand it, this is consistent with the rules in place for the civil service and quangos and we feel that publication schemes should be implemented consistently across the whole public sector.

Stanway Parish Council

The above Consultation document was discussed at the Parish Council's Policy and Finance committee meeting 9th March 201, with the following response:-

The document could be quite onerous for a small Local Authority to comply with.

Stevenage Borough Council

Stevenage Borough Council supports the policy of greater transparency and welcomes the proposed code of recommended practice in preference to the issuing of periodic guidance on the subject. However, the Council also notes that there has been comparatively little take up of the data sets referred to in the document that are already provided by the Council. The level of take up should be assessed alongside the cost of producing and publishing the data sets during future reviews of the Code of Recommended Practice.

Responses to consultation questions

(a) Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

In part. The data sets to be published are very much concerned with what money is spent and by whom. What is lacking is the context for such expenditure which is crucial to understanding the actions of an authority and generating informed public debate. The concern about providing raw data is that it can be misinterpreted and considered out of context.

A technical concern is that the .pdf and .csv formats specified by the code do not easily allow for the use of metadata (data about data) which could be used to contextualise the information, even if the organisation had the resource to add metadata to the data set. Other data formats, that are not recommended, such as .xml could be used for this purpose.

(b) The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Authorities do not always directly fund voluntary and community groups. Support to these groups is sometimes provided via “payments in kind”, for example by providing buildings below market rent or through the use of discretionary rate relief. In addition, as part of their community leadership role, authorities may also employ staff to support and work with these groups.

The code of recommended practice as currently set out will serve to undervalue the support provided by local authorities to voluntary and community groups.

Does the proposed Code sufficiently support the publication and reuse of public data?

Recognising that data is held by authorities in a variety of differing computer systems, there is a significant possibility that each authority will publish data differently in the specified formats. This has the potential to make it difficult to compile and reuse data from more than one authority, which could limit the comparative and commercial value of any data published and exacerbate issues to do with the misinterpretation of data from multiple sources.

One option could be to specify a schema for each dataset to ensure that data is published in a uniform way. This would help authorities to identify what should be published, help system suppliers to support those authorities, and the public in their use/reuse of the data. The Council would support the use of schemas, provided that the information included in the data set is not too onerous.

(c) Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes.

(d) The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

The Council would prefer that salaries were disclosed based upon legal definitions of role. The Council also believes that officers' names should not be disclosed.

Steypning Parish council

I write on behalf of Steypning Parish council in West Sussex. The one main concern I have with Transparency is in relation to Contracts & Tenders. Whilst I appreciate in larger Councils this information can be disclosed as a total expenditure for say: Grounds Maintenance or Litter/Road sweeping and such will not give individual contract amounts. In smaller Parish Councils where we have just the one contractor, who is often a local resident as well, I feel there is an issue with Data Protection. By publishing the contract details and tender prices this may be contravening the contractors' rights under Data Protection but more importantly publishing this information would be completely anti-competitive. One contract to one contractor tells a competitor exactly what the tendered price is and they are then in a position to undercut the price. Some might say this is exactly what we are trying to do, to reduce prices, but lower prices do not always produce the best standard of work and the whole process could backfire.

I would also take some issue with the disclosure of salaries. Whilst at present the disclosure is only for Senior and higher paid officers I would not wish to see this level reduced. Again I feel this has particular relevance in smaller villages and towns where the Clerks often live and I feel to publish their personal salary information would be totally against Data Protection.

Stockport Metropolitan Borough Council

Stockport Council welcomes the opportunity to comment on these proposals, and supports the underlying principles of transparency and greater accountability. The Council are already well on the way with all requirements as requested in para 9 of the code for publishing information and data to the public under the headings provided. Stockport published to dead line the requirements under the spend over £500 and are publishing on a monthly basis. We have also revised the senior salary publication on the Stockport website as per requirements and will be updating this area relating to structure chart.

We would, however, like to respond to a number of points made within the consultation paper as follows;

- We can't assume that greater transparency will automatically generate more interest from the public, improve accountability and reduce 'waste' on its own. In the short term, taking an adversarial approach could result in some public bodies taking a more cautious approach to collecting and using public data.
- This seems to be based on the presumption that local authorities are withholding large amounts of data, which simply isn't true. It also assumes an unmet demand for data from residents in order to hold local representatives to account, rather than giving the electorate credit

for making objective decisions based on the huge range of information already available to them.

- There is also evidence that this could generate higher administrative burdens and staffing costs, e.g. from responding to detailed FoI requests in exactly the areas which are already being cut significantly due to reduced authority budgets.
- We publish our data in an accessible format with clear summaries and analysis. Publishing large amounts of undigested raw data is unlikely to be particularly helpful to the general public without the tools or skills needed to place it in context. We therefore do not feel that the code needs to be overly prescriptive in specifying in such detail how data should be published in future. This is surely at odds with the principles of localism and should be left to individual authorities to determine in consultation with local residents and businesses.
- Whilst we agree that greater connection should be made between spending decisions and outcomes, this can and should go beyond those affecting the 3rd sector commissioning of services. Much of this is published already through public reports to the Council's Executive and Scrutiny Committees, which are more accessible than raw data sets, but could provide helpful links to existing data for those wanting more detail.
- Stockport is developing a Local Information System to provide a single point of access for all public information. Along with the regional DataGM project, we feel this will exceed public, media and developer requirements for open data, and are far more likely to support the publication and re-use of data than a centrally-imposed code.
- We are unsure of the relevance of the £58,200 salary level being based on Civil Service pay grades. It would be more relevant to link this with specific roles and responsibilities to provide context rather than just focusing on the salary level itself.
- Stockport Council want to make information and data available and accessible, but we are unclear as to the benefits of publishing in open source and relevance to the public relating to some of the required information. From our evidence, the areas requested for publication are not of interest to the public of Stockport based on top 10 web areas visited by the public, FOI stats etc. We would be interested in seeing the Government's evidence base for some of these requirements, and the extent of public consultation showing the level of interest.
- Para 3 of the Code could be clearer that it covers public authorities. Whatever the legal definitions, the term 'local authority' tends to be used to describe councils rather than other public bodies. Also, we would welcome clarification on the extent to which schools, arms-

length organisations such as ALMOs and contractors will be subject to the code.

- We have concerns over the assumption (para 18) that ‘publication and use of the data should be used to help address any imperfections or deficiencies’. Are Government suggesting we publish inaccurate data and rely on the public to spot and correct it? Although we accept there will be some trade-offs between timeliness and accuracy, the overriding need for good quality data underpins the public’s trust in the credibility of the data we publish.
- The Consultation refers to Councillors Allowances and expenses. We already publish information on Councillors allowances, but would welcome clarification on whether the requirement would be to publish details of claims made by members or expenditure incurred on behalf of members (e.g. travel or hotel bookings made by officers, and whether there is any intention that these will be published in ‘real time’?

Stockport Council will always promote openness and transparency in its management and resource allocation. We therefore support the principles set out within the consultation but would want to challenge some of the underlying assumptions as well as the level of prescription suggested by the code.

Suffolk Coastal and Waveney District Councils

- Both local authorities (Waveney District Council, Suffolk Coastal District Council) comply with many of these requirements already e.g. publication of committee minutes, councillor allowances, audit reports, expenditure over £500, and salaries over £50,000.
- We are concerned that additional publication requirements will require additional resources (systems and people) to manage and provide. This should be acknowledged by central government.
- We are concerned that this guidance contains detailed recommendations which duplicate requirements, guidance and best practice published by accounting bodies (e.g. CIPFA), auditing bodies and international organisations (W3C). For example, publication of salary data, format of data files, use of URIs, anti-fraud measures. Wherever possible there should be no such duplication, and instead local authorities should be sign-posted to the relevant requirements or best practice. This will reduce costs to DCLG to maintain and update the Code of Practice, prevent confusion, and ensure industry best practice (as developed by specialists for independent organisations) is followed.
- We believe local authorities should have greater flexibility to decide what and how they publish data – publishing raw data online may not be the most effective or most efficient ways to improve local accountability, particularly in areas with no broadband, low internet take-up, low skills, or where there is a small community (some parishes).

- The Councils are working in partnership with other Suffolk authorities, the Police and NHS to collate and publish information through a single independent website (a Suffolk Observatory) that will empower individuals to map and analyse datasets. We would welcome recognition that local authorities are already working to free their data, and that partnerships can provide useful tools to support communities in using and understanding data.

Key Questions

(as set out in paragraph 7)

2. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

To a degree. It seems designed to meet the needs of people with good internet access and an ability to understand unprocessed data, or to evaluate the independence and accuracy of third-party applications which may process such data. It does not set out how the needs of those without access to the internet, or evaluation skills, will be met.

We believe councils should have flexibility to publish information using channels and formats that best meet local needs, based on their knowledge of their communities and with regard to value for money, to ensure local people can hold them to account. For example, it may be more effective for a rural parish meeting serving a community of 30 to deliver paper copies of reports to each household and place copies on the village noticeboard rather than set up a website which may be costly to set up and maintain and difficult to access.

3. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

We have not identified further data sets.

4. Does the proposed Code sufficiently support the publication and reuse of public data?

It does not recognise the value of other publication channels or tools beyond the internet. We would welcome recognition that local authorities are already working in partnership to free their data, and that such partnerships can provide useful tools to support communities in reusing and understanding data.

5. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Our Districts contain more than 150 town and parish councils and parish meetings. We are concerned that the Code of Practice will be impossible, impractical and expensive for some councils to deliver because:

- c10% of our third tier authorities have populations of 60 or less.
- Many rural areas do not have access to broadband
- A significant proportion of the population does not have access to the internet – this figure will increase if libraries close (currently 29 of 44 libraries are under threat of closure)

As stated above (question 1), we believe councils should have flexibility to publish information using channels and formats that best meet local needs, based on their knowledge of their communities and with regard to value for money, to ensure local people can hold them to account. For example, it may be more effective for a rural parish meeting serving a community of 30 to deliver paper copies of reports to each household and place copies on the village noticeboard rather than set up a website which may be costly to set up and maintain and difficult to access.

- 6. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?**
- NB – we already publish much of this data to meet existing accountancy requirements and good practice.

The existing CIPFA definition and requirement should be used (currently salaries over £50,000) instead of this proposal – to ensure consistency and clarity, and to avoid confusion and duplication. Senior Civil Service pay bands should not be used as these may not match local government bands.

Responses to sections within the Draft code (Annex 1)

- **Paragraph 5 - "Public data" means the objective, factual, non-personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.**

There should be recognition that the production and publication of information can be costly, requiring investment in IT systems and in staff to process and publish data.

Councils should be able to balance the requirements of transparency and accountability against the need to provide value for money services focused on the frontline and service delivery.

Demand-led

- **Paragraph 8 Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present it in new ways that makes its meaning more apparent.**

Local authorities should have regard to the needs of **their communities**, and be able to publish data and information in other formats as appropriate - for example in areas with low broadband availability, low internet take-up or where there is evidence that communities have difficulty accessing or understanding data.

Councils should be able to balance the requirements of transparency and accountability against the need to provide value for money services focused on the frontline and service delivery.

Paragraph 9 - As a minimum, the datasets that should be released are:

- **Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.**

The Councils are already publishing this data

- **Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.**

It would be possible to publish such data.

- **Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.**

NB – we already publish much of this data to meet existing accountancy requirements and good practice.

The existing CIPFA definition and requirement should be used (currently salaries over £50,000) instead of this proposal – to ensure consistency and clarity, and to avoid confusion and duplication. Senior Civil Service pay bands should not be used as these may not match local government bands.

Job titles should be published instead of names.

Areas of responsibility should be published rather than full job descriptions.

Budgets and number of staff may be published, but should not have to be linked to specific senior officers as some authorities use matrix management and/or allocate budgets by corporate objective rather than service function.

- **An organisational chart of the staff structure of the local authority.**

The organisational chart should show the top levels of management (to corporate management/Head of Service level) – i.e. including those earning over £50,000. The functions each Head of Service is responsible for should be listed, but no staff structure given below this level as these change frequently and will be expensive to update and maintain.

NB – we already publish this data to meet existing accountancy requirements and good practice.

- **Councillor allowances and expenses.**

NB – we already publish this data to meet existing accountancy requirements and good practice.

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

This may not be possible due to existing contract, competition and procurement law.

- **Policies, performance, audits and key indicators on the authorities' fiscal and financial position**

NB – we already publish this data through our Publication Scheme, on our websites and in Committee reports to meet existing requirements and good practice. External audits such as those produced by the Audit Commission and similar bodies should be made accessible.

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

NB – we already publish this data to meet existing accountancy requirements and good practice.

- **Paragraph 10 - Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.**

NB – we already maintain a publication scheme to meet existing FOI requirements and good practice.

- **Paragraph 11 - These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.**

This may require significant administrative resource to update and maintain. It should instead be possible to use existing tools, such as metadata indexing and tagging (as used for direct.gov and esd-toolkit) to signpost the wider public to relevant items on internet sites.

- **Paragraph 12 - Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.**

We welcome the phrase “for most authorities it will mean publishing data online” and would like more explicit recognition throughout the Code that councils should have flexibility to publish information using channels and formats that best meet local needs, based on their knowledge of their communities and with regard to value for money, in order to ensure local people can hold them to account. For example, a parish meeting serving a community of 30 may prefer to deliver paper copies of reports to each household and place copies on the village noticeboard rather than set up a website which may be costly to set up and maintain.

- **Paragraph 14 - Local authority information should be, where possible, published in open and machine-readable formats.**

It would be preferable to recommend the use of good web design practice, metadata tags and naming conventions rather than compel use of URIs. This will mean the guidance requires updating less frequently (reducing DCLG costs) and ensuring local authorities use industry best practice.

- **Publication in both .pdf and .csv formats should be the minimum requirement.**

Add “as appropriate” – text-based information (e.g. How to pay Council tax, committee minutes) would not be useful published as a spreadsheet or csv file.

- **Local authorities should have controls in place to reduce the risk of any payment fraud as a result of publishing data.**

We already have controls in place and use a risk management approach as suggested. However, we believe that the DCLG should not publish a code of practice to prevent fraud, but instead recommend that local authorities follow existing standards and guidance from bodies such as CIPFA – to prevent duplication, improve efficiency and best practice.

- **Paragraph 17 - Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in-house systems; organisational information should be published in line with central Government.**

Any new requirements – in terms of data to be published, or that published data be updated frequently, will require additional resources. This may

mean that additional “back office” or administrative staff are required.

- **Annex A: Anti-fraud measures - Local authorities should have controls in place to reduce the risk of payment fraud occurring.**
Instead of these anti-fraud measures, local authorities should be recommended to follow industry requirements or best practice as set out by CIPFA and inspection bodies like the Audit Commission. This will ensure consistency and clarity, and avoid confusion and duplication.

Surrey County Council

Thank you for the opportunity to comment on these draft proposals.

At Surrey County Council, we have a very clear commitment to openness and transparency and see these as integral to our relationship with our local citizens. Meeting the expectations and requests for information from residents is part and parcel of our role as community leaders and representatives. Indeed this county council can be seen as being at the forefront of local authority practice in this area. We are meeting all current disclosure requirements, as well as webcasting County Council, Cabinet and Planning meetings and are working to make much of the data currently available only to public sector professionals available to the public by September 2011. With this in mind, we believe that there needs to be an appropriate balance struck between disclosure of information, whether it will provide genuine insight for local residents and the resource required to publish the information.

We are not sure that further regulation is required to ensure meaningful and useful data is provided to residents. In addition to current requirements for data to be published, we also ensure we are held to account through statutory disclosures in financial statements, accounts inspection rights, direct queries to local councillors, Freedom of Information requests, constitutional access rights to committee papers, as well as the plethora of other information we publish on our website.

We would be interested to know how the list of data sets for disclosure have been identified. They do not seem to bear relations to our received Freedom of Information requests but we would be interested to know if they reflect those of other local authorities. We would appreciate a fuller understanding of the criteria by which they are designated as ‘demand led’. All local authorities will have their own issues, needs and objectives, which will be reflected in the information interests of local citizens. Rather than long lists of data to cover all eventualities, it would be helpful to focus on a shorter list for all local authorities, what can be supplemented by local provision reflecting issues of local interest.

The requirements stated under the openness principle are welcomed. It seems eminently sensible to have consistent standards for information formats.

In relation to the timeliness principle, we cannot agree that early publication should take precedence over the data's accuracy. There is a balance that must be struck between speed of publication and accuracy. We would prefer a more measured approach, so would rather not provide incorrect data to the public, which could result in misinterpretation. It would be helpful if the narrative in relation to this principle could be modified to address these issues. Also it would be helpful to have an assurance that the proposals outlined all do comply with data protection law (in particular in relation to publishing the salaries of named individuals).

By way of general comment, it is unhelpful that the emphasis of the disclosure requirements is entirely input related. This is unhelpful as it fuels concerns that are purely cost related, without reference to performance, effectiveness and outcomes. In addition, it seems that the requirements of the draft code are equally applicable to central government and the NHS. Are there existing or proposed disclosure standards that these sectors are required to meet to the same timetable as local government? The omissions of these parties from the requirement could unintentionally give the unfair impression that local government is particularly deficient in these matters, so requires this type of coercion, where others do not. Clearly this would be undesirable.

It would be helpful if additional data sets could be brought into line with information that is already being produced for statutory reasons. At this time where effective use of resources is paramount, it would not be desirable to need to dedicate significant additional resource to producing data for publication purposes only without increasing accountability. We are happy to champion demands for information that are truly locally driven and do so, but it is important that we can do this in a manner that is proportionate.

We would like to know whether the Code has had an Equalities Impact Assessment carried out and if so, to understand the outcome.

Consultation questions:

Question	Responses/comments
Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?	This increase in the information that local authorities are obliged to provide will not necessarily improve the public's ability to hold local authorities to account. It is vital that residents are able to hold public bodies to account through meaningful data.
The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are	It would be helpful to have more clarity about any particular concerns in relation to voluntary and complementary to, those of local authorities. A case can be made for more transparency where grants are forwarded, this is not necessarily the

<p>there additional, existing data sets that should be specified to increase transparency in this area?</p>	<p>case where voluntary and community groups have won contracts in open competition. We suggest that the latter are excluded.</p> <p>It would be helpful for the code to establish the definition of voluntary and community group. Will this include faith groups, exclude/include charities?</p> <p>The Code should also define an appropriate financial threshold (e.g. £10,000) below which separate specific publication is not necessary as the council has already published data on spend over £500.</p> <p>For local authorities and bodies that carry out public services (including voluntary organisations), publication of equality data that supports equality analysis and workforce monitoring (except for exemptions) should be specified (consistent with the Equality Act 2010).</p>
<p>Does the proposed Code sufficiently support the publication and reuse of public data?</p>	<p>The starting point for disclosures and publications should be that required for public companies or large charities. Beyond these, the requirements should follow the special nature of public money, such as the need for strong governance accountability, but should equally recognise that these additions are not free goods and incur a cost.</p> <p>In addition to linked data (steps 4 and 5 of the open data journey), adopting common standards will allow data to be reused by the public for comparison and benchmarking between local authorities and their peers. Consistent metadata compliant with important standards such as UK GENINI2 version2.1, e-GMS and Dublin Core should be adopted as a minimum. We also believe there is an opportunity for local authorities to work together towards</p>

	<p>standardisation for certain key, universal datasets to enable like for like comparison. In some areas, standardisation can be allowed to emerge over time. In areas where there is an immediate requirement for standardisation, leadership will be needed at a national level to make this happen.</p>
<p>Do you believe all the bodies covered in Para 3 of the proposed Code should be included?</p>	<p>Yes, however, we note that this is not consistent with other legislation such as the bodies listed under the Freedom of Information Act. Local authorities do not sit in isolation and often produce data in partnership. In addition, a lot of the functions referred to are contracted out and we would expect the Code to take into account where such bodies stand.</p> <p>The inclusion of parish councils could be deemed excessive. Many parishes will not have the IT expertise to comply easily and will need support to ensure they publish the right data in the right format, without compromising groups, entities or individuals deserving protection.</p> <p>The omission of unitary authorities from the list would appear anomalous. In addition, we also believe many elements of the code should apply to other bodies that exercise public functions. It would be helpful to know how these requirements compare with any that relate to central government, agencies, NDPBs and the NHS.</p>

<p>The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?</p>	<p>The functional definition reflects key responsibilities and power to direct or control major activities rather than salary levels so arrears proportionate and more suitable for the range of bodies that the code will cover, however, this function alone could miss salaries paid over the threshold for levels of responsibility lower than those picked up by the function test.</p>
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Comments on minimum datasets for disclosure:

Datasets details	Comments
Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £600 of public money should expect such payments to be transparent	SCC already complies with this publishing the data type of spend to increase its usefulness to the user, however a duty of care needs to be considered where suppliers act as sole traders, in particular the provision of social care for individuals needs to be balanced against the right to privacy.
Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.	(See comments above on related consultation question).
Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which	We welcome this transparency regarding senior pay salaries; however, we propose that salaries should be published in £5,000 bands rather than actual amounts. This is in line with what is provided both under FOI and published in the Statement of Accounts. This should avoid problems

is the Senior Civil Service minimum pay band.	<p>over "appeals" against publication and be less costly to implement.</p> <p>We propose that individual's names should be provided only when earning more than £150,000 per annum, in line with the Account and Audit regulations. Organisations which may be covered by this code are vastly different in structure and size, so providing both organisation charts and jobs titles will provide greater insight into the structure rather than just names and actual salaries.</p> <p>On the point of including job descriptions/budgets and numbers of staff - this should be more clearly defined and would perhaps be more beneficial if it is either set at defined level of accountability or at/over a particular salary amount (e.g. £100k).</p> <p>We suggest that the ICO guidance 'Public Sector Salaries: how and when to disclose' should be used to ensure that the public interest is balanced correctly against the right to privacy, particularly in the case of officer names.</p>
An organisational chart of the staff structure of the local authority.	We welcome this particular data set as it is frequently requested (excluding personal data).
Councillor allowances and expenses.	SCC already publishes this data. The Code needs to clarify whether aggregate data is to be published or sums relating to individual councillors identified.
Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.	<p>Access to this information is available through the routes of FOI legislation and to some extent the Audit Commission Act.</p> <p>The code should define the term contract and must give consideration to commercially sensitive information (e.g. schedules of rates) and bear in mind the actual physical size of some of these documents and their variations. In order for these data sets</p>

	not to be burdensome on local authorities we would welcome the code to establish a suitable financial threshold for publication and to live contracts. Also, modifying the requirement to publishing a template with minimal information on the nature and value of contracts would be less onerous for local authorities and sufficient for interested parties to make further, more detailed enquires as necessary.
Polices, performance, audits and key indicators on the authorities' fiscal and financial position.	<p>It is assumed that this requirement is loosely defined to allow individual authorities to interpret the obligation appropriately for their own context. If this is not the case, closer definition is required to assure compliance.</p> <p>Publishing something similar to the Business Review required under Companies Act 2006 and Accounting Standards Board's Reporting Statement on the Operating & Financial review might provide a fair and professional way forward.</p>
Data of democratic running of the local authority including the constitution, election results, committee minutes, decision – making processes and records of decisions.	SCC already publishes this information.

Comment on other related matters:

Issue	Comments
<p>Local authorities should develop an inventory of the data that they hold and ensure this is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.</p> <p>These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local</p>	<p>Local authorities are already statutorily obliged to comply with a publication scheme under the Freedom of Information Act. We feel this data inventory would be duplication. In addition this would be a huge task that would require extra resources. In the current climate local authorities would find this a struggle to maintain. We question whether this is the best use of increasingly limited resources at this time.</p>

government.	
'Public data' therefore means the objective, factual, non personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.	The requirement to publish individual's salary data would seem to fall outside of this definition.
<p>Local authority information should be where possible published in open and machine-readable formats. The recommended 5 step journey to a fully open format is:</p> <ol style="list-style-type: none"> 1. Publish the available data on the web in whatever format; 2. Make it available as structured data, for example in a spreadsheet rather than a .pdf document; 3. Publish it in non-proprietary format such as comma separated values (CSV); 4. User Uniform Resource Identifiers (URIs) to define and describe your data, thereby helping users discover and explore it, and understand its meaning and context, and; 5. Using URIs, incorporate links in your data to related external sources. 	<p>SCC has made a commitment to working in partnership to share and publish public data in open formats through the county's new local information system and data warehouse - 'Surreyi'. Surrey currently provides access to hundreds of open datasets in a 3* format. We are looking at ways to progress to 4* and 5* formats in the future and recognise that these linked data formats will help support the public to contextualise and compare the data in a meaningful way. Open data formats need to be underpinned by consistent, inter-operable metadata.</p>
The Government expects that from January 2011, all English local authorities will have started to publish the data on £500 expenditure, contracts, tenders and senior salaries. The local transparency agenda is an evolving one, not least as new standards, expectation and technologies develop. The Secretary of State therefore intends to review the content and scope of the Code within 18 months to account for experience and improved best practice.	A start date for compliance with the Code should be set after the consultation period, once it is finalised.

Exclusions and exemptions -	<p>This section refers to discretion that can be used when relying on an exemption. If it is likely that the publication of data will breach the data protection principles, it is not discretionary to do so. Not all exemptions are discretionary and we suggest that the ICO should comment on this section to clarify the position.</p>
General	<p>We recommend that the Code recognises the balance between privacy and transparency such as inserting an annex B to cover this. We do question the timing of this Code in view of the fact that the Cabinet Office is undertaking a Transparency and Privacy Review which will be publishing in March 2011 and hope this Code will reflect the same impositions/recommendations so that local government will be in receipt of consistent guidance and obligations.</p>
	<p>We would like to know the expectations of records management regarding this data. E.g. for how long should it be made public? And if the central repository will consider the archiving of this type of data.</p> <p>There have been a number of other Codes published in the past under section 2 provisions. It would be helpful to be clear what impact this Code has on them – i.e. a note clarifying which Codes remain in force.</p>
	<p>Are schools, colleges, 6th Forms and Pupil Referral Units covered by these provisions?</p>

Tameside MBC

Overall response

1. The overall response of this Council is that we welcome the opportunity to further enhance our transparency and accountability to local people.
2. However, some of these proposals threaten to either divert resources away delivering high quality core services to local people or to create barriers to trading with smaller local businesses, as we seek to do.
3. It should be borne in mind that many professional bodies including central government, the Audit Commission and District Auditors, already require significant disclosure of data by Councils to ensure value for money, probity and accountability in all our transactions. The Code of Data Transparency should complement these existing relationships but at present only sits alongside them.
4. However, while additional data can and should be published to ensure local accountability, this Council is not convinced that the measures proposed by DCLG will provide meaningful information to local people. This is because the current proposals fail to take full account of the full scale and complexity of councils.
5. It is more likely that councils will spend more time answering questions on individual transactions, duplicating information already published, and so diverting scarce resources away from front line services (as we have already experienced with Freedom of Information requests).

Specific responses

6. Specific responses are set out below together with other key issues raised.

Proposal	Response
Can local people hold us to account?	<p>Data provided is sufficient as it covers the policy context as well as spending details.</p> <p>However, local people will need to supplement the data provided by investing time and effort in considering the context of spending decisions – which is possible given the extent of other data already published on the website, especially in the many reports published as part of the Council's data on committee agendas and minutes.</p> <p>However, existing arrangements including the role of the District Auditor and central government data returns already provide a great deal of</p>

	accountability.
Can more data be provided to show how much funding is directed towards VCS groups?	Supplier accounts would need to be analysed and flagged to identify VCS groups. This is planned to be undertaken anyway to support improved financial management information.
Does the Code support publication and reuse of public data?	Yes.
Is the coverage correct? Scope of coverage (annex 1 part 3)	<p>All Council types are included.</p> <p>The guidance should be more clear as to whether it includes schools, including</p> <ul style="list-style-type: none"> • Schools maintained by Councils • Other schools types (VA, Academies, 'free' schools) <p>It is understood that schools are not included, however this is not explicit.</p>
Is the threshold of £58,200 for disclosure of senior salaries correct, or would a functional test or statutory officer definition be better?	<p>A functional test is already applied for the disclosure of senior salaries in the Council's statement of accounts.</p> <p>This is well understood and clearly defined and is preferred by this Council.</p> <p>However, different authority types may prefer different disclosures depending on local circumstances and responsibilities.</p> <p>If the £58,200 threshold were applied within Tameside, 46 council employees would be listed. A further 48 employees working in schools would also be listed if schools were to be included.</p>

Other issues

7. Publishing details of expenditure is only part of our ongoing commitment to accountability to local people. We continually review the accessibility of the information held on our website as part of this commitment.

8. Justification for the existing returns sent to central government departments need to be reviewed by the government. There are many areas of duplication which could be removed if data was shared across government more effectively.

Tatsfield Parish Council

I have been instructed to write to you following a discussion and agreement on a response formulated at a recent meeting of the Finance Committee of the Parish Council.

Having looked specifically at sections 8-16 of the draft code, the Parish Council agrees generally with the principles outlined in the Draft Code and especially in these sections, and many of them are currently implemented at this time. Tatsfield Parish Council welcomes transparency and availability of information on finances and other data to the public and has always endeavoured to ensure this is available within the constraints of technology. However, the Parish Council also believes that many of the items listed within the Draft code duplicate those already in the Data Protection act, which the Parish Council in Tatsfield is registered for. Additionally the item in sections 10 and 11 of the draft code, referring to a 'data inventory' requires clarification as there was not a clear consensus as to what this referred to at first glance.

Tavistock Town Council

This Town Council has noted the details of the various publications that are to be placed upon parish and town council web sites and wishes to make the following comments.

Firstly, we see no great pressure from local electors to have constant access to Town Council documents such as daily payments, standing orders, contracts and tenders (unless it be those wishing to tender in the future and hoping to get a commercial advantage).

More importantly is the matter of the web site itself. In the 1980s and 90s government funding was provided to principal authorities for "E government". This was used by them to fund large and complex IT systems. Not a penny trickled down to parish or town councils and those who do have a website have produced and funded it from their own resources. We understand there to be some 9,136 town and parish councils and our research reveals that only some 501 have a website (Taglish's Directory of town and parish councils). This is about 5%. Are the other 95% now forced to buy websites? Many now existing are anyway simple websites with but one or two pages and unsuitable for the large amounts of data this proposal imposes on them.

Devon is a mainly rural area. Many of our villages have no access to broadband, and are unlikely to ever get such access. How are large websites to be hosted without broadband?

Telford & Wrekin Council

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

R: The current proposed requirements should apply consistently across all public sector spending bodies including the same levels of prescription and thresholds. In particular in respect to local government the document does not cover unitary and metropolitan councils, it excludes schools and health authorities which incur large proportions of public expenditure, the latter working in partnership with local authorities and this is proposed to be extended.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

R: None have specifically been identified by the Council.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

R: The code should just make reference to the existing requirement within the FOI Act to have a Publication Scheme.

With regard to reuse, reference should be made to the Public Sector Re-use Regulations in order that this piece of legislation is the mechanism used to control and manage reuse of data sets.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

R: See response to question 1.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether

solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

R: The Council suggests that there is just one set of requirements in respect to the publication of senior salary information i.e. either within the Accounts and Audit Regulations or within this draft Code. The current proposed requirements mean that there is unnecessary duplication.

As the draft code is set out for local government we cannot understand why you suggest using Civil Service pay scales unless the proposals are expanded across all of the public sector and this is then chosen as the benchmark.

Other comments:

Paragraph 9 - Bullet 7 - Policies, performance, audits and key indicators on the authorities' fiscal and financial position

Please clarify that audits on the authorities' fiscal and financial position mean the audit undertaken by the Council's external auditor on the final accounts and associated documents as set out in legislation.

Paragraph 16 and Annex 1 – the code and any requirements should be such that they do not increase the risk to local authorities of fraud. Local authorities should be given discretion to not publish if they feel the risk of fraud is unreasonable as long as an explanation is provided.

Tonbridge & Malling Borough Council

Question	Response Made
Does the proposed code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?	<p>We have no disagreement with the statement that local people should be able to hold local authorities to account. Indeed, we already publish and make available much of the information described via our website.</p> <p>We do have concerns about the prescriptive nature of the Code. Over prescription may not aid understanding or accountability. Indeed, we feel that too much information can be overwhelming for the reader.</p> <p>We have specific comments to make regarding the detailed wording of the Code</p>

	in "Other Comments" below.
The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?	No
Does the Code sufficiently support the publication and reuse of public data?	As far as we can see
Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?	Whilst the principles of transparency are accepted, the requirements could potentially place significant burden on small parish councils.
The government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in the Audit and Account Regs in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of heads of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers as defined	<p>There are inconsistencies in the requirements of this Code of Practice and the proposed revisions to Accounts and Audit Regulations in respect of data regarding remuneration of senior employees.</p> <p>It would make much more sense for the requirements to publish data publicly to be consistent, if only to reduce the reporting burden on local authorities and avoid confusion by those receiving and attempting to use the information.</p>

in the Local Government and Housing Act 1989?	
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Other Comments:

The Code is slightly ambiguous about the proposed requirements to publish details of contracts and tenders. We have assumed – at a ‘common sense’ level – that it is intended that details of only formal tenders and contracts are included and not details of lower value items/services that have been purchased via quotation.

As set out at the beginning of this response, we have no disagreement with the principle that local people should have access to the information that will enable them to hold local authorities to account. However, we would stress the point that absolute prescription regarding disclosure of information can be costly, bureaucratic and resource-intensive and can distract authorities from their main purpose which is to provide services at best value.

Finally, it is important that local authorities are not “singled out” as far as transparency requirements are concerned. All parts of the public sector should not be immune, and appropriate, consistent, requirements should be imposed across the sector – including government departments.

Trafford Council

Trafford's response relates to publication of remuneration. It would be helpful if this followed the same requirements included in the recently proposed update of the Accounts and Audit Regulations. We already have information systems in place to produce the information to comply with Accounting Regulations and to have a different set of regulations for transparency purposes will be time consuming, costly and potentially confusing to the public.

Turners Hill Parish Council

Much of the code is better suited to the data held by Principal Authorities and Larger Parish Councils. There needs to be more flexibility for smaller parish councils to take into account the diversity of the sector.

We have always believed that our residents have a right to see our data, unless it relates to individuals, and to be aware of how their money is being spent. We publish our monthly accounts statements, minutes and agenda on our web site and make copies available to those attending our meetings or on request. Our policies are all available to residents.

However in our view providing information about all our suppliers, several of whom are small local businesses may not have a good effect on the

community or those involved. People living and working in small communities may not want all their details known by everyone.

The requirement for all councils to provide information online may prove difficult and expensive in terms of training, equipment and staffing and would simply increase the precept. For many Parish Councils with part time Clerks these requirements will be a somewhat costly and time consuming exercise which will bring little benefit to the community.

We question the requirement for parish councils to have to register an inventory of their data nationally as our work and responsibilities are to our local community and this does seem simply to be an added level of bureaucracy for small parish councils. Certainly in our parish there is no demand for additional information by residents and we therefore question the need and the benefits.

Uttlesford District Council

Having been recognised by DCLG as an organisation “at the vanguard” of data transparency, and received a visit from DCLG staff to discuss our best practice, we welcome the Government’s initiative in this area and give broad support to the proposals in the draft code.

However, we believe there are two issues that would benefit from another look.

Firstly, the expectation on the top of page 11 that we should publish “copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector”. We believe this to be in conflict with FOI/confidentiality requirements and but in any case it could damage the willingness of partners to do business with councils and therefore is an unreasonable requirement.

Secondly, to highlight the inconsistency between the requirement to publish senior salaries over £58,200 with the separate requirement in the Accounts & Audit regulations to publish senior salaries over £50,000. It would make things easier for us if these were consistent. I did make this point as part of the recent consultation on the A&A regs, but the anomaly still prevails.

Wakefield Council

Wakefield Council welcomes the opportunity to comment on the draft Transparency Code. Headline comments are provided below and a more detailed response to the specific questions is set out in the appendix which follows.

Headline Comments

We agree with the general principle of public services being transparent and accountable to local citizens and have already responded to the initial requirements on publishing information for expenditure over £500 and senior salaries ahead of the required deadline.

However, we would argue strongly that the efforts made around transparency should be proportional to the benefits and there should be greater consideration of the target audiences for data and information in terms of value and format. The Code seems to be predicated on an assumption that there is significant demand for data across all areas when actually, it is not clear whether this is the case; ascertaining the level of demand will need resourcing. Furthermore, our view is that unless there is a degree of sensibility and proportionality applied, the impact of the Code – both in rhetoric and in practice - will run counter to the Coalition's supposed drive to reduce the bureaucratic burdens on councils.

Government wants councils to publish 'raw data'. Surely, in many cases simply publishing raw data without sufficient context and explanation will lead to greater confusion for citizens: the consequences being either a mis-informed public; the need for further work to provide the necessary context; or an inevitable increase in FOIs asking for additional information – none of which will have reduced the alleged burden on local government. Furthermore, it is not clear how resource intensive the issue of interpreting the data will be.

A key principle of the draft Code is that the data will be 'demand-led'. There is no clear evidence of the level of the demand for transparency requirements already imposed on local authorities. Furthermore, it is not clear how the identification of future demand will be resourced.

Under the Code, councils are expected to develop an inventory of the data they hold – although the consultation document does not make it clear what depth and 'granularity' is required. In any event, the amount of data held by councils is vast, both in terms of scope and volume, and datasets are constantly being amended and grown. It is not clear what the purpose or benefit of such an inventory would provide – particularly given that councils are already required to list information they make available through a publication scheme. On that basis, it is considered the proposed inventory would add yet further bureaucratic burden on local authorities.

The draft Code also refers to registering the data inventories at data.gov.uk: we do not consider this to be user-friendly, causing further frustration and wasted time through poor search facilities. Furthermore, signposting to data.gov.uk should be more prevalent, for example by linking from the more well known websites like direct.gov.uk.

Finally, we firmly believe in equity and consistency across the public sector and therefore agree with the comments expressed in the recent letter from

LGA Chair Baroness Eaton to the Prime Minister in that transparency requirements should apply to all parts of the public sector, not just to councils. The public will find it confusing as to why different rules apply to different parts of the public sector.

A more detailed response to the specific questions you raise is provided in the attached appendix.

Appendix A

Response to the specific consultation questions

A. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Rather than helping create the conditions whereby local people will be able to hold local authorities to account, the proposed Code and the principles contained will actually:

- create confusion amongst local people;
- lead to inconsistencies across local authority areas;
- exclude the services no longer directly delivered by councils; and, ultimately
- add to the burdens on local government.

There is a contradiction in the draft Code through specific focus on local authorities at a time when **all** public services are increasingly delivered in many and complex ways by many different service providers. Unless the whole of the public sector is included (health service, criminal justice service, universities, quangos etc), our view is that the public will not understand why or how different rules apply to different public sector bodies.

Furthermore, many services are delivered on behalf of councils by commercial and not-for-profit organisations. Whilst payments to such bodies will be covered by the Code, citizens will not have access to how the organisations are spending public funds on delivery of these services; this is counter to the accountability argument purported by the Code and will serve only to confuse the public further.

Putting the local transparency agenda on a formal, statutory basis without specifying what it is that should be made available will create confusion and inconsistency across the sector. In addition, some of the minimum datasets set out in the draft Code are sufficiently broad at this stage that there are likely to be significant variations between what individual councils will publish; this again will not aid the public in being able to draw conclusions on the performance and effectiveness of one council over another.

Publishing raw data will not help local people hold councils to account; without sufficient context and explanation it is likely it will, in fact, lead to greater

confusion: the consequences being either a mis-informed public; the need for further work to provide the necessary context; or an inevitable increase in FOIs asking for additional information – none of which will have reduced the alleged burden on local government.

Finally, the key issue of public demand. The draft Code suggests that public demand will grow and local authorities should expect to publish more information. The draft Code does not provide clarity on what constitutes public demand; for example is it expected there will be a demand threshold or will a single request be sufficient? And how is demand to be identified? Placing the onus on local authorities to identify and respond to demand will place yet another burden on councils – again, this is counter to the stated, intended purpose of the Coalition’s objective to reduce burdens.

B. Does the proposed Code sufficiently support the publication and reuse of public data?

According to the DCLG press release, the draft Code is designed to provide councils with “*a clear outline of what will be expected of them*”. However, this is confusing because the draft Code itself states it “*is intended to provide a high level but formal statutory basis to the local transparency agenda*”, and goes on to state that “*it is for local authorities working with others, to determine detailed implementation arrangements*”. Our view is that this guidance is not clear. Some items on the list of minimum requirements are specific (e.g. the £500 spend items and senior salaries), whereas other items are not. If there is to be any level of consistency then councils need to be clear as to what is required.

The proposed Code certainly does not provide explicit clarity for local people in terms of what they should be able to expect from councils.

Comments on specific items in the minimum datasets list:

(i) Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.

The Council considers there should be greater focus on the demands and interests of the business sector. Most citizens will have little interest in browsing through complex contracts, whereas the business sector will. The Council therefore would like to see flexibility in the Code to enable publishing of contract data through, in the case of the Yorkshire and Humber region, its Supplier and Contract Management System portal which will provide a single source for data from many authorities. Other regions have similar portals.

Wakefield has, for many years, published all its contract rules, guidance for staff, tips for tendering and other resources on its corporate website (<http://www.wakefield.gov.uk/procurement>). This sharing of information has proved very popular with businesses and other authorities.

Adequate time will be required to enable authorities to identify 'grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed'. Many authorities do not hold organisational type against contract and payment data and will need time to analyse organisations and update systems.

With regard to "Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector", the threshold for publication should be based on the local authority's contract procedure rule thresholds. Previous suggestions that this should apply to all contracts over £500 does not match the reality of local government business, nor to the argument of proportionality outlined earlier. There are over 3,000 suppliers in the Region alone where we spend less than £1,000 per year, so to publish every opportunity at the £500 threshold would be administratively burdensome and costly to comply with. Also, as existing, published spend data already captures information of this value, it is questionable whether publishing contracts at this level would be of any extra value, even if they existed. Using local Standing Order tender thresholds would be a more realistic and less burdensome task for authorities.

