

**REPORT TO A MEETING OF THE TOWN COUNCIL OF ROYAL LEAMINGTON
SPA TO BE HELD ON 18TH NOVEMBER 2014**

LOCAL GOVERNMENT TRANSPARENCY CODE 2014

1. **PURPOSE OF THE REPORT**

1.1 To enable the Council to assess the implications of recent legislation in relation to the publication of Council data.

2. **The Transparency Code 2014**

2.1 Pursuant to S. 2 of the Local Government, Planning and Land Act, 1980, the Government has published a new Code of recommended practice in relation to information to be published by local authorities in England. This is known as the Local Government Transparency Code.

2.2 The new Code replaces the recommended Code of practice issued on 1st May 2014. It applies to all Local Authorities but its provisions apply differently according to the annual expenditure of the Council in question. This report identifies the various areas of recommended practice and the items of relevance to this Council.

3. **General Principles of the Code**

3.1 The Code is 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. Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. The availability of data can also open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.

3.2. 'Data' means the objective, factual 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.

3.3. The Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities (e.g. protecting vulnerable people or commercial and operational considerations) to doing so. It encourages local authorities to see data as a valuable resource not only to themselves, but also their partners and local people.

4. **How does the Code affect Parish and Town Councils**

4.1 The Code does not apply to all Parish Councils; those with annual expenditure of £25,000 or below will be exempt from the recommended practice in the new Code and from external audit. However indications are that these smaller spending Councils will be expected to follow a mandatory Code that will substitute for the current routine external audit. Further details of this are expected at the end of the year.

- 4.2 For those Councils with a gross annual income or expenditure exceeding £200,000, the Code applies a series of *recommended* actions in relation to the publication of information and data. This is the category into which this Council presently falls.
- 4.3 Part 2 of the Code requires the publication of certain information on a quarterly basis. This includes all expenditure over £500 per transaction, invitations to tender for contracts for goods or services of a value over £5,000, and details of contracts or purchase orders exceeding £5000. Certain information within this section must also be published annually. This part of the Code is mandatory for Councils with a gross annual income or expenditure of £6.5 million or more. For Councils such as Leamington Spa Town Council, whose annual expenditure is £320,000, Part 2 of the Code is recommended practice – therefore it is *discretionary*.
- 4.4 For those Councils required to publish data under Part 2 of the Code, quarterly data must first be published no later than 31st December 2014 and thereafter no later than one month after the quarter to which it relates. The first set of annual data is to be published no later than 2nd February 2015 and thereafter not less than annually.
- 4.5 The Code emphasises that public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. The Open Government Licence published by the National Archives is to be used as the recommended standard. Where any copyright or data ownership concerns exist with public data these should be made clear. Data covered by Part 2 of the Code must be published in open and machine-readable formats – i.e. commonly accepted digitised formats such as excel, CSV and pdf files.
- 4.6 The Code also encourages local authorities to go much further in publishing the data they hold, recognising the benefits of sharing that data for local people, more effective service delivery and better policy making. Therefore in addition to the elements of Part 2 of the Code, the Government recommends that authorities consider going a step further and publishing certain information more frequently and in greater detail.
- 4.7 Appendix 1 of the Report sets out the recommended areas where information should be published together with the Town Council's present level of compliance.

5. IMPLICATIONS FOR THE COUNCIL

- 5.1 The Government believes that all data held and managed by local authorities should be made available to local people unless there are specific sensitivities to doing so.
- 5.2 The Town Council has previously subscribed to the principle of making information freely available to the general public, unless there are specific reasons, such as commercial confidentiality, to the contrary. The Council's website presently provides access to a range of information about the Council and its activity and this can be used to publish data more comprehensively should the Council wish to do so.

- 5.3 Although the Council is not exempt from the Code, the provisions that apply are discretionary therefore the Town Council can choose whether or not it wishes to publish the information contained in the Code via its website.
- 5.4 The Council has published on its website a publication scheme indicating the range of information available to the Public and where it is located. Should the Council wish to extend public accessibility to certain categories of information, the Publication scheme will need to be updated accordingly.
- 5.5 There is minimal cost implications associated with complying with the recommendations within the Transparency Code, though some work will need to be undertaken to the website to ensure that the various categories of information can be easily obtained without the necessity for navigating through multiple web pages.

