

REPORT OF THE LEADER OF THE COUNCIL

LOCAL GOVERNMENT TRANSPARENCY CODE

Purpose of the Report

1. Policy Committee are invited to consider the actions required for the Council to comply with the Local Authority Transparency Code, and to consider the approach the Council should take in relation to information recommended, but not required, for publication.

Background

2. The Code of Recommended Practice for Local Authorities on Data Transparency (“the 2011 Code”) was published in September 2011. [The 2011 Code](#) sets out key principles for Local Authorities in creating greater transparency through the publication of public data.
3. The 2011 Code was issued to meet the Government’s desire to place more power into citizens’ hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. Availability of data is also viewed by Government as being able to open new markets for local businesses, the voluntary and community sectors, and social enterprises to run services or manage public assets.
4. When the 2011 Code was published, Government committed to reviewing its content and scope. Following a period of consultation, Government published on 1st May 2014 the [Local Government Transparency Code \(“the 2014 Code”\)](#),
5. The 2014 Code includes detailed requirements in relation to data which must be published and an extensive list of additional data which local authorities are encouraged to also publish.

Overview of key requirements of the 2014 code

All individual items of expenditure exceeding £500

6. Published information should include both a summary of the purpose of the expenditure, the specific merchant category (e.g. computers) and a number of other pieces of prescribed detail. The Council currently publishes information by making extensive use of general terms such as third party payments and supplies & services.
7. Government is recommending that local authorities voluntarily choose to publish, on a monthly basis, details of all expenditure above £250.

Government Procurement Card Transactions

8. There is a requirement to publish details of every transaction on a Government Procurement Card.
9. There is a Government recommendation that local authorities also publish details of all transactions on all corporate cards.

Procurement Information

10. The code requires that every invitation to tender or quote and that all purchase orders and contracts awarded exceeding £5,000 be published. The Council publishes information on the Source Nottinghamshire website however the Code requires that additional detail is published.
11. There is a recommendation that publishing of invitations to tender or quote and of purchase orders and contracts awarded applies at £500 in value.

Local Authority land and property

12. There is a requirement to publish prescribed details of all land and building assets. The Council's public website currently includes a general statement concerning the property portfolio and lists those for lease, sale or auction but the extensive requirements included in the Code will require additional data to be published.
13. Government is recommending further additional details are also included in the list of all Council owned land and property for example, the reasons for holding the asset and the costs of operating a building.

Grants to Voluntary, Community and Social Enterprises

14. The requirement is to publish annually specific details of all grants showing date, time period, council department, the beneficiary, purpose and amount. Although information is publicly available the Code requires additional detail and ease of access via the Council's public website.

Organisation chart / Senior officer salaries

15. The regulations require the publication of an organisation chart covering staff in the top three levels and to include the grade, contact details, salary in £5k brackets, salary ceiling and permanent/temporary status.
16. There is an existing requirement to publish data in respect of senior officer salaries, the pay multiple and to publish the Council's constitution, all of which the Council does.
17. Government is recommending that, in addition, the chart includes all employees whose salary exceeds £50k showing their salary band and information about vacant posts.

Trade Union facility time

18. Publish a range of information including:

Total number (absolute number and full time equivalent) of staff who are union representatives (including general, learning and health and safety representatives);

Total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union activity;

Names of all trade unions represented in the Council;

Basic estimate of spending on unions as a percentage of the total pay bill.

Parking Revenues

19. Local authorities must place a link on their website to a range of prescribed data or place the data itself on their website. Information required includes revenue, enforcement notices and parking spaces.
20. There is a recommendation to include additional information including how parking revenue is used.

Other information

21. Nottinghamshire County Council is committed to openness and transparency and the Council already routinely publishes a significant proportion of this information; however each service affected will need to review its publication arrangements in light of the new requirements. The Corporate Information Management Group, which has a membership of senior officers from all departments, will maintain an oversight of delivery across the Council. This Group will produce an action plan including timescales for implementation. The action plan will include a review of the Publication Scheme which the Council already publishes, but which will need to be updated in light of the new requirements.
22. The full requirements of the 2014 Code are shown at Appendix A. This is an expansion on previous requirements and will form the basis for the Council's action plan.
23. In addition, Government is recommending that the Council publish on a voluntary basis additional data to demonstrate a commitment to transparency. In particular, it is recommended that Councils publish details of their counter fraud work on an annual basis. The initial Council focus will be on the mandatory elements of the Code to ensure compliance and where voluntary elements can be provided without additional resource requirements they will be published at the same time. It is proposed that a further report will be brought to Policy Committee detailing cost implications, including any availability of grant monies, in relation to publication of 'recommended' information.

Next stage

24. The Department for Communities and Local Government are advising that the Parliamentary process to make the Code mandatory is expected to be completed within 3 months of the Code being issued, (1 August 2014) subject to Parliamentary approval. This process may involve minor changes to the guidance. Progress preparing for and implementing the mandatory requirements will be reported to Policy Committee before the end of the year to ensure that the Council is compliant.

25. The Council will be required to meet the requirements of the code within the frequency set out in the Code. For example, quarterly data must first be published no later than three months after the Code becomes mandatory and annual data must first be published no later than 12 months after the Code becomes mandatory.
26. Compliance with the 2014 Code will not be monitored by government, but complaints will more normally be dealt with under existing frameworks through the Information Commissioner's Office and the Local Government Ombudsman.

Other Options Considered

27. None.

Reason/s for Recommendation/s

28. To comply with the revised Local Government Transparency Code which requires the Council to publish prescribed data.

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that

1. The Policy Committee note the requirements of the Local Government Transparency Code 2014 and the Council's arrangements to ensure compliance.
2. The Policy Committee agree for a further report to be brought detailing how the mandatory requirements are being met.
3. The Policy Committee agree for a further report to be brought in order to consider whether the optional data as described in the Code should be published by the Council.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

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Constitutional Comments (HD 23/06/14)

Policy Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference.

Financial Comments (SEM 24/06/14)

There are no specific financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Code of Recommended Practice for Local Authorities on Data Transparency 2011 (published)

The Local Government Transparency code 2014 (published)

Electoral Division(s) and Member(s) Affected: All