In Wakefield's case, the Council's Contract Procedure Rules do not require tenders for anything with a value of less than £75,000. However, all opportunities in excess of £10,000 are already advertised via the regional supplier and contract portal <https://scms.alito.co.uk>. Information about contracts awarded is also available on this site. Most council's do not enter into 'formal' contracts for spend below a defined level, usually £10,000 or £15,000.

Final contracts will contain many variations to standard terms and conditions and potentially significant amounts of sensitive and commercially confidential information.

Because of their individual nature, it will be a resource intensive task to undergo a "redaction" process to remove inappropriate details which would consume significant cost and resources far in excess of the benefits the information would bring to the potential viewers of the information.

(ii) Policies, performance, audits and key indicators on the authorities' fiscal and financial position

Our view is that requirements on the publication of performance information needs greater clarity. The initial indication from Government was to publish "Frontline service data - including rubbish and recycling rates, council tax collection rates and detail of major planned projects" etc.

<http://www.communities.gov.uk/newsstories/newsroom/1607061>

A lot of this information is already collected by Government and published on a variety of departmental websites; for example Council Tax collection rates (CLG), waste collection and recycling rates (Defra). Given that much of this information is already publicly available, are councils expected to duplicate

this data and add context and local perspective or simply link through to Government?

Moreover, although initial indications referred to publishing frontline service data, this is not referred to in the draft Code. On this basis, councils could publish relatively little information on 'performance' and still meet the requirements of the draft Code - particularly if there is not much demand for it.

C. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Please refer to the comments above around other public sector organisations being included in transparency arrangements; i.e., unless the whole of the public sector is included (health service, criminal justice service, universities, quangos etc) citizens will not understand why different rules apply to local authorities only. The public are already accessing a great deal of information that is published or released under FOI. It is hard to see what difference this Code will make to holding local authorities to account.

D. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Our view is in line with the comments made by LGA Chair, Baroness Eaton's recent letter to the Prime Minister. Councils are leading the way in being transparent about all their spending and many already have remuneration committees with independent members from outside the authority that examine senior salaries. Furthermore, our view is that any salary publication requirements should be consistent across the whole of the public sector, including the civil service.

Furthermore, we would dispute whether staff at this level would fall into the description of an officer "having responsibility for the management of the relevant body". Finally, has anyone considered the implications of the Data Protection Act in providing the names of officers at this level? Surely Government is aware of its own mantra and blunders around this issue?

Warrington Borough Council

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

- Yes but, at what point could the LA put a supplier organisation/person at risk and at what level of consequence? We are happy that the relevant service areas have the required controls in place for the amendments to the standing data, but this would exclude the schools, who we think will remain vulnerable to scams. We will undoubtedly see an increase in attempts to defraud us using this information, which will require a higher level of vigilance in all sections of the authority. We may also get an increase in referrals to audit where managers have a suspicion that an invoice is not genuine. We think that all the bullet points in Annex A are being done within the relevant service area except for the last one - which would be quite a big and expensive exercise to undertake (even annually).
- How much time and at what cost should an authority take in ensuring supplier information change requests are valid? Should this cost be transparent as it is a spend on staff time?

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

- Include vacant LA buildings, land, car parks.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

- Yes, but how can we monitor its use and effectiveness to ensure we're not wasting time continually producing information that is no longer used?

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

- Should NHS and GP Consortiums be included?

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent

that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

- Would it be better to publish all pay levels in bandings which basically breaks down the number of employees in each pay band, e.g. number of staff over £100k, number of staff between £90k and £100k etc? That way, the public could also see the number of lower paid staff rather than concentrating just on those at the top.

6. General Comments

- How will the link between LAs website and data.gov.uk work? Will there be automatic uploads or is it a manual process whenever LA website is updated.
- Can caveats be added to data?
- What is the length of time that data is to be made available against any current LA data retention policies?
- The requirement to publish "invitations to tender" over the £500 threshold causes some concern. This will involve additional resource and an administrative burden the cost of which is out of proportion to the benefit, if any, which could be obtained. This seems to be at odds with the need to establish leaner, more efficient back-office operations.
- The published information may also be used for social engineering purposes which are not limited to bogus invoices. For example, obtaining information about our contractors or care providers may lead to an increase in attempts to access our buildings or contact our clients using assumed identities (either in person or in writing).
- Page 11 of the consultation also makes reference to publishing audits - it isn't clear if this includes internal audit reports. We need clarification on this.

Warwickshire County Council

1	Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?
	<p>See also (3) below.</p> <p>Warwickshire County Council was one of the early promoters and implementers of an open data site for Warwickshire data, as well as publishing data on our main website. We have no current statistics how this is being used by local people. There is confusion for the public having different web sites to access information and data. Any code or publication scheme does help to create the conditions to create standard datasets.</p> <p>There are a number of organisations who are taking data and presenting it in comparison form to allow some benchmarking. Interpretations of codes of practice and local government guidance by individual authorities may initially mean the that data is not consistent and comparisons are unfair. Only the Local Government Group are providing this with a number of guides– a code of practice cannot be precise enough.</p>
2	The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?
3	Does the proposed Code sufficiently support the publication and reuse of public data?
	<p>The model Publication Scheme issued by the ICO in 2008 as part of statutory FOI duties, already covers what information is expected for each sector to be published. Much debate and work went into this by each public sector, and the result is an appropriate level of data, i.e. a parish council has far less than a principal local authority. This proposed code appears to be somewhat in conflict with the scheme and the model publication scheme should be revised, rather than a new separate code being introduced.</p> <p>http://www.ico.gov.uk/for_organisations/freedom_of_information/definition_documents.aspx</p> <p>The Protection of Freedoms Bill will mandate publishing all datasets in open format.</p> <p>This is a similar situation to the recent proposed code on CCTV for local authorities and the police which will duplicate the ICO code of practice, where we are not sure which takes precedent.</p>

4	Do you believe all the bodies covered in paragraph 3 of the proposed code should be included?
	It will be difficult to set a one size fits all value limit given that local authorities listed range in size from the largest city council to a small parish council. The FOI model Publication Scheme is a better approach.
5	The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?
	<p>An option is to put as over £50,000 and a senior manager. This would make more consistent with the Audit and Account Regulations The definition of a senior manager needs to be consistent with a function test – perhaps the Audit and Account Regulations could be amended. The Civil Service pay band of £58,200 has no meaning to the pay bands of local authorities.</p> <p>We interpret this and already publish as the top 3 tiers of our council - Chief Executive, Directors and Heads of Service. This seems to give the right balance between privacy at lower levels and the accountable senior managers.</p> <p>The current definition technically includes staff in schools as the local authority is their employer. This needs to be made clear if Head/ Assistant Head teachers are not to be included.</p> <p>There is no direction in the consultation what "organisation charts" mean and should be consistent with the above definition using job titles. Publishing a full organisation chart with names that is constantly changing does not add value and may impact individual's privacy and may put some people at risk.</p>
6	Other general comments about the Code of Practice
	<p>10. Inventory of data There is no need to publish a separate inventory of information as the publication scheme guide already exists for information available. An open data site will list the datasets available, and any additional list to be created would be an unnecessary maintenance burden as the list will grow.</p> <p>12. Information should be made easily accessible to the public for use and re-use. A single access page for datasets being published is acceptable for open data, but the list of minimum datasets is confused as it mixes data with textual reports, e.g. constitution, committee minutes, records of decisions, policies. There needs to be a differential. This also conflicts with the publication scheme.</p>

	<p>There is no evidence that the general public are using open data sites to find information about their local council. As the amount of open data increases it is difficult to find the correct data set using search of manual browsing.</p>
	<p>Minimum datasets</p>
	<ul style="list-style-type: none"> • Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector. <p>Tenders are already in the public domain above a certain threshold. They would normally be removed from public sight once the tender is no longer live but if the requirement were to keep tender documents visible for longer this is not too onerous - a rolling 6 months feels about right if this is the intention. There needs to be a defined period of publishing in line with retention.</p> <p>The main issue is the intention for 'copies of contracts' (which is not defined). We already publish information about the contracts we let (who won, how much etc) and this provides sufficient general information as defined in the consultation. There is already scope within the Freedom of Information Act for any interested party to ask for further information on any contract so it will only create a further burden on local authorities if we are now required to post the formal 'contract' (if indeed this is the intention) regardless of whether there is public interest in seeing it or not.</p> <p>If there is a general view that we do have to post contracts then this should be kept proportionate and certainly set a financial limit that is sensible given the scope and scale of the contracts we let. It will be difficult to set a one size fits all value limit given that local authorities range in size from e.g. Birmingham City to a small parish council</p> <p>The Local Government Group code also proposes publishing a contracts register which is not mentioned in the proposal.</p> <p>While this can all be achieved there is an additional unnecessary resource burden to publish information quickly where systems are not set up to provide information to the public.</p> <ul style="list-style-type: none"> • Policies, performance, audits and key indicators on the authorities' fiscal and financial position. <p>Does this dataset mean all the four items connected with the authorities' fiscal and financial position or is it four separate items? This is unclear.</p> <p>Note that a policy or audit report cannot be published in an open, csv or as structured data, and the code mixes textual information and datasets.</p>

Waverley Borough Council

Here is Waverley Borough Council's response to your consultation on the recommended practice for local authorities on data transparency.

Response

We are very supportive of the concept of transparency, and have a great focus on openness and value for money, being one of the first Councils to publish our spending data on-line and also broadcast Council meetings live via webcasting.

We would like to make the following specific comments about areas of the proposed code:

Publication of senior salaries - last year we published details of all senior salaries over £58,200, and revised this in January (in line with guidance from the LG Group Transparency Programme - accessed via the CLG website) to cover our senior management team - e.g. Chief Executive, Directors, Heads of Service. This consultation refers back to £58,200.

We would be happy to follow either method of disclosure - either salary level or by structure, but we consider that disclosure by position in structure may be easier for the public to understand, and also facilitate easier comparisons between authorities.

Publication of contracts - the guidance refers to publication of all contracts over the value of £500. We feel this threshold is appropriate in terms of spending data, but too low for contracts.

Partly the exercise of gathering, considering any exemptions/redactions necessary and publishing this data would be overly onerous and time consuming for authorities, and could also have a serious adverse impact on our relationship with suppliers. We note that the Procurement Policy Note guidance on implementing requirements for greater transparency in central Government procurement and contracting circulated by CLG on 14th February to all Local Authority Chief Executives mentions a threshold of £10,000.

Certainly we feel a much higher threshold should be set and thought given to the implications of publishing contract documents which may be very commercially sensitive.

Audit Reports - we already publish external audit reports, and the recommendations and progress against internal audits. However, we do not think it will always be appropriate to publish internal audit reports in full.

Paragraph 19 - relating to publishing revised information and making it clear when there has been an amendment. This is appropriate when this is relating

to updates because of errors or omissions, but not routine changes/updates. For example - we currently publish structure charts for the whole organisation on our website, and review these with Heads of Service on a monthly basis. Where there have been amendments we will just publish a revised file - it would be onerous, confusing and of little use to the public to publish details of the amendments - what is important is that the files reflect the current position.

Wedmore Parish Council

We would like to applaud the overall objectives of the draft code of recommended practice for local authorities on data transparency.

- We believe that the conditions for local people to hold local authorities to account already do exist. In our case we are small parish council and we regularly publish agendas and minutes of meetings on notice boards and we also advertise that local people can come and inspect our budgets and accounts. The commencement and completion of Audit Statements are also published on notice board to ensure local people are aware and are able to hold the Parish Council to account over expenditure. (Draft Code consultation paper page 4 item 7 and page 10 item 9).
- Not all Parish Councils have their own websites. So to publish on line is not possible. Not all Parish Councils have their own computer facilities. Very often parish clerks use their own for parish council business. (Page 11 item 12 to 16)
- We believe the application of the proposals should be more proportionate to the needs of smaller bodies such as Parish Councils. (Page 11 item 12 to 16)
- We believe the application of the proposals should be more proportionate to the needs of smaller bodies such as Parish Councils.

Welwyn Parish Council

Welwyn Parish Council wishes to object to the very short period of 5 weeks allowed for this consultation. We have observed that consultation times appear to be shrinking for no obvious reason. This appears to be contrary to the government's stated aim to foster decentralisation and localism. Adequate time should be provided for consultation on matters that clearly affect local communities.

We note that this is a recommended code of practice not a mandatory one. Should there be a move towards making it mandatory then attention should be given to its scope, particularly as to those bodies included currently in the

list of local authorities. We assume that the term district council also includes borough councils outside London but perhaps that should be made clear in the document. Larger authorities such as district, borough or county councils have the resources and expertise to satisfy the requirements of this code without additional staff or significant incremental expense. However, this will not be the case for parish councils or parish meetings. If our experience is typical, and there is no reason to suppose that it is not, fulfilling the requirements of this code will require significant additional expenditure.

For small authorities such as these it is very questionable as to whether providing data in this way will represent value for money. You will be aware of the statutory requirement for us to make available on demand all non-exempt information that we generate, including, minutes, financial transactions and details of both internal and external audits. You will also be aware of the requirement for an annual Parish Meeting where our electorate can call us to account although what is provided in both cases is information and not data.

None of these comments should be interpreted as opposition to the objectives of the code of practice. We support these objectives. Our comments represent our views as to the appropriateness of the detailed requirements of the code to parish councils and parish meetings.

West Itchenor Parish Council

West Itchenor Parish Council is in broad agreement with the principle of making data generated by authorities available and accessible to the public and welcomes the opportunity to be included in the consultation process.

This Code if implemented, will affect every Parish and Town Council in the Country. Parish and Town Councils work at the most basic local level, therefore many of the requirements of the code will have a more direct impact. A significant number of these Councils do not currently have the finance, expertise, staff, and facilities to comply with the requirements of disclosure and in order comply with the requirements at the level asked would need additional local government funding or to increase the precept, thereby putting the expense of complying with the code on the very local people this code is designed to give transparency to.

In smaller communities many of those contracted to undertake work by the Council, work and live within the community. Publicising their details could have a damaging effect on a community and ability of the Council to undertake their work. There needs to be flexibility within the code for Parish and Town Councils that takes into account the diversity and range of the sector, from the smaller parish of under 200 electors with a precept of less than £5,000 and a clerk who works from home to the large councils with over 20,000 electors, a precept of over £500,000 and over 12 employees.

The Parish Council wonders whether those involved in presenting this proposed code actually have any experience of what local communities want from their Local Councils. Many Parish Councils will attest to the fact that they actively encourage residents to come to meetings, the Annual Parish Meeting (required by statute) currently rarely has more than a handful of the village in attendance unless there are controversial issues to be resolved. One wonders why is there a perception that local people in such circumstances really want such detailed access to data.

The scope of the act seems to assume that all Town and Parish Councils currently have public assets that need managing, for many smaller parishes this is not the case. There is also a danger in that the code appears to assume that Local Councils are incapable of presenting data in a meaningful way (para 8). By demanding that data is published in a reusable format surely leaves Local Councils vulnerable to any such data being unreasonably or maliciously distorted.

The Parish Council is of the opinion that Parish Meetings should be exempt from the requirement. It is also felt that a lighter touch needs to be applied to Parish Councils at some specified point. Whether the cut off point should be based on the Council's precepting amount or the number of employees needs careful consideration.

It requires recognition that the first tier of local government is at last in the process of being acknowledged for the services it provides at the really local level and the current restraints and inhibitions upon its support to the local community should over time be freed of constraint. It should also be acknowledged that the legislative changes under the localism bill depend upon proper funding and capacity support to allow an appropriate degree of acquired expertise to meet the new duties. Whilst if properly supported this is to be welcomed, the proposed code does little to take account of the complexity of the current situation and may indeed not be adequate for the developing context.

Wigan Council

Data Transparency Consultation

Does the Code sufficiently support the publication and reuse of public data?

- It would be more appropriate to publish information using the same requirements as those available in the Statement of Accounts e.g. Officer's Emoluments note. This note already provides detailed senior salary information for the full year and would reduce duplication of work. The threshold for this could be lifted from £50,000 to £60,000 for Local Authorities (as the £58,200 quoted under open data corresponds to the Senior Civil Service minimum pay band and not local authority bandings)

- The publication of senior salary job descriptions and officer responsibilities does not add any value. The potential inclusion of individual budgets will be difficult to produce and maintain.
- Under the Accounts and Audit Regulations it is a legal requirement that copies of contracts and tenders are available if requested as part of the final accounts process. This information can be commercially sensitive and suggest that it should not be widely published on the council website and only provided when specifically requested within the current statutory guidance.
- With regard to the 'timely' issue; in the current economic climate with less resources available it would be prudent to suggest that most data is updated annually in line with the Council's Statement of Accounts, Financial Strategy and other Council policies. However, where the data is more frequently available e.g. invoices over £500, this could still be regularly updated.

Wivenhoe Town Council

This council is internally audited and externally audited. All aspects of financial control are inspected and our accounts are available for the public to inspect if they so wish. This is common practice and I see no reason for it to be changed.

A published list of expenditure for items over £500 is acceptable – I can do this.

My one area of concern is that in my office there is just myself and 1 other part-time assistant. We would not be able to cope with a stream of endless enquiries about our spend. We have an annual town meeting and a financial report is circulated to all residents – those with a question come along to the meeting.

I would need far more staff to deal with a lot of enquiries – I just don't see how it could be done – we already answer emails, phone calls, faxes and visitors, none of whom make an appointment, they just turn up and I have to stop what I am doing and see to them.

Just a further note – an internal auditor carries out all of these tasks mentioned in the consultation paper.

Wolverhampton City Council

We recognise the principles of data transparency in furthering public accountability. The Council already publishes some of the data listed in the minimum requirements section of the draft Code, for example, data on the democratic running of the organisation and, of course, expenditure over £500. However, some of the other requirements, as stated, will have practical

implications in their application. This will most likely reflect the availability and readiness of current in-house systems and will impact on the resources required to implement the Code.

Whilst it is acknowledged that the Code is 'high-level' and for local authorities (with their partners) to determine how best to implement, it may be useful to:

- Clarify further the relationship of the Code to Data Protection legislation; FOI Act & EIRs (in particular, confidentiality and commercial sensitivity).
- Consider the possibility of establishing an authoritative source on data transparency as the practice develops to support consistency, avoid duplication of effort and provide the necessary support to individual authorities.
- Define further the 'inventory of data' referred to within the Code.

Currently, the draft Code is silent on timescales for implementation. It would be helpful to be sighted on the timescales to be applied to the implementation of the Code.

Wrotham Parish Council

WPC has a part time Clerk/Financial Officer who works 22 hours per week and no other employees. Our precept is £53,000 for 2011/2012.

The requirements of this consultation are too onerous for our Clerk to manage on her current part time basis. In addition Parish Councils (PC's) spend relatively small amounts of money on recreation areas and burial grounds etc and therefore there is little to be gained from a public viewpoint by including PC's.

If the government is minded to include PC's then greater funding would be needed as our Clerk would have to work considerably longer hours.

Wythall Parish Council

Wythall Parish Council has no objections in principal to the Code of Recommended Practice for Local Authorities on Data Transparency but is concerned that the Council's accounts programme may not be able to supply the information required.

Yatton Parish Council

Can I point out that although the draft Code says it applies to parish councils the legislation under which it will be promulgated (s. 2 Local Government, Land & Planning Act 1980) does not itself apply to parish councils.

Consultation responses - Others

Association of North East Councils

1. The Association of North East Councils is the political voice for local government in the North East. It represents all 12 local authorities in the area, throughout Northumberland, Tyne and Wear, Durham and the Tees Valley on issues of concern to them and the communities they serve. It is a cross-party organisation, with all of its members democratically elected and accountable politicians.
2. Our member authorities are already committed to providing relevant and useful information to their communities, to support their understanding of the democratic processes of the Council and to help individuals engage with the Council. They already provide much of the data proposed in the Code, and consequently support its general principles.
3. Indeed, member authorities are using innovative methods to meet the community need for data. For example, Sunderland City Council is currently running a Local by Social Event in one of its most deprived wards, bringing together community groups with software developers from the Sunderland Software City initiative to use data made publicly available via the Council's website to build apps not only to address local issues and concerns but to enable people to take a more active role in their communities.
4. Some of our member authorities have also commented that other public sector partners should be encouraged to be equally transparent.
5. As regards the datasets that should be released (paragraph 9 of the Code), there are concerns about how relevant, useful and cost-effective it will be to provide all the data proposed in the Code. For example, it is questionable whether it is helpful to publish copies of all contracts and tenders (as the Code appears to suggest); it may be more realistic to set a threshold, aligned with councils' tendering procedures, above which contracts would be published. We would also suggest that the requirement to publish should be restricted to the tender documents issued to bidders and not the final contract documents as they would be commercially sensitive and require significant redaction.
6. In terms of what additional information should be published, member authorities have strongly expressed the view that statutory notices should be published on local authority websites and that the legal requirement to publish them in the press should be ended. The total spend on public notices is significant, especially for authorities which

cover a large geographical area with many different newspapers, and in the current financial circumstances there is an opportunity here for making substantial savings that should not be overlooked. To ensure transparency there could for example be a requirement to publish in the press a list of the statutory notices that are available on the authority's website, with details of how to obtain a hard copy for those who do not have access to the internet.

7. While we support the principles of the Code, it should not be overlooked that the greater provision of data may lead to an increase in the number of enquiries and Freedom of Information requests seeking further clarification. The resource requirements should not be underestimated. Equally, while the consultation paper is right to draw attention to the need for local authorities to have controls to reduce the risk of payment fraud, total transparency about contract details does bring with it a potential risk of fraudulent invoices and there is a cost to setting up enhanced control systems. Compliance with the Code is not cost-free for local authorities.
8. In relation to the requirement (paragraph 10 of the Code) for local authorities to provide an inventory of the data they hold, it might be helpful if CLG could work with the Local Government Group to develop guidance on which are the key datasets to publish, while maintaining a flexible approach that recognises that local authorities are at different stages in their development of core datasets.

Bedfordshire Association of Town & Parish Councils

Bedfordshire Association of Town & Parish Councils (BATPC) represents 114 councils and 3 parish meetings in the county of Bedfordshire.

In response to the consultation on a code of recommended practice for local authorities on data transparency BATPC requests that the following general comments be taken into account:

Para 8 on page 5 of the document states that DCLG will draw the attention of **all principal councils in England** to the consultation. Para 3 to Annex 1 defines both parish councils and parish meetings as local authorities. If all tiers of local authority are affected by the Code then all tiers should be consulted directly. If the Code applies only to **principal** local authorities, this should be made clear in the consultation.

The Chairman of a parish council will routinely give a Chairman's report to the Annual Parish Meeting – a meeting of electors which takes place annually between 1st March and 1st June. The report gives details of the council's activities and achievements over the preceding year and will include a synopsis of the (at this stage) unaudited accounts.

To achieve Quality status parish councils are required to publish an Annual Report, by 30th June in any year; this to include a synopsis of the accounts.

At the commencement of the statutory external audit parish council accounts and all supporting documentation must be made available on request to any person wishing to inspect them. The parish council is required to post notices to this effect, and interested parties are invited to bring any matters of concern to the attention of the External Auditor.

Parish councils are required to publish details of any allowances they have resolved shall be paid to members, this to include recommendations contained in the report received from the Independent Remuneration Panel.

Parish councils are required to maintain records of payments made in respect of the allowances specifying the name of the recipient and the nature of the allowance. These records can be inspected by any local government elector for the parish or town and copies provided. At the end of a financial year, the council must publish a notice in a conspicuous place for a period of at least 14 days stating the total amount that it has paid for the parish basic allowance and for the parish travelling and subsistence allowance.

In answer to the specific questions posed:

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Local people are already able to hold parish and town councils to account given that all expenditure is resolved in council, in public, prior to payment. It is normal practice for council to be presented with a schedule of accounts for payment along with the agenda and supporting papers.

Where money is expended under authority delegated to an officer (Local Government Act 1972 s 101) it must be reported to the next council meeting.

Minutes of council meetings are available on request.

Parish council accounts and all supporting documentations are routinely available for public inspection for a period of 20 working days at the commencement of the external audit period.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

Details of all grants given to voluntary and community bodies are agreed in council, in public, and are recorded in council minutes and available on request.

Does the proposed Code sufficiently support the publication and reuse of public data?

It does not aid clarity and easy access to publish electronic data for 9920 parish councils along with that for the much smaller number of higher spending principal local authorities.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Given the existing availability of financial records it is not necessary for parish councils and parish meetings to be included in this proposal.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

No comment

Please ensure that these views are taken into account.

CIPFA

Introduction

1.1 CIPFA welcomes the opportunity to respond to the consultation. For ease of reference our response follows the order of the draft Code of Recommended

Practice for Local Authorities on Data Transparency ('the Code'). Our response only includes comments on individual sections where we have identified the need to raise a specific point or issue, and our response can be taken to support those requirements that are not specifically referred to below. We have also included some general comments that discuss matters not addressed in the draft code.

1.2 Our response has been informed in part by comments provided by the Local Authority Accounting and Audit Panels. Panel members are volunteers with a wide range of practical experience in the relevant areas.

2 General comments

2.1 Making data transparent and openly accessible to the public has the potential to generate powerfully informed citizens, foster accountability in public bodies, and critically use citizen-power to drive improvement. The draft Code will therefore be a key document in an important policy area.

2.2 Previous Government announcements on open data and transparency have stressed that freely-available public data can allow private and voluntary organisations to re-use data to develop more customer-focused services and for mobile phone applications. For example, they could link mapping data to information about bus stops, leisure centres, schools and other facilities that are the responsibility of the local authority, and deliver knock-on benefits for public service bodies. The draft Code does not mention these benefits and focuses instead largely on publishing financial data. It would be worth re-iterating these potential benefits in order to strengthen the argument for publishing data.

2.3 The majority of local authorities have now released their 'payments to suppliers' data online, which is commendable, but the data is currently of little use to decision making. In order for the data to be meaningful, it needs to be put into the proper context and released in a consistent format. The draft Code does not currently suggest what this format should be.

2.4 The LG Group released a suggested set of headings within their practitioner's guide. We would recommend that at least the most important of these; supplier code, service area and expenditure type (as defined by the CIPFA Service Reporting Code of Practice - SeRCOP) are included so that data can be compared, not just across different authorities, but within the same authority across time. If authorities can use the data to identify savings and deliver better procurement, then the benefits of producing it should exceed the additional work involved. We would be keen to work with CLG on developing a suggested format that this could take.

3 Minimum datasets (paragraph 9)

3.1 General comment

3.1.1 We suggest that this section should also list other datasets that private and voluntary groups can re-use to develop applications that relate to public services. The definition of set out by the Public Sector Transparency Board is instructive here; it defines public data as being 'the objective, factual, non-personal data on which public services run and are assessed, and on which policy decisions are based, or which is collected or generated in the course of public service delivery'. This includes, for example, geographic data that refers to public amenities and facilities.

3.2 Expenditure over £500 (1st Bullet)

3.2.1 The draft Code requires that:

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

Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.’

3.2.2 In relation to ‘Expenditure’ CIPFA is of the view that more guidance might need to be provided in this area and would suggest that a definition of ‘expenditure’ is provided to ensure that authorities report consistently. The Code is also unclear whether expenditure should be based on cashbook payments or purchase ledger invoices, in the latter case credit notes would need to be considered. We also recommend clarification of ‘including costs’ in the requirement quoted above.

3.2.3 We would propose that expenditure is disclosed net of VAT (i.e. it excludes VAT) unless VAT on expenditure is irrecoverable, in which case it should be disclosed gross with an indication to that fact.

3.2.4 The draft Code does not require Local Authorities to publish any data in relation to income. We believe publishing expenditure that is funded in part or in full by donations, contributions or other sources of income (other than government grants), without referring to this, may be misleading. Therefore, we suggest that where expenditure has been funded by donations, contributions or other such sources of income, this should be fully disclosed together with details of the donor or other source of income.

3.3 Senior Salaries (3rd Bullet)

3.3.1 CIPFA recommends that the reference to senior salaries is changed to senior employee salaries to be consistent with the terminology used in the Revision and Consolidation of the Accounts and Audit Regulations 2003 (SI 2003 No. 533) as amended.

3.3.2 In addition, in relation to Regulation 7(2)(b) of the Revision and Consolidation of the Accounts and Audit Regulations 2003 (SI 2003 No. 533) as amended, CIPFA responded as follows:

‘Regulation 7(2)(b) requires the number of employees whose remuneration falls within £5,000 pay bands (beginning at £50,000) to be included in a note to the accounts. Whilst this requirement is unchanged from the existing regulations, CIPFA notes that more detailed disclosures are proposed in the consultation on the Code of recommended practice for local authorities on data transparency, albeit that the starting point for disclosures is higher and based on salary rather than remuneration. CIPFA believes that it would be helpful for both authorities and the readers of the accounts if these disclosures were made on a consistent basis, and considers that it would be appropriate to base the disclosures on salary levels, given that from 2011/12 exit packages will be disclosed separately. One option would be to permit authorities not to include the pay bands within the accounts, but instead to include a cross reference to the more detailed disclosures; this option to only

be available to authorities complying with the proposed transparency code. The disclosures regarding senior officers would remain within the statement of accounts, in line with the practice in other sectors’.

3.3.3 CIPFA would further recommend that the above comments are taken into consideration for the purposes of the Code, to ensure that authorities are reporting consistent information in relation to senior officer senior officer salaries for both the purposes of transparency and for the required disclosures in their annual financial statements.

3.4 Organisational Chart (4th Bullet)

3.4.1 CIPFA welcomes the publication of organisational charts but would also request that the publication of salary bands (against the various posts reported in the chart) and an indication of which posts are vacant should also be included.

3.4.2 In respect of vacant posts, useful additional information might include whether the post is currently being advertised together with salient details of the remuneration package being offered. Detailed information of this type would be highly useful for local communities in relation to job opportunities as well as for benchmarking purposes within the local government sector and with other sectors.

3.5 Policies, performance, audits and key indicators (7th Bullet)

3.5.1 CIPFA agrees that publishing this information would fulfil a key part of the Government’s objectives for the Transparency agenda. However, without further details on what some of these indicators should cover it is likely that councils across the country will publish different information relating to their performance, for example. This would make it extremely difficult for ‘armchair auditors’ to make meaningful comparisons between local authorities, and to ascertain whether a particular council is delivering good value for money.

3.5.2 CIPFA also recommends that this bullet is clarified to remove uncertain surrounding what is meant by ‘audits’. We suggest that this bullet is amended to the following: ‘Policies, performance, external audits and inspections and key indicators on the authorities’ fiscal and financial position’.

4 Open (Paragraphs 12-16)

4.1 In relation to paragraphs 12-15, CIPFA agrees that the public should be able to access and interpret data easily, and therefore it should be published in .pdf format or similar. Likewise, for the purposes of re-use, it should also be made available in .csv format or similar, and under an open licence. However, many of the councils that have thus far published data online have not done so in both ‘machine-readable’ (i.e. .csv) and ‘human-readable’ (i.e. .pdf) formats. Lack of capacity to do this in a timely and effective manner may be a factor for some local authorities

4.2 CIPFA welcomes the implicit acknowledgement in paragraph 16 that data transparency is significantly increasing the risk of fraud in local authorities. Many local authorities already have the necessary controls, policies and procedures in place to reduce the risk of fraud and so should be able to provide and obtain assurance from a strong control environment. Paragraph 16 should therefore refer instead to such existing internal control arrangements and the reference to Annex A should be removed.

4.3 We suggest that Annex A should also itself be removed. In place of the list of typical controls included in Annex A we propose that paragraph 16 should mention the CIPFA 'Red Book 2' *Managing the Risk of Fraud – Actions to Counter Fraud and Corruption*, which is already widely used within local government. Reference can also be made to existing arrangements for independent and objective counter fraud oversight and review (such as the audit committee) and payment controls that work and reduce the risk of payment fraud as a result of publishing data.

5 Timely (Paragraphs 17-19)

5.1 Paragraph 17 asks for data to be 'published as quickly as possible after it is produced' while paragraph 18 states 'Data should be as accurate as possible at first publication'. These statements are slightly contradictory as timeliness and data quality do not necessarily go hand in hand. Perhaps paragraph 17 could be re-phrased to something along the lines 'published as quickly as possible after it is produced, allowing for a minimum level of accuracy' to be achieved.

6. Annex A: Anti-fraud measures

6.1 As stated above in 4.3, we recommend that Annex A should be removed from the Code. We believe that the inclusion of typical anti-fraud controls does not fit with a Code that is intended to provide a 'high level but formal statutory basis to the local transparency agenda'.

6.2 The CIPFA Audit Panel (which focuses particularly on Internal Audit) felt that the Annex was unnecessary for internal auditors / counter fraud specialists as well as other finance professionals within local authorities. Although we appreciate that the Code can be accessed by a wider audience, the amendments we have suggested above to paragraph 16 should be sufficient for their purposes.

Cumbria Association of Local Councils

I am writing to let you know the views of the Cumbria Association of Local Councils (CALC). The Association has 221 members and represents 90% of town and parish councils in Cumbria.

We would not challenge the principle that local councils should be as open as other tiers of local government. Indeed it has long been the practice for local councils to publish details of all financial transactions in the minutes of meetings.

The draft code, however, seeks to apply the same procedures to local councils as to principal authorities when clearly there is a vast difference in resources available to meet the code's requirements. In Cumbria we have many smaller councils employing a clerk for just a few hours each week, and indeed clerks to some councils are volunteers. While we do encourage local councils to set up websites this is quite beyond the means of many. It seems plain silly to expect a small parish council with a part-time, even voluntary clerk, to meet the same requirements as a principal council with substantial staff and financial resources.

Local councils will continue to publish in minutes details of all financial transactions. Rather than impose an additional administrative burden on already hard pressed council clerks to publish information in different ways, it seems to us that there should be a threshold, say a £1m annual budget, below which the proposed statutory code would not apply to parish councils\parish meetings.

District Councils Network

The District Councils' Network is a special interest group of the Local Government Association and represents the interest of district councils across England. Almost 170 district councils are members of the Network. District councils are playing their part in being more transparent about how they spend taxpayers' money, and all of them already publish details of expenditure above £500 and a range of other information and data.

Response to the consultation proposals

We do not object to the principle of the code of recommended practice on data transparency, so long as the Government brings forward similar plans for all other parts of the public sector including Government departments, NHS bodies and the wide range of unelected public bodies.

If the Government wishes to increase democratic accountability through publishing more data about public expenditure, then that argument holds good for all public bodies.

This is acknowledged in paragraph 4 of the consultation paper (“The Coalition

Summary

We support the principle of the code but only if the Government introduces similar arrangements for all other public bodies, including Government departments.

Transparency does not start and finish with local government.

The drafting of the code seems to have been rushed at points. The Government needs to check the drafting of the code to ensure that all aspects of the code are within its powers and are consistent with other legislation on publication of information.

Programme for Government committed to extending transparency to every area of public life”) but we would suggest that the commitment is not being approached consistently. We continue to be concerned that – with the honourable exception of the Department for Communities and Local Government – a greater level of disclosure is being expected of councils (£500) compared to other public bodies (£25,000). There is considerable scepticism about why different levels have been adopted. Large numbers of payments made by Government departments, NHS bodies and other public bodies will remain hidden from public comparison and scrutiny. If they have nothing to hide in these payments, we do not understand why the Government does not impose on them the same expectations about transparency.

Powers

There are concerns that, once again, the Government is bringing forward proposals that seem to exceed the powers that it has. We had to point out in our response on the draft code of practice on local government publicity, that certain aspects of the drafting in respect of lobbyists seemed to exceed the powers in section 4 of the Local Government Act 1986. We have noted that the drafting of the code laid before Parliament has changed and welcome recognition of the validity of the point we raised.

This proposed code relies on thirty-year old powers in section 2 of the Local Government, Planning and Land Act 1980. The first point to make is that a recommended code of practice under section 2 seems to fall short of an absolute requirement on authorities to comply. This is apparent from section 3, which is a regulation-making power for the Secretary of State to require authorities to publish the information “if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description”. Section 3 would be unnecessary if a code under section 2 imposed an absolute and unavoidable requirement. We are not suggesting that district councils will fail to comply with the code when it is finally issued. We are pointing out that describing the code as setting out “the requirement to

publish data” in paragraph 1 of the consultation document does not appear to be strictly correct.

A more substantive point on vires for the code relates to annex A, anti-fraud measures. This goes outside the powers in section 2. A code is about “the publication of information by such authorities about the discharge of their functions and other matters (including forecasts) which he considers to be related” but neither section 2(2) nor any of the other provisions in section 2 gives the Secretary of State the power to expound on internal anti-fraud measures. Annex A should be omitted.

Publication of information about senior salaries (paragraph 9)

We have three points to make.

First, it creates unnecessary extra work for local authorities to have different thresholds under this code and under the disclosure requirements on salaries in the Accounts and Audit Regulations 2003 No 533. We understand why £58,200 has been selected for the code but this differs from the £50,000 starting point for disclosure on salaries in local authority accounts. We would argue that DCLG needs to adopt a consistent approach in order to minimise bureaucracy and costs of compliance for councils.

Second, the wording “(with the option for individuals to refuse to consent for their name to be published)” is an anomaly. Regulation 7(2)(c) of the Accounts and Audit Regulations as inserted by SI 2009/3322 requires the publication of names of staff who receive over £150,000 in remuneration, and is carried forward in the consolidated regulations on which DCLG has recently consulted. This statutory provision seems to override any requirements of data protection legislation and the draft code. Councils would be criticised for inconsistency if they published names in their accounts but did not do so elsewhere on their websites. Again the DCLG needs to adopt a consistent approach, either by amending the Accounts and Audit Regulations or by amending the wording in the code.

Thirdly, we stress the point about the need for a consistent approach across the public sector. The senior salaries data set on the DCLG’s website does not reveal any posts, names of staff etc. below £80k. It seems unlikely that DCLG employs no senior civil servants paid between £58k and £80k. If the Department is asking councils to reveal such information, it needs to make its own information available as well.

Format of publication (paragraph 14)

The drafting about using comma separated values etc. is relevant only to financial or numerical data. It cannot work with texts such as contracts, tenders or some of the other information that is covered by paragraph 9 of the draft code.

The Department has not thought this aspect through in writing the draft code. We would suggest that councils are encouraged to publish text in widely read formats such as Word or pdf.

Clarity of expectation about publication of organisational information (paragraph 17)

The statement “organisational information should be published in line with central Government” is incomplete and meaningless. Again the Department seems to have rushed the drafting of the code. Since the impact of this sentence is not clear, we require further consultation about its drafting before the code is finalised so that we can comment on any impact for district councils and whether or not it is possible to comply with whatever may be intended. It may be simpler for this sentence to be omitted.

Exclusions and exemptions (paragraph 20)

The wording of this paragraph is rather unclear at points. The final sentence seems to contradict the absolute statement in the first sentence: it implies that “local transparency” involves releasing some data that should not be released under the Data Protection Act.

In the second sentence, given “or [to] publish the data” at the end, “or not” earlier in the sentence is tautologous and should be omitted.

Gloucestershire Association of Parish and Town Councils

This is the response of the Gloucestershire Association of Parish and Town Councils, which represents 264 parishes in the County of Gloucestershire. Our membership comprises Town and Parish Councils and some 46 Parish meetings without councils.

We would like to voice our concern as to the proposals, which seem to fail in the understanding of our sector in terms of the implications, costs and potential further confusion as opposed to 'transparency'

Fundamentally out of a potential 9,000+ Town and Parish Councils in England, a large majority do not have personal access to their own website, further more there are a substantial number of councils who do not have their own computer but rely upon the Proper Officer's own personal IT. This also implies limited skills and access to software needed. In order to comply there would have to be substantial investment in training, equipment and staff time, all of which will impact on the precept requests going forward.

Gloucestershire also has concerns as to the reporting of this compliance in the Annual Governance Statement all Town and Parish Councils complete. Presumably if a Council answers in the negative on this reporting, the result

would be a 'qualified audit opinion' which seems to be out of proportion with the intentions of the Code.

We suggest the Code needs to have some adjustment so as to be applied in a proportionate manner, as application to the majority of the sector, will generate more misunderstanding, do little to aid accurate information sharing and increase comprehension.

Below are our specific points in relation to your consultation:

1 No. This Draft Code does not recognise the financial resources and staff structure of many Parish Councils. The technical requirements would not be understood by many. Furthermore, if the Code were to be extended to include a proportionate element for Town and Parish Councils to publish within their Minutes, details of all payments made or approved (excluding that covered by Data Protection) and these to be published on a website or otherwise within 2 months of the meeting, this would mean that larger Town and Parish Councils could use spread sheets and data sets as for principal authorities and perhaps the smaller councils could use software such as word?

2 No. This is solved by the publication of all payments (subject to DPA) in current formats

3 Providing the Code is amended and Parish and Town Councils consulted, the Code should be sufficient.

4 No. Real concerns here, that a Parish Meeting is not a corporate body, and this Code is totally impractical in this application.

5 Salary levels. We have no real comment here as within our limited knowledge there is perhaps one instance of a salary in excess of the stated level. In most councils, the publication of the budget, with only one staff member, the information is not really hidden!

Gloucestershire Association of Parish and Town Councils hopes these comments will be taken into account when you consider 'The Code'

Hampshire Association of Local Councils

The Hampshire Association of Local Councils (the ALC) represents the 261 parish and town councils across Hampshire in offering information, services, representation and networking opportunities. More information about the Association can be found at www.hampshire-alc.gov.uk.

The ALC is pleased to be able to respond to this consultation on behalf of its members and offers the following general commentary:

Being embedded in communities, local councils (parish and town councils) have inherently more accountable and visible finances compared with their more remote principal local authority partners. Whilst some councils will

welcome the opportunity to further highlight their accountability and transparency, the likely resulting provisions emanating from this consultation will cause some smaller councils disproportionate expenditure and effort for little public benefit.

This appears dysfunctional in the current financial climate, where precepts are being encouraged to be kept low.

It appears from examining statute, that although the Code has a statutory basis, it will not be mandatory? Already commercial operators are approaching local councils implying that provisions will be mandatory, sowing confusion and leading to possible unnecessary expense.