6. CONCLUSION/RECOMMENDATION

- 6.1 The Local Government Transparency Code came into effect on 7th November 2014 and applies to all Parish and Town Councils with a gross annual income or expenditure exceeding £200,000. Part 2 of the code is recommended practice for Parish and Town Councils with a gross annual income or expenditure of between £200,000 and £6.5 Million. For those Councils with income or expenditure above £6.5 million the Code is mandatory.
- 6.2 It is for the Council to determine whether it wishes to adopt the recommended practice in the Code and to specify the categories of information that it wishes to publish through its website.

APPENDIX 1

Information title	Information recommended to be published	Council's Current Compliance
Expenditure exceeding £500	<p>Quarterly publication Publish details of each individual item of expenditure that exceeds £500, including items of expenditure, consistent with Local Government Association guidance, such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> individual invoices <input type="checkbox"/> grant payments <input type="checkbox"/> expense payments <input type="checkbox"/> payments for goods and services <input type="checkbox"/> grants <input type="checkbox"/> grant in aid <input type="checkbox"/> rent <input type="checkbox"/> credit notes over £500 <input type="checkbox"/> transactions with other public bodies. <p>For each individual item of expenditure the following information must be published:</p> <ul style="list-style-type: none"> <input type="checkbox"/> date the expenditure was incurred <input type="checkbox"/> local authority department which incurred the expenditure <input type="checkbox"/> beneficiary <input type="checkbox"/> summary of the purpose of the expenditure <input type="checkbox"/> amount <input type="checkbox"/> Value Added Tax that cannot be recovered <input type="checkbox"/> merchant category (eg. computers, software etc). 	<p>Details of individual items of expenditure are published in the papers of the Meetings of Council and Policy and Resources Committee when payments are approved.</p>
Procurement information	<p>Quarterly publication Publish details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000. For each invitation, the following details must be published:</p> <ul style="list-style-type: none"> <input type="checkbox"/> reference number <input type="checkbox"/> title <input type="checkbox"/> description of the goods and/or services sought <input type="checkbox"/> start, end and review dates <input type="checkbox"/> local authority department responsible. 	<p>Current Financial Regulations do not permit Officer delegation for expenditure of this nature therefore contracts and tenders for amounts in excess of £5,000 would require Council approval and would be recorded in the Minutes and published as such.</p>

	<p>Quarterly publication Publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. For each contract, the following details must be published:</p> <ul style="list-style-type: none"> <input type="checkbox"/> reference number <input type="checkbox"/> title of agreement <input type="checkbox"/> local authority department responsible <input type="checkbox"/> description of the goods and/or services being provided <input type="checkbox"/> supplier name and details <input type="checkbox"/> sum to be paid over the length of the contract or the estimated annual spending or budget for the contract <input type="checkbox"/> Value Added Tax that cannot be recovered <input type="checkbox"/> start, end and review dates <input type="checkbox"/> whether or not the contract was the result of an invitation to quote or a published invitation to tender <input type="checkbox"/> whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number. 	<p>The number of transaction that fall into this category is very small. During 2013/14 there were seven contract payments made which exceeded £5,000.</p>
<p>Local authority land</p>	<p>Annual publication Publish details of all land and building assets including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> all service and office properties occupied or controlled by user bodies, both freehold and leasehold <input type="checkbox"/> any properties occupied or run under Private Finance Initiative contracts <input type="checkbox"/> all other properties they own or use, for example, hostels, laboratories, investment properties and depots <input type="checkbox"/> garages unless rented as part of a housing tenancy agreement <input type="checkbox"/> surplus, sublet or vacant properties <input type="checkbox"/> undeveloped land <input type="checkbox"/> serviced or temporary offices where contractual or actual occupation exceeds three months <input type="checkbox"/> all future commitments, for example under an agreement for lease, from when the contractual commitment is made. <p>For each land or building asset, the following information must be published together in one place:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unique Property Reference Number 	<p>The Town Council rents accommodation at the Town Hall and owns the physical land assets of the Campion Hills Allotment Site and the War Memorial. It also has leasehold arrangements on three other Allotment sites. This information is not at present published separately</p>