In addition, the lack of decent broadband provision in many rural Hampshire areas currently makes these provisions very difficult at least, to implement.

It is noted that the Secretary of State did not write to parish councils when he wrote to other local authorities in June 2010.

And specifically:

- *Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?*

Local councils already make their expenditure decisions in public meetings held within the locality covered by the precept and council decisions; this is considered proportionate. In some cases the costs involved in compliance will be potentially high compared to the local council precept if the council has to equip itself with appropriate hardware, software and information technology training. There should also be clarity around the timing and type of information to be published e.g. payments split over the year might each fall under £500 but cumulatively over a year exceed £500?

- *The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?*

The answer as given in the question above applies to this question; local councils make all their spending decisions in public meetings, which are then minuted and published in the public realm, both on websites and on notice boards. This is considered proportionate with regard to voluntary and community sector grant-aid.

- *Does the proposed Code sufficiently support the publication and reuse of public data?*

If the Code is not mandatory, then the variable take-up of the Code and the different ways in which the provisions will be applied is likely to undermine the overall validity of aggregated data publication.

- *Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?*

No. Local councils have concerns about the application of the Code to them given their uniquely transparent role, embedded within the communities they serve, the fact that their expenditure is linked directly to benefit for the locality of the electorate paying for the services, given the fact that expenditure varies widely directly dependent on local need and services and given the resource implications for implementation of a non-mandatory Code. This potential regulation is a new layer of bureaucracy and undermines the government's drive towards localism and freedom from 'the centre'.

- *The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?*

No further comment.

The ALC is concerned that government whilst championing localism, does not understand or is utilising the unique nature of the parish sector to gain most benefit for local communities.

The principle of data transparency is fully supported, but it must be proportionate in terms of effort and expense when sector spending decisions are already decided and published in the public arena.

The ALC is grateful for being given the opportunity to respond, and doubtless the national association (NALC) is in talks with CLG over this matter, in the way that it affects the parish council sector.

Homeless Link

Homeless Link is the national membership organisation for agencies working with people who are homeless across England. We have more than 490 members, whose services range from local authority housing services, day centres, outreach services, residential care homes, hostels, supported housing, floating support through to employment, training and education.

Data and Homelessness

Accurate and transparent data is essential to providing effective services to homeless clients. We welcome the opportunity to engage with the proposals at this stage of the reform. We endorse the broad principles of the document, particularly in terms the emphasis the consultation places on open access to data sets that can facilitate effective commissioning and elucidate trends and outcomes for service users.

Although broadly we welcome this move towards increased data transparency, there are a number of provisions that need to be embedded to enable local communities to make best use of any published data. Furthermore we believe that some data is of such value that it should be collected on a national basis. From the perspective of a homelessness service provider it is crucial to maintain and publish homelessness data for the following reasons:

- To fully understand the extent and nature of the homelessness population;
- To disseminate as widely as possible evidence on what works and what does not in addressing the needs of homeless people;
- To minimise the duplication of services and therefore focus activity on areas where there remain gaps in provision; and
- To improve the overall quality of care for the homeless research.

National Data

With the announcement that Supporting People (SP) data will no longer be collected from next year, this removes a significant national data source covering non statutory homeless people. The only non-statutory national homelessness data that the local authorities will collect is the figures for the annual rough sleeper counts. Although these counts are valuable they do not provide an accurate picture of flow in and out of homelessness and do not collect any information regarding the effectiveness of different types of intervention.

The detailed information collected through the SP programme has been invaluable to establishing the social and financial value of homelessness service providers. Homeless Link is concerned that the demand-led structure of the proposed Code, its minimal requirements, the lack of a clear chain of accountability and the fact that there is no requirement to standardise data collection across Local Authority (LA) areas does very little to establish a clear picture of non-statutory homelessness at any scale.

Homeless Link would like to see data collected concerning the health, employment, criminal justice and housing outcomes of any client accessing homelessness services. Standardised data collection across these outcomes will enable:

- National government to see the outcomes and impacts of legislative change and to draft evidence based policy;
- Local authorities to make informed and effective commissioning decisions;
- Social care providers to compare and contrast the cost effectiveness of homelessness interventions across LA areas and share best practice; and
- The general public to understand the value of LA spending on homelessness service providers thereby promoting informed civic engagement.

“The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?”

While Homeless Link believes that the collection of data is a very important step there needs to be an acknowledgement that abstract lists of transaction costs such as those published since January 2011 are only useful if the reader has knowledge of the context and social value of the transaction. Simply stating that £100 from the Adult Care budget was paid to a service provider is not transparent. In order to promote civic engagement the general public needs to understand the context and value of the transaction.

Although publication of invitations to tender and contracts will help generate a context they do little to illustrate the savings made to the wider public purse as a result of a specific spend and therefore put the spend in its accurate context. To take an example from the homelessness sector, just publishing the monthly spend on one floating support contract does not enable the reader to understand that money spent on the floating support contract potentially saves money from the law enforcement budget or the local housing benefit bill.

In order address this issue the minimum requirement set out in the Code should be supplemented by a requirement to publish outcome reports, and publications of expenditure over £500 should be clearly linked through to the contract relative to each spend and include links to any other pertinent external sources of context. In this way the published data will become meaningful to local communities and facilitate the aims of civic engagement, efficiency and improved outcomes.

With regards to existing data sets, homelessness information collected via the rough sleeper counts, the P1E form and applications for assistance made to local authorities are all invaluable data sources that Homeless Link would like to see published and maintained. The SP Local Systems contracts data is

also extremely useful in setting a baseline for SP spend; we understand this is also to be discontinued and suggest this decision could be reconsidered. We would also like local authorities to publish data regarding the type of vulnerability that lead to a homeless acceptance.

“Does the proposed code sufficiently support the publication and reuse of public data?”

In addition to a requirement that data is suitably contextualised through the addition of outcome reports and external linking Homeless Link is also eager for data to be collected more consistently.

A more standardised methodology will facilitate comparison between LA areas and enable local stakeholders to analyse both the local and national picture. Given the diverse range and scale of organisations subject to the Code, standardisation is essential for enabling the general public to compare level and social value of spending and to benchmark spending against similar spends in other LA areas.

This public data can only be used to highlight inefficiency and open new markets for local business, the voluntary and community sectors and social enterprises if data can be more easily compared and examined across LA areas. Homeless Link recommends that at a bare minimum data regarding spending on issues such as homelessness is collected using a standardised technique and set of fields.

“Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?”

As the aim of these proposals is to place more power in the hands of the people and to move towards genuinely transparent governance then publication of raw data alone is unsuitable. Raw data will only really be of use to trained data analysts. The general public is likely to find raw data obscures LA spending rather than increasing transparency. In addition raw data may be easily misunderstood or misrepresented.

We believe that in order to maximize the potential of the publications, raw data should be released in conjunction with reports and guidance documents that demonstrate which accurate conclusions can be drawn from a particular data set. In this way a LA can empower both large and small organisations and the general public. As the proposals stand there is a disproportionate weighting placed on access to information while the tools that enable analysis have been neglected. There needs to be an acknowledgement that some individuals and organisations are better equipped to use raw data. The inclusion of outcome reports derived from standardised data and guidance around how to use raw data should also maximise the number of people who can participate in local democracy on an equal footing.

Finally while Homeless Link welcomes the requirement for LAs to publish data we are concerned that the consultation does not stipulate any clear indication of how this requirement will be enforced or any description of the chain of accountability. We are concerned that although a demand led structure to establishing what data sets are released has potential, without a clear system of accountability or enforcement demand could go unmet.

Information Commissioner

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to respond to this consultation. In the response we shall focus on issues that have transparency, data protection and privacy implications.

General comments

The ICO welcomes this proposed Code. It makes clear the types of information that local authorities should be routinely publishing, how they should publish the information and why they have to publish the information. In that respect it complements the core aims of the Freedom of Information Act that openness and transparency should be the expected standard from all public authorities (and this includes local authorities). The proposed Code puts local authorities at the forefront of data transparency.

We are also pleased to see the draft Code makes it clear that local authorities must comply with the Data Protection Act. We share the Government's view that in general local transparency can be implemented in a way that is compliant with the DPA. However we also consider that at times local authorities will have to balance public openness and personal privacy. We would want to see careful consideration being given where such tension arises rather than an approach of what could be described as "openness at all costs" or alternatively "privacy at all costs".

We would welcome further consideration as to how the Code will interact with the requirement for public authorities to maintain publication schemes under section 19 of the Freedom of Information Act and the proactive disclosure requirements of the Environmental Information Regulations under regulation 4.

Within the next year we plan to consult (with public authorities and the public) on revising both the [model scheme](#) issued under section 20 of FOIA and the

sector based guidance on publication schemes for the full range of public bodies covered. Guidance on the requirements for local authority publication schemes is currently contained in a [definition document](#). Much of what the Code covers could be incorporated into a revised definition document for local authority publication schemes. We also consider that other categories of information such as environmental health inspection reports could be added to local authority publication schemes.

The ICO would also welcome further guidance on how the proposed Code will interact with the amendments proposed to the Freedom of Information Act in the Protection of Freedoms Bill currently progressing through Parliament.

It is also worth noting that where public authorities fail to meet the obligations imposed on them by section 19 of FOIA then the Information Commissioner has enforcement powers available to compel public authorities to comply with these obligations.

Specific points

Q – “Do you believe that all the bodies covered in paragraph 3 of the proposed code should be included?”

As set out the bodies included in paragraph 3 broadly follow those listed in Schedule 1, Part II of the Freedom of Information Act. This being the case we think that their inclusion under the Code’s provisions is appropriate.

Q – “The Government’s preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a ‘function test’ such as that used in Audit and Account Regulations in 2009 be better e.g. “a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons”? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?”

The approach taken by the ICO when balancing public accountability and personal privacy is to focus on specific job roles and responsibilities. In general more senior staff who are responsible for major policy and financial initiatives can expect greater scrutiny of their pay than more junior employees. It will nearly always be unfair to disclose the exact salaries of junior employees. However we do think that it is fair to provide information about salary scales for all employees.

Further information is provided in our guidance [Public sector salaries: how and when to disclose](#).

Leicester/Leicestershire Information Management Advisory Group

The Code has been reviewed by the Leicester and Leicestershire Partnership information group (IMAG). The following comments bring together some of the key comments from individual partners, but do not solely represent the views of any one organisation.

The proposed Code is a step in the right direction for forming greater accountability within local authorities. Indeed, a number of agencies in this area have Information Management Strategies that embrace the principle of appropriate publication and reuse of public data.

The Code only applies to a limited range of bodies. It is intended that parts of the health service will transfer into local government, and they will then be covered by the code. However, that still leaves parts of the health service outside of the scope of the proposed code, and also other partners that operate at the local level such as the Department of Work and Pensions. In the light of the 'localism' agenda, it would make sense for the code to apply to ALL bodies that are likely to form part of the localism agenda, including the Health Service and the DWP.

The publication of data in its raw form brings an element of risk in the form of:

- Potential breach of the Data Protection Act through mistaken publication of personal data
- Reputational risk through misinterpretation of data by external bodies / individuals
- Misinterpretation of data through analysis of data for a purpose which was not intended, and therefore no consideration given to data quality issues for that purpose.
- There is also a risk of increased query and cost to the Local Authority in the administering resultant FOIA requests.

These risk areas build a greater requirement for good governance in order to mitigate risk in publication.

The need to publish data in its raw form is accepted, in order to encourage creative and challenging use of data to support accountability. Some partners believe that good presentation of data is also a necessity if data is to be understood by the creating organisations, and to drive improvement in data quality.

More legislative guidance on publication schemes to compliment FOIA and the Code would be helpful to ensure that the essence of FOIA and transparency isn't compromised.

Other specific comments on the Code follow:

- Paragraph 9. Copies of contracts and tenders.

Greater clarification of what specifically what is expected to be published - a list of contracts, or the contract documents themselves - would be welcome..

- Paragraph 9: senior salaries. This element is broadly welcomed, although a question has been raised by one partner about the relation with the DP Act.

- Paragraph 10. Local Authorities should develop an inventory of the data held and ensure it is published.

The development of data asset registers for central government is already framed in the Mandatory Minimum Measures included within 'Data Handling procedures in Government: Final Report'. The applicability of that requirement within central government was severely watered down for local government when issued as a joint "guidelines" paper by LGS/SOCITM/SOLACE and whilst where possible elements have been acted upon there has been no mandate for action. Addressing the requirement would be better set within a wholesale local government Information Assurance initiative and not piece meal as in the proposed Code.

Lesbian & Gay Foundation

The LGF recognises the potential for communities to have a greater knowledge of their area and their local authorities facilitated by the Transparency Code; however, we have concerns about whether the specifics of the code do enough to ensure that data published will actually be useful to communities and interest groups. Specifically, point 8 of the Code's appendix suggests that data should be published without analysis performed by the authority itself in order that communities etc can make its meaning apparent themselves. However, it is analysis that makes data into knowledge and we feel there is a risk that not requiring authorities to provide analysis of the data they have collected will reduce the value of collecting that data to the authority themselves. Without analysis by professionals involved in the data collection there is also a risk that important information and learning will be lost. Regular publication of accessible raw data alongside reports by local authorities would seem to be a better way to ensure real, usable knowledge about an area.

Similarly, data on expenditure and contracts to the VCS should be accompanied by a summary of the spend and an evaluation of the aims of the contract in order to give people more information on which to judge the expenditure or contract.

We feel that the minimum datasets should include data on equality of access to services provided by local authorities, by protected characteristic groups. This would be generated by monitoring service users for sexual orientation, ethnicity, gender, disability, and religion or belief across all services offered and would ensure that local authorities are complying with the Equality Act

specific duties, as well as providing essential information for communities and interest groups.

In terms of data on senior salaries, we feel a function test would be better than a threshold of £58,200.

Local Government Group Response to the DCLG consultation

Overview

1. Local government is committed to the philosophy and practice of transparency both as means to improve accountability to local people, and to enrich local democracy by better informing and involving citizens in shaping their localities and services.
2. This commitment is reflected in the overwhelming sector response to the Secretary of State's request that council spending data over £500 be published. It is also demonstrated through a growing number of councils embracing the challenges of the open data agenda more widely, with councils such as Lichfield and Redbridge leading the way for public sector transparency.
3. However, we are concerned about the proposed code of recommended practice on the basis that giving it some force of law through the 1980 Local Government Act is likely to create more difficulties than benefits. These revolve around:
 - The need for wider legislative and policy coherence and clarity around public sector data and transparency;
 - The implications for localism; and
 - Technical issues where legislation will create difficulties and where alternative approaches will deliver a better result.
4. Underpinning this, we believe that it is fundamentally inconsistent and wrong to create legal or quasi legal codes for transparency and open data that are more prescriptive and detailed for local government than those required of the public services more widely. Citizens should be able to expect an equal measure of transparency in the activities of Whitehall and in other local public services.

Legislative and Policy Clarity

5. Government is proposing to:
 - Extend coverage of existing Freedom of Information legislation through the Ministry of Justice;

- The Home Office is promulgating a Protection of Freedoms Bill with a general legal presumption in favour of openness in public sector data with some worryingly detailed prescription and a proposal for guidance to the whole of the public sector; and
- We have this proposed code through DCLG specifically for local government.

6. The situation complicated by existing inconsistencies in national (and EU) legislation around data and transparency. For example, access to data under the Freedom of Information legislation and for inspection under the Environmental Information Regulation is generally free, but other legislation (e.g. the EU INSPIRE regulation) allows charging for online access and reuse of data when provided in large quantities or when frequently requested.

7. Such questions are not simply matters of detail or solely problematic for local government. Your introduction to the consultation uses terminology such as ‘transparency through open and reusable data’. Policy and legislation needs to be embedded in clear and agreed principles that establish the extent to which transparency with free and open data is the priority, and therefore bring clarity to a currently very confused situation, exemplified by:

- The Open Government License Framework widely promoting open and free data for reuse, yet public sector intellectual property rights in some public sector data are a source of return for the taxpayer, but frustrate some commercial users, interested citizens and armchair auditors; and
- The position of Ordnance Survey as a trading fund. Much local government data (possibly up to 80%), includes a reference to a location plotted on an Ordnance Survey map. Ordnance Survey licensing of third party use of that data mainly prohibits free reuse. This is not theoretical because, for example, it affects policy to identify and map public sector assets in a comprehensive and openly available way.

8. It is undesirable to have the current piecemeal development of legislation. What is needed is agreement to the principles and objectives for public sector data policy behind a general presumption in favour of transparency which we would support. This would then clarify when costs can be legitimately recovered, and where it is legitimate for the tax payer to benefit from a return on investment by charging for the use of certain data. This clarity should underpin a more coherent approach to legislation. We understand that there is growing recognition of the need for this in Cabinet Office, and the Local Public Data Panel has also highlighted the problem. So, if legislation is to extend the commitment to transparency, then it should be accompanied by a commitment to consolidate and rationalize the current and confusing legislative situation.

The implications for localism

9. If developing the legal basis for transparency is to extend beyond Freedom of Information legislation, we believe that this should be enacted through a fit for purpose and workable legal presumption across the public sector that public sector data is open, subject to caveats about personal data and any necessary provision for confidentiality.

10. Beyond that, we broadly agree with the thrust of paragraph 8 of the draft code which states that: local authorities should understand what data they hold, what communities want and release it in a way that allows others to present it in new ways that make its meaning more apparent. We would add, that in doing this, it is also important that public sector presentation of data is likewise helpful and accessible to citizens directly as it is unrealistic to assume that all citizen needs will be met through armchair auditors or similar.

11. This brings into question the extent to which this needs, or is appropriate to detailed legislation. For example, the jury is out on the extent to which the 'www.data.gov' model is genuinely helpful for most citizens as opposed to the data enthusiast or researcher (ref. Paragraph 11 of the draft code). Also, the original driver for publishing raw data formats was so that the external market could create useful applications where councils don't have capacity or skills to create them. And, these developments alone won't generate effective local scrutiny or benefit the citizen. As the draft suggests, this is best done in response to local circumstances and needs.

12. We therefore suggest that instead of a local government code of practice backed by statutory or quasi statutory force, that there should be a collaboration between local government, citizens, the data 'developer community', and government to determine how we can help local authorities and others working locally through practical help. This has inherent benefits in being flexible and responsive. The Local Public Data Panel is an example of this collaborative working: the practitioner guides produced jointly for publishing spending data, contracts and salaries were warmly received.

13. Our proposed approach is also consistent with Greg Clark's announcement on 7 March 2011 that the Government is to review of statutory duties placed on local authorities by central government to remove red tape and regulation: it avoids the proposed code of practice adding further control from the centre.

Technical Challenges

14. The proposed code is also problematic in relation to some of the more technical aspects of open data and transparency where a more flexible resource of help and support is much more appropriate. A legalistic approach to the practicalities described below is not the best solution.

Expenditure over £ 500

15. This is already published by many authorities in the required format and we would expect pretty much every council to move to this over the coming months. The challenge is to enable wider comparability through adopting affordable and workable standards, for example by working in finance terms with CIPFA. This is not the role of statute.

Grants and payments to voluntary community and social groups

16. We do not think that a code is the right way to achieve this: it is more about adopting the approach to standards identified in the previous paragraph to allow effective identification, and there are technical complexities where services that are outsourced may involve the voluntary sector.

Senior salaries

17. Publication of local government senior salaries should be in line with existing legislation and not arbitrarily linked to civil servant pay-bands which have no meaning in local government. We are surprised to see this link resurrected after extensive discussion with DCLG about this and agreement to a practitioner guide that offered a more sensible and workable approach.

18. The reference point is the Accounts and Audit (Amendment No. 2) (England) Regulations 2009, SI 2009/3322. This defines senior as anyone earning over £150,000 per year or anyone earning over £50,000 per year who holds a “senior” position (what this means is defined in more detail in the legislation). Working on this basis would be far more sensible and would also allow comparisons across authorities.

19. The draft code suggests that individuals have the option of refusing consent for their name to be published. Information Commissioner advice is that consent is not required: individuals involved should be told about the disclosure. Clearly again there should be consistency across the public sector.

Copies of contracts and tenders

20. This has been the subject of extensive consultation and liaison with both DCLG officials and local government. We are close to finalizing the details of that subject to final sign off, and, if a code is to be pursued, it should cross refer to the practitioner guidance that is the subject of these negotiations. The result of that discussion aims to maximize benefits and clarity for citizens and businesses whilst offering councils a workable way to do so.

Extending transparency to policies, performance, audits and key indicators on authorities fiscal and financial position/data of democratic running for the local authorities, including the constitution, election

results, committee minutes, decisions-making processes and records of decisions

21. Much of this is already in the public realm and subject to The Freedom of Information Act which requires that local authorities publish a publication scheme that describes information that is routinely published, including data held by the authority. Therefore, for this purpose, an inventory as required under paragraph 10 would duplicate that requirement without good reason.

22. We therefore question whether specifying an inventory by statute is the most helpful or constructive way of developing beyond the general presumption that public data is open. Rather we suggest a positive approach that fosters the pioneering work exemplified by Redbridge through their DataShare project.

Defining Open and Publication Requirements

23. We are unclear what is meant by the term “open” in this context: paragraph 13 of the draft code refers to license that allows open reuse. Do you mean open as in using open standards, or do you mean using open standards and making the data available for free. Our earlier point about data policy and legislative inconsistency is important here

24. The first three steps of the recommended five step journey to a fully open data described in paragraph 14 are achievable for most local authorities. However, final two are questionable: non-proprietary formats should not be solely linked to comma separated files, but should include other open formats such as Xml. The use of URIs is still little understood and only a small proportion of data have a URI associated with them, let alone, link them to external resources.

25. While an ambition to move towards linked data is desirable as an aspiration, linked data remains at research and development stage: considerable investment would be needed to build a linked data infrastructure. For example, there is a need for a spine of common references for URIs that can be consistently used. We are interested in the future of this for local government, however such an experimental approach has no place in a code that has some statutory force behind it.

26. The advice in paragraph 18 of the code on publishing ‘un-cleaned’ data is understandable, but again shouldn’t be in a statutory code. We all appreciate that timely data can be more helpful than perfect data after the event; however, this must be a local judgment because equally, errors can lead to misconceptions, poor decisions and possibly even litigation.

Anti Fraud Measures (Appendix)

27. The advice on anti-fraud measures to raise awareness and help councils to safeguard against fraudulent claims is generally helpful but is surely more appropriate to alternative routes for promulgation of what is

essentially advice. And, as part of that advice, we continue to strongly recommend that internal supplier IDs are not released if they are used as the key identifier of suppliers within an authority.

Burdens

28. Whilst embracing transparency, it is clear that many of our member councils are very concerned about the resource implications of going down the route suggested by the draft code. We do not believe that this should prevent commitment to the journey, but we strongly urge that the more advanced elements of this transition should not be unrealistically enshrined in legislation or codes. The consequences of that will benefit no-one, least of all citizens.

29. What is required is a collaborative approach that generates enthusiasm not a culture of compliance with rules. We therefore suggest that together, we bring interested parties round the table at senior level to consider the issues raised in our response, and to work through how best to get where we all want to be.

LGS Services

I am a Clerk to several parish councils and support the principles open transparency. I would always encourage my councils to actively publish their minutes but these already include details of all spending; including that over £500. This recommended code is therefore a duplication of efforts and will result in additional costs and efforts. Being the only employee to each of the Councils the burden of the collating, publishing etc falls to me to do along with my other duties. The councils already are trying to keep their costs to a minimum so no additional resources have been provided.

However two of the smaller parish councils do not have and control their own websites. One was informed that this was already required and therefore has gone into partnership with the District Council and purchased space on its website on which it already publishes its minutes and spending over £500. There is an annual cost to this. The other parish council is working in partnership with a resident who runs a community website. It is at his discretion what gets published and when. For the councils to run their own websites to comply fully with the proposals will undoubtedly be a burden both financially and also time wise.

It will certainly put a burden on the smaller councils who lack the expertise, funding and facilities to comply. What is likely to be the penalty of a council that cannot meet the burden of this recommended code?

Making details of contracts would publish commercially sensitive data available to their competitors and may put smaller companies out of business resulting in increased costs to councils for using larger companies. While the proposal is to make parish council more transparent and accountable this is already attained via the Accounts and Audit Regulations

and also the Freedom of Information Act. If the Code of recommended practice is to be adopted then councils requiring only basic audit it should be their discretion how much they publish. Surely this should be in response to the residents requesting the information. Why publish if no-one wants it?

What surprises me is that the consultation impacts on parish councils and yet the parish councils were only informed of it via the National Association of Local Councils within the last two and a half weeks. A six week consultation period does not give some of the smaller councils who perhaps meet every second month or four times a year time to meet to consider the implications which could have a significant impact on their business; especially as these are the ones that it will impact on most. Two and half weeks gives them even less.

Surely this consultation is of such importance that a direct rather passive approach via a third party was warranted.

I would like to have the time to say more but instead, and I hope he will not mind, I will quote Ken Abraham who replied online on 8/3/11 as I fully support his sentiments and comments as follows -

"There are contradictions. If the system is cumbersome to administer for small organisations are the costs justified? Is it efficient use of taxpayers money to tell them that a payment for £500 has been made or is it better to encourage more people to get involved in running a local council, given that most vacancies are uncontested? Having such a system has an additional cost attached:

Someone has to prepare and review all this data. What does that cost?

There has to be web space on which to put all this data. What does that cost?

Someone has to uplift and update all this data. What does that cost?

How much saving to the public purse will be made as a result of publishing all the data? Can it even be quantified? Is it worth the investment?

At a time when the drive is to get people involved in localism activity, will this act as a force for or against people considering virtually unpaid service when subject to Big Brother like scrutiny of this idiosyncratic nature?

There are numerous parish websites already that are not able to keep up to date with publication of minutes and agendas?

I am reminded that under the old Best Value Regime Councils published quite a lot of data to the public most of which was promptly recycled because they were told they had to do this by the Audit Commission not because it was useful.

Is this not similar? The drive for this comes from where? The very place that says it wants to take its hands off local services Central Government.

I would like to know what assessment has been undertaken to look at parish and town council capacity to undertake this. Whether costs have been assessed. Whether anyone involved in making this proposal has any practical experience of what local people want or is it just another catchy of the moment idea that will cost a lot and produce little.

If you want to identify waste, this seems to be a very inefficient way to do so. It is also probably going to further disillusion both Cllrs and staff in parish councils and make retention and recruitment even more difficult when turnover of parish clerks is generally running at 20% per annum and filling council seats is becoming more and more precarious."

Local E-Government Standards Body

This document provides feedback to the Department for Communities and Local Government about the data standards implications of the proposed Code of Recommended Practice for Local Authorities on Data Transparency, with the consultation exercise described at

<http://www.communities.gov.uk/publications/localgovernment/codepracticelad>
ataconsult

We hope that our input will help to make a success of data publishing as a local level by making local data meaningful, comparable, and linkable.

About the Local e-Government Standards Body (LeGSB)

A description of LeGSB and its constitution can be found at www.legsb.gov.uk. In summary

- LeGSB was originally an e-Government National Project. Since 2006, the accountable body is Tameside Council.
- LeGSB's mission is to promote eStandards that support Efficiency, Transformation, and Transparency of Local Services
- LeGSB is currently funded from CLG and DWP. We have assisted and advised CLG with a number of projects, workshops, and surveys and reports.
- LeGSB's Chair is John Curtis from Mersey Fire and Rescue and the Director of Standards is Paul Davidson from Sedgemoor District Council. The LeGSB Board has representation from Local Authority ICT managers, CLG, DWP, LGA, SOCITM, Cabinet Office, Health, and Intellect.

- Paul Davidson represents English Local Authorities to the Cabinet Office CTO Council and its Information Domain where public sector eStandards are devised within the ICT Strategy and the Standards and Architecture Framework.

Standards Issues and Opportunities arising from the proposed Code of Conduct.

*“Local authorities should develop **an inventory of the data that they hold** and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.”*

“These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.”

The CTO Council's Information Domain and data.gov.uk are considering how Information Asset Registers can themselves be made Interoperable, such that it is possible to discover related information holdings across public sector bodies. We would recommend that CLG support LeGSB in working up this standards proposal within the CTO Council's Information Domain leading to guidance being made available to Local Authorities about how to structure and publish this "Inventory".

Data.gov.uk have made significant strides in deploying their metadata profile so that searches are effective. However, to cope with the diversity and multiple sources of Local Authority data, we recommend that CLG and LeGSB set up a specific activity to:

- Refine the metadata requirements to meet the needs of registering and discovering Local Authority data.
- Make the data.gov.uk registry itself, machine readable.

“Use Uniform Resource Identifiers (URIs) to define and describe your data, thereby helping users discover and explore it, and understand its meaning and context”

“Using URIs, incorporate links in your data to related external sources.”

LeGSB led the Cabinet Office activity to set design rules for Public Sector URI Sets. See <http://www.cabinetoffice.gov.uk/resource-library/designing-uri-sets-uk-public-sector>

The use of URIs on their own will not make data meaningful and comparable. That comes when many publishers of similar or related data, make consistent links to quality reference data. These then form the pillars upon which data can be joined up and contextualized.

In workshops that we have run, there are a small number of common concepts that typically appear in many data sets, such as

Location	Addresses Statistical Geographies Localities	
Organisations	Public Sector Bodies Businesses Voluntary Sector	Local Authorities Departments Local Agencies
Public Sector Services	Service Types Actual Services	
People	Customers Segmentation	
Circumstances/Needs	Linking Personal Circumstances to Needs	
Financial	Expenditure Categories Procurement Categories	

We recommend that CLG support LeGSB in working with the custodians of key reference data to make them available in a Linked Data friendly way leading to some clear guidance to Local Authorities about which URIs to link to, and confidence in their quality and sustainability.

Links to other initiatives

Data Burdens and the Single Transparent List

The opportunities of the “Single” List include

- Discovering where Local Authorities are asked to “return” the same cell of data on more than one occasion.
- Discovering where Local Authorities are asked to “return” similar cells of data where the difference in definition is only due to lack of awareness

It can be proposed that Local Authorities prepare cells of data once and publish it as public open data which can then be consumed by a wide

audience. Departments can then “pull” combinations of data for their needs rather than require specific datasets to be constructed and pushed to them.

To achieve this will require that some the semantics of each cell of each return (or at least the high value ones) are drawn out into an Ontology that enables

- Requests for the same, and similar, data to be systematically identified.
- Local Authorities to publish and promote their data as linked data

This could potentially be a long and resource-hungry initiative. LeGSB have found enthusiasm from Local Authorities and Software suppliers to come together on certain topics to work through a common method towards establishing these sorts of definitions.

We recommend that CLG support LeGSB to facilitate groups towards proposing ontology that bring definitions to the cells in returns on the single list.

For consideration

The Government’s drive for transparency, local accountability and the engagement of a big society may well be supported by the use of data standards but in order for this to be welcomed as future business as usual then the efficiency savings and effectiveness benefits must be evident and highlighted. There are obvious efficiency savings in reducing the administration burden on providing “returns” to government. There are efficiency and effectiveness benefits to be gained around certain customer outcomes in joining up data across central, local and voluntary sector agencies. LeGSB is well positioned to combine the practical knowledge of standards with the practice of local government workings. It is recommended that CLG commission LeGSB to run a programme to deliver the Response to CLG Code of Recommended Practice on data transparency standards, the method, the tools and to show the benefits that the transparency agenda can bring in efficiency savings and customer outcomes in the locality.

Mayor of London & London Assembly

We support the principles of openness and transparency as outlined in your draft code of recommended practice for local authorities on data transparency.

The GLA is already undertaking most of the measures outlined in the code but we are happy to look at what more we can do.

We would also like to use this opportunity to highlight the success of the London Datastore which has been pioneered by the GLA and which has done so much to open up datasets held in the capital.

MENCAP

About Mencap

Mencap supports 1.5 million people with a learning disability in the UK and their families and carers. Mencap fights to change laws and improve services and access to education, employment and leisure facilities, supporting thousands of people with a learning disability to live their lives the way they want.

We are also one of the largest providers of services, information and advice for people with a learning disability across England, Northern Ireland and Wales. See www.mencap.org.uk for more information.

About Learning Disability

A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always life-long and affects someone's intellectual and social development. It used to be called mental handicap but this term is outdated and offensive. Learning disability is not a mental illness. The term learning difficulty is often incorrectly used interchangeably with learning disability.

Consultation response

1. In light of the localism agenda, Mencap welcomes the opportunity to contribute our thoughts on the code of recommended practice for local authorities on data transparency.

We would agree that 'transparency is the foundation of [...] accountability'. However, what is important is not only the amount of data that is being published, but also the quality, comparability, topic and accessibility of this data to all sections of society. Mencap does not believe that the code as it stands makes it clear enough what is expected of local authorities in the context of the localism and transparency agenda. We believe there needs to be more detail of what local authorities should publish data on, and how they work with the local population to make it accessible and useable.

2. The list of what local authority areas would fall within the remit of this code is extensive, yet, we would argue that it misses a number of bodies, that we would like to fall within the remit of this code. These are:

- a. Unitary authorities
- b. Community councils
- c. Urban town councils
- d. GP consortia and/ or Health and Wellbeing Boards

All of the above mentioned bodies hold data and information that is of great importance to a range of people, and transparency will be key. While GP consortia will sit outside local authorities' remit, they are financed by public

money and should be open to public scrutiny in the same way as local authorities are.

3. The code suggests a minimum range of datasets and information, ranging from councillor allowances and expenses to grants and payments to voluntary groups that local authorities should make available. However, our understanding is that this minimum range does not include financial and performance data on such important issues such as education or social services. As a learning disability organisation our national office, but in particular our local organisations, will be keen to know how much a local authority spends on social services in their area, or how much money is spent on Special Educational Needs, and what the outcomes are. Only by making sure that the data available answers all the questions different groups of people may have, will the conditions be created whereby local people, including those with a learning disability and their representative groups, will be able to hold local authorities to account. More detail as to how this data should be broken down is also something we would like to see. For example with regards to social care spending, we think it would be essential to be able to identify how much money goes to for example people with a learning disability and for this information to be comparable to other local authorities' figures. Only then will people be truly empowered. We would therefore recommend reviewing the minimum range of data local authorities have to provide to ensure that it is clear to all local authorities.

4. The draft code highlights the importance of local authorities being 'open', emphasising the need to make information easily accessible to the public. The code further suggests that this will mean publishing data online, where possible. Mencap agrees that it is important that any data relating to the local authority is available online for as many people to access as possible, however, we would like to see a section added that highlights the importance of data being made accessible to all sections of society. This includes ensuring that information is available in easy-read and also comes in hardcopy, and that further alternative communication methods must be provided. It is widely understood that the internet is very inaccessible for example for people with a learning disability.

5. Mencap is not very clear whether this code has some statutory basis, and is therefore 'enforceable' or whether it is a voluntary code of practice. We would like to have further clarification on this issue, and would recommend that transparency should not be a local decision.

Newspaper Society

The Newspaper Society (NS) represents the regional media, whose companies publish around 1,200 local and regional newspaper titles, 1,400 associated websites, various niche and ultra local publications and also run local radio stations and a television channel.

Their readers and audience value local newspapers' coverage of local government press. <http://www.newspapersoc.org.uk/10/may/10/council-reporting-valued-by-85-per-cent-of-local-newspaper-readers>. Yet, according to an NS survey conducted for Local Newspaper Week last year, nearly 80 per cent of local newspaper editors believed public bodies such as the local council, police or health authority were becoming more secretive, 10 per cent of editors from weekly and daily titles said getting information from public bodies had become easier in recent years while 13 per cent said it was neither harder nor easier. <http://www.newspapersoc.org.uk/10/may/10/local-newspaper-editors-say-public-bodies-becoming-more-secretive>.

Thus statutory rights of public and media access to local government information are fundamental to the ability of the public and local press in holding local government to account. The local media have encountered problems in researching expenditure from the information which the Secretary of State expected local authorities to publish from January 2011 such as senior salaries, contracts, tenders and expenditure over £500. For example, there were initial difficulties in obtaining names in conjunction with senior salaries, or an amount paid and recipient of the payment over £500 were published, but no explanation or reason for the payment made public. We therefore welcome the proposal for a statutory Code of Recommended Practice for Local Authorities on Data Transparency to encourage greater openness by local authorities and other public bodies.

In order to help create the conditions whereby local people will be able to hold local authorities to account, the Code itself needs to be well publicised, easily accessible and absolutely clear as to the purpose and scope of the Code and what information must be made available and when by the local authority under the Code.

However, it would be helpful if the Code also specified publication of a complaints procedure. Not only do the public need to know what information should be published, what information has been published and what information has not, but they also need to know how they make sure that the local authority publishes the 'missing' information. The Code should require the publication of information about enforcement of the Code, including the details about how and to whom members of the public should complain and what action can be taken to ensure that the Code is effective and enforced.

We welcome the Secretary of State's intention to review the content and scope of the Code within 18 months to account for experience and improved best practice. A best practice league table ranking the best and worst of the bodies bound by the Code against the requirements and aspirations of the Code would be valuable.

We suggest that the Code should continue to be regularly reviewed thereafter. It is important that the Secretary of State takes appropriate action to ensure compliance with the letter, spirit and intention of the Code in practice. This should include amendment of the Code, after consultation, if this is necessary

to address any interpretation or misinterpretation of the Code, or the existence and exploitation of loopholes, or any other effect in practice, which has been relied upon to justify refusal to release information which ought to be made public.

Definitions

Paragraph 3: We support the inclusion of all the bodies listed in paragraph 3. They are all public bodies which perform public functions of importance to those in the relevant localities and which are responsible for the expenditure of public funds.

Scope

Paragraph 5: Data protection is frequently used as an excuse to avoid provision of information to the public and press. Public information can include personal data as defined by the Data Protection Act 1998 which is lawfully released to press and public in accordance with the Data Protection Act 1998, relevant SIs under the Act, ICO guidance and other statutes. Local authorities should be encouraged to introduce procedures to enable information to be released (e.g. fair processing procedures making clear that information including names will be released to the public). See also comments on paragraph 20 below.

We anticipate that the reference to ‘non-personal’ data will be exploited to exclude information from the scope of the Code, irrespective of whether it can and should be lawfully released to the public – or indeed whether it is already subject to lawful public inspection under other local government access to information rights. ‘Non-personal data’ is not defined and the term does not appear in other access to local government legislation. Its inclusion in paragraph 5 could create a wide loophole enabling avoidance of the disclosure obligations of the Code and thereby cause possible problems in the application of the Code itself and other statutory access to information rights.

We suggest that the reference is either dropped, or a definition, circulated for consultation, that would avoid the inadvertent creation of such problems.

Paragraph 6: Inclusion of paragraph 6 on FOI publication schemes is helpful as these refer to existing rights of access to local government information and public registers.

The Scope section might also make clear that neither the Code or FOI publication schemes are the only source of public rights to information or public rights of direct inspection of material and that the Code is intended to build upon those other rights, but not contradict or restrict them in any way which reduces access to information, as its intention is the increase not reduction of information released or otherwise already made available under the law or exercise of discretion of local authorities.

Principles

Paragraph 7: The Code's intention could be emphasised by amendment of the final sentence e.g. 'This requires a proactive approach to review, pursue and implement higher standards, which would achieve the objectives of the publication of more information, greater transparency and enhanced accountability to the public'.

Demand Led

Paragraph 8: It is important that local authorities cannot simply justify non-release of information to the media or business or public on the grounds that that there have been no requests for particular material and therefore no public demand for data or information exists and therefore no need to release anything. Inclusion of paragraph 8 is therefore helpful. However, it is difficult for the public to demand information or local authorities to anticipate their demands if neither really know what is held or where to look for it. In addition to FOI publication schemes and to reinforce paragraph 10, we suggest that the paragraph 8 is amended 'and then publicise and release it in a way that....' The local authorities should be encouraged to use the local media to advertise and publicise availability.

Paragraph 9: We welcome the inclusion of 'transaction information', provided that this is understood to mean the reason for the payment and understood to refer to the voluntary, community, social enterprise sector organisation and anyone else in receipt of payments.

In view of the aims of the 'Big Society' and anticipated role of the voluntary, community and social enterprise sector, we suggest that the Code specifies the publication of the work to be carried out under the grant or payment or other reason for it, in addition to itemising and listing of grants and payments under contract.

Under current access to information rights, including ICO guidance on the application of the Data Protection Act 1998, an individual does not have the absolute right to veto the publication of his or her name, in connection with their salary or otherwise. This should be rephrased in order to ensure that the Code encourages publication rather than suppression of names.

The specification of a salary threshold irrespective of post, provided that it is expressed as threshold of £x and above might be clearer and easier for the local authority to operate and the public to understand, than a function test or legal definition open to inconsistent application but more difficult to challenge by the public.

However, it is important that any salary threshold selected does not clash with existing legislation, guidance and practice and result in reduction of salary information of this nature being made available.

The application of the Code in practice should be monitored and reviewed carefully, with amendments made if need be to avoid avoidance of publication of salary details of named people and particular positions after the 18 month review. After all, a combination could be adopted – i.e. publication of the names and salary of those with a salary threshold of and above a specified amount, with the proviso that salary of a person who satisfies a function test or legal definition, even if lower than the specified salary threshold, should also be published.

We note that the Code does state that the data sets listed and the contents specified are only the minimum suggested for release. We would be happy for other categories to be included and suggest that the categories are carefully reviewed after the 18 months of operation and the Code amended to expand them after consultation with the media, public, businesses and other sectors as users.

The data sets listed obviously also overlap with material already available to the public under existing public rights of access to local government information, as well as FOI publication schemes and publicity for access to public registers. The Code ought to expand the information available, not merely restate what ought to already be released upon request or otherwise by the public bodies listed in the Code.

However, the data sets listed do not even necessarily exhaustively reproduce or extend the existing access to information obligations of those local authorities listed in accordance with the objectives of the Code. The press rights to see agenda in advance of meetings or interested persons' rights to inspect all documents relating to the accounts (even if only during audit periods) are crucial to local democracy and accountability. It is important that local authorities do not misinterpret this paragraph to claim that the Code somehow restricts their existing legal obligations to release, or publish or make such information available to the public, and thereby allows them to obscure the availability of such information or even attempt to evade its provision. A list and explanation of other access to information rights and an explanation that the Code is intended to provide access to more information, more speedily and continuously might help counteract this (see paragraph 20 below).

Paragraph 10: This is indeed crucial and paragraph 10 is helpful. DCLG should specify the timetable for an inventory to be developed and in any event ensure that the inventory has been developed within 18 months of commencement, in order to be 'complete' and up to date in readiness for the Secretary of State's review. The Code should make absolutely clear that the inventory itself has to be continually maintained, updated, reviewed and published in a user friendly way, allowing it to be speedily identified, located and accessed. Local authorities should be encouraged to publicise and advertise its availability locally, through local newspapers.

Openness

Paragraphs 11 and 12: Public knowledge and notice of where and how the information is published is absolutely crucial to the Government's intention and purpose of the Code. See also paragraph 10. It would be self-defeating for the government to permit local authorities to misinterpret 'single point of access' for 'sole point'. The local authority ought to be encouraged and required to publicise and advertise the availability of information in independent local media.

Timely

Paragraph 17: The usefulness of the information will often depend upon the timeliness of its release. In view of local media's experience of freedom of information legislation, speed of publication must be emphasised and enforced to discourage delay and to ensure compliance with the Code's objective. The inclusion of more examples in the Code might assist – provided that they set standards which improve upon FOI and other statutory deadlines for provision of information and improve speed and immediacy of release, rather than the reverse.

Exclusions and Exemptions

Paragraph 20: It is vital that local authorities do not rely upon this paragraph as a 'get out' clause and so it should be rephrased to encourage local authorities to release information. See also comments on paragraphs 6 and 9 above.

The paragraph should be rephrased to make it very clear that data protection legislation is compatible with openness and certainly does not prevent local transparency and that local authorities are also encouraged to exercise their discretion to disclose information where statutes such as the Freedom of Information Act 2000 or Schedule 12A Local Government Act 1972 provide exemptions which enable the local authority to exercise its discretion to rely on that exemption or publish the data.

It could also re-emphasize that the Code is not the only source of public rights to information or direct inspection of material held by local authorities, but the Code is intended to build upon those rights and expand the information to be made available to the public, not restrict or reduce those rights or information made available in anyway. It could stress that Code's purpose, provisions, and interpretation in practice are all intended to increase, not reduce, the information which must be published by local authorities, in addition to the material which must already be published, or released, or is available for inspection to the public or interested persons under existing law, or which is otherwise already made available or can be provided under the law or under exercise of discretion, and the Code is also intended to increase the speed with which that information is released to the public.

If any list and brief explanation of these statutory access to local government information rights is included, then it must not be presented in any way which misleadingly suggests that exclusions and exemptions contained within them automatically curtail the operation of the Code, or that the Code curtails them, or could be used in legal argument to suggest that less rather than more information should be made available to the public than at present.

The NS welcomes the Government's encouragement of release of information by local authorities and we hope that these comments are helpful towards achieving that objective. We refer you also to our submissions to DCLG on the Localism Bill and the Accounts and Audit Regulations 2003.

North West Electronic Government Group (NWEGG)

The North West Electronic Government Group (NWEGG) is committed to transparency in Local Government and the provision of information to the Citizens we serve.

We have demonstrated this through a rich and dynamic provision of key information from our existing internet site and other access channels, for example the Local Government Improvement and Development Communities of Practice.

This has provided our community (Councils, Fire and Rescue Services, Police, Health and other key partners) with key information relating to decisions made by The North West Electronic Government Group (NWEGG), as well as other service specific information which supports those officers and the wider community.

We have also shown commitment through the exploitation of social media and providing information in accessible formats to meet the varying community needs of the North West.

We more recently demonstrated this through supporting Local Authorities and other partners through their publication of invitations to tender and final contracts over £500.

We work at a national and sub regional levels on information management areas including standards, interoperability and welcome opportunities to engage with CLG to ensure that the value of publishing information outweighs its initial and ongoing costs.

RESPONSE TO QUESTIONS

1. Does the proposed code and the principles contained within it help to create the conditions whereby local people will be able to hold local Authorities to account?

The code outlines a “minimum” number of datasets which may support further publication and transparency. However, this is merely a code of practice and therefore a Local Authority is not legally obligated to publish, which therefore may result in a varying range of data sets that are actually published.

Consideration needs to be given to the value of the information/ data being made available, the time taken to prepare and publish and whether or not the publication avoids the increasing number of Freedom of Information requests. (Section 21 of FOI Act)

Guidance in relation to what the data exactly means and represents may need to be provided as overall consistency may differ from one Local Authority to another. It is suggested that CLG engage with the Local Govt Standards Body. Clearly any publication of information does incur staff time/costs and given the current climate we need to be confident that the proposed minimum number of data sets to be published and the development of a inventory of data sets will be of value to the local community we serve. It is important that any proposed inventory is linked to the proposed asset registers for information assets (information security), as well as existing publication scheme classifications.

It would make sense that these publications are tied into any existing publication scheme as statutory defined by the Freedom of information Act.

Consideration does need to be given to the Equality and Diversity areas, in particular overall accessibility standards as defined by Disability and Discrimination Act (DDA).

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

It is important that any services provided by any voluntary or community group are clearly understood by the Community we serve.

It is important that any such service lists are easily accessible, kept up-to-date and also link to www.direct.gov.uk and any other useful sites which a member of the Community may use. For example social media/community sites.

3. Does the proposed code sufficiently support the publication and reuse of public data?

The code outlines minimum data sets, but does not advise a Local Authority about how the data sets it collects and maintains could be made available through the Public Sector Re-use of Information where charging can be appropriately applied. It could be questioned whether or not the cost of publication outweighs the overall value and whether or not there is the local demand for these data sets within the Local Authority area.

4. Do you believe all bodies covered in paragraph 3 of the proposed code should be included?

The proposed GP consortiums and PCT's need to be considered within paragraph 3, as does the third sector.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a "function test" such as that used in Audit and Account Regulations in 2009 be better; e.g. a person who has responsibility for the management of the relevant body to the extent that the person has the power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other person"? Or a definition based on legal definitions; e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?.

We already publish salaries of principal officers for and for fairness and transparency we believe that "a definition based on legal definitions"/ "Statement of Accounts" would be preferred as ultimately it's the area of responsibility(ies) that the officers have that should justify whether or not there is disclosure in their salary.

Other comments

The document refers to data being made available through User Uniform Resource Identifiers (URI's), which assists with linking together (building relationships) disparate data sets and can clearly add business value as it transforms silo data sets into meaningful information. It is important that a body such as the Local EgoVt Standards body provides guidance with the support of CLG.

Needless to say care and attention needs to be undertaken as URI's may in some circumstances conflict with existing legislation whereby a person becomes identified through the provision of a number of data sets in that person's possession (or likely possession). This ability to link data sets may at times also infringe on aspects of exemptions that would be generally applied under the Freedom of Information Act. There is a likelihood that URI's would not be typically used by a member of the community, unless a specialist within the field who has the systems in place to read URI's. Clearly the value here is that it will support Public Sector information sharing/records management and linking data sets at local, regional and national levels.

NWEGG is committed to also protect its employees information as well as other information which maybe restricted and/or defined by legislation as exempt.

We work at a national and sub regional level on information management areas including standards, interoperability www.nwegg.org.uk and welcome opportunities to engage further with CLG.

Northumberland Association of Local Councils

I gather DCLG is consulting on a Code of Recommended Practice for Local Authorities on Data Transparency, which would be issued under section 2 of the Local Government, Land and Planning Act 1980.

The SoS has apparently been in correspondence with principal authorities about this, and various new items on the DCLG website refer to 'all authorities', but this apparently has not included local (ie parish and town) councils.

However, the draft C of P seeks to embrace local councils as well as principal authorities and others.

The detail of the proposals will create some difficulties for many local councils, not least because of the limitations in their staffing and their ICT systems.

As with other recent DCLG initiatives (eg Code of Practice on Publicity, Council Tax referendums etc), there is a possibility that neither the Secretary of State nor his civil servants will be communicating with local councils about these proposals. Assuming that 'recommended practice' really means 'obligations', there is a risk that new requirements will be introduced without any consultation, communication or consideration for local councils.

Please can you clarify what steps you propose to take to communicate directly with all councils, at an early opportunity.

Also, please can you confirm under what legal authority the SoS would be requiring local councils to comply with the Code. I have a feeling that the 1980 Act does not apply to local councils.

Northumberland Association of Local Councils

I am responding to your consultation concerning the proposed Transparency Code, on behalf of the Northumberland Association of Local Councils.

- 1) In principle, we support the objectives of the Code, which are in line with the requirements of the Freedom of Information Act. However, there are some very real practical difficulties for the parish councils' sector (see below), of which these proposals appear to be unaware.
- 2) Technology: the proposals assume that all councils have full access to, and use of, ICT. In Northumberland, our survey of the 150 parish and town councils undertaken in 2007 revealed that only 34% had a website. While a further 35% had aspirations to establish a website,

there remained a significant proportion (30%) who were resistant to the idea. We estimate that over 80% of parish councils are in areas with access to broadband, but this leaves a modest proportion which have only dial-up access to the internet.

- 3) Staffing: the majority of our local councils employ just one member of staff, and on a part-time basis (in some instances for only 4 or 5 hours per week). Although these councils incur relatively few financial transactions, the proposals re ICT-based publication of this data would still be unnecessarily demanding. In addition, the relatively high turnover of parish clerks (about 15% pa) has implications for maintaining a continuity of data publication.

For the above reasons, we feel that your proposals are going to be difficult to implement and sustain, for many local councils. The FoI Act provisions are appropriate, and probably sufficient. We therefore request that you do not include local (ie parish and town) councils in this proposed Code

Open Data Sheffield Community

Comments and feedback from the Open Data Sheffield Community.

There is a significant emphasis on cost-savings in the Proposed Code, mandating release of **spending data over performance data** (either internal key performance indicators or third party service level achievements). This potentially skews the open data agenda to be about aspects of public administration that are likely to raise defensive heckles or sensationalist reporting, rather than encouraging positive discussion about the effectiveness or value of public services against cost (as well as clearer exposure of the targets being pursued).

While local authorities are being charged with releasing data, there is no provision in the Code for supporting authorities to ensure that their audience is equipped with the **contextual information** or basic skills needed to interpret datasets or data correlations appropriately. Allowing for this will mitigate against inaccurate correlative analysis and improve **data literacy** to ensure that citizens can positively contribute to a data-driven democratic accountability agenda.

It's not clear how the proposed Code will **support continued engagement** between data owners and citizens or developers to ensure that there is indeed an ongoing dialogue that facilitates the proactive and demand-led approach that the Code will require of local authorities. It also references responding to best practice as it develops, but there seems to be no provision for ensuring a base level of **consistency across authorities** (by sector or geography) for either implementing the code or sharing best practice.

There is a question about whether the **salary threshold** is indeed gross salary or value of total remuneration. There is also some desire to see all public office salary details published without a lower threshold, including

bottom-of-the-ladder grades. This will help demonstrate across-the-board fairness in pay structures within public bodies.

The proposed Code makes no recommendation to ensure **consistency in dataset indexing** across local authorities and areas, which will facilitate cross-authority analysis.

It is unclear whether there are **inherited licence implications** for derived data and derivative works based on openly licensed public datasets.

The Code makes no mention of **independent service providers** in health and social care, welfare support, criminal justice, education or environmental services sectors within the list of local authorities, particularly where they have opted to operate outside the purview of the listed authorities, such as schools that are no longer operated under local authorities.

In parallel to the consultation for the proposed Code, there have been separate announcements about both the [Public Data Corporation](#) and amendments to the [Protection of Freedoms Bill](#). A clear statement of how these **different statutory proposals** fit and work together is welcomed.

Society of Local council Clerks

I am the External Affairs Officer of the Society of Local Council Clerks (SLCC) which is the professional body for officers working for Town, Parish, Community and Neighbourhood Councils in England and Wales. The SLCC represents clerks and other officers in over 4,200 councils, I write on behalf of those members.

The SLCC agrees with the principle of democratic accountability and the rights of the community to seek and receive information from their council. Town and parish (local councils) are at a level closest to communities, most often based on a single villages and towns.

Suggesting a code that will apply to the largest county council and to the smallest parish meeting is an ambitious one. Capability and capacity are issues that concern our organisation particularly as many local councils are small and employ only a part time clerk. The scope of technology available in the smallest councils, some of whom have no current access to broadband, may prove a limiting factor. Around 2,000 of the 9,000 local councils in England have a budget of less than £2000 and although the requirement for publication of spend over £500 is unlikely to apply this code goes beyond that requirement and introduces a requirement to publish as a minimum other information regarding the democratic running of the council. We would request that consideration be given to exemption for the smallest of councils perhaps those with expenditure less than £50,000, but consideration particularly to parish meetings who may have no staff at all.

Whilst previous governments have given financial support to IT capacity and capability within principal local authorities, investment has not extended to

local councils. Those who have IT capacity have made their own investment, whilst in many small local councils IT equipment competes with the provision of play equipment or other resources of direct benefit to the local tax payer. The lack of investment in some councils may make these proposed regulations impossible to comply with.

The suggestion of a data inventory seems to expand upon the requirement to have a Publication Scheme. The publication schemes currently required to be approved by the Information Commissioner's Office under the Freedom of Information Act 2000 allows a local council to make available information in hard copy only, whilst we recognise that information provided electronically has a greater value for re-use, perhaps in consideration of any exemption, hard copy only might be allowed.

On behalf of the local councils sector, I would request that the requirements placed upon our councils are reasonable, achievable without major cost implications and appropriate to the size of organisation. The costs of IT infrastructure and staff time required to comply with the suggested code may in some cases far outweigh the benefit to be gained by local people in holding a local council to account, particularly if that council is currently spending relatively small amounts of public money.

Currently local councils do not have a link to data.gov, having looked at the requirements they do not seem to be a simple process. I would suggest that if this is a requirement then work is undertaken with ourselves and the National Association of Local Councils (NALC) to develop simple advisory notes and training to enable capacity within our councils and therefore assist compliance with regulations.

Similarly the Open Government Licence requirements are not widely known within our sector. These do appear much simpler to comply with but will require explanation to overcome a lack of awareness that currently exists.

We have no real issues with the remaining sections on timely and exclusions & exemptions.

On the issue of disclosure of senior salaries in local authorities, the proposed threshold of £58,200 would require very few local councils to provide information. However, if the requirement is the "head of paid staff" the requirement may apply to our council's clerk some of whom will be paid only a few thousand pounds or less. We would therefore support the higher threshold.

The SLCC is happy to work with government to assist in achieving the aims set out in this consultation whilst ensuring that the requirements of such a code does not overwhelm or overburden local councils.

Somerset Association of Local Councils

This is the response of the Somerset Association of Local Councils representing 315 parishes in the administrative county of Somerset. Membership includes City, Town and Parish Councils as well as some parish meetings without a separate council. It is evident that very limited discussion has been had with the National Association of Local Councils as the draft Code completely fails to display any understanding of the real world at parish council levels – those nearest the electors.

We have concluded that a **proportionate** application of the principles of data transparency should apply at all local authorities as best practice (but excluding parish meetings). Without any adjustment to the Code, it is totally inappropriate for the majority of the sector and will cause more misunderstanding than accurate information, and will fail to improve the public's comprehension of the activity of the particular council.

1. No. The Draft Code hardly recognises the staff and financial resources of the majority of parish councils. Staff are part-time and have no formal IT qualifications. The technical words and jargon used are probably not recognised, and not understood, by many Clerks. The Code will not improve access to information where, as in most cases, the published draft Minutes currently disclose all payments made and all contracts, tenders etc., under debate. The Code should be extended to include a proportionate element for Parish Councils to publish within their Minutes (draft or final), as best practice, the details of all payments made or approved (other than personal data such as net salary payments to the employees – see Data Protection Act) and for such documents to be published (on web-site, in a conspicuous place, or otherwise) within 2 months of the relevant Meeting. This extension can be drafted in such a way that the larger Parishes & Towns can use spreadsheets and data sets as for principal authorities, if they so wish. The smaller would be using word-processing software such as Word.
2. No. This is addressed by publication of all payments (subject to DPA) in existing formats.
3. After amendment or “parish proofing”, and after introducing the lesser duty of best practice, the Code **may** be sufficient.
4. No. A parish meeting without a separate parish councils is not a corporate body – the Code therefore would be applied to all electors of the parish (whether attending the Meeting or not). We suggest that, whatever may happen regarding the 8,000 Parish Councils as a result of this Consultation, parish meetings should be excluded from the list completely.
5. No comment. We have no comment to make on the salary levels at which transparency should apply. In this county we have no knowledge of any Clerk currently being paid in excess of the stated salary level (£58,200). There is a significant risk that some electors will expect this level of disclosure

of personal information at all parish councils. In practice, as there is usually only one employee and the published budget papers disclose a salaries budget line, there is little additional information to disclose regarding gross pay. It is fully agreed that net pay and deductions should remain confidential. Due to the small numbers that will be involved nationally, we suggest that the sector be excluded from this disclosure requirement.

Additional comments:

- a) No reference is made to the treatment of VAT payable on some transactions, and recoverable on some transactions. The Code will need to be clear on the treatment of irrecoverable VAT paid on purchases. As you will be aware this will be applicable in the cases of all parish meetings, and for those councils with a partial exemption calculation each year.
- b) A substantial number of parish councils do not operate a web-site under their control. In such cases it would be inappropriate for non-statutory bodies or individuals to be responsible for the compliance with a Code of Practice on behalf of a statutory corporate body. Changes necessary to make the web-site available only to the Clerk (in accordance with the Anti-Fraud Measures suggested) will involve such councils in additional expense in provision of the site, training for the Clerk and probably a software license for the Council. An assessment of disproportionate additional costs at the smaller parish council should be undertaken before the Code is imposed.
- c) Failure to comply with the Code will have to be reported within the Annual Governance Statement which forms part of the Annual Return. If a Council answers in the negative (i.e. it has not complied in full with this Code) it is likely to be issued with a Qualified Audit Opinion which appears to be out of all balance with the intentions of the Coalition Government in terms of not imposing any additional burden, and / or cost, on the public sector bodies and the taxpayers that wholly fund them. You will be aware that the Parishes receive no part of Support Grants or Non-Domestic Rates.
- d) The Code does not address the problems presented by Parish Councils having the same name as one in another County (or Counties, even Districts within the same County). The opportunity for misunderstandings by “armchair auditors” is substantial.

South Yorkshire Passenger Transport Executive

Response to Transparency Code consultation

This response is from South Yorkshire Passenger Transport Executive in my capacity as Head of Information & Technology.

As an organisation we support the principles of transparency and openness and welcome this consultation and the guidance that a code of practice will provide.

The area of open data and transparency is fast moving and the guidance and code will need to be reviewed and updated on a regular basis as a result, the proposed 18 months is likely to be too long a time.

Our detailed comments are as follows:

Definitions

The definition of “Local Authority” should include as well as “an Integrated Transport Authority for an integrated transport area in England” their relevant Transport Executive or equivalent.

Scope

Paragraph 5

During the process of making policy decisions information provided by private sector organisations is often used. Currently the use of this information, much of which is commercially sensitive, is often governed by data sharing agreements agreed between the public and private bodies. These agreements have been put in place over many years; it takes time to build the necessary trust between organisations to enable these agreements to be put into place and the data shared. It is essential that this code of practice on transparency recognises this sharing of information and does not compromise the ability of a public body to make appropriate data sharing agreements with the private sector reflecting the commercial sensitivity of information being shared.

Demand Led

Paragraph 8

A number of government data sets are complex and rich. The detail in this data is key to the ability to make appropriate use of the data. The developer community on occasion requests data in a specific format, these sometimes do not allow the full richness to be provided. It should be allowed to licence the use of provided data to uses appropriate to the richness of the data, for example transport data sets often have data on specific days of operation for a journey associated with them, this is not possible to provide this in some common data formats, without these days of operation the licence should not allow the use of the data to provide public journey planning information (though it is appropriate to allow some use of the limited data for some purposes). This is not to stop access to the data, rather to ensure that the public are not provided with inaccurate information and able to travel where and when they want.

Open

Paragraph 13

Some information held by the public sector has time limited validity for some purposes. It should be possible for a body to require (for some uses) that the body taking and using the data refresh the data sets in an appropriately timely manner.

An example of this is public transport timetable information where its validity for journey planning is time limited.

Transport for London

Thank you for the opportunity to provide feedback on the draft code of recommended practice. This consultation response is being provided on behalf of Transport for London (TfL) and its subsidiary companies.

TfL is fully committed to greater transparency. We have already implemented many of the proposals in the draft code, and we publish large amounts of information online. Our thoughts are as follows:

We are, however, concerned that the benefits of data transparency should not be outweighed by the administrative burden of publishing information and preparing information for publication. Insofar as possible, we think it would be most efficient to allow public bodies to publish information in its current form, or to build on current systems for data publication, rather than for the guidance to require information be presented in a prescriptive way that creates costs and delay. We believe that, with minimal changes to the draft code of recommended practice, we could achieve largely the same outcome but with a minimal cost and resources burden.

Publication of Contracts

A particular concern is around the publication of contracts. TfL enters into thousands of contracts each year, many of which are hundreds of pages in length. Undertaking an assessment of each contract to ensure that it is suitable for publication – and redacting information if it is not – would be a resource intensive task. Such an assessment could only be undertaken by a person with relevant knowledge of the contract and an appropriate level of authority. This would inevitably be an addition to his or her day job, and this does not seem to us to be the best use of our resources. This significant addition to our administrative burden does not seem appropriate against the backdrop of cost reductions.

We also believe the £500 level is too low for TfL, which is a very large organisation. We would suggest that the £10,000 central government threshold for the publication of contracts and tenders would be more appropriate.

Examples of the types of information to be found in TfL's contracts that would need to be assessed before publication are:

- Contractor's confidential information (e.g. on pricing);
- Commercially sensitive information (e.g. information on the commercial positions TfL takes on liability caps, warranties, etc), publication of which could be detrimental to TfL's ability to maximise competitive tension between bidders in future procurements;
- Security issues (e.g. location of control rooms or safety critical assets);
- Personal data (e.g. individuals' CVs, which are sometimes included in contracts).

In our view, the time and expense involved in publishing all contracts would outweigh the benefit in publication. We are aware that similar concerns have been raised in the Local Government Group Consultation Response on Publishing New Contracts and Tender Documentation On Line. We believe that the aims of data transparency could be met equally well by:

- Publication of standard terms in reusable form – these will form the basis of the majority of contracts entered into, and will meet the reuse of public data objective;
- Publication of a list of contracts entered into with a value in excess of £10,000;
- Responding to specific requests to see contracts in the usual way (i.e. in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004).

Publication of Tender Documentation

We support this objective in principle, but we believe that TfL and other public bodies should be given flexibility on how best to publish tender documentation. There is no single system in use across the public sector, but existing systems should be used to publish information. We understand, for example, that the OGC is working with the main e-sourcing providers to create an automatic feed of basic contract data and tender documents from their systems to Contracts Finder. This would seem to be an administratively efficient way of achieving the objective and we would therefore support it.

Again, we consider that the £10,000 central government threshold for the publication of tenders is more appropriate to an organisation as large and complex as TfL.

We do have some concerns about the publication of contract specifications, for security and commercial sensitivity reasons (as with awarded contracts). We would, therefore, like to have a clear discretion over the publication of contract specifications in tender documents.

Publication of Salary Information

TfL already publishes salary information in its annual statement of accounts, in accordance with the requirements of the Accounts and Audit Regulations 2003. This gives very specific information (including name and title) about senior TfL employees, namely those who earn £150,000 or more per year. In addition, salary data relating to employees earning £50,000 or more is also published; this is presented in the form of £5,000 salary brackets, with the numbers of employees falling within those brackets shown.

We would query the extent to which it is helpful to publish additional salary information. The draft code of recommended practice would require us to publish names, salaries and job titles of all senior employees, being those earning £58,200 or more per year. Salaries in central London are typically higher than many parts of the country, which reflects the higher cost of living. A threshold of £58,200 in London will cover employees at a level below the upper tiers of an organisation. Given that it is proposed that we would seek consent from these employees, we would query how many would give that consent. There would be a significant administrative burden in keeping an accurate and up-to-date list of consenting employees; a new database would need to be created, and this would need to be updated frequently to take account of leavers, joiners and newly promoted staff.

We assume the reference to “job description” means job title, rather than the detailed descriptions TfL and other organisations use internally. Job descriptions can, of course, be several pages long, and – with around 25,000 employees at TfL – this would be a significant amount of data to publish, little of which is likely to be of interest outside of TfL.

In our view, the existing requirement for the publication of information in salary bands is sufficient. We would suggest that the obligation to publish more detailed information should only apply to the first, second and perhaps third tier of employees in an organisation.

We would suggest that salary information should be published once a year, at the same time as TfL’s annual statement of accounts.

Further points

It would be helpful to know whether an assessment has been carried out on the value of the information published to date by public bodies. If not, is such an assessment contemplated?

It would also be helpful to understand whether any consideration has been given as to how the additional costs of meeting this Code of Recommended Practice will be met (as is the case, for example, under the Localism Bill).

We would also like to raise our concern that the publication of supplier details will, inevitably, raise the risk of fraud; there have already been attempts by fraudsters (some successful) to defraud public bodies by masquerading as an existing supplier and requesting a change of payment details and clearly it would not be in the public interest to require the release of information which could assist fraud against the public sector.

I hope this response will be useful in helping to finalise the Code of Practice.

The Audit Commission

1 The Audit Commission believes that making public spending more transparent has the potential to strengthen public trust and accountability. The UK is still in the early stages of exploring that potential.

2 The proposed Code increases the extent of transparency of local authority data and will therefore increase the information available to the public in understandable form. This may help to increase accountability in some areas.

3 However, if the government's intention is to enable the public to hold local public bodies to account for value for money in local public services, the level of transparency envisaged by the Code will be inadequate. More details of internal costs will be necessary alongside external spending data. And value for money can only be assessed if cost data can be compared with information on what that money has been spent on, and with what result.

4 If the government's ambitions are to be realised, information needs to be published in a way that enables the public to exercise judgement on whether local spending represents value for money. People need assurance that published information can be trusted. And public bodies need to be responsive to people's reactions to the information that is in the public domain.

5 It is not clear how the proposals for transparency of spending with voluntary and community sector organisations will achieve their aim. They sit uncomfortably with the ambition to preserve a level playing field between different potential providers of public services and risk creating perverse incentives.

General Observations

6 The Audit Commission has a long-standing interest in the potential of information. When well-used, information can help managers manage and improve public services, and it can also enable them to be accountable for the performance of those services and for the public money they spend.

7 In recent years the Commission has published national reports on this issue:

- *In the know* [Ref 1] says that information needs to be fit for the decisions that will be based on it;
- *Is there something I should know?* [Ref 2] reports on councils' capacity to use information well, and sets out how they can do so;
- *Nothing but the truth* [Ref 3] reports on data quality in the public sector and shows that it needs to improve to strengthen public trust;
- *The truth is out there* [Ref 4] shows that the benefits of transparency will not be achieved unless the public gets accurate information, in a useful form.

The Commission also has considerable experience of using performance and spending information to understand the performance and costs of local public services and to make judgements about them.

8 More transparent information on public spending has the potential to deliver benefits. Making financial data available to improve the public's understanding of government spending is both desirable in itself and a necessary first step towards engaging people in a debate on public spending. Even if information is not presented in a form that can be readily understood by the public, third parties can analyse and present that information in more accessible ways that capture specialist or wider public interest. The Code helpfully sets out how this can be done.

9 The Audit Commission's discussion paper *The truth is out there*, outlines the potential benefits of publishing financial data.

Putting more information into the public domain is a good thing in a democracy. More transparent information on public spending has the potential to open a dialogue with the public that could identify savings, reduce waste and expose corruption.

10 However, for the benefits of transparency to be achieved public bodies need to manage issues including:

- **Accessibility** – information put into the public domain needs to be accessible and easily understood. Reams of data published online will not itself be enough to capture the imagination of members of the public in a way that enables them to use their voice;
- **Interactivity** –to give people a genuine voice, the public bodies that publish information will need to be open to a dialogue with the people they serve;
- **Responsiveness** – public bodies will need to be willing and able to respond to the challenges which will follow from greater public awareness of the data;
- **Accuracy** – information put into the public domain needs to be reliable and relevant if it is to inform a debate on public spending. Inaccurate, out-of-date or incomplete information will only result in poor decisions and undermine public trust; and

- **Assurance** – people will need a degree of assurance that they can trust information on public spending. That assurance needs to be realistic, proportionate and affordable.

11 The Code touches only on the first and fourth of these issues.

- It describes how data can be presented accessibly in ways that make it easier for third parties to analyse and present it to the public.
- It says nothing about interactivity or responsiveness. Whether in the Code or otherwise, it would be helpful for government to set out its expectations of local authorities. Our national study on road maintenance (due to report in summer 2011) has found that making information public and enabling online reporting of road defects creates expectations of response. Councils need to be ready to meet those expectations or risk damaging public trust.
- Paragraphs 18 and 19 refer to accuracy, but do not recognise the existing weaknesses in data quality in local government. *Is there something I should know?* found that only five per cent of councils had excellent data quality and that councils themselves recognised a need to improve in this area.
- The Code says nothing about how the public can be assured of the accuracy and reliability of public data. Publication itself can serve to improve accuracy, as more people are able to detect inconsistencies and possible errors in data sets. But this process will take time, allowing inaccurate judgements may be made in the meantime.

12 The Commission's publication *In The Know* defines good information for decision making as relevant, of good quality and presented well (RQP). It also argues that the information that is relevant for a decision or judgement varies with the decision and the decision maker. So the information necessary for detecting waste or fraud need not be the same as the information necessary for making a more rounded judgement about value for money in public services.

13 *The truth is out there* introduces a framework for making transparent publication of spending data work in practice (Table 1).

Table 1: Making transparency work

	Benefits	Leading to	Requiring
Public Spending	Helping identify ways to deliver more for less by reducing waste	<ul style="list-style-type: none"> ■ New ideas ■ Innovation ■ Delivering more for less 	<ul style="list-style-type: none"> ■ Accessible, user-friendly formats that capture public interest and encourage use ■ Formats that keep pace with technology
	Detering fraud and corruption	<ul style="list-style-type: none"> ■ Keeping public servants honest ■ Changed political and practitioner behaviour ■ Greater public trust 	<ul style="list-style-type: none"> ■ Data and information in an analysable and usable form ■ Accurate, timely and reliable information ■ Assured data quality ■ Open and responsive politicians and public bodies

Source: Audit Commission 2010

14 Publication of spend data is likely to put downward pressure on spending, promoting economy, but on its own will not promote efficiency or effectiveness.

15 The Code does not cover what information might be necessary for members of the public to make judgements about whether local public services represent good value for money. To be able to form that judgement, members of the public need more information than the Code provides. They need to understand not only what has been spent, but also:

- the context in which money was being spent;
- the objectives being pursued; and
- the extent to which those objectives were being achieved.

And they would need that information to be presented in a consistent form, to enable them to compare performance and spending between councils and over time. Appendix 2 provides some ideas on the sort of published information that would be RQP for making assessments of local value for money.

Response to specific questions

16 In the light of these general comments, our response to the specific questions in paragraph 7 of the Consultation paper are as follows:

Does the proposed Code and the principles within it help to create the conditions whereby local people will be able to hold local authorities to account?

17 The Code provides for more information than ever before to be available to members of the public seeking to hold local public bodies to account. The principles of openness and timeliness are consistent with international good practice. The data that is published will improve some aspects of accountability. But on its own, it is not enough to enable the public to reach considered judgements on the value for money of local services. Information on priorities and objectives, more information on other forms of spending (notably spending on internal costs - staff, premises, IT etc) and comparable information on performance would all be necessary to support such a judgement.

The government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

18 The Commission's national report on commissioning from the voluntary and community sector *Hearts and Minds* [Ref 5] described the potential benefits the sector can bring to the delivery of public services. It encouraged local public bodies to be clear on their objectives in funding such organisations and to match their approach to funding to those objectives. But in order to assess whether local authorities are securing those benefits, and if so at what cost, local people need more information than the Code requires. Specifically, they need the objectives and role of voluntary and community sector bodies, and their performance, to be reported consistently. If comparable information about all in house, private sector and voluntary sector provision were also available, this would enable comparison between them.

19 The government also wants voluntary and community sector bodies to be able to identify opportunities to deliver different services, or to deliver existing services in different ways. To do so, they need to be able to see details not just of the nature and cost of contracted out private and third sector provision but also of in-house provision. Otherwise opportunities will be missed and there is a risk that different sectors will compete on an unequal basis for the opportunity to deliver public services. There is even a risk of a perverse incentive on councils to deliver services in house, where the costs are less visible, rather than expose them to external competition.

20 The Commission's national report on property asset management, *Room for Improvement* [Ref 6], reported that the process of asset transfer to

voluntary and community organisations had advanced less far than Ministers' ambitions. Many local authorities were concerned that voluntary organisations did not have the capability to manage significant assets well. It was not clear that this reservation was always well founded, but it will need to be overcome if the policy ambition, which the present government appears to share, is to be realised.

21 *Room for improvement* also proposed that councils should publish a list of the property they own, to give other organisations the opportunity to identify property that might be put to better use under different ownership. This might help identify opportunities to divest property, providing a capital receipt for the authority, or situations where different management might help to achieve other objectives.

Does the proposed code sufficiently support the publication and reuse of public data?

22 *The truth is out there* found that increasing transparency of public data has been welcomed by the public and has resulted in use and reuse of that data, often in unexpected ways. Apps such as *Offender locator* have proved far more popular than the government-run online registries on which they are based. Our own experience of the launch of the *Oneplace* website [Ref 7] in December 2009 showed a significant public appetite for information on public services. The recent UK-wide launch of street level crime maps showed the extent of interest and potential for reuse; within hours of publication the data was being reused in a wide variety of ways.

23 The evidence from transparency initiatives round the world suggests that where public authorities publish information in a form that can be readily aggregated, compared, interpreted and presented by third parties, it is most likely to be used. The requirements in the Code to publish information in an open, accessible and timely way are consistent with international good practice.

Do you believe all the bodies covered in paragraph 3 of the proposed code should be included?

24 We agree with the principle of transparency of public money wherever it is spent, with two qualifications:

- Publishing data and providing enough context to ensure that it is not misinterpreted are not cost free. Costs are incurred even where the data is collected in the normal course of business and where publishing it has the potential to result in savings for the body concerned. The bodies listed in paragraph 3 are subject to different financial reporting and audit arrangements, reflecting scale, materiality and risk. The government might wish to consider whether the same transparency requirements need to apply to all such bodies, or whether some degree of proportionality to the amounts of money they spend or their capacity to meet the requirements might be appropriate.

- It may be hard for the public to understand what the data relating to some of the less familiar public bodies in the list might mean. That might impose a still greater burden of provision of context or explanation on some of those bodies least equipped to bear it.

25 Some local public bodies which spend more public money than some of those listed are nonetheless excluded from the list. Our national report on value for money in schools, *Valuable Lessons* [Ref 8] noted that schools currently have weak incentives to pursue economy and efficiency. The government may want to consider whether extending the transparency requirement to larger schools might improve those incentives. A typical large secondary school has an annual budget of over £5 million; the budgets of many bodies on the list in paragraph 3 fall far short of that figure.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

26 The threshold figure is derived from a scale of civil service salaries which is not used by the bodies covered by the Code, so it may appear unfamiliar to them. A threshold based on legal or functional roles might be more recognisable to local public bodies, and might avoid the need for uprating over time.

27 More importantly, while publishing this data gives the public a general impression of the cost of senior staff in an authority, it provides no basis for forming judgements about the efficiency of a management structure. Nor does it provide a basis for forming a judgement about the value for money of any individual service. That judgement would require more detailed staff or service cost data and more explanation of what service is delivered and how.

Appendix 1 – References

1 - Audit Commission [2008]: In the know: using information to make better decisions

2 - Audit Commission [2009]: Is there something I should know? Making the most of your information to improve services

3 - Audit Commission [2009]: Nothing but the truth? A discussion paper

4 - Audit Commission [2010]: The truth is out there. Transparency in an information age

5 - Audit Commission [2007]: Hearts and minds: commissioning from the voluntary and community sector

6 - Audit Commission [2009]: Room for Improvement: Strategic asset management in local government

7 - Oneplace website:

<http://oneplace.audit-commission.gov.uk/Pages/default.aspx>

8 - Audit Commission [2009]: Valuable Lessons: Improving economy and efficiency in schools

Appendix 2 - A workable solution to publishing spending data

Relevance, quality and presentation (RQP)

28 The ideas in this table were prepared in early 2010 following the publication *The Truth Is Out There (2010)*. The table suggests ideas for what RQP means in the context of publishing spending data. The Commission did not finalise or publish these ideas but it may be useful to those developing new arrangements.

Table 2: **RQP publication of local spending**

RQP	Meaning ...
Relevance	<ul style="list-style-type: none">■ Spending data updated and uploaded monthly■ Data made available quickly after month end■ Data to include contractor name / nature of spend / amount of payment, as well as the strategic aim that the spend links to (for example, public health, sustainable communities, and so on).■ Data accompanied by a short narrative analysis of key issues relating to monthly expenditure, explaining any unusual patterns■ Month on month trend graph, illustrating whether overall contract spending is increasing or decreasing over time■ Facility for the public to query and question spending by e-mail, text message, online forums
Quality	<ul style="list-style-type: none">■ Validated data■ Complete data
Presentation	<ul style="list-style-type: none">■ Clearly signposted from homepage of council

RQP	Meaning ...
n	<p>website</p> <ul style="list-style-type: none"> ■ Presented in both table format and also in a spreadsheet that allows the public to sort and organise the data, for example by value, date, strategic aim and so on ■ Accompanying narrative analysis to be written in a plain and easy to understand ways ■ Supporting trend graphs to be simple and easy to understand

Source: Audit Commission 2010

The Centre for Public Scrutiny

This document will answer questions in the order they are posed in the consultation document.

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

No. There is nothing in the Code as it stands that will make any appreciable difference in public debate about public spending, or that will help local people to hold local authorities to account. We greatly regret this, as we fear that this means that there is a real danger of missing an opportunity to help local communities genuinely hold local authorities and other public agencies to account for the decisions they make.

Accountability and transparency are two different things. Publishing information (irrespective of quantity or format) will not automatically lead to better, or more accountable, decision-making. Information requires context to be useful and it is the actions that people are able to take in making use of the information that will hold authorities to account, not the existence of the information itself. This is more about culture, attitude and the approach to decision-making in the authority.

The Code should make some reference to these principles.

There is no need to reinvent the wheel when thinking about the principles of open and transparent government. Since the early 1990s there have been significant developments in thinking about what constitutes good governance and accountability, which could helpfully inform the approach to this Code. For example:

- Nolan Principles of Public Life (Committee for Standards in Public Life, 1995)

Seven principles outlined by Lord Nolan, the first Chair of the Committee for Standards in Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership

- Cadbury, Greenbury and Hampel Combined Code on Corporate Governance (Hampel, 1998)
A set of basic expectations for the governance of public listed companies, which they have a duty to either follow or explain publicly to shareholders why they have deviated from them.
- Langlands Commission's Good Governance Standard for Public Services (CIPFA and OPM, 2005)
Independent Commission which identified six core principles for good governance in the public sector and called on organisations to report publicly on how they were seeking to meet them.
- Centre for Public Scrutiny 4 principles of effective scrutiny (CfPS, 2006)
Principles developed to guide the process of independent public scrutiny: Being a 'critical friend', Enabling the voice of the public to be heard, Led by independent-minded non-executives, Improving public services
- CIPFA-SOLACE Governance Framework (CIPFA and SOLACE, 2007)
Framework and Guidance which adapted the Langlands Commission principles for local government and advised English local authorities to review their governance arrangements in the light of these principles

From all this thinking across the public and private sectors, it is possible to distil some common core principles for good governance and accountability:

- **Transparent**
Information is publicly accessible about decisions and actions that have been taken, including costs and benefits. While the principle of openness is about the culture and processes leading up to a decision being made, the principle of transparency provides a retrospective account of what has happened and enables public scrutiny to take place more effectively.
- **Accountable**
The person who has made a decision or taken an action can be examined and judged for it by others, and may face consequences as a result. There are clear processes of scrutiny that enable these judgements to be made and these too are accountable, open and transparent.
- **Inclusive**
An organisation conducts its business and organises its decision-making structures in ways which are readily accessible and open to influence by those with an interest in what it does, in particular those who are affected by or receive services that it provides. The

involvement of stakeholders and the wider public where appropriate is a key part of what drives its decisions and how it seeks to improve what it does.

- **Open**
An organisation is clear about how and when it takes decisions, who the decision-maker will be and how representations can be made to them. The process which will lead to a decision being made is clearly understandable and the points at which relevant representations can be made are also clear.
- **Ethical**
Those with power at any level in an organisation (but particularly at the top) use it solely for the purposes for which they have been given it, with no attempt to seek benefit for themselves or others for whom it is not appropriate. The culture of the organisation supports an ethical way of operating and is explicit about why its leaders believe ethical behaviour is important to the organisation.
- **Responsive**
An organisation listens to the views it receives and is willing to change direction when reasonable evidence is presented to it. It will have built-in structures and processes to enable it to listen and learn from the experience of its stakeholders, and it will treat complaints in a strategic way to enable it to learn wider lessons, not just respond to the individual issue.
- **Fair**
The organisation considers the needs and interests of all those who use its services or are affected by its actions and seeks to make resource allocations in an equitable and open manner that takes account of those needs and interests.
- **Robust**
The organisation has a clear vision of what it is seeking to achieve and its processes and structures are geared towards this. It is able to justify its decisions on the basis of evidence and having listened to the views of stakeholders and to defend potentially unpopular decisions where necessary.

The current, and previous, debate and discussion on these issues has been limited almost entirely to technical discussions about format and accessibility. Debate on substantive use, purpose and principles has been almost entirely absent. This is regrettable, because without such debate the publication of data will be a compliance-based, procedurally structured tool which will add little to either openness, transparency or accountability. The Code needs to address this weakness by putting publication of expenditure data into the wider governance context that we have set out above.

The principles

The Code sets out a number of principles on which publication rests.

Demand-led – the Code states that publication should be demand led, with authorities understanding “what their communities want” in terms of publication of information. In practice, this will be difficult when local people will not know what data exists before asking for it. Furthermore, it seems odd that the Code emphasises the importance of demand led measures, immediately before setting out a number of national requirements to which all authorities must conform, irrespective of local demand.

It is also unclear whose interests will be most important here. The Code refers continually to local communities, reflecting the importance that CLG has placed on the input of “armchair auditors” in using this data. However, it is likely that this data will also be of interest to the private sector, and while it is difficult to anticipate demand it seems likely that procurement and commissioning strategies for local authority contracts will hinge, for many private companies (and other bidders) on analysis of this information. This use of the data – which is entirely legitimate — needs to be recognised more prominently in the Code.

Demand-led should also include a presumption to be “value-led”. So, when information is requested, the presumption should always be that it will be published in context, with sufficient commentary and background information to make it genuinely useful. It is useless to publish expenditure figures without corresponding performance information tied to it – equally it is useless to publish either of these without a coherent value for money assessment backing up all these systems, to allow councils (and local people) to make reasoned judgments about whether money is being spent wisely. At the moment, the Code allows and encourages authorities to “data dump” reams of information on local people, publishing large spreadsheets which might be technically accessible, and useful for national and local journalists to mash data and produce internal comparisons, but which will present a picture largely divorced from the realities of service delivery on the ground.

Value for money is a crucial element of the spending equation that has been left out of the Code. The Code must place value for money, and publishing data that makes value for money judgments possible, at the centre of its guidance. If not, there is the real danger that, once the initial novelty has passed, expenditure publication will become a paper exercise divorced from the real experience of the public, council officers and members.

A demand-led approach presupposes that there will be a process by which requests for information can be fed into the provision of data. We are concerned that, now that authorities have their systems in place for publishing information in this manner, these systems will remain static until there is a further external (probably governmental) impetus for further change. There would be value in linking publication to the existing local systems for freedom

of information, feeding in data that has been requested through the FOI regime as such requests are received, to present a fuller picture.

Open – this element of the Code is entirely technical in nature and does not engage with the culture of openness which the publication of data is meant to be promoting. A process approach to openness and transparency will not succeed because, as we have said, it will promote a compliance culture focused on minimal standards. In turn this will subvert the demand-led requirement above.

Authorities have been viewing this as an entirely technical issue about migration of data from various databases without considering the wider implications, and the approach that the Government has taken has tacitly supported (and, in previous Codes and pieces of guidance sponsored or promoted by DCLG, actively encouraged) this approach. The Code's "five step" approach to fully open formats reflects this technical approach. While the mention of URIs and external links in spreadsheets is welcomed, this does not take into account the quality or utility of the information being linked to – which is crucial. The five step process also encourages authorities to be complacent in thinking that, once they have applied URIs to data being published, and used external linking in spreadsheets being published, they have reached the high-water mark of transparency and need go no further. There is no open-ended challenge in the Code – as we think there should be – to go beyond mechanical publication of information and to think more fundamentally about how members of the public can intelligently use, and then respond to, this information.

Timely – we entirely agree that information should be published in a timely manner. In due course we see no reason why real-time financial information should not be available, tracking spending and how that spending is reviewed internally. This would allow local people to feed into the process by which value for money judgments are made in future, making them a dynamic participant in the preparation and publication of data rather than a passive recipient and analyst of data.

Wider issues

Much of the data proposed to be published is already made public by local authorities, and other bodies. In most instances this is prescribed by legislation. The Code will need to make clearer where and how it sees its requirements superseding or changing guidance previously issued, governing such arrangements. Language also needs to be clarified. For example, the Code refers to "committee minutes". Does this refer to formal committees only (ie 1972 Act committees) or does it also apply to more informal gatherings of members and/or officers which are held outside the formal framework? We would welcome authorities' taking a more open attitude towards the publication of information about meetings – in particular, Improvement Boards/Star Chambers in those councils that operate them. However, if the proposals are that – as has been alluded to by the Secretary of State – this encompasses "council meetings" more generally, we would be interested to

see how this would work. Would it drive discussion and decision-making into yet-more-informal channels? Would DCLG be keen to see similar steps taken at national level – for example, the publication of civil servants’ advice to Ministers?

If the Code intends to encourage local authorities down this path, it will need to be more specific. To fully achieve such a policy objective a change in primary legislation may be necessary.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

It is difficult to identify any generally-available datasets that would be available that would perform this function. Until recently many funding decisions were made in the form of grants by member panels, but there has been a trend away from this process as it was perceived as highly subjective and poor value for money. It is now more common to see money being disbursed on the basis of commissioning and service-level agreements. This is a more robust approach from the point of view of the authority, but is perceived as being byzantine and process-based, and imposing unreasonable and disproportionate burdens on small voluntary groups. We would like to see more involvement by elected councillors in decision-making on these issues, which takes into account the in-built power imbalance between voluntary groups and local authorities.

By publishing data which focuses on value, as we have discussed above, it will be easier for the public to understand how and why decisions are being made, and more straightforward for councillors to use this information to bring more transparency into the decision-making process.

On service transfer of a community asset, there is no reason why the management of such an asset should not be subject to the data requirements in the Code. In fact, as we see it, there should be a natural presumption that this would happen given the fact that community assets are, by definition, of importance to the community, and local people will want and need to know that they are being managed in their best interests. It needs to be borne in mind whether the publication requirements as currently set out will, therefore, impose an onerous burden on any small groups taking over such assets. Certainly, the Code’s regime would need to be built into any contract management processes.

Does the proposed Code sufficiently support the publication and reuse of public data?

In a limited sense, the focus on provision of data in comma-separated format, and associated requirements, supports this functionality. However, it is difficult

to see for what practical purpose this data would be reused, further to the comments made on the first consultation question.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes. We also think that the list of bodies should be expanded. Because this is an extra-legal document there is the possibility of including bodies in this list that have no legal personality. For example, Local Strategic Partnerships, Local Enterprise Partnerships and other informal joint working arrangements should be included.

Other Government departments and their executive agencies – particularly where operating at local level – should be subject to these requirements. We recognise that this goes beyond the remit of the Code, but recommend that CLG co-ordinate with the Cabinet Office to investigate how common principles around data transparency can be applied to a wider range of Governmental bodies. Local people will expect consistency in publication of information and will rightly find it inexplicable that certain organisations delivering a public service are not covered by this Code, because they are not subject to CLG oversight.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Experience suggests that publication of this information would not enable local people to make a judgment on whether salaries are consistent with levels of responsibility. In many instances (especially at the lower end of the scale) salaries will be tied to pay bands that have been decided through national pay bargaining and/or authority-wide job evaluation. Moreover, it is unclear what this information is for. Is the intention to encourage people to make judgments on the value for money of particular posts, or postholders?

If so, there is an argument that detailed JDs would need to be published, and information on the current work streams being undertaken by that particular member of staff. In certain instances this would infringe data protection legislation.

If not, publishing this information seems extraneous and not particularly helpful for local people.

Whatever the purpose and use of the information, we consider a salary threshold of £58,200 to be arbitrary. £58,200 may reflect the senior Civil Service pay bands, but this banding is not relevant in local government pay, where there are in fact extremely wide variations in pay levels of various senior posts, on account of the size and geographical location of the authority. In a London borough, this threshold would encompass most employees down to Service Manager (Tier 4) level (around 250 staff) including people with access only to minimal discretionary budgets. In a small rural district it may only include the senior management team (four or five people), with others with significant spending responsibilities being excluded.

On balance we would prefer a function test, if this information is to be published at all. Ideally, we would prefer this data to be published on a team by team basis, which would allow it to be linked in with the wider expenditure data, thus making VfM judgments easier. Moreover, this would allow this information to be linked through to service scorecards, where they exist, and present a more balanced picture of spending and performance.

The National Archives

The National Archives is grateful for the opportunity to comment on the proposed *Code of recommended practice for local authorities on data transparency* by the Department for Communities and Local Government. We are commenting as:

- an organisation with an interest in open public data;
- the policy lead for the re-use of public sector information;
- responsibility for the UK Government Licensing Framework and the Open Government Licence; and
- responsibility for information management and the wider archival sector, including local authorities archival services.

1. General comments

The National Archives advocates producing standards or regulations that dovetail with and extend rather than conflict with existing information management, access and re-use obligations for local authorities and the wider public sector. This would be in the interests of clarity and consolidation, improving existing best practice and avoiding additional burdens or complexity in information management, access and re-use. In this regard, particular consideration to the following issues may be useful:

1.1 Records and information management and information access in local government

The draft Code may benefit by clarifying its relation to:

- the transparency and information access obligations local authorities already have under the Freedom of Information Act, the Environmental Information Regulations and the Local Government Act 1972 (as amended)¹;
- the Code of Practice on records and information management under section 46 of the Freedom of Information Act; and
- the Re-use of Public Sector Information Regulations 2005.

It would be very helpful for the draft Code to clarify that it complements the above, rather than superseding them in any way, and does not propose additional burden in this respect. This has resonance with the Department for Communities and Local Government consultation, *Review of statutory duties placed on local government*.²

Where a legal obligation to disclose already exists, it might be clearer and less likely to impose an unnecessary regulatory burden for the Code to focus on the machine-readable means of disseminating, data standards and clear terms and conditions for re-use.

1.2 Public data principles

The draft Code may benefit from being read alongside the public data and transparency principles, which are available at:

<http://data.gov.uk/blog/new-public-sector-transparency-board-and-public-data-transparency-principles>. These principles align with the Code's aims for data transparency across the public sector.

1.3 Data inventories

There are a number of incarnations of lists and registers for public sector information for a number of different purposes across Government. For example, publication schemes exist under the Freedom of Information Act. Information asset registers for discovery of unpublished information and re-use purposes have been developed under the Re-Use of Public Sector Information Regulations, and also, for information security purposes, following the Hannigan Review for data handling.

The National Archives is currently working with the Cabinet Office and other central government departments on the datasets and metadata collated and published via data.gov.uk and as part of the right to data commitments of Government.

¹ Examples of relevant enactments in the Local Government Act are:

- s.100b, c & d regarding public access to local authority agendas, minutes and background papers;
- s.228 regarding public inspection of minutes and statements of account
- Sch 12, s.41 regarding the keeping of signed minutes.

²

<http://www.communities.gov.uk/localgovernment/decentralisation/tacklingburdens/reviewstatutoryduties/>

We suggest that the most efficient way forward would be for the Department for Communities and Local Government, and representatives of local authorities, to work with Cabinet Office and The National Archives to ensure that the inventory of data proposal in the draft Code aligns with and informs current work being taken forward across central Government.

1.4 Scope

The draft Code uses 'data' and 'information' interchangeably (for example, 'public data' is defined within Scope at paragraph 5 whereas paragraphs 10 to 12 use 'information' and both are used in paragraph 14). It may be useful to clarify whether any difference in meaning is meant by the terms, as this would clarify the scope of the draft Code.

2. Comments on specific sections of the draft Code

Section 4

We would recommend a change in the word order of paragraph 4, in order to group separately the accountability and re-use benefits of making public data available. This would read (with amendments underlined):

“Where public money is involved there is a fundamental public interest in being able to see how it is being spent and to demonstrate how value for money has been achieved or highlight inefficiency. Public data should also be used to open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.”

Section 6

The right to data provisions of the Protection of Freedoms Bill (clause 92) are currently before Parliament. Should this be mentioned or covered here, or will there be provision to amend the code to reflect any amendments to the Freedom of Information Act which may result from proposed amended legislation?

Section 7

We recommend rewording this to identify and emphasise the principles up front, and to separate them from the reference to best practice, which is slightly different. This would read:

“The following principles should underpin decisions about publication:

- *demand-led*
- *open*
- *timely.*

Local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards of transparency.”

Section 8

We feel that the following additional details (underlined) may highlight further the benefits of publishing data:

“...rather they should understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present or visualise it in new ways that makes its meaning more apparent. This may involve users combining it with data from other sources to create new information. It is this process that will create demand for data.”

Section 10

We suggest the following minor amendments (underlined) for clarification:

“Local authorities should develop an inventory of the data that they hold and ensure the inventory is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.”

Section 15

We suggest inserting the following after Section 15 as a new section to support standards in publication and re-use further:

“Data being published for re-use should be made available in a machine reachable and reusable format to enable the data to be downloaded or crawled by a machine without a requirement to log in or use a pick list, tick box or search criterion, such as a post code.”

Section 17

Clarification of what is meant by ‘raw data’ would be useful. For example, would a section on raw data be relevant under Demand-Led also, as ‘raw’ relates to format as well as timeliness? Therefore, we suggest the following insertion (underlined):

“The timeliness of making data available is often of vital importance. Consequently, data should be published as soon as possible following production, even if it is not necessarily published with detailed analysis. For example.....”

Section 18

We recommend the following insertion to the end of section 18, in order for the draft Code and principles to align with information management:

“The best way of achieving this is by having robust information management processes in place throughout the authority. Clear tracking of the provenance of the data is helpful in preventing errors from occurring and correcting them when they do.”

Section 19

It would be helpful to add a sentence (underlined) at the end of this section on the need to amend metadata on data.gov.uk:

“Where errors in data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment. Metadata on data.gov.uk should be amended accordingly.”

The National Association of Local Councils

I am writing in response to your Department’s consultation on the Code of Recommended Practice on Data Transparency, on behalf of the National Association of Local Councils (NALC).

As you know, the National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 9,000 parish councils and many parish meetings in England.

The parish councils and parish meetings we support and represent serve electorates ranging from small rural communities to major cities, and raise a precept from the local community. Together, they can be identified as among the nation’s most influential grouping of grassroots opinion-formers. Over 15 million people live in communities served by our parish councils, around 35% of the population, whilst over 200 new parish councils have been created in the last 10 years.

Parish councils and parish meetings work towards improving community well-being and providing better services at a local level. Their work falls into three main categories:

- representing the local community;
- delivering services to meet local needs; and
- striving to improve quality of life in the community.

Through a range of powers, parish councils provide and maintain a variety of important and visible local services including allotments, bridleways, burial grounds, bus shelters, car parks, commons, community transport schemes, crime reduction measures, footpaths, leisure facilities, local youth projects, open spaces, public lavatories, planning, street cleaning, street lighting, tourism activities, traffic calming measures, village greens and litter bins. These existing powers were strengthened by the extension of the well-being power to eligible parish councils in 2008.

NALC provides support and advice directly to our member councils through a network of county associations. Working with and for our member councils,

we are actively involved in working with, and influencing, Government and other bodies at a national level to advance and protect the interests of local councils and the communities they serve.

The Freedom of Information Act 2000 requires parish councils and parish meetings to have a publication scheme which gives the public information about how they are organised and structured, how they conduct their business, the decisions they have made and what they do. The National Association broadly supports the Government's objective to make parish council and parish meetings proactive in the transparency of their expenditure over £500.

However, the draft Code, as we see it, requires parish councils and meetings to publicise certain types of expenditure over £500. It also specifies the manner in which they should make this information available, whether or not there is demand for it.

We understand that if a parish council or parish meeting fails to publicise or make available certain expenditure over £500 in the manner set out in the proposed Code, the Code will be the statutory basis for a legal challenge for such failure.

The National Association in turn consulted its membership on the draft Code and feedback is included at the Annex to these papers. The National Association's own answers to the consultation questions are below;

Question 1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

No and yes.

No, because;

- i) Local residents ultimately hold their councils to account at the ballot box;
- ii) Parish councils and parish meetings are subject to a comprehensive audit regime which facilitates objections to expenditure by local residents;
- iii) Decisions which confirm most payments (except those which are e.g. confidential or for salaries) made by parish councils and meetings are contained in their minutes which are available in their publication scheme;
- iv) Local residents have additional rights of inspection of minutes (Local Government Act, 1972);
- v) Local residents have a right to inspect the accounts of a parish council and meeting at audit and to inspect documents related to the annual audited accounts (Audit Commission Act, 1998); and
- vi) Information not available under (iii) and (iv) may be requested under the Freedom of Information Act, 2000.

Yes – because it makes parish councils' and parish meetings' approach to providing certain data, prescriptive.

However, the Government has not evidenced an unmet public demand for the proposed prescriptive approach it is imposing on parish councils and meetings.

Question 2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

No, not that the National Association is aware of.

Question 3. Does the proposed Code sufficiently support the publication and re-use of public data?

Paragraph 12 of the draft Code confirms information should be available to the public for use and re-use. However, paragraph 8 of the draft Code provides that authorities should '*understand ... what their communities want and then release it in a way that allows the public, developers and the media to present it in new ways that make its meaning more apparent.*'

We are of the view, that the information that will be made available under the proposed Code may not interest or stimulate new interest and benefits for the general public. It may be advantageous to media hostile to parish councils and meetings and external partners who have commercial interests and objectives which are different to the parish councils and parish meetings they work with.

Paragraphs 10 - 16 impose new and specific obligations on parish councils and meetings. They aggravate some existing serious resource issues for those parish councils and meetings without a website, broadband, relevant accounting packages, staff/staff with relevant expertise.

Draycott Parish Council have also referenced that they think it would be difficult for most smaller local councils to present technical information on publication of their transactions of over £500 on their websites (if they have them) – as under Paragraph 14 – perhaps this paragraph needs to be reviewed, therefore.

Mersey Hampton Parish Council have stated, that – again – smaller local councils will find it difficult at best to muster the resources necessary to comply with the publication and re-use of public data requirements as elucidated in the Code. This again needs to be borne in mind by the Department.

Question 4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes, in principle all of the bodies listed under Paragraph 3 of the draft Code are right to be included as covered by it. However, as stated in earlier answers, local (parish and town) councils are comprised of many different types and size, and the smaller parish councils and in particular parish meetings will struggle to implement the Code without raising their precept. Montford Parish Council's Clerk makes it clear that, in turn, this type of statutory requirement will continue to make smaller local councils struggle to be cost effective regarding their precept.

Question 5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

Most staff employed by parish councils and parish meetings do not earn £58,000. Only some of the most senior officers (known as clerks) employed by the largest parish councils with budgets over (£1 million per annum), are paid around the figure of £58,000.

Dorchester Town Council suggest that publication of public officials' salaries should not in fact be linked to a minimum figure.

After the announcement of the new requirements on local authorities for data transparency in June 2010, letters were sent to all principal authorities, but no similar letters of explanation were sent to parish councils and parish meetings.

Voluntary Practitioner guides produced and developed in 2010 by the Local Government Group and the Local Public Data Panel do not represent parish councils or meetings or NALC. Such guides may well be perceived as 'best practice', but these do not relate to or therefore assist parish councils and meetings.

I do hope the Department finds this submission of some use and information in its consideration. We would of course welcome sight of the final Code before it is published and will need to be informed of the final provisions for local councils and exactly when they are to become applicable to the local councils' sector. This will give us sufficient time to update the sector, and avoid (further) confusion.

Annex

Summary Table of Responses the National Association Received From Local (Parish and Town) Councils On The Code of Practice For Local Authority Data Transparency Consultation

Council Name	Response
Dorchester	<p>In connection with the publication of senior officers salaries (which is difficult to resist, really) the code shouldn't specify a figure but should be tied to something - the minimum pay level for senior civil servants is, I think, mentioned in the consultation and this might be as good as anything. If a specific figure is mentioned it won't get changed as often as it should (if at all) and the natural process of wage inflation will increase the spread of it. There are umpteen examples of where this has happened, not least the Best Value threshold, the requirement in the Accounts and Audit Regs. for number of staff over £50k to be included in the Accounts and the fact that Inland Revenue has regarded 40p/mile as tax-neutral despite rises in motoring costs.</p>
Draycott	<p>This Council supports the need for transparency in local authority activities, however whilst this code may be practical for higher tier authorities, it is impractical for most Parish Councils.</p> <p>Draycott Parish Council is a Quality Council with a web-site, however it would have difficulty in providing the information in the technical formats outlined in paragraph 14 without engaging professional assistance – thus incurring additional costs to the parish.</p> <p>The document does not explain how it would expect Parish Councils without a web-site to publish this information.</p> <p>The document does not go into details</p>

	<p>about the information that it would expect to be included e.g.; i) does expenditure of over £500 mean per month, per annum, per invoice? ii) how long does it expect documents such as minutes to be kept on a web-site (we keep ours on for 3 months). However, the publishing of minutes on a web-site should already give parishioners details of payments and receipts and would surely provide an adequate level of transparency required for most Parish Councils. The minutes also provide details of decision making.</p> <p>This code may be applicable to the larger local councils and this Council suggests that only Larger Local Council's with an income or expenditure in excess of £1,000,000 be included in the code. Those below this level should be encouraged to produce their minutes on-line – but if this is not practical, by posting them on notice boards in the parish.</p>
Dursley	<p>I am writing to inform you that Dursley Town Council considered the Data Transparency Code Consultation at its Planning Committee meeting on 1st March and has no comments to make.</p>
Mersey Hampton	<p>We have issues that this is being set up as a "one size fits all".</p> <p>Clearly smaller Parish Councils will have serious problems with costs, expertise, staff and facilities trying to comply with this. To comply it is inevitable that the precept will have to be raised.</p> <p>It must be remembered that Councillors are volunteers and give their time for free. It is already getting difficult to find people willing to stand to be a Parish Councillor and increasing the work will make it harder.</p>

	<p>Many Clerks also do the job for the good of the community and only take small salaries sometimes even working for free. A lot will be saying they did not sign up for this.</p> <p>We believe this should not apply to small Councils, say those with fewer than 1000 on the electoral roll or a budget of less than £20, 000.</p>
Montford	<p>1) I am confident that like all the other Shropshire parish councils I have come across all our Montford Parish Council data is already totally transparent, well publicised and freely available at no charge to anyone who seeks any information at any time regarding every aspect of our Parish Council structure, operation and finances.</p> <p>2) In small parishes such as ours with annual budgets of £5000 or less it is NOT the lack of openness or accountability which poses problems for our taxpaying parishioners, it is the fact that the ever increasing costs of trying to operate a small Parish Council with the same regulations as large town councils is now making our Parish Council less and less cost effective due to the disproportionate amount of clerical time and resources which have to be spent on non-productive paperwork demanded by central government, and which our parishioners have no interest in whatsoever.</p> <p>3) I cannot see any advantage to either Montford Parish Council or to our taxpaying parishioners in introducing yet more mandatory bureaucracy into our tiny operation, since we are already totally transparent and massively over-regulated in relation to our small size. The problem with small parish councils is not a lack of accountability</p>

	<p>or transparency, it is the waste and inefficiency which is created entirely by over-regulation from central government.</p> <p>4) If central government wants parish councils to make cuts in public expenditure, then please help us to streamline our bureaucracy by simplifying our regulations instead of constantly increasing them.</p>
Penkridge	<p>I see no problem if annual parish meetings are included but it would be a considerable inconvenience and cost if details of all contracts of £500 or more had to be separately published. These details are currently recorded in council and committee minutes.</p>
Somerset Association of Local Councils	<p>We have concluded that a proportionate application of the principles of data transparency should apply at all local authorities as best practice (but excluding parish meetings). Without any adjustment to the Code, it is totally inappropriate for the majority of the sector and will cause more misunderstanding than accurate information and will fail to improve the public's comprehension of the activity of the particular council.</p> <p>1. No. The Draft Code hardly recognises the staff and financial resources of the majority of parish councils. Staff are part-time and have no formal IT qualifications. The technical words and jargon used are probably not recognized, and not understood, by many Clerks. The Code will not improve access to information where, as in most cases, the published draft Minutes currently disclose all payments made and all contracts, tenders etc., under debate. The Code should be extended to include a proportionate element for Parish Councils to publish within their</p>

	<p>Minutes (draft or final), as best practice, the details of all payments made or approved (other than personal data such as net salary payments to the employees – see Data Protection Act) and for such documents to be published (on web-site, in a conspicuous place, or otherwise) within 2 months of the relevant meeting. This extension can be drafted in such a way that the larger Parishes & Towns can use spreadsheets and data sets as for principal authorities, if they so wish. The smaller would be using word-processing software such as Word or Wordperfect.</p> <p>3. No. This is addressed by publication of all payments (subject to DPA) in existing formats.</p> <p>3. After amendment or “parish proofing”, and introducing the lesser duty of best practice, the Code may be sufficient.</p> <p>4. No. A parish meeting without a separate parish council is not a corporate body – the Code therefore would be applied to all electors of the parish (whether attending the Meeting or not). We suggest that, whatever may happen regarding the 8,000 Parish Councils as a result of this Consultation, parish meetings should be excluded from the list completely.</p> <p>No comment. We have no comment to make on the salary levels at which transparency should apply. In this county we have no knowledge of any Clerk currently being paid in excess of the stated salary level (£58,200). There is a significant risk that some electors will expect this level of disclosure of personal information at all parish councils. In practice, as there is usually only one employee</p>
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	and the published budget papers disclose a salaries budget line, there is little additional information to disclose regarding gross pay. It is fully agreed that net pay and deductions should remain confidential. Due to the small numbers that will be involved nationally, we suggest that the sector be excluded from this disclosure requirement.
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The Society of London Treasurers

Thank you for the opportunity to comment upon CLG's proposals for implementing data transparency in local government. I am responding on behalf of Society of London Treasurers.

The first thing to say is that SLT is committed to greater transparency and to providing the public with useful and accurate information, which enables them to participate in local affairs and hold local authorities to account. Our members have already implemented many of the proposals contained in the proposed code and we welcome the opportunity of providing further comments. It should be noted that this has been at some cost and will continue to require resource input to maintain.

We note that the proposal is for a statutory Code under section 2 of LG&P Act 1980 and certainly agree that such guidance should be high level in nature, with local authorities and their partners being able to determine detailed implementation arrangements. We believe it is the best way to deliver enhanced transparency, efficiency and value for money and support the general principles and proposals contained in the document. How we would like to point out that similar transparency should be encouraged in other parts of the public sector such as the civil service, including government agencies, NHS and schools.

Concerning the details of the Code contained in Annex 1 we agree with most of the proposals but would make the following points:

- **Proposal that a threshold of £58,200 to apply to disclosure of senior salaries.**

Salaries in London (and more so in inner London) are generally higher than many parts of the country, which reflects the higher cost of living. A threshold of £58,200 in London would not only encompass Chief Executives, Directors and Assistant Directors, but many managers below this level. We would prefer a legal definition, as suggested in the document, which would include the three levels mentioned above i.e. down to Assistant Director. Such a definition

would reasonably limit the numbers and encompass all those responsible for the management of the local authority. We note that a much higher limit of £150,000 is in place the civil service.

We also note that there is an inconsistency between the requirements of what we are obliged to publish under this code and what the department is requiring us to publish on our website under the Accounts and Audit Regulations. It would be clearer for the public and more efficient if the two requirements could be brought in line.

- **Copies of contracts and tenders to business and to the voluntary community and social enterprise sector**

We believe that greater clarity is needed in relation to this proposal. Many of our members already provide comprehensive information on contracts in place and opportunities to tender for work. The proposal says that we should release "copies of contracts and tenders", which would imply that we will have to publish all contract tender documentation on line.

Such a requirement would be too onerous and limited interest to the public. The resources required to implement this including redacting information from documents, which may be commercially confidential or which leave councils open to costly legal challenge.

Currently key contracts in London are published on the Pan London Contracts Register system, which is available to the public and suppliers and there is a proposal to set up a Pan London Procurement Portal in summer 2011. This will be used for publishing information on contracts and will include named officers to contact directly. Interested parties can approach the relevant contact for more detailed information and for contact information.

In summary we believe that detailed contract documentation should be released on request, rather than be released as a matter of course. This would be more manageable and cost effective approach to delivering transparency of data regarding the details of contracts and tenders.

I hope this response will be useful in helping to finalise the Code of Practice

The Tax Payers Alliance

TaxPayers' Alliance key recommendation – HR transparency

- **All bodies listed under the Code's scope** – and those the TPA recommends the scope should extend to – **should publish a full list of job titles and job descriptions**. No salary information or names need to be published alongside this for junior staff; a simple list of jobs and job descriptions is all that is necessary. It is crucial that public

bodies let taxpayers know exactly what work they are doing as staff time is often a more significant commitment than payments to suppliers. Job descriptions would allow for a more informed debate over the council's priorities and the requirement to publish would encourage more care in recruitment and staff allocation. **HR transparency** is crucial. This recommendation is not included in the Code, but the TPA strongly suggests it is added as a priority.

Summary of other points

- The TaxPayers' Alliance (TPA) supports the proposed code in principle but we believe it contains **loopholes which must be closed** for it to be more effective.
- **The TPA strongly opposes removing any of the listed bodies.** Instead, we recommend that all local organisations whose funds are derived from local government precepts (such as commons conservators) should be subject to the code, as well as others.
- **Supporting commercial reuse of published data is vital.** Third parties must be free to support accountability by repackaging data in a more useful format.
- The TPA **believes all expenditure, not just that on items over £500**, should be published online, and for items over £500 a brief description of purpose should be attached.
- **The remuneration details of staff on £58,200** – or the minimum rate of a senior civil servant – and they **should be published with immediate effect.**
- **Agency and contract workers should be included** as though they were direct employees of an authority.
- The TPA believes employees' **right to refuse disclosure of their name should only apply in the first year.** In subsequent years, names should only be withheld in exceptional circumstances.

Responses to key questions

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

Yes, but not as much as it might. We do not believe anything in the proposed Code represents a step back for creating the conditions for accountability in local government, but it does contain a number of loopholes that are likely to allow local authorities the option to resist transparency and accountability thereby restricting the potential benefits which the Department could unleash

through a revised, tighter code. We have addressed these concerns in more detail in our response to the Code's principles below.

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

No. There are no such datasets the TPA is aware of.

3. Does the proposed Code sufficiently support the publication and reuse of public data?

No. We have listed concerns in the table below relating to individual items in the code where we believe there to be weaknesses which do not support publication. However, we are satisfied with the code as it relates to the reuse of the data that will be published under it.

4. Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

Yes. We would strongly oppose the exemption of any of the listed bodies. However, other bodies whose funding comes from Council Tax precepts should be added.

5. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

The Department should go ahead with publishing remuneration details for those receiving £58,200 (minimum for a senior civil servant) as soon as possible. This was proposed by David Cameron before the election and should be followed through. If the Department wanted to go further, a 'triple lock' test could be mandated where remuneration details would be published for all staff who qualified under any one of the three tests mentioned above. Taxpayers are entitled to know how much staff who exercise significant authority, are in statutory roles or are highly paid receive each year, irrespective of how many of these criteria their employment meets. This principle is being applied in central government, as can be seen with the publication of pay for Special Advisers. The TPA believes the single most useful criteria of those three is a threshold based on total remuneration rather than any component of it (such as salary).

Proposed code of practice with detailed TPA comments & questions

No.	DCLG Draft code of recommended practice	TPA comments & questions
1	This Code is issued by the Secretary of State for the Department of Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue a Code of Recommended Practice (The Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.	The TPA welcomes the proposed Code in principle.
2	The Code applies in England only.	We would encourage adoption by the administrations in Scotland, Wales & Northern Ireland.
3	In this Code: “the Act” means the Local Government, Planning and Land Act 1980; “local authority” means: a county council; a district council; a parish council; a parish meeting of a parish which does not have a separate parish council; a London borough council; the Common Council of the City of London; the Council of the Isles of Scilly; a National Park authority for a National Park in England; the Broads Authority; the Greater London Authority so far as it exercises its functions through the Mayor; the London Fire and Emergency Planning Authority; Transport for London; the London Development Agency; a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue	We do not believe any bodies should be removed. However, the list should be extended to cover any body funded by a precept on council tax, e.g. the Wimbledon & Putney Commons Conservators. The Department should also include any publicly funded body set up as a commercial enterprise by councils and/or Regional Development Agencies. A comprehensive list of such bodies is available through the TPA’s research paper RDA Grants.

	<p>Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority);</p> <ul style="list-style-type: none"> • a police authority, meaning: <ul style="list-style-type: none"> (a) a police authority established under section 3 of the Police Act 1996; (b) the Metropolitan Police Authority; • a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport); • joint waste authorities, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007; • an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009; • a combined authority established under section 103 of that Act; • waste disposal authorities, i.e. an authority established under section 10 of the Local Government Act 1985; • an Integrated Transport Authority for an integrated transport area in England. 	
4	<p>Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent. Public data should also be used to highlight inefficiency and</p>	<p>The TPA support the use of public data to highlight new commercial opportunities for the private and voluntary sectors alike, and to make it easier for people to discover waste and for inefficiency to be uncovered.</p>

	open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.	
5	“Public data” therefore means the objective, factual, non-personal data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.	Why does subjective or non-factual data not count as ‘public data’? We recommend removing these adjectives to avoid the possibility of data being withheld from disclosure on the grounds that it is considered to be ‘non-factual’ or ‘subjective’.
6	The Freedom of Information Act 2000 requires local authorities to have a publication scheme approved by the Information Commissioner’s Office that sets out information that must be routinely published. Local authorities must comply with these requirements.	No comment.
7	The following principles should underpin decisions about publication and local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards.	We support the principles of the Code.
DEMAND LED		
8	There are growing expectations that new technologies and data should support transparency and accountability. Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present it in new ways that makes its meaning more apparent. It is this process that will create demand for data.	We support the demand-led approach.

9	<p>As a minimum, the datasets that should be released are:</p> <ul style="list-style-type: none"> • Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent. • Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed. • Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band. • An organisational chart of the staff structure of the local authority. • Councillor allowances and expenses. Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector. • Policies, performance, audits and key indicators on the authorities' fiscal and financial position • Data of democratic running of the local 	<p>The TPA supports the publication of expenditure details over £500. It is a huge step forward for transparency and it is good that the Department itself has set this example for others to follow. But we see no reason why spending items under £500 should be exempt. This exemption could provide an incentive for orders to be split into smaller items and there is plenty of scope for wasteful or inappropriate spending on items of less than £500. The public expect transparency here, too. In addition, for items over £100 in value, a brief description of what the expenditure relates to and the purpose for which it was intended should be recorded and published. This would also drastically reduce the number of FOIs local authorities would receive regarding one budget line on a data release.</p> <p>The TPA believes expenditure data and salary data should both be published in CSV files according to national standard definitions to assist easy agglomeration and comparison between authorities. For example, the Code should specify values like an employee's name, job title, salary, etc. Authorities whose data does not fit the standards should insert custom 'columns' after the national standard ones.</p> <p>The TPA believes a copy of every original invoice and receipt should be published online, in an electronic format where the document was received electronically or a scanned pdf where a paper copy was received.</p> <p>The TPA believes the option for staff to refuse to have their names published should only apply in the first year to allow those senior staff who do not wish for their salary to</p>
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	<p>authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.</p>	<p>be a matter of public scrutiny the time to seek alternative employment. Salaries should include all remuneration received as per the categories in the Audit and Account Regulations 2009. In addition, start dates and leaving dates should be included for staff where applicable. The code should also mandate authorities to disclose the number of hours an employee is contracted to work and the number of days holiday (and any other special leave, with the exception of leave for bereavement or sickness) the employee took during the year.</p> <p>The TPA strongly recommends that all remuneration packages over £58,200 should be published, as proposed before the election. Further, all three tests could apply when determining which employees' remuneration details ought to be published. That is, remuneration details for statutory officers and those who qualify in the Regulations but whose remuneration falls below the threshold should also be published.</p> <p>The TPA also believes agency and contract staff details should be included in the remuneration disclosure.</p> <p>Finally, authorities should publish remuneration details of employees who are contracted to work for less than 35 hours per week or do not work for a full year due to either starting or ending employment during the year or because the contracted holiday entitlement exceeds 35 days (excluding public holidays) when the full time equivalent or whole year equivalent remuneration (or both where both apply) exceeds the threshold.</p>
10	Local authorities should develop	We support this clause.

	an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.	
11	These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.	We support this clause.
OPEN		
12	Information should be made easily accessible to the public for use and re-use. For most local authorities it will mean publishing data online and where possible there should be a single access page for data being published.	The TPA believes the exemption to online publishing should exist only for authorities with an annual budget of less than £500,000.
13	Information must be published in a format and under a licence that allows open re-use, including commercial and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archive is the recommended standard. Where any copyright concerns exist with information, these should be made clear.	We support this clause.
14	<p>Local authority information should be, where possible, published in open and machine-readable formats. The recommended five-step journey to a fully open format is:</p> <p>* Publish the available data on the web in whatever format; ** Make it available as structured data, for example in a spreadsheet rather than a .pdf document; *** Publish it in non-proprietary format such as comma separated values (CSV); **** User Uniform Resource Identifiers (URIs) to define and</p>	We support this clause.

	describe your data, thereby helping users discover and explore it, and understand its meaning and context, and; ***** Using URIs, incorporate links in your data to related external sources.	
15	Publication in both .pdf and .csv formats should be the minimum requirement.	We support this clause.
16	Local authorities should have controls in place to reduce the risk of any payment fraud as a result of publishing data. A risk management approach should be used to support these open standards. Potential measures to support this are suggested at Annex A of the Code.	We support this clause.
TIMELY		
17	Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in-house systems; organisational information should be published in line with central Government.	We support this clause.
18	Data should be as accurate as possible at first publication. While errors may occur the publication of information should not be unduly delayed to rectify mistakes. Instead, publication and use of the data should be used to help address any imperfections and deficiencies. This concerns errors in data accuracy not errors in redacting personal data, which is covered below.	We support this clause.
19	Where errors in data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised	We support this clause.

	information making it clear where and how there has been an amendment.	
Annex A: Anti-fraud measures		
	<p>Local authorities should have controls in place to reduce the risk of payment fraud occurring. Typically, controls might include:</p> <ul style="list-style-type: none"> • Only accepting requests for changes to supplier standing data in writing. • Seeking confirmation from the supplier that the requested changes are genuine, using contact details held on the vendor data file or from previous and legitimate correspondence; and not contacting the supplier via contact details provided on the letter requesting the changes. • Ensuring that there is segregation of duties between those who authorise changes and those who make them. • Only authorising changes when all appropriate checks have been carried out with legitimate suppliers and only making the changes when the proper authorisations to do so have been given. • Maintaining a suitable audit trail to ensure that a history of all transactions and changes is kept. • Producing reports of all changes made to supplier standing data and checking that the changes were valid and properly authorised before any payments are made. • Carrying out standard 	<p>We support the annex.</p>

	checks on invoices before making any payments. <ul style="list-style-type: none"> • Regularly verifying the correctness of standing data with suppliers. 	
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Winning Moves Ltd

I'm writing in response to the above referenced consultation. I represent a private sector company called Winning Moves. Over the years we have provided a significant amount of support to SMEs across the UK and internationally, helping them to be more streamlined in their data collection approaches and engendering a culture of continual improvement within SMEs that gets them collecting key performance metrics so that they can use this information to improve. This approach is all about being transparent, albeit from an internal business perspective, so that good practice and importantly, bad practice can be recognised and continued or rectified as appropriate. We have delivered this approach through RDAs and Business Links as well as internationally and have found that encouraging businesses to measure resulted in clear performance improvement, efficiency savings **and** increases in profits.

I think that the code of practice affords these same opportunities for Local Authorities to improve, however to do so I think supporting infrastructure needs to be put in place for data collection, publication and also for comparison. It is only by comparing how one LA performs in the context of the others that local people can truly challenge the performance and recognise where real savings can be made. Equally, the LA itself can recognise opportunities to work more efficiently and can learn from its neighbours the best way to do this.

By patently displaying their spend and performance levels, the LA is not only being held accountable but being forced to improve their performance. It seems that in every other aspect of life we strive to improve. Education and lifelong learning, economic development, sporting achievements; we as a nation have a vision to be world renowned in these areas. It is only appropriate that this vision should be promoted from the regions up and the way to do this is to create that culture of continuous improvement within the Local Authorities.

Specific suggestions are:

- Develop supporting IT infrastructure that allows LA to input information and record results that are published immediately. This could be developed so that certain data is available whilst certain remains hidden eg that subject to DPA provisions. The infrastructure would

need a LA interface as well as a general public interface. The general public interface will allow the public to mine the data and compare (benchmark) the performance of their LA with others. Where weaknesses are identified, best practice fora should be set up to exchange information between local authorities so that they can improve their performance. This approach helps the ongoing audit of LAs but also helps identify performance issues that could be the result of individual training needs.

- Draw in all existing data.gov information so that this too can be mined. This then challenges central government as well as local to improve whilst enabling them to be more transparent in approach
- widen the definition of salary data for the LA information. This should not be restricted on the basis of amount paid (£58K) but should be about responsibility. Arguably all LA officers are accountable to the public they serve but particularly those with a senior officer status ('SO' grade and above). Therefore all SO grades and above should be published.
- make the public interface the way in which census data is collected OR create a live link to census data
- create a smartphone app to input census responses, access performance data, check council tax online and see how this compares with other local authorities....etc

Yorkshire Local Councils Associations

I am responding to your consultation concerning the proposed Transparency Code, on behalf of the Northumberland Association of Local Councils.

In principle, we support the objectives of the Code, which are in line with the requirements of the Freedom of Information Act. However, there are some very real practical difficulties for the parish councils' sector of which these proposals appear to be unaware.

Technology: the proposals assume that all councils have full access to, and use of, ICT. This is simply not the case. In the Yorkshire area there are very many parish councils that have only the minimal number of councillors (5) and who serve in the region of just 150 electors. Such smaller local authorities often do not have a council computer and due to their remoteness, many do not have decent internet access. Websites in these small councils are few and far between.

Staffing: the majority of our local councils employ just one member of staff, and on a part-time basis (in some instances for only 4 or 5 hours per week). Although these councils incur relatively few financial transactions, the proposals re ICT-based publication of this data would still be unnecessarily demanding. In addition, the relatively high turnover of parish clerks (about 15% pa) has implications for maintaining a continuity of data publication.

For the above reasons, we feel that your proposals are going to be difficult to

implement and sustain, for many local councils. The FoI Act provisions are appropriate, and probably sufficient. We therefore request that you do not include local (ie parish and town) councils in this proposed Code

Zurich Insurance plc

Zurich welcomes the opportunity to respond to the draft Code of Practice for local authorities on data transparency.

Zurich Financial Services Group (Zurich) is a global insurance-based financial services provider. Zurich Municipal is part of the Zurich Group and is the leading provider of risk management and insurance solutions to the UK public sector, including local authorities.

Zurich has a number of concerns about the unintended consequences that might arise from the plans, and we agree on the need for minimum expectations and considerations when publishing sensitive data of this type on a large scale.

At a high-level, Zurich understands the policy drivers behind the announcement that local authority spend over £500 and all public sector contracts and tenders will be published from January 2011. This policy is clearly designed to increase scrutiny of public sector contracts and also help to drive down costs across the public sector.

We understand that there is growing public interest in what local authorities spend, however we question whether there is the same level of public interest in the information published in contracts and tenders to justify the risks associated with doing so.

In the case of insurance procurement there is a large amount of sensitive information published in contracts and tenders that, if published in full, could perversely lead to higher costs for public sector customers.

Publication of payment and supplier details: Anti-fraud measures

At Zurich we welcome the fact that the Government has recognised the higher risk of payment fraud as a result of the data transparency policy. In August 2010 we became aware of a number of instances of fraud targeting our local authority customers, and we immediately alerted the Department for Communities and Local Government about our concerns.

We have seen a number of cases where fraudsters are targeting authorities based on the publication of suppliers and spend on council websites. They have then adopted the identity of the supplier to write to the authority to tell them of a change in bank details, and local authorities have then been making incorrect payments.

Whilst we welcome the sensible anti-fraud measures included in Annex A of the draft Code of Practice, we strongly urge the Department for Communities and Local Government to adopt a proactive approach to ensuring that local authorities are aware of the acute dangers of fraud. We have already seen anecdotal evidence of a significant increase in fraudulent activity targeting local authorities as a result of the policy, and it would seem perverse for a policy that is designed to lead to procurement savings for the public sector to actually lead to a surge in fraudulent activity.

Implementing full contract and tender transparency

Zurich is concerned about the lack of detail on the publication of contracts and tenders in the draft Code of Practice. Although section 9 of the draft Code of Practice states that local authorities should release “*copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector*”, it does not give any further detail about how to publish this data.

This response sets out three important safeguards that we believe should be considered when implementing full contract and tender transparency:

1) Certain commercially confidential clauses in tenders should be kept confidential

With over 100 years’ experience of insuring the public sector, Zurich has developed a significant amount of knowledge and expertise about the types of risks that local authorities face. This has enabled us to develop new models of insurance and risk management that are specifically tailored to the public sector’s needs.

Given such a rich history and experience, we are able to provide significant insight, advice and additional services to our customers over and above insurance cover. An example is test litigation where we defend a point of legal principle brought to light in a claim in the courts. We also develop research papers and carry out third party sponsorships that bring together expert views and insight on issues facing the sector.

In our view, our expertise, tailored products and this additional support are some of the main reasons why many of our public sector clients choose to insure with Zurich as opposed to some of our major competitors. Our approach to insurance and risk management has been built up over many years, and we view many of these services as part of our intellectual property that we will seek to protect.

It is therefore important that certain commercially confidential parts of tender and contract documentation are kept confidential, so that public sector bodies can make their decision based on the full knowledge of the services they will benefit from, whilst also allowing commercial organisations to protect their intellectual property.

Publishing contracts fully will also stifle product innovation as there would be no commercial incentive to develop new insurance models/products if these

could immediately be seen, and therefore replicated, by competitors. This will ultimately lead to an ossification of the local authority insurance market with potentially reduced levels of service for the public sector.

There must be the capacity to redact or withhold information that is flagged by the bidder as sensitive or confidential for commercial reasons where there is intellectual property. A system should be developed whereby bidders can 'red-flag' such items at the point of submission of the tender either in a separate section or through the bid.

In addition, as set out above, the publication of payment and supplier data as part of the drive for greater transparency has already led to cases of fraud targeting local authorities. The publication of contract documents creates even greater exposure in this regard. Transparency needs to balance public interest with corporate risk governance.

2) Information on local authority claims history must not be made public

Public sector insurance tenders currently include detailed information about the past claims history of the organisation, including the number and type of claims over a certain time period. This information is vitally important to ensure that the insurer assesses the risk profile of an organisation correctly. However this information could be lucrative for claims farmers, who will be able to use the data to target local authorities who have a particularly high claims history.

It is also important to note that many pay-outs from claims to local authorities are below the mandatory excess level agreed with a commercial insurer. Many of these pay-outs will be above the new £500 threshold for publication of payments, so it is important – both to protect the injured party and the local authority – that the information published does not give an indication of whether the payment was made due to a public liability claim.

If the number of claims made against the local authority rises due to an increase in claims farming, premiums will also inevitably rise over time.

As such, it is vitally important that information about claims history is not made public, but is still made available to insurers tendering for contracts.

3) Contracts covering public sector provision of insurance (such as mutuals and captives) should be subject to the same requirements as private sector businesses

Insurance is the transfer of risk in exchange for payment of a premium. As such it is a highly strategic procurement – not a commodity purchase such as stationery or other equipment.

Insurance for public sector bodies is also far more complicated than the car or home insurance that most individuals have experience of buying. Insurance for local authorities not only covers the property, employee and public

liabilities of the local authority itself, but also many of the schools and other services that it has responsibility for.

The impact of action taken at one time may not become clear for 15 or 20 years, and therefore the reserve held by insurance companies or mutuals must be able to pay for claims that would not have been envisaged at the time, such as asbestosis claims by teachers. Although public sector bodies can manage certain operational risks through risk assessments and registers, and ensuring adequate training for staff, they cannot prevent significant crises such as floods. It is vitally important that commercial insurers, and alternative models of risk transfer such as captives or mutuals, have the reserves and re-insurance in place to pay out in the event of catastrophes.

For insurance in particular, it is not in the public interest to drive to lowest cost, lowest quality services. It is vital that local authorities look at the total cost of risk when considering their insurance and risk management needs.

The insurance premium paid by local authorities represents only a very small part (approx 20%) of their total cost of risk. The actual price - and the authorities' actual spend – is a broader calculation, including the costs of uninsured losses, major incident costs above the contracted settlement, and legal and claims costs and fees. Local authorities place cost savings, organisational capability and community outcome delivery at risk when the overriding criteria within risk procurement is based on price rather than value.

The differences between the terms that one insurer offers compared to another can determine whether a local authority gets the support it needs in the event of an emergency, or not. Given the importance of the services provided by local authorities, it is important that insurance providers are also able to offer a comprehensive range of back up services in the event of a significant incident such as flooding or severe fire damage. As such, scrutiny of 'in-house' insurance products – such as mutuals, captives or self-insurance – must be as robust as scrutiny of insurance provision from the private sector.

I hope our comments are useful and we would be happy to discuss with you in further detail if that would be helpful.

Consultation responses - Police

Association of Chief Police Officers

I am writing to you on behalf of the Association of Chief Police Officers (ACPO) in my capacity as the Head of the Finance & Resources Business Area. I thank you for providing ACPO with an opportunity to respond to the code of recommended practice for local authorities on data transparency.

ACPO welcomes the drive to strengthen accountability within policing and across the public sector. The transparency agenda does, however, present a number of challenges and difficulties for the police service and there is considerable unease within the service regarding its practical implementation.

We are concerned about the potential consequences of inadvertent publication of sensitive data by the police service. We believe these would be much greater than for the other bodies classed as 'local authorities' – whilst other organisations may suffer some embarrassment, disclosure by the police could potentially compromise a criminal investigation, lead to the identification of covert assets or even put the public at risk.

I do not propose to dwell upon the range of potential scenarios within this response as that lies beyond the scope of this particular consultation. Suffice to say, we have already shared a number of these scenarios with the Home Office.

We also have serious concerns in respect of the logistics of excluding and redacting sensitive information within forces, both from an operational and systems perspective.

The level of associated risk means that the processes the police service has to put in place will need to be much more rigorous than other bodies and, consequently, much more labour intensive. The amount of time and effort that must be invested to appropriately redact sensitive information should not be underestimated – in a force such as West Yorkshire Police over 6,000 invoices per month are processed. In the Metropolitan Police Service there are 8,000 to 9,000 supplier payments per month that exceed the £500 limit.

An investment or diversion of resources will be required to mitigate the risks. This seems entirely out of kilter with the current emphasis upon reducing bureaucracy and maintaining frontline service delivery within strict financial constraints and a shrinking workforce.

I would make the following comments regarding the code of recommended practice. The format and some of the content has been informed by the response submitted by the Metropolitan Police Service. This has also been

further informed by comments from other forces, which have enabled us to formulate the overall ACPO response:

Relevant Section	Draft Code wording	ACPO Response
INTRODUCTION & APPLICATION Paragraph 2	The Code applies in England only	Whilst the statement that 'This Code applies in England only' is unequivocal, we have received conflicting information with regards to the wider transparency agenda and whether it applies to Welsh forces. Clarity would be appreciated.
DEFINITIONS Paragraph 3	In this code: "local authority" means: <ul style="list-style-type: none"> a police authority, meaning: <ul style="list-style-type: none"> (a) a police authority established under section 3 of the Police Act 1996; (b) the Metropolitan Police Authority; 	The wording may need to change in the light of changes proposed in the Police Reform and Social Responsibility Bill.
DEMAND-LED Paragraph 9	As a minimum, the datasets that should be released are:	<p>The consultation paper does not address or answer the practical processes in accessing such a significantly large volume of data, nor the additional cost implications that will be imposed on organisations to develop and adhere to these requirements, also recognising this data could be dynamic and so only accurate as a snap shot in time.</p> <p>The granularity of the data could also increase the level and detail of questions a force may receive as a result of publication (through FOI's or other avenues of enquiry). The resource requirements may therefore be difficult to understand and perhaps a post implementation assessment could be conducted in order to ensure 'common sense' prevails.</p>
	Expenditure over £500, (including costs, supplier and transaction information). Any sole	See response under paragraph 20 below re logistical difficulties and need for safeguards.

	<p>trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.</p>	<p>There is also a commercial concern as forces are currently in negotiations with suppliers to reduce the cost of services that they provide. We are concerned that the requirement to publish such detailed information could put those negotiations in jeopardy. A supplier will be far more concerned about offering a good deal, if they believe that this will be published and freely available to other suppliers or potential customers.</p> <p>It should be acknowledged that sole traders who supply services to police forces may be vulnerable people because of their association with police activities. For example interpreters may be vulnerable because of their association with police investigations.</p>
	<p>Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.</p>	<p>Accepted</p>
	<p>Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.</p>	<p>The consultation document invites comments on the definition of senior salaries and whether the threshold of £58,200 is appropriate or whether a function test such as that used in the Accounts and Audit regulation would be more appropriate.</p> <p>A general comment around salary levels is that the police service follows a national pay structure for all officer ranks. This questions the requirement to publish salary information for sworn officers. That notwithstanding, it is our view that the function test would be more appropriate. Focusing purely upon a monetary threshold may result in differential reporting by forces, and so the requirement should be around type/rank of post.</p>

		<p>This will give a clearer indication of the comparative salaries of post holders in different organisations that carry out a similar role. It will also focus on roles where there is local discretion.</p> <p>Using the £58,200 threshold and applying it irrespective of function would mean relatively large number police officers who are not part of the senior management team and who are paid according to national determined pay scales would be included. For these staff the critical information in terms of local decision making is the number of staff at each grade rather than the actual salary.</p> <p>If there is a desire to utilise a monetary threshold, then the requirement in the Accounts and Audit Regulations to report the number of staff paid over £50,000 in bands of £5000 would provide a clear comparative dataset. The starting threshold could be raised to £58,200 to provide consistency with the civil service scheme.</p> <p>Whatever approach is adopted it should be applied consistently in both the Transparency regulations and the Accounts and Audit regulations in order to avoid publishing confusing and inconsistent information.</p> <p>In particular it should be noted that the £58,200 threshold applies to salary and the Accounts and Audit regulations applies to total remuneration.</p> <p>The proposals set the bar of transparency at a wage of £58,200. We consider that if a monetary threshold is adopted then the de-minimus figure should be set in context i.e. it should take account of regional recruitment issues or London weighting.</p>
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		<p>As salary data does not change that frequently it is suggested this is published once a year to coincide with the annual accounts process and to ensure consistency with the requirements for the accounts and audit regulations. This would reduce the administrative overhead in collecting the data, liaising with all the relevant employees and reconciling the figures published in the accounts.</p> <p>The Information Commissioner's Office is considering at present whether naming staff earning above a certain amount is a privacy issue.</p> <p>We are mindful of recent case law regarding the publishing of personal data generally and salary information of those in senior positions within the Service (Davis v IC and Olympic Delivery Authority (EA/2010/0024), Pycroft v IC and Stroud District Council (EA/2010/0165) and Dun v IC and National Audit Office (EA/2010/0060)). It is with these cases (and others in mind) that some forces are currently considering the appropriate grade / rank of staff which attracts the least / no risks to the infringements on 'privacy' rights of staff members whilst satisfying what is in the public's interest in disclosing.</p> <p>In some forces staff / officers have previously challenged applications to publish their pay details, citing that disclosure would be a breach of their rights under Article 8 of the European Convention of Human Rights. However, we are mindful that when staff / officers agree to take on senior positions within the service their role forms part of the wider public debate around 'value for money' in policing which includes how much they are paid vs what they have delivered,</p>
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		<p>therefore, in most cases regarding senior grades / ranks this right is outweighed by the public interest considerations.</p> <p>We support the right for individuals to refuse consent for their name to be published (subject to public interest vs rights to 'privacy' considerations), as in many cases publishing the names of police and police staff may carry a personal safety risk to individual staff members and their families. We would highlight that associated personal safety risks may potentially be much higher for members of the police service than many other 'local authorities' covered by the transparency agenda.</p> <p>A number of forces have taken a risk adverse position of publishing only the numbers of people in each grade and the salary band for that grade in relation to those earning over £60k but under £150k as an interim solution whilst they assess risks posed to our staff members (both in terms of 'privacy' as well as health & safety) and to the organisation (in terms of civil litigation).</p> <p>Going forward it is strongly advisable that authorities consider adding a line about this disclosure requirement to employment contracts.</p>
	An organisational chart of the staff structure of the local authority.	In a large force it would be impractical to publish the lower tiers and the chart should be restricted to higher tiers.
	Councillor allowances and expenses.	Management Board, Senior Management Team and Police Authority member expenses are already published by many, if not all, forces.
	Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.	Contracts are lengthy and complicated legal documents. Contracts over £50,000 are available on Bluelight (e-Tender Solution) so publication of the same info on force

		<p>websites is duplication of effort and extra bureaucracy.</p> <p>The Metropolitan Police are the only force to provide specific feedback and details of the approach they have adopted. Their comments are therefore produced verbatim below:-</p> <p>“In light of concerns about the publication of sensitive and security-based contracts (see comments under ‘Exclusions and Exemptions’ below), the MPS has taken a pragmatic approach to publishing tender and contracts documentation whereby we will be publishing all tenders and contracts over £50,000 on a quarterly basis. This is essentially due to the lengthy and resource intensive process required in cleansing the data and redacting sensitive/confidential contract information.</p> <p>“The MPS also awaits further guidance on the practicalities of publishing physical contracts but will be publishing our generic terms and conditions for goods and services contracts.</p> <p>“The MPS has also assumed that in line with our own regulations around devolved procurement for expenditure under £50,000, we are not required to publish requests for quotations between £500 and £50,000. Despite this the MPS is committed to the requirements of transparency and will be mandating the use of CompeteFor (free web-based portal funded by the GLA) to advertise/receive all non contract quotations between the value of £500 and £50,000 from June 2011. This will also enable both local and diverse range of suppliers to access MPS procurement opportunities. We recommend that such a portal could</p>
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		<p>be extended to other local authorities to advertise their low value requirements.</p> <p>“Higher level spend above the de-minimus tendering limit on purchases of £50,000 and above is normally published by an E-Tendering solution for instance Bluelight (which makes summary contract details and tendering opportunities of £50,000 accessible to potential suppliers).</p> <p>“We do not see the need to provide the supplier details of contracts under £50,000 as these are already included in the £500 spend data set. This would just result in additional bureaucracy.”</p>
	Policies, performance, audits and key indicators on the authorities’ fiscal and financial position	Police forces should be awarded discretion to withhold sensitive internal audit reports which identify a potential compliance or security risk.
	Local authorities should develop an inventory of the data that they hold and ensure it is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.	Police forces should have discretion to exclude sensitive operational/ intelligence police data from the inventory.

<p>TIMELY Paragraph 17</p>	<p>Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of in house systems; organisational information should be published in line with central Government.</p>	<p>We agree that authorities should have the option to publish spending data quarterly depending on the functionality of in-house systems.</p> <p>There is a clear expectation around immediate publication of information once created. Such a requirement places an additional administrative burden on the police service and it is debatable whether there is any need for such urgency given the information being considered.</p> <p>Forces should be required to set what they consider to be a reasonable publication schedule for this publication requirement and should monitor their compliance in reference to this.</p>
<p>EXCLUSIONS AND EXEMPTIONS Paragraph 20</p>	<p>Local authorities must comply with the law on data protection and so must not release data if that would contravene the Data Protection Act 1998 or section 100A(2) LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. However, the Government believes that local transparency can be implemented in a way that complies with the Data Protection Act.</p>	<p>There are significant items of sensitive expenditure within the police services which if published could compromise policing activity or endanger personal safety.</p> <p>It is agreed that where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it should be at the discretion of the local authority whether or not to rely on that exemption or publish the data.</p> <p>Issues around the harm this disclosure requirement potentially presents to the police service are still very much live where the requirement to publish at this level remains and only DPA and other relevant legislation are cited as justifiable grounds to withhold information. These grounds need to extend further than what is provided by the DPA etc. and provide a legitimate avenue for forces to use where the disclosure of such information will impact upon Law Enforcement,</p>

		<p>National Security etc.</p> <p>ACPO are very conscious about the security risks that come from publication ranging from threats to witnesses, informants, the public (e.g. allowing officers to rent space for surveillance) and officers. Forces should be advised to follow these principles but not to take any risks with operational policing or security.</p> <p>Due to the nature of policing it is critical that we do not jeopardize the safety of our operations, individuals and our suppliers by publishing tender and contract data, especially those that could potentially reveal and compromise police operations.</p> <p>Disclosure of financial information in certain circumstances will have significant security implications, e.g., the fact that we are spending money on an uplift on a specific firearm capability (enhanced calibre), buying different ammunition or better ballistic protection would be prejudicial to our protective capability. Equally, revealing how much money we spent on acquiring new technology whether for defensive search capability (trace explosives) or other purposes (armoured vehicle protection) might unnecessarily reveal information about our security response.</p> <p>Whilst the guidelines are clear about the need to comply with the Data Protection and FOIA, serious concerns remain over difficulties of physically isolating such sensitive information within the total payments made by police forces each month. In all forces particularly sensitive GL account codes such as weapons and ammunition can be quickly identified and the payment itself redacted as a whole. However in many forces this will still leave a significant number of</p>
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		<p>transactions to sift through each month which may not necessarily be isolated to any particular functional area or cost centre.</p> <p>At a time of significantly reducing budgets and when back office costs are being driven down and bureaucracy is being reduced, the process for producing the spending data must be as automated and simple as possible.</p> <p>The ideal would be the publication of a file from our payments system which is 'right first time' and does not require someone to manually check to ensure sensitive data is not inadvertently published.</p> <p>This cannot, however, be achieved at the present time.</p> <p>Administrative staff who process and code invoices may not realise the sensitivity or operational nature of some of the payments e.g. payments for hotel accommodation which might be for a covert team, payments to an individual for the use of accommodation for surveillance etc. Currently Administrative staff process invoices and code them without any thought to the level of supporting detail input to the payments system as its use is purely internal.</p> <p>Given that policing activities can adopt so many shapes and forms, it may be difficult to totally eradicate any threat by using automated technology or by means of back-office staff to sift the data. Without appropriate safeguards, the degree of risk will depend to a large extent on availability of front-line police officers/staff each month to sift through the transactions.</p> <p>The process of excluding and</p>
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		<p>redacting certain items of sensitive information should be made as simple as possible. We would suggest that :</p> <ul style="list-style-type: none"> Initially this may require the complete exclusion of all expenditure related to a particular area/function/category of business e.g. Counter Terrorism, Surveillance, Crime Operations, Informants, Test Purchases etc. thereby minimising the risk of publishing something sensitive in error. Guidelines should be agreed for forces that restrict the publication of all expenditure relating to broad 'generic' area for example "operational policing" or "counter terrorism" as this would reduce the effort needed to sift through and validate the data. It would be helpful if ACPO were permitted to agree a set of national standard categories in order to promote consistency. This would be best owned by the SRIO role (Senior Risk Information Owner). This could save a significant amount of time and cost, or If broad exclusions are not acceptable more specific specialist account headings, which are most likely to contain payments to be excluded are agreed and forces are given more time to develop an automated approach to identifying such expenditure. This approach would also reduce the administrative cost. <p>Under the local government umbrella, the types of contracts are unique to Police Authorities and we therefore feel that the transparency requirements should be tailored to meet these circumstances. To</p>
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		<p>mitigate risk as far as possible, police forces should be:</p> <ul style="list-style-type: none"> • given more time to sift through the data after the period end; • permitted to adopt a more cautious approach i.e. only publish data where they are confident there is no risk to individuals or operations; • given discretion to publish the data less frequently e.g. quarterly. <p>In order to evidence the challenges and risks one force states that</p> <p><i>“My force has produced a number of monthly reports of expenditure above £500 but has not published anything externally. We continue to circulate the information locally as part of the consultation process within the force but also with a view to identifying any payments that should not be published because they fall into the first two bullet points above. This process has already identified data that will need redacting. What we have learned is that there is a serious risk of inadvertently publishing sensitive information and the administrative burden required to ensure this does not happen is significant and should not be underestimated.</i></p> <p><i>“We believe that it will be difficult and costly to perform this in practice. We do not currently have the IT capability or data structures in place, to easily isolate the relevant transactions automatically. Furthermore the volume of sensitive transactions could be substantial and not isolated to any particular area. We are particularly concerned that at a time</i></p>
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		<p><i>when we are looking to reduce back office costs, the work required to exclude or redact information from our data sets will increase our costs considerably.”</i></p> <p>Finally, it is requested that guidance and training is provided to all forces on risk factors. The guidance/training would focus on awareness of risk, how to identify sensitive transactions and validation and approval techniques.</p>
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I have seen a copy of the submission from the Police Authority Treasurer’s Society (PATs) and wish to endorse this from an ACPO perspective. Given some of the concerns and issues expressed above, I would reiterate the following potential options for consideration, as proposed by PATs:

Option A

- Police Forces to be exempt from the requirement, or

Option B

- Setting a higher de-minimus limit appropriate to the size of the force. At the higher end the £25,000 limit set in the HM Treasury guidance might be appropriate.
- Restricting the publication of expenditure data to the more ‘generic’ account headings which are unlikely to contain sensitive data and which would be easier to sift through and validate. This could save a significant amount of time and cost.
- An alternative option would be to identify examples of more specialist account headings, which are most likely to contain payments which should be excluded from publication. In practice finance practitioners from forces would need to be consulted on what account codes and headings to include and specific guidance issued to forces prior to implementation - CLG may wish to delay the implementation of the requirement until the start of the new financial year 2011/12 to enable this to happen.
- A possible longer term approach may be to develop software that identifies and filters out transactions based on key words such as a person’s name, registration numbers, locations, addresses, types of equipment etc. Again a delay in implementation could allow time for this to happen.

Cumbria Constabulary and Police Authority

Cumbria Constabulary and Police Authority both welcome the opportunity to comment on the consultation paper, the “Code of recommended practice for Local Authorities on data transparency”. Both the constabulary and authority broadly accept the overriding principles around data transparency and any comments should be seen in that general context.

Our major reservation about the code as it currently stands relates to a range of sensitive data within the police domain and whether there might be a better and more cost effective way of protecting such data from publication under this code, rather than the proposal to rely on the general provisions of Freedom of Information (FOI) and Data Protection (DP) legislation. It is our assertion that such a process would be manually cumbersome and expensive and would not sit well with the Minister’s assertion that the publication should not create a new administrative burden for organisations.

We believe that analysing all defined transactions above the threshold and then applying tests of compliance with FOI / DP legislation would require significant manual intervention in a number of sensitive areas. Furthermore, the interventions would have, in good measure, to be undertaken by senior police officers who had detailed knowledge of sensitive police operations, which are, by necessity, undertaken on a ‘need to know’ basis, which would prevent non police back office staff from being able to undertake this role. We do not believe that this use of police officer time represents the best use of limited and reducing police resources, opposite the Home Secretary’s single objective of reducing crime and commitment to reduce police bureaucracy.

We believe that a more effective way forward for the police service would be to agree a defined number of discrete areas of expense, which could be redacted en masse, and where accounting systems could be programmed to screen this information at source. This kind of arrangement would appear to us to much better meet the Minister’s aspirations about effective use of technology to produce public information. We believe that it would be possible for DCLG / The Home Office and the wider police service, to agree a defined schedule of types of costs which could be redacted at source. Types of expense which Cumbria would not wish to be disclosed would include:

- (i) Expenses associated with covert operations
- (ii) Purchases associated with Hi Tech crime
- (iii) Expenses in relation to witness protection
- (iv) Training for sensitive techniques
- (v) Some forensic payments
- (vi) Details of DSP funding
- (vii) Payments for weapons and ammunition
- (viii) Payments for riot equipment
- (ix) Payments for public order clothing
- (x) Payments for radio and airwave equipment.

It is our belief that an agreed defined list of expense categories which the police service could redact automatically at source represents the best compromise between on the one hand the general requirement to publish data and, on the other, the need for some transactions to remain private.

We trust that some consideration will be given to these observations

Derbyshire Police Authority

Thank you for the opportunity to comment upon CLG's proposals for implementing data transparency in local government.

Derbyshire Police Authority is committed to greater transparency and to providing the public with useful and accurate information, which enables them to participate in local affairs and hold local police authorities to account. We are already in the process of implementing many of the proposals contained in the proposed code and we welcome the opportunity of providing further comments.

However, Derbyshire Police Authority has two over-arching concerns with the proposals. First the sensitive nature of some police activity, which includes covert activities, counter-terrorism activity, protection of VIPs and vulnerable people, investigation of serious and organised crime. This will require very careful redaction of any information published and represents a significant risk of harm to individuals, if inappropriate information is released.

The need for redaction leads to the second overarching concern which is in relation to the costs of preparing the data for publication. Redaction can only be effectively carried out (especially in the covert and CT areas), by individuals who understand the significance of the information and the potential risks around disclosure. These individuals would be better employed performing the activity itself and in any event represent a significant cost burden for the authority.

We note that the proposal is for a *statutory* Code of Recommended Practice under section 2 of the LG&P Act 1980 and certainly agree that such guidance should be high level in nature, with police authorities and our partners being able to determine detailed implementation arrangements. We believe that this is the best way to deliver enhanced transparency, efficiency and value for money and support the general principles and proposals contained in the document. Concerning the details of the Code contained in Annex 1 we agree with most of the proposals but would make the following points:

- **Proposal that a threshold of £58,200 to apply to disclosure of senior salaries.**

Salaries vary across the country and in particular in London and the South East are generally higher than many parts of the country, which reflects the higher cost of living. A single threshold of £58,200 will therefore potentially

encompass a range of senior staff and managers. We would prefer a legal definition, as suggested in the document, which would be limited to say three levels. Such a definition would reasonably limit the numbers and encompass all those responsible for the management of the of the police service.

Furthermore there is already a requirement in the Accounts and Audit Regulations for disclosure of senior salaries, but at a different disclosure value (SI 2009 No 3322 refers). It is therefore would be beneficial if it were accepted that the current requirements of SI 2009/3322 were sufficient and further disclosure requirements were unduly bureaucratic and therefore unnecessary.

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

We believe that greater clarity is need in relation to this proposal. Many authorities already provide comprehensive information on contracts in place and opportunities to tender for work. The proposal says that we should release “copies of contracts and tenders”, which could imply that we will have to publish all contract and tender documentation on line.

Such a requirement would be too onerous and of limited interest to the public. The resources required to implement this including redacting information from documents, which may be commercially confidential or which potentially breach the Data Protection Act, would be excessive and could leave us open to costly legal challenge.

In summary we believe that detailed contract documentation should be released on request, rather than be released as a matter of course. This would be a more manageable and cost-effective approach to delivering transparency of data regarding the details of contracts and tenders.

I hope this response will be useful in helping to finalise the Code of Practice.

Devon and Cornwall Police Authority

We are responding to your consultation on the Government’s new transparency requirements. The Police Authority supports the overall objective of increasing transparency by allowing local people to have greater access to information on how their money is spent. We also recognise the need for the Authority and any new governance structure that might replace it to demonstrate good stewardship of public funds and that this requires openness with regard to spending. To that end we already publish a number of the datasets set out in the paper, for example staff structure charts, policies, performance information and other key indicators. We do however have concerns about the requirement to publish expenditure over £500 – in so far as it applies to force expenditure.

Our assumption is that if data would/should not be published under the Freedom of Information or the Data Protection Acts then it would not be published under the transparency agenda. In our view if force expenditure is

included this would create a much larger requirement for data be excluded or redacted than would be the case in a local authority situation. Data will need to be excluded or redacted in the following situations:

- publication would prejudice national security
- publication would prejudice police investigations
- publication would endanger health and safety
- personal data about vulnerable individuals

We believe that it will be difficult and costly to perform this in practice. We do not currently have the IT capability or data structures in place, to easily isolate the relevant transactions automatically. Furthermore the volume of sensitive transactions could be substantial and not isolated to any particular area. We are particularly concerned that at a time when we are looking to reduce back office costs, the work required to exclude or redact information from our data sets will increase our costs considerably.

We have concerns that published data items may expose some areas of police activity (e.g. hotel bills, property rentals and travel costs) by identifying patterns that may be prejudicial to the force in bringing a case to court. Considering the publication of data under wider account headings would enable total costs to be included and reduce time and effort in redaction sifting. On a specific point, it should be acknowledged that sole traders who supply services to police forces may be vulnerable people because of their association with police activities. For example interpreters may be vulnerable because of their association with police investigations.

The consultation document invites comments on the definition of senior salaries and whether the threshold of £58,200 is appropriate or whether a function test such as that used in the Accounts and Audit regulation would be more appropriate. It is our view that the function test would be more appropriate as this will give a clearer indication of the comparative salaries of post holders in different organisations that carry out a similar role. It will also focus on roles where there is local discretion. Using the £58,200 threshold and applying it irrespective of function would mean relatively large number police officers who are not part of the senior management team and who are paid according to national determined pay scales would be included. For these staff the critical information in terms of local decision making is the number of staff at each grade rather than the actual salary. The requirement in the Accounts and Audit Regulations to report the number of staff paid over £50,000 in bands of £5000 would provide a clear comparative dataset. The starting threshold could be raised to £58,200 to provide consistency with the civil service scheme. Whatever approach is adopted it should be applied consistently in both the Transparency regulations and the Accounts and Audit regulations in order to avoid publishing confusing and inconsistent information. In particular it should be noted that the £58,200 threshold applies

to salary and the Accounts and Audit regulations applies to total remuneration.

We would also comment that the regulations should consider the period of time that the data should be made available for public access. That is, the number of years that a particular set of data be available to the public. Although this is not an issue at present it would be useful to put a limit on the number of years the data has to remain accessible to the public as there is a cost to holding the data.

In summary we would comment that, police forces should be exempt from the requirement to publish expenditure over £500 or that:

- A higher de-minimus limit is agreed for force expenditure to reduce the administrative burden, or
- Guidelines are agreed for forces that restrict the publication of all expenditure relating to broad 'generic' area for example "operational policing" or "counter terrorism" as this would reduce the effort needed to sift through and validate the data. This could save a significant amount of time and cost, or
- If broad exclusions are not acceptable more specific specialist account headings, which are most likely to contain payments to be excluded are agreed and forces are given more time to develop an automated approach to identifying such expenditure. This approach would also reduce the administrative cost.

We welcome the opportunity to comment on the draft regulations and hope that the comments that we have made will have an impact on the final regulations.

METROPOLITAN POLICE SERVICE

Relevant Section	Draft Code Wording	MPS Response
DEFINITIONS Paragraph 3	In this code: “local authority” means: • a police authority, meaning: (a) a police authority established under section 3 of the Police Act 1996; (b) the Metropolitan Police Authority;	The wording may need to change in the light of changes proposed in the Police Reform and Social Responsibility Bill. The MPS would be grateful for clarification in this respect.
DEMAND-LED Paragraph 9	As a minimum, the datasets that should be released are:	The consultation paper does not address or answer the practical processes in accessing such a significantly large volume of data, nor the additional cost implications that will be imposed on organisations to develop and adhere to these requirements, also recognising this data could be dynamic and so only accurate at a snap shot in time.
	Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.	See MPS response under paragraph 20 below re logistical difficulties and need for safeguards.
	Grants and payments under contract to the voluntary community and social enterprise sector should be clearly itemised and listed.	Accepted

	<p>Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. "Senior salaries" is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.</p>	<ul style="list-style-type: none"> • The Information Commissioner's Office is considering at present whether naming staff earning above a certain amount is a privacy issue. • The MPS is mindful of recent case law regarding the publishing of personal data generally and salary information of those in senior positions within the Service (<i>Davis v IC and Olympic Delivery Authority</i> (EA/2010/0024), <i>Pycroft v IC and Stroud District Council</i> (EA/2010/0165) and <i>Dun v IC and National Audit Office</i> (EA/2010/0060)). It is with these cases (and others in mind) that the MPS are currently considering the appropriate grade / rank of staff which attracts the least / no risks to the infringements on 'privacy' rights of staff members whilst satisfying what is in the public's interest in disclosing. The same considerations are being made at a National level by ACPO as the risks posed to the MPS will be substantially different for smaller forces. • MPS staff / officers have previously challenged applications to publish their pay details citing that disclosure would be a breach of their rights under Article 8 of the European Convention of Human Rights. However, we are mindful that when staff / officers agree to take on senior positions within the Service their role forms part of the wider public debate around 'value for money' in policing which includes how much they are paid Vs what they have delivered, therefore, in most cases regarding senior grades / ranks this right is outweighed by the public interest considerations. • The MPS has taken a risk adverse position of publishing only the
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		<p>numbers of people in each grade and the salary band for that grade in relation to those earning over £60k but under £150k as an interim solution whilst we assess risks posed to our staff members (both in terms of 'privacy' as well as health & safety) and to the organisation (in terms of civil litigation) and set an organisational disclosure policy once this position has been established.</p> <ul style="list-style-type: none"> • The proposals set the bar of transparency at a wage of £58,200. The MPS considers that the de-minimus figure should be set in context i.e. it should take account of regional recruitment issues or London weighting. • The MPS questions why the same rules and thresholds do not apply to all central government departments too. At the moment the civil service threshold for publishing names and salary details is over £150k per annum. • The MPS supports the right for individuals to refuse consent for their name to be published (subject to public interest Vs rights to 'privacy' considerations), as in many cases publishing the names of police and police staff may carry a personal safety risk to individual staff members and their families. • Authorities will need a time period in which staff affected by this change are notified and allowed the opportunity to raise their objections to this requirement (which is a right under S10 of the DPA) and have their case assessed and responded to. We have 21 calendar days to respond to such requests and again this may present an additional administrative burden.
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		<ul style="list-style-type: none"> • Going forward it is strongly advisable that authorities consider adding a line about this disclosure requirement to employment contracts. • Some clarification as to what is defined as 'responsibilities' would be helpful. • As salary data does not change that frequently it is suggested this is published once a year to coincide with the annual accounts process. This would reduce the administrative overhead in collecting the data, liaising with all the relevant employees and reconciling the figures published in the accounts.
	An organisational chart of the staff structure of the local authority.	In a large organisation such as the MPS it would be impractical to publish the lower tiers and the chart should be restricted to higher tiers. Also see comments above.
	Councillor allowances and expenses.	Management Board and Senior Management Team expenses are already published by the MPS.
	Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.	In light of concerns about the publication of sensitive and security-based contracts (see comments under 'Exclusions and Exemptions' below), the MPS has taken a pragmatic approach to publishing tender and contracts documentation whereby we will be publishing all tenders and contracts over £50,000 on a quarterly basis. This is essentially due to the lengthy and resource intensive process required in cleansing the data and redacting sensitive/confidential contract information.

		<p>The MPS also awaits further guidance on the practicalities of publishing physical contracts but will be publishing our generic terms and conditions for goods and services contracts.</p> <p>The MPS has also assumed that in line with our own regulations around devolved procurement for expenditure under £50,000, we are not required to publish requests for quotations between £500 and £50,000. Despite this the MPS is committed to the requirements of transparency and will be mandating the use of CompeteFor (free web-based portal funded by the GLA) to advertise/receive all non contract Metropolitan Police Service 4 quotations between the value of £500 and £50,000 from June 2011. This will also enable both local and diverse range of suppliers to access MPS procurement opportunities. We recommend that such a portal could be extended to other local authorities to advertise their low value requirements.</p> <p>Higher level spend above the de-minimus tendering limit on purchases of £50,000 and above is normally published by an E-Tendering solution for instance Bluelight (which makes summary contract details and tendering opportunities of £50,000 accessible to potential suppliers).</p> <p>We do not see the need to provide the supplier details of contracts under £50,000 as these are already included in the £500 spend data set. This would just result in additional bureaucracy.</p>
	Policies, performance, audits and key indicators on the authorities' fiscal and financial position	Police forces should be awarded discretion to withhold sensitive internal audit reports which identify a potential compliance or security risk.
	Local authorities should develop an inventory of the data that they hold and ensure it is	Police forces should have discretion to exclude sensitive operational/intelligence police data from the inventory.

	published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.	
TIMELY Paragraph 17	Data will often be of most use in its raw format. It should therefore be published as quickly as possible after it is produced. For example, expenditure should be published on a monthly or quarterly basis depending on functionality of inhouse systems; organisational information should be published in line with central Government.	<p>We agree that authorities should have the option to publish spending data quarterly depending on the functionality of in-house systems.</p> <p>There is a clear expectation around immediate publication of information once created. Such a requirement places an additional administrative burden on the Police Service and it is debatable whether there is any need for such urgency given the information being considered. The MPS proposes to set what we consider to be a reasonable publication schedule for this publication requirement and monitor our compliance in reference to this.</p>
EXCLUSIONS AND EXEMPTIONS Paragraph 20	Local authorities must comply with the law on data protection and so must not release data if that would contravene the Data Protection Act 1998 or section 100A(2) LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. However, the Government believes that local transparency can be implemented in a way that complies with	<p>It is agreed that where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, or falls within Schedule 12A LGA 1972 then it should be at the discretion of the local authority whether or not to rely on that exemption or publish the data.</p> <p>Issues around the harm this disclosure requirement potentially presents to the Police Service are still very much live where the requirement to publish at this level remains and only DPA and other relevant legislation are cited as justifiable grounds to withhold information (see page 14 of the guidance). These grounds need to extend further than what is provided by the DPA etc. and provide a legitimate avenue for forces to use where the disclosure of such information will impact upon Law Enforcement, National Security etc.</p>

	the Data Protection Act.	<p>The MPS is very conscious about the very real security risks that come from publication ranging from threats to witnesses, informants, the public (e.g. allowing officers to rent space for surveillance) and officers. Forces should be advised to follow these principles but not to take any risks with operational policing or security.</p> <p>Due to the nature of MPS business it is critical that we do not jeopardize the safety of our operations, individuals and our suppliers by publishing tender and contract data, especially those that could potentially reveal and compromise police operations.</p> <p>Disclosure of financial information in certain circumstances will have significant security implications, e.g., the fact that we are spending money on an uplift on a specific firearm capability (enhanced calibre), buying different ammunition or better ballistic protection would be prejudicial to our protective capability. Equally, revealing how much money we spent on acquiring new technology whether for defensive search capability (trace explosives) or other purposes (armoured vehicle protection) might unnecessarily reveal information about our security response.</p> <p>Whilst the guidelines are clear about the need to comply with the Data Protection and FOIA, serious concerns remain over difficulties of physically isolating such sensitive information within the total payments made by police forces each month. In all forces particularly sensitive GL account codes such as weapons and ammunition can be quickly identified and the payment itself redacted as a whole. However in</p>
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		<p>many forces this will still leave a significant number of transactions to sift through each month which may not necessarily be isolated to any particular functional area or cost centre. Given that policing activities can adopt so many shapes and forms, it may be difficult to totally eradicate any threat by using automated technology or by means of back-office staff to sift the data. Without appropriate safeguards, the degree of risk will depend to a large extent on availability of front-line police officers/staff each month to sift through the transactions.</p> <p>To mitigate risk as far as possible, police forces should be:</p> <ul style="list-style-type: none"> • given more time to sift through the data after the period end; • permitted to adopt a more cautious approach i.e. only publish data where they are confident there is no risk to individuals or operations; • be given discretion to publish the data less frequently e.g. quarterly. <p>The other aspect is where the information about the expenditure might border on territory that is commercially sensitive, e.g., how much money we spent on certain ICT might reveal the type of technology or give competitors in the same field some sort of advantage. There are also likely implications of sharing commercially sensitive data that has not been available for scrutiny before which could lead to less openness with suppliers.</p> <p>There should be some relaxation around the application of transparency requirements, taking into consideration the time it takes to publish the required data and the resource requirements to redact confidential and sensitive</p>
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		<p>contracts. Under the local government umbrella, these types of contracts are unique to Police Authorities and the MPS therefore feel that the transparency requirements should be tailored to meet these circumstances.</p> <p>It is also requested that guidance and training is provided to all forces on risk factors. The guidance/training would focus on awareness of risk, how to identify sensitive transactions and validation and approval techniques.</p>
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The Police Authority Treasurers' Society

Thank you for the opportunity to comment upon CLG's proposals for implementing data transparency in local government. I am responding on behalf of The Police Authority Treasurers' Society (PATS). The PATS response has been discussed with the Association of Police Authority Chief Executives (APACE), who supported the response being made by PATS.

PATS and APACE represent all forty-three Police Authorities through their Chief Executives and their Chief Financial Officers, in membership, who hold the statutory responsibility as Head of Paid Service and Chief Financial Officer respectively.

The PATS has previously commented on the Government's transparency proposals and a copy of that submission is attached for ease of reference.

The first thing to say is that PATS is committed to greater transparency and to providing the public with useful and accurate information, which enables them to participate in local affairs and hold local police authorities to account. Our members are already in the process of implementing many of the proposals contained in the proposed code and we welcome the opportunity of providing further comments.

As set out previously the PATS has two over-arching concerns with the proposals. First the sensitive nature of some police activity, which includes covert activities, counter-terrorism activity, protection of VIPs and vulnerable people, investigation of serious and organised crime. This will require very careful redaction of any information published and represents a significant risk of harm to individuals, if inappropriate information is released.

The need for redaction leads to the second overarching concern which is in relation to the costs of publication. Redaction can only be effectively carried

out (especially in the covert and CT areas), by individuals who understand the significance of the information and the potential risks around disclosure. These individuals would be better employed performing the activity itself and in any event represent a significant cost burden for the authority concerned.

The Society notes that the proposal is for a *statutory* Code of Recommended Practice under section 2 of the LG&P Act 1980 and certainly agree that such guidance should be high level in nature, with local police authorities and their partners being able to determine detailed implementation arrangements. We believe that this is the best way to deliver enhanced transparency, efficiency and value for money and support the general principles and proposals contained in the document. However, we would point out that similar transparency should be encouraged of other parts of the public sector such as the civil service, including government agencies, NHS and schools.

Concerning the details of the Code contained in Annex 1 we agree with most of the proposals but would make the following points:

- **Proposal that a threshold of £58,200 to apply to disclosure of senior salaries.**

Salaries vary across the country and in particular in London and the South East are generally higher than many parts of the country, which reflects the higher cost of living. A single threshold of £58,200 will therefore potentially encompass a range of senior staff and managers. PATS would prefer a legal definition, as suggested in the document, which would be limited to say three levels. Such a definition would reasonably limit the numbers and encompass all those responsible for the management of the of the police service. The Society notes that a much higher limit of £150,000 is in place for the civil service.

The Society also notes that there is an inconsistency between the requirements of what authorities are obliged to publish under this Code and what the department is requiring them to publish under the Accounts and Audit Regulations. It would be clearer for the public and more efficient if the two requirements could be brought in line.

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

We believe that greater clarity is need in relation to this proposal. Many authorities already provide comprehensive information on contracts in place and opportunities to tender for work. The proposal says that we should release “copies of contracts and tenders”, which could imply that we will have to publish all contract and tender documentation on line.

Such a requirement would be too onerous and of limited interest to the public. The resources required to implement this including redacting information from documents, which may be commercially confidential or which potentially breach the Data Protection Act, would be excessive and could leave authorities open to costly legal challenge.

In summary we believe that detailed contract documentation should be released on request, rather than be released as a matter of course. This would be a more manageable and cost-effective approach to delivering transparency of data regarding the details of contracts and tenders.

I hope this response will be useful in helping to finalise the Code of Practice.

Thames Valley Police Authority

This Authority welcomes the opportunity to comment on the consultation paper. We have provided an answer to each of the five consultation questions.

1. Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

The Government requires all local authorities, irrespective of size and scope, to publish expenditure over £500. Whilst it will make individual spending *transactions* more transparent, we believe this is an unreasonably low threshold value and will undermine the stated objective for improved accountability of the value of the associated service spending *decisions*. We believe it will simply result in too much detailed data being put in the public domain without appropriate context to enable interested parties to form an informed opinion as to the effective stewardship by the authority of their money. For a large organisation such as Thames Valley Police, with gross expenditure of over £400 million, it will result in thousands of individual transactions being posted on line, which could make it difficult for local people to interpret the data and, therefore, hold members and senior officers to account for their spending decisions.

We believe that different disclosure threshold levels should be applied to different sized organisations, either based on turnover and/or type of organisation (e.g. different levels for parish, town, district councils, police authorities, etc.).

Without a significant increase in bureaucracy and cost, the Authority is unable to readily comply with the proposal to publish details of all contracts over £500 at this time without incurring significant additional manual bureaucracy since this information is not currently held in a single computerised database. We can, and do, publish details of all contracts over £50,000 which we believe is a more reasonable threshold for an organisation of this size. Expenditure incurred in connection with these contracts will be published in the same manner as all other police expenditure.

- 2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?**

No specific comment.

- 3 Does the proposed Code sufficiently support the publication and reuse of public data?**

We have no objection to the data formats proposed as a technical means of supporting the publication and reuse of public data.

However, public authorities are already making information available under Publication schemes approved by the Information Commissioner as part of the Freedom of Information Act. Will this code supersede that process? If not, how will the two sets of requirements be dovetailed and monitored to reduce bureaucracy?

Point 10 of the code states that “Local authorities should develop an inventory of the data that they hold and ensure it is published.” This requirement is too vague and needs further clarification. It would be a significant undertaking for a large organisation such as Thames Valley Police to publish details of all its data sets, many of which could never be made publicly available due to the sensitive nature of the information recorded.

[NB We have looked at information published on Government websites (e.g. CLG, Home Office) and the salaries data currently published under the heading “Total Salary” or “Salary Cost” is clearly incorrect and misleading.]

- 4 Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?**

As stated in Question 1 above, we believe that there should be separate disclosure levels and expenditure thresholds for different types of organisation and/or different disclosure levels based on turnover. It is not fair or necessary to expect a small parish council to provide the same level of information as a large local authority with a turnover of over £1 billion.

We also believe that the same transparency agenda, including proposals for whole council approval of jobs with a salary of over £100,000 per annum should apply equally to the whole of the public sector, including the civil service, other Whitehall Departments, criminal justice, health service, universities and quangos.

- 5 The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?**

We believe that information on individual salaries should only be published for those senior officers/posts who are responsible for management of the organisation and have a significant influence over the spending decisions taken by that organisation. To avoid any doubt as to which officers this should be, and to aid comparability and consistency between different public bodies, we believe the Government should specify which posts it should apply to based on legal definitions (i.e. the final consultation option above).

If the Government chooses not to proceed on this basis then we believe that the starting threshold of £58,200 is too low. For example, in Thames Valley Police over 90 police officers and staff earn more than this level. This level of detailed disclosure would generate an inordinate amount of new bureaucracy due to the additional work involved in collating supplementary information required to meet the new disclosure requirements in respect of relevant individuals that is currently held on separate systems (i.e. payroll, human resources and financial systems) and cannot easily be amalgamated.

Furthermore, this threshold level of disclosure preferred by the Government (i.e. £58,200) will include several police officers working on covert operations whose lives could be threatened and the policing operations jeopardised were their posts, roles or functions subject to inappropriate external scrutiny and their names therefore placed at increased risk of disclosure. We appreciate that individual police officers and police staff will have the option to refuse personal disclosure, and we would expect most to choose this option (as they appear to have in central government and local authorities), in which case the disclosure loses meaning.

In our opinion it is far better to have full and meaningful disclosure for fewer senior members of staff employed in key, responsible, management posts than a large data table with most of the names withheld.

Consultation responses – Fire and Rescue Service

Cheshire Fire and Rescue Service

The following comments are made on behalf of Cheshire Fire Authority.

It is difficult to argue against the concept of transparency. There is a need for public bodies and those that lead and are employed by them to be open and honest about what they do. The sharing of information can be empowering. However, this must be tempered – to make the information accessible it must be both meaningful and proportionate. It is important that the effort in making information available does not exceed the benefit its release may bring.

A great deal of progress has already been made in securing the publication of information. The code would add further impetus, particularly for those public bodies that has thus far resisted (for philosophical and/or practical reasons). However, there is a need to set realistic implementation timescales and technical requirements that are achievable and affordable.

The code would charge public bodies with understanding ‘what their communities want’. However, as the code will contain certain minimum requirements, The Government must have already established the public’s appetite for information. It would be helpful if this could be shared with public bodies so that they can make the most informed decisions about what to do. It will be a challenge to secure the clarity that the Government envisages, e.g. there are likely to be a range of conflicting views which will be hard to reconcile. Accordingly, some nationally set expectations are useful.

Comments about some of the items listed in the bullet points in paragraph 7 of the consultation document appear below:

The code and principles should be helpful in clarifying expectations (as alluded to earlier). Whether this will create the conditions mentioned is hard to gauge. This will largely depend upon delivery, e.g. it is easy to ‘lose’ meaningful information if too much detail, or poorly presented data is made available.

The list of public bodies appears to be comprehensive. Fire and Rescue Services should be included.

The question of disclosure of senior officers’ salaries is difficult. The use of a salary threshold is unlikely to be ideal as there is considerable variation in salary structures within the public sector bodies that would be covered by the code. In fact, to secure publication on this basis could be rather misleading with significant numbers of officers being disclosed by some public bodies and very few by others. Simply securing publication is unlikely to bring about the consistency of approach to senior officers’ salaries that is referred to. The proposal for a ‘function test’ appears more sensible and this would cover all of the senior officers (e.g. Head of Paid Service).

To use officer titles is unlikely to be of benefit, because apart from the statutory officers, titles of senior officers vary significantly within the public sector and would be difficult to capture successfully in a list.

The availability of information in different formats would appear to be introducing a level of detail that may be unhelpful. The cost of the work creating, storing and publishing such information in different formats should not be underestimated. There may also be issues of data security with the release of information in some formats.

The publication of contracts in their entirety could affect the commercial interests of public sector bodies and those parties that wish to tender for work. There will be a need to think carefully about how this requirement is specified. Certain key aspects of a contract can be released readily, e.g. specification and performance management approach. However, details about price and penalties would be more problematic.

Devon & Somerset Fire & Rescue Service

Devon & Somerset Fire & Rescue Service would like to respond to the 'Code of recommended practice for local authorities on data transparency' with the following comments:

Disclosure of senior management salaries:

The proposed code states that 'The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility.'

The consultation document suggests other definitions for what constitutes senior salaries:

"Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g.:

- a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons?

Or a definition based on legal definitions e.g:

- the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?"

We believe the threshold to be too low. This threshold would include our Area Manager role which does not sit at Board level. However when applying either of the 'function tests' this would exclude our Area Managers. The first test would capture all members of our Senior Management Board and the second test (based

on legal definitions) would capture only our Chief Fire Officer and Deputy Chief Fire Officer. We don't believe applying civil servants pay scales is inappropriate. We believe the function test to be more appropriate.

Commercial confidence

A blanket approach to disclosing contracts and value would not be appropriate. By disclosing some contract details and then publicising all spend over £500 would lead to instances where we could be disclosing information provided in commercial confidence. We would like a clearer understanding as to how the Freedom of Information exemptions might apply in line with this code?

Hereford & Worcester Fire and Rescue Service

Please find below our observations in terms of the proposals detailed in the code of recommended practice for Local Authorities on Data Transparency.

Definitions

All bodies listed appropriate; however there seems to be no representation of Ambulance/NHS and educational bodies.

Demand-Led

- Senior Salaries etc. disclosure - To remove any ambiguity rather than applying a 'function test' a universal figure should be set and that all bodies covered by the Code publish salaries over this amount as a standard. How and when does this threshold apply? Is it accumulative salary (i.e. role changes with increased pay would be different to salaried substantive role), is it based on contractual salary or annual equivalent and would it include additional allowances beyond a 42 hour working week, such as on call allowances or overtime?
- Registering inventories – This appears excessive, as it should be sufficient for each Local Authority to publish. However if this is a necessity, is there guidance available on accepted methodology and format?

Open

- The Code states that information must be published “in a format” however there is no definition of what this is.
- The Service already publishes the majority of its information via the website as a pdf. There are concerns over data being made available in the recommended format: firstly the size of the document is considerably larger than if produced in a PDF format which would then inhibit the amount of information to be supported by the website and secondly the data could be amended and therefore there are risks to data quality.
- If PDF and CSV formats are the minimum, what is the optimum?

Timely

The Service already publishes its information in a timely fashion i.e. monthly or quarterly. There are some concerns over the expectation that data will be published to a specific date and then any errors corrected retrospectively. The question is whether it is advisable to publish incorrect data that could have misleading/damaging information because of a deadline? The organisation is also subject to FOI and the time limits on these requests are consistently met.

Exclusions and Exemptions

The Service needs to adhere to the Data Protection and FOI Act and the Government believes that Local Transparency can be implemented to support this. It would be beneficial if some clear guidance could be provided to Local Authorities on how this is to be achieved.

As the public interest test does not apply to Absolute Exemptions under FOIA it is incorrect to state that it is at the Local Authority's discretion whether to apply any appropriate exemption or to disclose.

Information that is refused under the provisions of FOIA / DPA / LGA 1972 should not be published under the Code.

Kent Fire & Rescue Service

I refer to the consultation paper issued on 7 February 2011 and the request for comments on a new Code of practice for publication of data for transparency purposes. The Kent and Medway Towns Fire Authority has robust governance arrangements and actively engages with the public, businesses and the third sector to ensure that the best possible service is delivered to make Kent and Medway safer for both residents and visitors. In line with the recent guidance issued on transparency, this Authority has published on its website spend in excess of £500, Senior Officer salary information and the details of key contracts held by this Authority.

Whilst the Authority recognises the need to be more transparent with the details of expenditure incurred with tax payer's money, it has been a particularly labour intensive process, especially in a time when back office resources are being reduced significantly. However, I welcome the opportunity to comment on the proposals detailed in this consultation document and would make the following comments:

1. It is difficult to comment precisely on the impact of the Code on the organisation as there is insufficient information provided to assess whether it is just a question of providing a link on a web page or whether the Code will contain more prescriptive detail (as in the case of spend information) that may have more significant resource implications. However, a new Code would aid the production of transparency data in ensuring that there is consistency in the information being produced by public sector bodies. This will assist members of the public, should they so wish, to compare data between these different bodies and therefore this Authority would welcome a new Code.
2. This Authority has complied with the Secretary of State's request to publish spend over £500, Senior Officer salary's and contracts information. Guidance on the content of these disclosures has changed since first proposed and that has made implementation more difficult. It is noted that the guidance may be updated further and more changes may need to be made. Whilst I recognise the need to evolve the requirements and format of data, the frequency of change does have an adverse impact on the time spent producing the data in the appropriate format. In a time of diminishing resources it is essential that time is spent on activity that adds value to an organisation and its community, therefore it would be helpful to keep to a minimum the frequency of change.
3. This Authority recently commented on proposed changes to consolidate and revise the Accounts and Audit Regulations. One of the points raised in that response was that there could be a risk that the public will become confused as to what is meant by a Senior Officer. This new Code on Data Transparency would require local authorities to publish details of all 'Senior salaries' where the salary is above £58,200. This is a different definition from the Senior Officer definition as referred to in the Accounts and Audit regulations and I would suggest that one definition of a 'Senior Officer' would be preferable so as to reduce any confusion. Given the differing size of many public sector organisations, there will be a wide range of staff that could earn in excess of the £58,200. I would suggest that there would only be comparability if a specific salary was set as a benchmark rather than disclosure being based on a function test. For example, the current guidance suggests that senior officer salary information is based on those staff in the Senior Management Team. I would suggest that there will be a significant difference between a senior management team of a large local authority compared to that of an Authority such as ourselves. It is quite clear from the information published on many authorities websites to date, that it is not possible to compare like with like.

An alternative suggestion would be for authorities to produce an organisation chart showing the salary paid for each post rather than detail named individuals. I would suggest that there is no added value to the public in knowing the name of every employee that earns over the threshold amount, more importantly to understand the role that is required and the remuneration that is paid for the

performance of that role.

4. Whilst I appreciate the need to publish copies of contracts, it is very onerous, given the volume of contracts held by this and many other authorities, to publish information on all contracts, especially those that have a very low value. I would suggest it would be more appropriate to set a deminimus limit below which contracts would not need to be published. I note that DCLG in the Procurement Policy note 02/11, dated 14 February 2011, refers to publishing information in relation to new contracts which exceed £10k in value, however I would suggest it may be more appropriate to increase this to contracts in excess of £50k. Contracts can be significant in volume and there may be many occasions when the respective authority would need the supplier's agreement to redact any commercially sensitive information detailed within the contract, which would be significantly time consuming. However, this authority is content to publish copies of tenders as these are published using the Contracts Finder website.
5. I do not know if it is the intention to separately identify funding directed towards voluntary and community groups but as the name of the organisation and account code heading (grants and contributions or agency payments) are already published within this data, I feel that the spend reports provide sufficient information already and it would be unduly onerous to duplicate this data elsewhere.
6. Having reviewed the consultation document I believe that, in common with most authorities, this Authority does in fact publish a great deal of the information that is set out in the consultation document. Whilst a statutory Code of Recommended Practice would aid consistency and comparability of data, I would suggest that all authorities should develop a Data Transparency Policy, which would demonstrate their approach and commitment to the Transparency agenda.

I hope that you do find my comments useful but should you have a query or require any further information please do not hesitate to contact me.

Leicestershire Fire and Rescue

The only area of the proposed code that concerns us is the requirement to publish senior salaries over £58,200. This will in effect require us to name three additional officers than those required under the current transparency requirements, the Accounts and Audit Regulations and the proposed Localism Bill. It is stated that individuals will have the option to refuse to consent for their name to be published but their post will. In reality this has no teeth. The same code will require us to publish an organisational chart of the staff structure so anybody can tie the two together (or will it be permissible not to publish names of post holders?)

In addition if we had a Freedom of Information request or an electors question when the accounts are open for inspection the information would have to be released.

It seems pointless granting individuals the option to refuse when in reality the information is accessible under different guises.

Merseyside Fire and Rescue Service

Merseyside Fire and Rescue Service (MFRS) is committed to transparency in Local Government and the provision of information to the Citizens we serve.

We have demonstrated this through a rich and dynamic provision of key information from our existing internet site and other access channels.

This has provided the community with key information relating to decisions made by Merseyside Fire and Rescue Authority, as well as other service specific information.

We have also shown commitment through the exploitation of social media and providing information in accessible formats to meet the varying community needs of Merseyside. We more recently demonstrated this through the publication of invitations to tender and final contracts over £500.

We work at a national www.legsb.gov.uk and sub regional level www.esd.org.uk www.nwegg.org.uk on information management areas including standards, interoperability and welcome opportunities to engage with CLG to ensure that the value of publishing information outweighs its initial and ongoing costs.

RESPONSE TO QUESTIONS

1. Does the proposed code and the principles contained within it help to create the conditions whereby local people will be able to hold local Authorities to account?.

The code outlines a “minimum” number of datasets which may support further publication and transparency. However, this is merely a code of practice and therefore a Local Authority is not legally obligated to publish, which therefore may result in a varying range of data sets that are actually published.

Consideration needs to be given to the value of the information/ data being made available, the time taken to prepare and publish and whether or not the publication avoids the increasing number of Freedom of Information requests. (Section 21 of FOI Act)

Guidance in relation to what the data exactly means and represents may need to be provided as overall consistency may differ from one Local Authority to another. It is suggested that CLG engage with the Local Egovt Standards Body.

www.legsb.gov.uk

Clearly any publication of information does incur staff time/ costs and given the current climate we need to be confident that the proposed minimum number of data sets to be published and the development of a inventory of data sets will be of value to the local community we serve. It is important that any proposed inventory is linked to the proposed asset registers for information assets, as well as existing publication scheme classifications.

It would make sense that these publications are tied into any existing publication scheme as statutory defined by the Freedom of information Act.

Consideration does need to be given to the Equality and Diversity areas, in particular overall accessibility standards as defined by Disability and Discrimination Act (DDA).

2. The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

It is important that any services provided by any voluntary or community group are clearly understood by the Community we serve.

We are working with the Local Government Improvement and Development Group (LGID) and the Effective Service Delivery (ESD) Toolkit www.esd.org.uk to ensure that our service lists are clearly defined so that citizens can easily understand what is available to them within their locality.

It is important that any such service lists are easily accessible, kept up-to-date and also link to www.direct.gov.uk and any other useful sites which a member of the Community may use. For example social media/ community sites.

3. Does the proposed code sufficiently support the publication and reuse of public data.

The code outlines minimum data sets, but does not advise a Local Authority about how the data sets it collects and maintains could be made available through the Public Sector Re-use of Information where charging can be appropriately applied.

It could be questioned whether or not the cost of publication outweighs the overall value and whether or not there is the local demand for these data sets within the Local Authority area.

4. Do you believe all bodies covered in paragraph 3 of the proposed code should be included.

The proposed GP consortiums and PCT's need to be considered within paragraph 3.

5. The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a "function test" such as that used in Audit and Account Regulations in 2009 be better; eg a person who has responsibility for the management of the relevant body to the extent that the person has the power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other person"? Or a definition based on legal definitions; eg the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

We already publish salaries of principal officers and for fairness and transparency we believe that “a definition based on legal definitions”/ “Statement of Accounts” would be preferred as ultimately it’s the area of responsibility(ies) that the officers have that should justify whether or not there is disclosure in their salary.

Other comments

The document refers to data being made available through User Uniform Resource Identifiers (URI’s), which assists with linking together (building relationships) disparate data sets and can clearly add business value as it transforms silo data sets into meaningful information. It is important that a body such as the Local Egovt Standards body provides guidance with the support of CLG.

Needless to say care and attention needs to be undertaken as URI;s may in some circumstances conflict with existing Data Protection legislation whereby a person becomes identified through the provision of a number of data sets in that person’s possession (or likely possession). This ability to link data sets may at times also infringe on aspects of exemptions that would be generally applied under the Freedom of Information Act. There is a likelihood that URI’s would not be typically used by a member of the community, unless a specialist within the field who has the systems in place to read URI’s. Clearly the value here is much greater for Public Sector information sharing and linking data sets at local, regional and national levels.

MFRS is committed to also protect its employees’ information as well as other information which may be restricted and/or defined by legislation as exempt.

As a data controller we are committed to our legal responsibilities and reducing the risks associated with for example identity theft.

We work at a national www.legsb.gov.uk www.esd.org.uk and sub regional level on information management areas including standards, interoperability www.nwegg.org.uk and welcome opportunities to ensure that the value of publishing information outweighs its initial and ongoing costs.

Shropshire and Wrekin Fire Authority

Comments are invited on the draft code.

In particular:

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

- **Response**

Yes, however it will also create an increased level of enquiries from companies seeking business from the Public Sector. These conditions are already in place with the Freedom of Information Act 2000 and could be seen

as unnecessary duplication. The code is just more prescriptive and places an additional administrative burden on the authority.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

- Response
No

Does the code sufficiently support the publication and reuse of public data?

- Response
Yes

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

- Response
It is assumed that the list includes Unitary Authorities. The list should also include central government (Though is recognised that the Consultation Document is for recommended practice for local authorities).

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. 'a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons'? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

- Response
In CIPFA's statement of recommended practice, all Local Authorities are required to disclose all salaries over £50k in their statement of accounts. As this is published annually anyway, it would be less onerous for all Local Authorities (and more consistent) to fall in line with this. Will FOI guidance on 'When should salaries be disclosed' also be amended to be consistent with this? Currently the advice is to disclose only salary bands. Whatever decision is reached all Local Authorities should publish using the same criteria to allow comparisons.

Additional Comments

- The code is only applicable to England. Will Wales, Scotland and Northern Ireland also be subject to the same transparency in separate codes for recommended practice?
- The need to publish Councillors' allowances and expenses in the local newspaper annually is considered duplication if this information is to be made available on the website. Will the Government amend legislation to remove this requirement of Public Authorities?
- Contracts with businesses contain schedules of rates and by publishing this information it may encourage future bids just below this amount rather than a true reflection of the costs. This could distort the tender process and create unnecessary higher costs.
- Trading Companies of FRAs. We would request that trading arms of FRAs are given the same protection of commercially sensitive information as the private sector so we can compete on equal terms.

Staffordshire Fire and Rescue Service

This response is made on behalf of Staffordshire Fire and Rescue Service to the consultation on the Code of recommended practice for local authorities on data transparency. I am responding in my capacity as Head of Assets and Resources, which includes responsibility for Finance, ICT, Premises and Supplies.

Staffordshire Fire and Rescue fully supports the Government's vision to place more power into the hands of the local community through increased transparency and accountability by seeing how their money is being spent, in fact we were the first FRA to publish supplier spend over £500 onto our website back in April 2010.

Comments regarding the proposals are as follows:

1. Yes the proposed code and principles will create the conditions whereby the local community and taxpayer can scrutinise the spend of local authorities and hold them to account. However perhaps we can all be more pro active in publicising and encouraging this scrutiny to take place. In Staffordshire we have only received a very small number of queries regarding our spend over £500, which is very positive but also suggests that possibly not enough people are actually reviewing the data.
2. In terms of funding for voluntary and community groups this is considered of paramount importance within this Authority. There are also other ways which we are also trying to support the local community through the free use of our facilities that are now available within our new community fire stations, constructed as part of our PFI programme.
3. All bodies covered within paragraph 3 of the proposed code should be included.

4. Salary Disclose. Under the Government guidance all salaries above £58.2k should apply to the disclose, whilst this is generally ok it may result in firefighters who have two contracts (wholetime and retained) earning a total salary that requires disclosure. It is our opinion that the disclosure should relate to Senior Employees only i.e. Chief officers, Deputy Chiefs, Assistant Chiefs, Other Directors and Heads of Directorate only. The Audit and Account Regulations 2009 is therefore a better definition and is more relevant for a fire authority to use.
5. We are also in agreement with publishing councillor allowances and expenses.

Please do not hesitate to contact me if you need any further information or wish to discuss my response.

Consultation responses - Individuals

Individual response - Athena K

Publishing expenditure over £500 and salaries over £58K is excessive. I'm interested in what people do, not how much they earn. If you're going to publish salaries you need to give further context by publishing things like job descriptions or outcomes; otherwise who are we to judge whether or not the information is worth reacting to.

I would prefer data on performance on key areas, such as waste collection, clean streets, social care stats (if possible), housing stats etc. to judge how well money is being spent. Just telling me about the amount of money being spent is a bit misguided - councils are not money generating enterprises so we shouldn't measure their success wholly on the money they spend.

On that note, if you are going to publish expenses and salaries, what mechanisms will there be for the public/press/organisations to do anything about expenditure they see, but don't like. Information like this results in lots of unproductive news stories ("council spends £50 on pens") when we should be interested in performance, outcomes, delivery etc. Why get rid of the Audit Commission only to make councils accountable for a whole load of stats that don't really have much direct impact on the people they serve? Data without context is open to abuse and misinterpretation, and council officers may end up spending more time defending themselves, and less time actually doing their jobs.

I really believe the kind of people who will be bothered to scrutinise contracts and invitations to tender and so on will be politically motivated - looking for sticks to beat their local council in time for the next election. None of this disclosure proposals impact people councils serve.

There is also lots of vagueness in the document such as: 'As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.' What on Earth is that supposed to mean? What more information could anyone possibly want? Who will decide when this happens and how?

Finally, the paper says there is a minimum standard for publishing data, but this boils down to an excel spreadsheet somewhere on a local authority website. Hardly accessible if you are not online, familiar with Office (many people aren't and only use computers for the internet) or have better things to do. Councils are HUGE, the data sets potentially quite large - if you want to do this properly should you devise a standard report than can be a combination of tables/charts

and text so people will know what they are looking at. Something that can be printed off for people unable to use internet/excel should be standard.

Also longitudinal monitoring - if you are going to ask councils to do this quarterly or monthly, require them to say if their spending is rising/falling/staying the same - again, to give the data context.

Overall, I am against the paper as I don't see how it adds value council provision or my knowledge of how a council works.

On another note, I think this consultation isn't ideal - if you have to sift through 100 emails like this one I doubt you'll be able to reflect responses easily in a report. You're not collecting monitoring data, emails/message board comments are not anonymous...and the layout of your consultation document (16 pages of text) means the people who you want to benefit from council transparency, residents and service users, will be least likely to be bothered to take part in this consultation. This consultation is geared towards people who are already informed and interested.

Individual response – Colin Newman

Website has options: "respond by e-mail" and "respond in writing", but e-mail is writing. You mean respond by post.

Individual response – Sandra Semple

Comments

Section 9

Data of payments over £500 should be even more transparent. Quite often payee information can be vague - the data published should be that of exactly who the payment was made to, not the sector - e.g. "Cleansing services" is not sufficient "Veolia Ltd" is.

Voluntary and social enterprise groups - it should be a condition of the grant, contract or tender that ALL details are made public after the grant, contract or tender period has been completed. If the group refuses this then the grant, contract or tender should be refused.

Councillor and officer expenses should be available on a monthly basis in real time, not for the previous financial year in total rather than broken down into individual payments as in my local authority.

Regarding publication of minutes etc. of meetings, those committees which do NOT publish their minutes should be forced to publish them at a later date, even if sensitive information has to be redacted. Local authorities now hide behind "confidentiality" in committees when it is totally unnecessary. In my local authority, minutes of the Asset Management Committee, Regeneration Committees and the Local Development Framework Committee are all considered to be "confidential". Having served on one of the committees, I see no reason why minutes cannot be made available nor why they should not be in public. Perhaps all local authorities should be forced to maintain a list of their confidential committees and the reasons for the confidentiality and have this list ratified at a higher level, rather like a Register of Interests there should be a Register of Confidential Committees, with reasons and a date for re-evaluation of the decision.

All major committees which take place in public should be recorded in sound or sound and vision and the tapes should be kept for at least six months. In my own authority, members of the public clearly heard one decision when the minutes recorded another. The minute clerk destroyed his contemporaneous notes as soon as the minutes were ratified at the next meeting, even though they were in dispute at the time.

Individual response – Ian Wild

I don't have any comments on the content as such but on the presentation of Annex 1.

8 What does "rather they should they understand" mean?

12/13 is it re-use or reuse?

14 Commas required after "be" and "possible".

20 no comma after "protection".

comma after the second LGA 1972 and

what does "The However, the Government" mean?

I do think that a paper put out for national consultation should be better presented.

I also cannot understand the insistence on using the word "redacted"; a word that very few people will have come across before. Use a term that the general public, for whose benefit this policy is intended, will readily understand; "withheld" for instance.

Individual response – Irena Pritchard

I am a member of the public, involved in the Bentham Library users group, trying to save our library/libraries in North Yorkshire.

I have researched the North Yorkshire County Council (NYCC) website, which is well put together and fast in access.

However, I have looked at the data published on spending of £500+ for December that NYCC have on the website. It does list all of their spending, but it gives the sum of money, the part of NYCC which spent it and who the money was paid to. E.g. £3400 - Library Services - Book company it is not clear, how many books or what else was bought with that money, which makes the information quite meaningless.

I have also requested financial information, which has not arrived yet, about the Library service expenditure. The website has information about every single library in North Yorkshire, but no collective data on the Departments spending. I feel it would be useful for Councils to publish the information that they need to supply to CIPFA (which is what I requested), that has more overview of the spending and income.

I feel this would allow the general public/Council tax payers to see how their money is spent.

The Council's financial accounts, which are available, are very difficult to understand and interpret without some financial/accountancy training.

Individual response – Anna Carlile

I would be in favour of transparency with regard to salaries over the proposed amount in the strongest terms. Council Directors are 'awarded' five figure pay increases, placing their income above that of the Prime Minister. This is a curious action whilst simultaneously proposing the removal of sick pay for employees first three days of absence and imposing a two year pay freeze when inflation is currently at 4%.

It is also imperative that accounts over £500 are published. The argument that installing systems and ongoing administrative cost counteract any saving is ludicrous bordering on offensive. I would wager that the cost incurred would be quickly recouped by the subsequent reaction caused by proper and long overdue public scrutiny.

Individual response – Terry Hall

I would suggest that “Local Authority” includes Schools under LA control and therefore Teachers should be included in the list – for the same reason that Council staff are intended to be included i.e. very few people make the decisions on Senior Staff pay and then it is clouded in industry speak Leadership Spin **. People in the Community certainly don’t know the Pay Scales of Senior Teachers and I would suggest a lot of School Governors don’t either!

In this I would suggest that Foundation Schools and Academies are also added for the same reasons – plus they are large spenders of Public money and should be held to account in the same way.

I am writing in a personal capacity though I am a Chair of Governors of an Academy Trust School.

Individual response – Name Redacted

I have waited a lifetime to see these radical and excellent proposals. George Brown Deputy Leader in the Labour Government in the 1960s said that the Councils were the most inefficient organisations in the UK. Here are my off the cuff comments.

1. Transparency

I looked at Barnet Ealing Hillingdon Hammersmith and Fulham and Hounslow Council’s list of expenditure items over £500. There are differences in approach. Some give insufficient information. Some give monthly and some give quarterly lists.

What a mess!

2. Data provision

Ealing are good in that they show which department spent the money, which I consider vital. Why? Because we can see that different departments spend money say with building maintenance contractors. Departmental spending categorization must be the minimum standard and not the lower level stated in your paper. Provision of such data immediately allows us to raise the question as to why maintenance contracts have not been rationalised in the quest for economy of scale. However unlike Barnet, Ealing has just dumped all their invoices in to an Excel sheet without grouping the expenditure by department – which reveals their very poor presentation skills.

I really like the way that Hammersmith and Fulham present their expenditure on their Spotlight on Spend Link, but the UK is not ready enough for that manner of reporting until the Councils have gone through a five year process of sharing their costs with a large number of other Councils. However that H&F precedent should be the target for all Authorities.

Hammersmith's approach (like Barnet/Ealing) does list each and every invoice against cost centres and departments, although annoyingly you have to hunt for that data.

3. Data redaction

Ealing uniquely also thought they could redact a considerable amount of data. I am highly suspicious in some cases that this was driven by personal interpretations or political motivation. Some very strict rules need to be published by you and applied, and (broad but not mealy mouthed) reasons for redaction must be provided. If for instance there is expenditure on Children services I really cannot see why so much in Ealing (but not in Barnet) was redacted unless it was to protect children's names personally – (which I very much doubt). A lazy broad-brush personal interpretation is not acceptable when redacting expenditure detail. Conversely with Barnet they redacted the names of Counsel (presumably mainly barristers) but in Ealing they did not.

4. Consistency

What is needed is for central Government to ordain that all authorities start to use the same cost centres and nomenclature for expenditure headings. Total Council expenditure would be easier to compare.

5. Timeliness

You talk about timeliness in producing the figures. There should be a statutory reduction of bonuses if dates are missed and that will really concentrate minds. However I really strongly disagree that the data should be in a raw format. It needs to be grouped by the Councils. (Only takes 15 seconds to do that). We really do in the early stages need to see invoice by invoice and contactor by contractor so as to encourage economy of scale within an Authority - and later across a number of Authorities.

6. Overseas expenditure

I consider that all overseas and separately overseas associated expenditure should be published. Residents are outraged by executives going on foreign jaunts. If Overseas contractors wish to tender (e.g. because of EU rules) then they must be told to organise events in the UK.

So the Councils must have higher minimum standards than you have stated.

7. Frequency of Reporting

So far as the public and probably many investigative agencies are concerned monthly reports are too difficult to analyse - because it is so boring and time consuming. A monthly list is but one twelfth of a snapshot which hardly helps in assessing prudent money management. In a way producing monthly reports is rather a covert way of reporting to the public and this needs to be stopped forthwith. So all agencies should be told to produce quarterly reports. If I want to see whole year expenditure I have only to copy and paste three data sets in to the fourth data set. 11 copy and pastes is just too onerous and rather stupid.

8. Organogram

I am delighted to see the proposal for an organogram (Islington helpfully used to do this). This must include EACH AND ALL

1 FTEs

2 PTEs

Job by job and post by post – including vacant posts.

The number of FTEs below senior management employed by outsourced or subcontracted work for full time work undertaken for an Authority. This will give a reasonably good picture of e.g. how many refuse or security or cleaning or park ranger etc etc, staff are working for the Authority. When virtually all people delivering services worked in house it was possible to know how much it cost to employ them. We should start to get a better idea again now on what those figures are. They can then be compared against other Councils. Give the Councils a timescale by when the organogram *must* rather than wishy washily should be published. Another benefit is that job hunters will have a better idea of where to apply for a job.

9. Contract Information

Contracts to businesses should not only be made public but they should also state various rates being charged out per hour. This is relatively easy for Quantity Surveyors and other people charged with that function. That cannot be done with Social enterprise and Voluntary organisations. Publication of a range of rates will concentrate minds wonderfully as regards competitive tendering.

10. Staff resources employment costs

In time I want to see the Revenue costs (Inhouse and Outhouse totals) of each main Directorate in the boxes. We can then monitor the rises and falls over yearly periods to see how the money is being spent.

11. Salary Publication

I support the listing of all BASIC salaries by each job position over the threshold of £58.2K. It would be useful to see a separate figure identifying the bonus. I think you should leave the option in to list names but as proposed not make it compulsory.

12. Salaries more than £100K

I don't know if appointments with basic salaries over £100K are included in the scope of your paper. If so I think that full Council should as procedure not be whipped in by political party but should be able to vote freely. This is to avoid any accusations of corruption. In a perfect world I would like to see Community leaders and not just Councillors involved in deciding upon selection.

13. Fraud

Fraud guidance really should be extended. Ealing has stated that the management of contractors may be influenced in part by political factors. That must be outlawed if we are to protect Councillors from being accused of fraud.

I quote: "This is the political support for a contract. This will typically involve engaging Cabinet or Portfolio Holders in accordance with the Council's Contract Procedure Rules as well as the usually stakeholder engagement depending on the type of contract, for instance, there may be some low value but politically sensitive contracts where politicians may have a bigger interest in the management of the contract."

From past experience I have seen senior staff in the private sector have swimming pools and extensions built by contractors. I wonder if publication of Directorships and Partnerships in Companies should be mandatory for Council staff on pain of dismissal.

14. Competition and consolidation of service providers.

Potentially this government is setting the scene for fundamental change. If I were a medium to large company providing Council services I would by now have collated all the Excel sheets for the 33 boroughs and then analysed them as finely as possible. I would then offer to **discuss with Minister**

Pickles how to save the government billions. The potential for some of these types of companies must be hugely attractive.

If I were a proactive Council Chief Executive – say with the London Western Alliance of Councils, I would by now have totalled expenditure of all those Councils. I would then approach all the Alliance Members with hard proposals as to how to share services across the whole western London sector.

Hammersmith Kensington and Westminster are consolidating some services with £30M savings targeted by 2014. Just three Councils.

Background

I have spent much of my working life in Facilities Management for the private sector and have seen unimaginable savings made. To give just one example. We had 1800 lifts and escalators in our properties – each with its own separate maintenance contract. When the whole lot went out to tender to a couple of contractors, we saved literally millions. The chair of the National Association of Lift Makers no less complained personally to the Chairman of my PLC but in vain. The exercise would not have been possible without the prior gathering of data in consistent format. Hammersmith have just two lift contractors but surely not for 1800 lifts. Latterly I retrained and have worked in a legal context including Housing and am appalled by the inefficiency of cost control in the Councils – which is endemic throughout many directorates. Currently I am active member of two local residents Associations.

To achieve the above changes many of my comments would have to be incorporated into directives in your paper.

Individual response – Lorraine Rayner

Please can I register my objection to the release of salary information? I object to this as I believe it is potentially a breach of human rights and data protection in relation to privacy and confidentiality. It is unfair and inequitable that because one person works for the public sector rather than the private sector that their salary details should be released. I also believe it will potentially allow these people to be targeted for crime as addresses can so easily be traced. The salary band level for publicity is too low for these people to be able to have security measures installed to mitigate this risk.

I strongly believe that this is inappropriate

Individual response – James Brazier

I note your comment that Ministers have not made the distinction on the types of bodies that should be publishing information on payments over £500 but I also note that in Annex 1 to the consultation document 'Consultation on a code of recommended practice for local authorities on date transparency' the definition of 'local authority' in paragraph 3 does **not** include Charter Trustees. This seems to me to be a very serious omission and one that should be corrected before any code of practice is agreed.

I would also comment that I am advised that the Local Authorities Model Code of Conduct does not apply to Charter Trustees. It does seem as though there is a lack of awareness within the Department for Communities and Local Government of the existence of these Charter Trustees bodies. Indeed, the failure of your Department to respond to my e-mail enquiry dated 23rd April 2010 (see below) would seem to confirm that.

Whilst I acknowledge that some Charter Trustees around the country may be levying only minimal precepts, I would advise you that Margate Charter Trustees' precept for 2011/12 is £112,497 (and was £168,335 in 2010/11). These precepts are considerably higher than those for very many parish councils.

Individual response – John Dear

1. I am responding in my capacity as a resident and council tax payer of West Oxfordshire.
2. With regard to para 9, I consider that the hurdle should be £58,200. Any form of words would be open to interpretation.
3. Individuals should not have the option to refuse consent for their name to be published. Company directors have to accept being named in respect of their compensation. Council stakeholders should not have lesser rights than company shareholders.
4. All benefits/perks for these officials and for councillors should be disclosed. Here are two examples of hidden perks, not disclosed in the annual financial statements of WODC:
 - On top of their allowances of £337,000, councillors receive undisclosed pension benefits of £30,000 pa at taxpayers' expense.
 - The council provides private health insurance for senior officers, undisclosed in the accounts.

The existing disclosures in the accounts are accordingly misleading as they don't show the full extent of rewards for councillors and senior officers.

Individual response – Brenda Bunkham

We are not members of an organisation. We are simply Council Tax payers. We have read your document forwarded recently from your Department and would like to comment.

The Isle of Wight Council has followed your code and published their figures. However our Town Council has not “as it is only a recommendation”. Our town has 5,000 residents. As our Town precept has risen year on year we have been trying for the past 3 years to view detailed accounts for the Town Council. Unfortunately they are not detailed and under your recommended practice, will not become detailed. We have an unelected Town Clerk who is in charge of the expenditure. The accounts do not currently show the Town Clerk’s salary, and we are told that the salary is lumped in to Administration costs of £42,500 (less than your proposed figure for salaries over £58,200). We are told that Administration includes everything from stamps to salaries. Contracted hours are not recorded or verified so far as we can ascertain.

We should therefore like Town and Parish Councils to be more accountable and, as they are obviously very much smaller than County Councils, the suggested thresholds should be reduced to, say, over £30,000 for full-time salaries and £300 for other items, plus details of their contracted and verified hours. Only in this way can council tax payers understand on how their money is being spent. Clearly your proposals will not ensure transparency below County Council level.

As we have tried for so long to obtain any information from our Town Council, we have been considering asking via the Freedom of Information Act. We would appreciate knowing how to go about this.

Individual response – Deborah Wilson

I would be happy for salary details of anyone over 50 to be published, thank you for asking us

Individual response – Trevor Galley

Councils and CEO and Head of Legal on the Trusts Board - quietly purchase the freehold and sell the (20 Bungalows) company to a private developer in this idyllic woodland setting for the elderly. BUNGALOWS IN THE AREA GO FOR FORTUNES, YET THESE APPROX £75,000 EACH it used to be a trust - they changed it to ease the sale.

Ethics, culture, corporate responsibility, social accountability and stakeholder management are all key issues for businesses today. The combined codes of corporate governance clearly highlight the need for values statements and indeed organisation values – yet too many organisations talk the talk but do not walk it and that is why Big Society will fail at the hand of vested interest.

Ombudsman powerless, Audit Com powerless, cannot petition as need 1500 signatures to get in front of Council (Same councillors on Board of Trustees and Council) rules on petition changed, elderly vulnerable people cannot challenge due to legal costs and when they speak out the Developer turns up late evening in the dark to challenge elderly residents who complain that bungalows will be knocked down and replaced by Houses? On an elderly complex????

The developer has little or no social housing or elderly housing experience - Transparency YOU ARE KIDDING - BIG SOCIETY - BIG JOKE IN FYLDE BOROUGH.

A TORY COUNCIL THAT SAYS IT LISTENS, IT CONSULTS, IT IS OPEN AND TRANSPARENT.....

Individual response – Denis Payne

This is a personal response, though it may be relevant that I am both a Local Government Officer, and also Chairman of a Parish Council

- 1) I am totally supportive of the principle of transparency
- 2) That principle should be applied **equally** to **all** levels of Government
- 3) The inclusion of the 1st tier (Parish Meetings, Parish/Town/Community Councils) is appropriate, but the mechanisms are not in place to support this. For example, URIs have not been established for this tier, and there is inadequate expertise at this level to develop them
- 4) Similarly, "*inventories should be registered on data.gov.uk*" is a step too far for the majority of 1st tier authorities - clearer guidance will need to be provided - and data.gov.uk to be set up to cope with the possible inclusion of 8,500 1st tier authority's data
- 5) I would challenge the value (and the likely disproportionate cost) of requiring this data to be published (against being available if requested) for Parish Meetings and smaller, non-Quality, Parish Councils. There should be a turnover limit (say, £10K) below which publication is *optional*
- 6) Data on salaries should apply equally to Central and Local Government -

either the Local Government level should be raised to £150K, or the Central Government level dropped to £58,200

Individual response – John Dutton

From two persons, as below.

We are local residents of Tunbridge Wells, Kent with an interest in how our local councils and other relevant authorities conduct their business, for which we pay council tax.

We welcome Eric Pickles' introduction of this Transparency Code, since we and other local residents have encountered insurmountable obstacles in obtaining information from our Borough Council in the past. Residents have had to resort to the time-consuming and costly (time and financial), for both us and the Council, FoI procedures in our attempts to retrieve such information. As such, barriers have been placed in our path, such as: refusal on exemption grounds, reference to the relevant Ombudsman, delay occasioned by (deliberate?) procrastination on the part of the Council, both in terms of maximising and exceeding response times and also in their own responses to the Ombudsman.

1. The code should be Mandatory/Statutory. If it isn't, then some (many?) authorities will simply ignore it. To achieve statutory status, we recommend it is referred to the Localism Bill as being obligatory.

2. It needs to specify the publication of:

2.1 Every single payment, or annual financial year total of such payments, where such total is in excess of £500; the date(s) the payment(s) was (were) made; who to; its (their) purpose.

3. All relevant or underlying payments should also be summarised as a total by;

3.1 Month, quarter and year

3.2 Payee

3.3 Purpose

4. The above 2.1 and 3. should apply to all salary and other HR payments over £500, either by single payment or annual total (as in 2.1).

4.1 Recipients of such salary and HR payments should not be named, of course.

5. Payment details should be made publicly available no later than 3 months after the relevant or underlying payment date.

6. All payments whatsoever made to senior salaried personnel (ie salary £58,200 pa and above) under the entirety of 3. and 4. should be identified by job title and the allocated random number attached to that person's name. The £500 single payment threshold will not apply.

7. Details of all (a) contracts and agreements entered into, (b) tenders, (c) senior salaries and (d) payments, as above, by authorities, since the beginning of their 2010 - 2011 financial year, must be viewable from four entry points on the relevant authority's internet homepage. Those entry points would each lead to separate webpages which would then contain links to other specified webpages as necessary.

8. The Code should encompass the full publication of all internally and externally sourced reports to authorities (f), on the date these are signed off by the authority's Chief Executive, subject only to fully justified reasons for rendition which should be in part only, not covering the full report.

9. The Code should encompass the publication of the full terms of reference (e) for all internally and externally sourced reports, on the date these terms of reference are signed off by the authority's Chief Executive. No investigatory work relating to those terms of reference shall commence until such sign off.

10. Items (e) and (f) would appear in the same manner as for (a) to (d), as outlined in 7 and in respect of the same financial year commencement period.

11. Requested information for financial years prior to 2010 - 2011 in respect of all items above shall only be withheld where it is completely impractical to retrieve such information from records held prior to that date. Any decision by the authority in that connection shall be subject to appeal by the requestor at a full meeting of the members of that authority and subject to a majority vote of the relevant members present.

12. All the above points should be included in the published Transparency Code, to leave no doubt as to what is expected.

13. There should be no excuses for not complying, since all the relevant information will already be readily available to authorities and recorded by them for their own accounting and record purposes. It is merely a matter of automatically transferring that information across to the relevant section of the publicly viewable database. This can be done quite simply by payment type code allocation and retrieval (which should already exist, for internal accounting and management purposes?).

Individual response – Micheal Lager

I think that:

1. the definition of "tender" needs clarity, whether it is a tender by the local authority offering services to an outside body for a price or the other way round; and if to include tenders by others to the local authority following an invitation to tender, does this not breach normal practice under which tenders are confidential because commercially valuable to those also tendering?
2. the inclusion of "audit reports" suggests internal audit reports, some of which may give rise to court proceedings and so ought not to be published: a useful test may be whether the information in the report, or some of it, may be exempt from disclosure under other legislation. The requirement should rather focus on external reports, including also inspection reports;
3. the requirements of the code will bear heavily on small parish councils, most of which have part-time clerks and limited resources, so that while the process content of the code will impose burdens there will be little actual output for the public to see. There should be some easy de minimis exemption, such as a precept under, say, £15,000 (indexed);
4. at a time when council budgets are under pressure, any extra burden is unwelcome, and the costs will have to be met from additional savings if they can be identified, drawing on reserves, if sufficient, or reducing service standards or quality.

I reply personally as a member of Essex County Council, Braintree District Council and Witham Town Council, who may also respond.

Individual response – Alecko Furies

I wholeheartedly support your proposals, especially the publication of senior salaries. The current requirements are misleading by only defining chief officers - other officers get paid more than some chiefs!

Individual response – Graham Hunt

Newbury Town Council has not actually met to formulate a response to this consultation, but I have kept Councillors informed and suggested that if they wish, they respond individually. The short time scales have precluded the opportunity to formalise a resolved Council response.

I am providing this brief response in a personal capacity, based on my knowledge of the Parish Sector.

Like some of the other recent consultations, this again shows a lack of understanding as to how transparent and open most Parish Councils already are. In fact the area of least transparency is in our annual reporting, where as a Parish Council with a turnover in excess of £1m, we are currently obliged, by statute, to produce annual accounts that are gobbledygook to the average person. Our voluntary quarterly income and expenditure reporting – where we clearly state income and expenditure related to each of our specific services and functions against budget in a 12 page detailed spreadsheet is 100% more transparent than our statutory annual reporting, available in Excel format where required and already allows individuals complete understanding and analysis opportunity. Additionally we provide monthly, again in Excel format if required, a complete record of every individual payment made, regardless of value, down to the last penny.

With regard to the specifics of the Consultation datasets:

- Datasets of expenditure above £500 will give us an additional reporting requirement which will give an incomplete picture and generate additional needless queries. Given that we already provide monthly data on every transaction and quarterly Income and Expenditure reports against budgets this is nugatory. And it will confuse rather than clarify.
- Grants and payments to the voluntary community are already individually decided in open committee and listed in the monthly payment schedules
- Happy to publish salaries in excess of £58,200, if there were any. I don't see it ever happening.
- Organisational chart is already published and always has been, plus contact details of officers and Members
- Councillor Allowances and expenses are already itemised in the monthly payment schedules and summarised in the quarterly income and expenditure reports. At £65 per year per Councillor, (less than 0.5p per household per year for many, many hours of voluntary service) Councillor Allowances are not exactly something to worry about too much

- Copies of contracts and tenders to businesses etc. As we do much of our business with local suppliers through individual Purchase Orders (against specific budget lines) – each of which could be construed an individual contract, this is the area in which I have most concern. The eventual payment is published anyway, but to publish each purchase order as well would be nugatory in the extreme.
- Policies, performance, audits and key indicators. We already publish what we think is suitable for our Parish and are open to any suggestion of other indicators from any member of our community or user of our services – who each know best what data they need. Regardless of FOI / EIR restrictions, we gladly supply in a spirit of openness and honesty (provided that DPA is not breached). To find one set of indicators that applies to all parishes – all so different - has never been successfully achieved in the past and I am worried that statutory requirement would lead to such requirements.
- Democratic decision data. Already all supplied through existing law. As a Corporate Body, all decisions of a Parish Council have to be made in properly agenda'd and minuted public meetings.

To answer the specific questions at 7.

- a) I am greatly concerned that for parishes like ours, this will just add bureaucratic overhead for no material advantage
- b) What more can we publish than we already do – every payment to everyone.
- c) No – it goes too far
- d) No – Parish Councils already do all that is required
- e) The code is not actually needed in the Parish sector. One size does not fit all.
- f) I am happy for a specific amount rather than a woolly function test.

I hope this helps your understanding of Parish Councils, who get no central support from Government and do not want to be burdened with additional administration by central Government for no benefit to our community and customers. The additional cost of providing the additional datasets would end up having to be paid for by the community through the precept – for something they don't actually want.

This seems to be another example of a lack of understanding by central Government how most Parish Councils already operate. And a sledgehammer to

crack a nut. And an attempt at a one size fits all solution to a problem that perhaps only exists in certain areas. Where is the evidence base that existing Parish Councils are not transparent already?

Individual response – Trevor Rose

I consider the Secretary of State's invite to participate into a consultation an award for the past 9 years attempting to obtain information from a Labour dominated Nottingham City Council.

Because I have nothing to hide, or be ashamed of by writing the truth of my experiences, I have no qualms if my information reaches the earth's far reaches. The exception is to withhold my home address.

If the Communities and Local Government was expecting me to quote sections from Freedom of Information, Environmental Information Regulations and Data Protection, then they will be disappointed.

Until October 2000, I thought the Labour dominated City Council and their management fully represented our interests and were 100% committed serving the public. How wrong I'd been. Since the Secretary of State's interventions, the local media has written a few interesting reports exposing the Council's financial irregularities. Responding to those reports online, has resulted in Labour's City Council complaining. I'm now banned from giving facts based comments

Until 31st October 2000, Nottingham City Council's Senior Planning Officer, Ms Jane Todd, supported by Council management and local Labour councillors, arrogantly informed they intend evicting us from our allotment site to make way for Raleigh Cycle Industries new factory, Raleigh was financially unstable and had sold their land to Nottingham University. (Ms Todd is now the Chief Executive)

Because legal advice was that Labour's City Council planning application was 90% unlawful, we were given permission for a judicial review. (A gentleman farmer financed our legal costs)

During a planning committee meeting where the public are invited to attend, it could have been the Council's leader Graham Chapman (Lab) or the committee's chairman (Lab) used s12A LGA, and removed the public, including a newspaper reporter.

Secretly, that committee rescinded the original planning application, and costs, before agreeing on another planning application. The costs to the local tax payers remains confidential.

While s12A LGA remains, Council's will continue their behind closed doors agreements, and withhold public expenditure details. In a democratic society, S12A is unsound legislation, and requires rescinding. Amended existing legislation will give Council's the opportunity use s12A frequently.

The court permitted another judicial review.

Before the court hearing, Raleigh withdrawn their interests. The judge refused to waste his and the court's time. The application was not in the Local Plan.

During 2002, I asked the Council's treasury for a breakdown of public money used by Labour chasing the two unlawful planning applications. I did not believe the Council wasted £1,853,100, and asked for the true costs to the public. That request was soon rejected.

The compensation figures which I obtained from another Council department differed from the treasury's, 2002 information. The figures seems to suggest some allotment holders were given public money they were not entitled to.

Years later, the media reported the Council spent £1.6 million decontaminating an adjacent allotment site they used for their model allotments. That site was a piggery, encouraged by the government to support WW2 food shortages. The £1.6 million was withheld from the 2002 information.

Because the Council refused to comply with Allotment Acts, and refused to repair the allotment's perimeter hedgerows, it invited fly-tipping. Removing mountains of waste, could have cost the public in excess of £1 million.

The City Council's costs to the public could be approaching £5 million.

To the present day, Nottingham City Council have remained secretive to the exact public money used during and after their Raleigh planning applications.

I should have included remedies for council's refusing to hand over public information.

1. Once the standard 40 days expired, the aggrieved citizen applies to a government department.
2. That department issues the council with a formal notice to appear in court.
3. The court fines the council £10,000 for every document they failed to hand over.
4. And a one month prison sentence for the council's leader, deputy leader, Chief Executive and the Executive's deputy.

Once this becomes law, people like me won't have to experience over 9 years of frustrations.

Individual response – Neil Baker

This seems a good idea but who will police the system. Parish councils already seem to be a law unto themselves. The local authority ombudsman does not seem to have jurisdiction. There needs to be someone with teeth to complain to.

Individual response – Peter Keith-Lucas

1. Should the Code be extended to companies and other entities which are under the control of local authorities? I have in mind particularly Section 111 service delivery companies, companies as vehicles for shared services between local and other public authorities, and local authority trading companies.
2. How does the proposed Code relate to existing statutory duties to publish or not to publish information? The list of suggested publications in paragraph 9 overlaps with statutory requirements such as the requirements in Sections 100 A to K for the publication of agendas, reports, background papers and minutes.
3. Is the first bullet point on Page 11 intended to cover tenders which local authorities make to provide services to the voluntary community, or is it intended to cover contracts for the provision of services by the voluntary community to or on behalf of local authorities? If it is intended to cover all tenders received and contracts entered into by local authorities, should appropriate exceptions be included to protect the integrity of the procurement process and prevent collusive tendering?
4. In paragraph 20, should additional provision be made for the exemptions in the Environmental Information Regulations?
5. Is the cost of complying with statutory guidance, in so far as it goes beyond existing statutory requirements, covered by the New Burdens Rules?

Individual response – Peter Seib

Comment on the Consultation document – Para 5

The Secretary of State wishes to strengthen this expectation further by issuing a **statutory Code of Recommended Practice** in exercise of his powers under section 2 of the Local Government, Land and Planning Act 1980. This section

permits the Secretary of State to issue a Code of Recommended Practice as to the publication of information by local authorities about the discharge of their functions and other related matters.

- Which statutory or voluntary?

Does the proposed Code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?

- The difficulty is that that it's not local people doing the asking and driving the costs up, it'll be lobby groups and press, also, there's no cost to the enquirer, just to the local authority doing the answering.

The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?

- Her Majesties Government has gone mad. Unless someone attends the meetings and does the research, they will not be in a position to judge good value. This means they will often ask questions which have already been asked. It would be far better if those with an internet simply attends meetings and asked questions before expenditure was undertaken.

Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?

- No need to include Parish Meetings as there is no body to hold accountable with direct democracy.

The Government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used in Audit and Account Regulations in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of the head of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers, as defined in the Local Government and Housing Act 1989?

- Agreed, a responsibility based test would miss those being paid without responsibility.

Comments on the Draft Code.

Para 2

The Code applies to England only.

- Should only apply to authorities with an annual revenue budget of £500k in at least 2 of the last 3 years, to ensure costs of collection are proportionate.

Para 3

In this Code:

“the Act” means the Local Government, Planning and Land Act 1980;

“local authority” means:

- a county council;
- a district council;
- a parish council;
- a parish meeting of a parish which does not have a separate parish council;
- a London borough council;
- the Common Council of the City of London;
- the Council of the Isles of Scilly;
- a National Park authority for a National Park in England;
- the Broads Authority;
- the Greater London Authority so far as it exercises its functions through the Mayor;
- the London Fire and Emergency Planning Authority;
- Transport for London;
- the London Development Agency;
- a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority);
- a police authority, meaning
 - (a) a police authority established under section 3 of the Police Act 1996;
 - (b) the Metropolitan Police Authority;
- a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport);

- joint waste authorities, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- a combined authority established under section 103 of that Act;
- waste disposal authorities, i.e. an authority established under section 10 of the Local Government Act 1985;
- an Integrated Transport Authority for an integrated transport area in England.

- Drainage Boards?

Para 4 – SCOPE

Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent. “Public data” should also be used to highlight inefficiency and open markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.

- Limited to the local population affected by collection mechanisms

Para 8 – DEMAND LED

There are growing expectations that new technologies and data should support transparency and accountability. Local authorities should not seek to pre-determine the value of their data and the level of public demand; rather they should understand what data they hold, what their communities want and then release it in a way that allows the public, developers or the media to present it in new ways that makes its meaning more apparent. It is this process that will create demand for data.

- Unrealistic, in the absence of prior art, the only response is going to be to “ask for everything” just in case there’s something”, just in case there’s something of interest.

Para 9

Senior salaries, names (with the option for individuals to refuse to consent for their name to be published) job descriptions, responsibilities, budgets and numbers of staff. “Senior salaries” is defined as being all salaries which are above £58,200 (irrespective of post), which is the Senior Civil Service minimum pay band.

- Will still contravene rights if the employee can be identified.

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

- Is the intent that tender responses be made public? Otherwise the wisdom of the choice cannot be assessed.

Data of democratic running of the local authority including the constitution, election results, decision - making processes and records of decisions.

- Duplicates other legislation (and infers document structure).

Para 10

Local authorities should develop an inventory of the data that they hold and ensure this is published. As data is highlighted to the widest possible audience public demand should grow and local authorities should expect to publish more information.

- Quite disproportionate. Would this include texts and reports going back some time?

Information must be published in a format and under a licence that allows open reuse, **including commercial** and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archive is the recommended standard. Where any copyright concerns exist with information, these should be made clear.

- Only where local authority is the sole owner.

Local authorities should have controls in place to reduce the risk of any payment fraud as a result of publishing data. A risk management approach should be used to support these open standards. Potential measures to support this are suggested at Annex A of the Code.

- Elsewhere duties require minimizing the risks by not publishing.

Annex A – Anti-fraud measures

Regularly verifying the correctness of standing data with suppliers.

- Seem very ineffective, e.g. requests in writing are easy to forge with model headed paper and signature available.

I appreciate that the response for this consultation was 14th March; however, I still felt that I wanted to submit my thoughts.

I am writing as an individual. I work as Clerk to Cranleigh Parish Council but the views expressed below are my own.

As a Clerk to a parish council I welcome the opportunity to communicate more transparently with the community I serve, however, there are some comments in relation to the consultation that I would like to express.

1. That town councils are included in the definition of "local authority" in Section 3.
2. That consideration is given to the minimum datasets that are released (9) as some Parish Clerks work in isolation out of their own homes, working only a few hours per week. This additional administrative burden may have serious time implications for them and result in their Parish Council having to pay more for their time and training to complete these processes. Would the additional payment be worth any benefit that publishing these details would make? Could the minimum data be reduced for smaller parishes say up to a population of 5,000 electors with a view to reviewing in 2 to 3 years and then increasing the requirements to enable this to be undertaken in a phased way.
3. I am unsure whether the Open Government Licence mentioned in 13 carries a fee, but again that is of great concern to Town and Parish Councils as increases in cost have to be passed on to their electorate.
4. Publishing data in various formats is a challenge to many councils due to the cost of having the software installed and having trained personnel to undertake the tasks.

I hope that you are able to take account of these concerns.

Individual response – J.C. Wells

At a time when the Government is supposed to be cutting red-tape and reducing the cost of government in this country at all levels, I have recently been advised of two ridiculous and unnecessary pieces of proposed changes to local government. What is this government playing at?

First, Parish Councils Clerks are now being required to take on additional work in dealing with PAYE for their own salaries. Given that they have to declare their Council pay in their tax returns at the end of each year under the self-assessment system, this a completely pointless exercise in unnecessary

bureaucracy which will not yield any additional revenue, but will cost a great deal more to administer.

Second, the proposed "Transparency Code" is also going to make a lot of additional work for Parish Clerks. This may be fine in larger Parishes and Towns, but for small rural Parishes, this is nonsensical waste of time and public money. I suggest you restrict the operation of the Proposed Code to Parishes and Towns with a population in excess of 3000 people.

This Government and the Civil Service are supposed to be reducing costs and red-tape, not increasing it. It is no wonder the Government's finances and the public finances are in such a mess and so excessively costly. The vast majority of citizens are responsible adult people - stop treating them like unruly children on their trust in you will diminish even further that its present low level.

Individual response – Mr J. England

The proposals referred to in paragraph 9 of the annex to the draft code are too lax.

Expenditure over £250 should be identified in the datasets together with the details of the payee. Any rules relating to hiding the identity of the payee, on the grounds of commercial confidentiality should be abolished.

The level of £58,200 being identified as "senior salary" is too high. Many electors (particularly the unemployed and low paid) are of the view that £40,000 represents a "senior salary". It must be mandatory for all officers in receipt of a "senior salary" to be identified by name in the datasets.

It must be mandatory for all officers in receipt of a "senior salary" to be identified by name in the datasets.

Many Council's are hiding this information. There must be a mandatory requirement for a standardised banner headline on the Homepage of the website with a direct link to the information.

Individual response – Pauline Whitehead

General comments

- I am unsure whether the Open Government Licence mentioned in 13 carries a fee, but again that is of great concern to Town and Parish Councils as increases in cost have to be passed on to their electorate.

- Publishing data in various formats is a challenge to many councils due to the cost of having the software installed and having trained personnel to undertake the tasks.
- That consideration is given to the minimum datasets that are released (9) as some Parish Clerks work in isolation out of their own homes, working only a few hours per week. This additional administrative burden may have serious time implications for them and result in their Parish Council having to pay more for their time and training to complete these processes. Would the additional payment be worth any benefit that publishing these details would make? Could the minimum data be reduced for smaller parishes say up to a population of 5,000 electors with a view to reviewing in 2 to 3 years and then increasing the requirements to enable this to be undertaken in a phased way.
- That town councils are included in the definition of "local authority" in Section 3.

Forum

Individual response

Hi, Congratulations on doing something a bit different to the standard consultations. Was just wondering if comments made in this Forum also count as responses to the consultation and get considered in the same way?

Individual response

* Data should be no more than 3 clicks from the Authority main landing page... ie Links must be clear.

* There should be a special "Data & Transparency section" on a council's website. Just downloadable files.... no text.

* CSV Files - Headers in the first row (no title on row A).

* CSV Files - No "Inline Totals".

* Files should be described simply by their filename. Filename structure should be standardised

ie 500spend-2010-12.csv (description-year-month.extension)

* Members of the public should be able to demand that councils rename incorrect files

* Every council should have:-

Building asset list. Including Address (postcode in separate column), floor space, employees, vacant or used/%, for sale or not

Vehicle asset list (vehicle type (eg Ceremonial Vehicle/ Bin Wagon), which department, number plate, date of purchase/hire, owned/lease hire,value)

Open Land assets, location (lat/Ing NOT EASTINGS AND NORTHINGS!!), postcode (if avail), size, for sale or not

*National Government should DICTATE what columns should be in each of the above files. KEEP THEM SHORT AND SIMPLE

* Publish to Central government, file names inline with ONS ie

<http://assets.gov.uk/data/30.building.csv> - Lancashire County Council
Building Assets

<http://assets.gov.uk/data/30UH.building.csv> - Lancaster Council Building
Assets

There should be an Index Page on assets.gov.uk indicating last update.CSV files dynamically generated. Name of last uploaded displayed on index page (include GSI email address)

* As we've seen from Police.UK, developers want RAW data, not analysed information.

* For the reportable earnings threshold of £58200 per year is A LOT OF MONEY!
The reportable amount should be lower, linked to higher tax rate, presently £37100. This represents an amount significantly over the UK national average earnings, £22800.

"JOB TITLE","NAME OF EMPLOYEE","DEPARTMENT","EMPLOYEE
START","JOB DATE START","JOB DATE FINISHED","BASIC SALARY",
"BONUS TOTAL","GOVERNMENT PENSION CONTRIBUTIONS"

Note I've included EMPLOYEE Start and JOB Start..... This would stop employees being made redundant and moved into other high paid positions.

There should be NO opt-out for senior staff to hide their name, they work in the PUBLIC sector and assume the responsibilities that go with that.

* On file download pages there should be a comments section for members of the public to share their views, and also tag the file.

* Associated with the £500 expenditure limit, I should be able to search for the invoice code on the council website and download the associated invoice (scanned or electronic). Contractors should NOT include payment details on their invoices, which should be registered on a private internal system. Each contractor should have a unique reference number so that I can search the council website for all contracts signed between the authority and that contractor.

* If a council "Copyrights" information, I should still be allowed to download for my own use, and for the purposes of fraud prevention

Individual response

The suggestion of showing all salaries is misplaced.

"A naming and shaming of bureaucrats culture is misplaced and out of touch".

If I was in this position I would opt out as many others would do .This would create more cost and bureaucracy as its dis-respects the individual right to privacy.

We are in a market economy, if we have to cut to what we can afford this is painful reality, don't add insults to injury to hardworking professional groups.

This suggestion demonises, vilifies and insult their intelligence and commitment to public service.

Individual response

Will the code be statutory or recommended? If it is statutory, what legislation will bind councils to comply? If the code has no legal force what will encourage Councils to comply?

Individual response

One of the criticisms levied at some local authorities is that senior managers engage in "empire building", employing high paid managers to justify their own salary.

If council X employed 10 people earning over Y and the neighboring council Z had 50 people earning over Y then residents in council Z would therefore be able to go "I'm not prepared to pay your salaries..... why can't you be more like council X"

One of points I pulled out from Cumbria County Councils audited accounts that last year the tax payers in Cumbria HAD to pay £351169 (that is the correct number of digits) to fund the chief executives pension pot..... is that fair? Is that right? Being able to hide senior managers pay hides this abuse of power.

Individual response

I feel this is a misplaced perspective and lacks business insight. Individuals have a right to privacy and employment contracts have been accepted on that basis, retrospective disclosure is unreasonable.

Analysing raw data solves little when the expenditure has already taken place.

The business analysis should focus at the beginning of the end to end process

The focus should be at the tendering and contracting stage.

Individual response

"One of the criticisms levied at some local authorities is that senior managers engage in "empire building", employing high paid managers to justify their own salary.

If council X employed 10 people earning over Y and the neighboring council Z had 50 people earning over Y then residents in council Z would therefore be able to go "I'm not prepared to pay your salaries..... why can't you be more like council X"

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Great point that you have made, never thought of it like that.

Individual response

There is all too often a conflict between the word "consultation" and council employee's determination to do what they want to do irrespective of any comments made during a consultation process.

Derbyshire Dales District Council for instance has decided, despite adverse comments from voters and taxpayers, to spend £160,000 renovating a small toilet in Bakewell. The toilet is less than 15 years old, is in perfect working order and doesn't need a massive renovation. A 3 bed detached house can be built for

£160,000, but some council employees are oblivious to the current austerity which should stop this sort of waste.

I hope comments received during your consultation are taken on board and decisions made from the position of what is plain common sense.

Individual response

I don't understand why an individual's salary should be a private matter; particularly when employed by a public body. Many salaries can be worked out fairly well already for military, police etc, based on published pay-scales. Perhaps I lack imagination but the only reasons for non-disclosure of salary that come to mind involve the baser elements of the human character.

Individual response

The Comments made about this code is interesting, but appear to be made only from Principal Authority points of view. This Code will also affect every Parish and Town Council in the Country. Because of their nature being at the most basic local level many of the requirements of the code will have a more direct impact. Many of the Local Councils do not have the finance, expertise, staff, and facilities to comply with the requirements of disclosure and in order to provide that level asked would need to increase the precept, thereby putting the full funding of complying with the code on the very people this code is designed to give transparency too.

In smaller communities many of those employed by the Council, are contractors, or supply the Council work and live together making all their details known could have a damaging effect on a community and ability of the Council to undertake their work. There needs to be a flexibility within the code for Parish and Town Councils that takes into account the diversity and range of the sector. from the tiny parish of under 50 electors with a precept of a couple of hundred and a clerk who works on the kitchen table to the large councils with 30K+ electors 500K+ precept and 20-30 employees.

Individual response

I am a volunteer director/trustee of a locally based small charity, and we have been experiencing a complete nightmare in trying to get access to information from our local Town Council most of which should already be in the public domain.

Stamford Town Council which serves a population of around 20,000 people and currently has a precept of over £400K (so not a small council by any stretch of the imagination) will not even comply with providing the basic information it already has a statutory duty to make available (*including minutes of meetings*,

agendas, policies and procedures) let alone anything more advanced such as salaries, contracts etc. It has completely flouted Freedom of Information provisions and requests.

Unless and until Parish & Town Councils are made accountable to external bodies there is no chance that they will comply with making more advanced information such as that proposed here available. Stamford Town Council also routinely exclude the press and public from part of the majority of their meetings, again this is a power they are only supposed to exercise in limited circumstances and even then should report in the public domain on the business they transact in these 'closed sessions' but fail to do this as well.

They ignore communications by letter, e-mail, formal complaints and even appeals made in the public forums of Full Town Council meetings, and act as a complete law unto themselves.

Currently no matter how '*rogue*' a Town Council are, there is no external body that a member of the public can complain to about the actions or failings of a Parish or Town Council. The Local Government Ombudsman has no jurisdiction over these Councils and some of our local councillors have been heard to be rubbing their hands with glee at the prospect that they will soon be released from any accountability under the Standards Board and Code of Conduct.

Reporting on Funding for Voluntary & Community Groups & Section 137

Parish & Town Councils generally have been shown in the main to make poor use of their powers to provide grants to voluntary and community sector organisations which they can make from Section 137 funding. They can currently precept for up to £6.15 per elector per year under their Section 137 powers.

I believe that Parish & Town Councils should be forced to make an annual report on how much they could raise if they fully utilised their powers under Section 137 each year, how much they actually do raise, and if they do not raise the full amount explain the reasons why they have not done so.

For example Stamford Town Council have 15,702 electors on the electoral role at present, so could currently raise up to £96,567.30 per year @ £6.15 under this power, but currently only raise a total of £7,500 @ £0.48 and are proposing to cut this further to £5,000 @ £0.31 for 2011-12, but very few members of the public are even aware of this and it is obvious that many of the Councillors themselves do not understand their precepting powers. Being forced to report on this might help local accountability and transparency.

Reporting on Salaries

I believe all salaries over the higher rate tax threshold should be disclosed alongside purely the job titles these apply to.

I do not believe there is any need to name the recipients, although this would have applied to the salary I used to earn which would have fallen within the lower threshold I am proposing when I used to work in the NHS and I personally would have had no problem with my name being published as well.

Members Expenses

I have a concern at the number of public appointments and councilors who serve on more than one Council who when their expenses and allowances are combined are claiming significant sums from the public purse. I think where Councilors are in this position they should make a single declaration about all expenses from all public sources that they are claiming, which is then declared by all the public bodies they are members/connected to

This also begs the question where some people are serving on so many bodies about how well they might be carrying out their duties given that they are spreading themselves so thinly, again many members of the public are unaware of just how widespread this is.

Individual response

Thanks for the info.

Individual response

There are various aspects of the code that seem to me to make it inefficient.

Firstly the amount of £500 is ridiculous. I was at a client where they were looking at Cornwall County payments over £500...it produces reams of gibberish that is not useful for measuring economy efficiency or effectiveness. There was a phone supplier paid £79,500 or so...what for? How many phones?.. was it phones or phone installation? Or was it for IT links? ...the unanswered questions far outweigh the provided information... and how do we know whether the call cost was high or low etc.

The nature of the information then could then be improved in quality.

Parishes

As far as parish and town councils are concerned they lack capacity or expertise to be fully compliant with such a code. It would almost certainly result in significant additional cost. Most do not even have computerised accounting in place nor do they have accounting staff. The vast majority are staffed by a single employee who is less than full time who is expected to carry out a range of tasks already that is broader than is expected in most posts, and therefore some aspects are already weak in certain areas. Few are IT whizz kids! Some still write minutes by hand!

There are contradictions.

If the system is cumbersome to administer for small organisations are the costs justified? Is it efficient use of taxpayer's money to tell them that a payment for £500 has been made or is it better to encourage more people to get involved in running a local council, given that most vacancies are uncontested? Having such a system has an additional cost attached:

Someone has to prepare and review all this data. What does that cost?

There has to be webspace on which to put all this data. What does that cost?

Someone has to uplift and update all this data. What does that cost?

How much saving to the public purse will be made as a result of publishing all the data? Can it even be quantified? Is it worth the investment?

At a time when the drive is to get people involved in localism activity, will this act as a force for or against people considering virtually unpaid service when subject to Big Brother like scrutiny of this idiosyncratic nature?

There are numerous parish websites already that are not able to keep up to date with publication of minutes and agendas.

I am reminded that under the old Best Value Regime Councils published quite a lot of data to the public most of which was promptly recycled because they were told they had to do this by the Audit Commission not because it was useful.

Is this not similar? The drive for this comes from where? The very place that says it wants to take its hands off local services Central Government.

I would like to know what assessment has been undertaken to look at parish and town council capacity to undertake this. Whether costs have been assessed. Whether anyone involved in making this proposal has any practical experience of

what local people want or is it just another catchy of the moment idea that will cost a lot and produce little.

If you want to identify waste, this seems to be a very inefficient way to do so. It is also probably going to further disillusion both Cllrs and staff in parish councils and make retention and recruitment even more difficult when turnover of parish clerks is generally running at 20% per annum and filling council seats is becoming more and more precarious.

Individual response

I wish it were different but full disclosure of LA costs including salaries is needed.

My very limited experience when instructing such as ground work for new roadway/s determined that contractors have a price for LA contracts and are willing to discuss/reduce them substantially for private clients even though it is generally accepted that a private knowledgeable client will more thoroughly inspect the work carried out and insist on any remedial work needed without additional client cost.

Cost and fully understandable contract detail should be available immediately following the placement of any contract.

Salaries should be fully disclosed especially for senior post holders, I have no problem with removing the officer's name.

Full disclosure includes all money received by an officer, pension, salary, expenses (including any C Card facility/allowance) etc.

In addition a probable abbreviated description of the most senior officer/s should be publicly available this will allow the public to identify the "Butterflies" sometimes known as "Flutterbies" who come in as highly paid individuals, shine momentarily and disappear before their decisions can come back to embarrass them.

As a Country/Society we need to initially understand the cost of our public services at which time we can look to best practice to either control or reduce or perhaps in remote circumstances increase costs.

Individual response

Just a couple of comments:

On page 4 of the Code of recommended practice, the last bullet point in Paragraph 7, the definition used in the Audit and Account Regulations 2009 would be a preferable definition, and we do believe that there is a conflict with the

provisions of the Data Protection Act in the suggested disclosure of names equated to senior staff salaries.

Individual response

- I have a number of comments to make.
- I believe it is right that senior officers should have their salary published.
- I also believe that benefits, such as pension, car etc should be published.
- I think that the Code should make it absolutely clear that the names of individuals providing services to the Council for payment over £500 should not have their name redacted. In my local borough (Barnet) this practice has led to some unfortunate incidents. For example payments to May Gurney plc had the name of the company redacted because the officer uploading assumed that this was the name of an individual ("Oh yes May, Mr. and Mrs. Gurney's daughter" as one local blogger commented). Another example was that a hip hop artist who had been paid by the Children Services had her name redacted after a blogger commented on her use of foul language and questioned the appropriateness of employing her. If someone is providing services in a business capacity (and why else would they being paid?) their name should be published. If the work is controversial, the local authority should be prepared to defend it.
- A searchable database, such as Excel, should be mandatory.
- Given the rise in outsourcing, I think that gifts, lunches etc provided to any councilors or officers should be registered on the same database.
- I think the code of practice should include guidance on how often the database be updated.
- I fully approve of increased transparency. Although I appreciate that it will entail investment, hopefully it will reduce the need for expensive FOI requests.
- I am concerned that the rise in outsourcing may lead to increases in conflicts of interest. I am not convinced the Code takes this into account. An example might be GPs involved in commissioning who also own or have a stake in nursing homes or private healthcare providers, or private companies providing planning services, who also act as planning consultants for the same developer elsewhere.

Thank you

Individual response

Smaller Parish Councils do not have the finance, expertise, staff, and facilities to comply with the requirements of disclosure on data transparency. To employ staff to carry out these duties, necessitating an increase in the precept would be defeating the object in trying to keep spending to a minimum.

Many of these councils, including ours, has a single employee, the clerk, who endeavors to keep abreast of all the new legislation in a very minimum amount of allotted time.

The best they can offer, if this becomes recommended practice, is to try to post all the information required as and when time permits.

Individual response

A number of parish councils have said this in response to the consultation. Yes, it will add costs, but transparency is vital, particularly at the kind of level where there is little contest for seats and where fiefdoms can be built up.

I am afraid, given that almost every voluntary sector organisation I know is having to merge or share back office functions, whilst at the same time producing more and more complex outcomes and impacts data, I do not see why parish councils should be able to avoid these duties.

Individual response

As a former Parish Clerk I appreciate the difficulties for Parish & Town Councils but as long as they record approval of all payments over £500 in their minutes (which they should be doing anyway) this would enable data transparency, should save any extra work and should not result in any extra precept costs.

The problems arise when these councils don't do what they should be doing already!

Individual response

Here are some comments on draft code of recommended practice ...

- The £58,200 threshold for publishing staff details based on a civil service pay band does not work for local authorities or for fire and rescue authorities. Generally speaking, the threshold will cut through an existing pay band for a single grade/role. This does not make much sense and would lead to a position where officers of similar responsibility levels are treated differently (i.e. some would have details published and others not). The threshold needs to be defined in relation to either a principle of some

kind or a rule, not in relation to some arbitrary and non-universal pay threshold. For example, something like the rule for defining what is a "politically restricted post". Also, the ICO already have a 'test' for determining who are senior staff and can expect to have details published.

- There is a contradiction between the coalition programme for government commitment (May 2010) and what the Code says about publishing 'performance information'. The programme for government says *"We will require all councils to publish meeting minutes and local service and performance data"* whereas the Code appears only to require publication of about financial and fiscal performance. Is this poor drafting or a change of emphasis?
- In the proposal to publish details about senior staff, the code outlines a requirement to publish 'context' information about each member of staff. The code requires *"job descriptions"* [although all previous material has mentioned 'job title'] and *"responsibilities"* [if the reference to job description is correct it is not clear how "responsibilities" would be different from "job description"]].
- How will the requirements of the Code work with other requirements to publish information linked to implementation of the Equalities Act 2010 (which were subject to separate consultation last August). In the consultation document there were potential requirements to publish a range of equality data relating to both their workforce and to the services they provide.

Individual response

Comments and feedback from the Open Data Sheffield Community.

- There is a significant emphasis on cost-savings in the Proposed Code, mandating release of **spending data over performance data** (either internal key performance indicators or third party service level achievements). This potentially skews the open data agenda to be about aspects of public administration that are likely to raise defensive heckles or sensationalist reporting, rather than encouraging positive discussion about the effectiveness or value of public services against cost (as well as clearer exposure of the targets being pursued).
- While local authorities are being charged with releasing data, there is no provision in the Code for supporting authorities to ensure that their audience is equipped with the **contextual information** or basic skills needed to interpret datasets or data correlations appropriately. Allowing for this will mitigate against inaccurate correlative analysis and improve **data literacy** to

ensure that citizens can positively contribute to a data-driven democratic accountability agenda.

- It's not clear how the proposed Code will **support continued engagement** between data owners and citizens or developers to ensure that there is indeed an ongoing dialogue that facilitates the proactive and demand-led approach that the Code will require of local authorities. It also references responding to best practice as it develops, but there seems to be no provision for ensuring a base level of **consistency across authorities** (by sector or geography) for either implementing the code or sharing best practice.
- There is a question about whether the **salary threshold** is indeed gross salary or value of total remuneration. There is also some desire to see all public office salary details published without a lower threshold, including bottom-of-the-ladder grades. This will help demonstrate across-the-board fairness in pay structures within public bodies.
- The proposed Code makes no recommendation to ensure **consistency in dataset indexing** across local authorities and areas, which will facilitate cross-authority analysis.
- It is unclear whether there are **inherited licence implications** for derived data and derivative works based on openly licensed public datasets.
- The Code makes no mention of **independent service providers** in health and social care, welfare support, criminal justice, education or environmental services sectors within the list of local authorities, particularly where they have opted to operate outside the purview of the listed authorities, such as schools that are no longer operated under local authorities.
- In parallel to the consultation for the proposed Code, there have been separate announcements about both the [Public Data Corporation](#) and amendments to the [Protection of Freedoms Bill](#). A clear statement of how these **different statutory proposals** fit and work together is welcomed.