	<ul style="list-style-type: none"> <input type="checkbox"/> Unique asset identity - the local reference identifier used by the local body, sometimes known as local name or building block. There should be one entry per asset or user/owner (eg. on one site there could be several buildings or in one building there could be several users, floors/rooms etc – where this is the case, each of these will have a separate asset identity). This must include the original reference number from the data source plus authority code <input type="checkbox"/> name of the building/land or both <input type="checkbox"/> street number or numbers - any sets of 2 or more numbers should be separated with the '-' symbol (eg. 10-15 London Road) <input type="checkbox"/> street name – this is the postal road address <input type="checkbox"/> post town <input type="checkbox"/> United Kingdom postcode <input type="checkbox"/> map reference – local authorities may use either Ordnance Survey or ISO 6709 systems to identify the location of an asset, but must make clear which is being used. Where an Ordnance Survey mapping system is used (the grid system) then assets will be identified using Eastings before Northings. Where geocoding in accordance with ISO 6709 is being used to identify the centre point of the asset location then that reference must indicate its ISO coordinates <input type="checkbox"/> whether the local authority owns the freehold or a lease for the asset and for whichever category applies, the local authority must list all the characteristics that apply from the options given below: for freehold assets: <ul style="list-style-type: none"> <input type="checkbox"/> occupied by the local authority <input type="checkbox"/> ground leasehold <input type="checkbox"/> leasehold <input type="checkbox"/> licence <input type="checkbox"/> vacant (for vacant properties, local authorities should not publish the full address details and should only publish the first part of the postcode) for leasehold assets: <ul style="list-style-type: none"> <input type="checkbox"/> occupied by the local authority <input type="checkbox"/> ground leasehold <input type="checkbox"/> sub leasehold <input type="checkbox"/> licence 	
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	<p>for other assets: o free text description e.g. rights of way, access etc.</p>	
<p>Grants to voluntary, community and social enterprise organisations</p>	<p>Annual publication Publish details of all grants to voluntary, community and social enterprise organisations. This can be achieved by either:</p> <ul style="list-style-type: none"> <input type="checkbox"/> tagging and hence specifically identifying transactions which relate to voluntary, community and social enterprise organisations within published data on expenditure over £500 or published procurement information or, <input type="checkbox"/> by publishing a separate list or register. <p>For each identified grant, the following information must be published as a minimum:</p> <ul style="list-style-type: none"> <input type="checkbox"/> date the grant was awarded <input type="checkbox"/> time period for which the grant has been given <input type="checkbox"/> local authority department which awarded the grant <input type="checkbox"/> beneficiary <input type="checkbox"/> beneficiary's registration number <input type="checkbox"/> summary of the purpose of the grant <input type="checkbox"/> amount 	<p>Details of all grants to the voluntary sector are presently recorded in the Minutes of the Meetings of the Cultural ad Community that are published on-line. No separate list is published.</p>
<p>Organisation chart</p>	<p>Annual publication Publish an organisation chart covering staff in the top three levels of the organisation. The following information must be included for each member of staff included in the chart:</p> <ul style="list-style-type: none"> <input type="checkbox"/> grade <input type="checkbox"/> job title <input type="checkbox"/> local authority department and team <input type="checkbox"/> whether permanent or temporary staff <input type="checkbox"/> contact details <input type="checkbox"/> salary in £5,000 brackets, consistent with the details published for Senior Salaries <input type="checkbox"/> salary ceiling (the maximum salary for the grade). 	<p>This information is not currently published</p>
<p>Senior salaries</p>	<p>Annual publication Local authorities must place a link on their website to the following data or must place the data itself on their website:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000 <input type="checkbox"/> details of remuneration and job title of certain senior employees whose salary is at least £50,000 	<p>Only one employee falls into this category and this information is not published outside of the budget report that identifies staff salaries as a global figure</p>

	<p><input type="checkbox"/> employees whose salaries are £150,000 or more must also be identified by name.</p> <p><input type="checkbox"/> a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and 'benefits in kind', for all employees whose salary exceeds £50,000.</p>	
Constitution	<p>Annual publication Local authorities must publish their Constitution on their website.</p>	This is currently published on-line
Pay multiple	<p>Annual publication Publish the pay multiple on their website defined as the ratio between the highest taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. The measure must:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> cover all elements of remuneration that can be valued (eg. all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) <input type="checkbox"/> use the median earnings figure as the denominator, which should be that of all employees of the local authority on a fixed date each year, coinciding with reporting at the end of the financial year <input type="checkbox"/> exclude changes in pension benefits, which due to their variety and complexity cannot be accurately included in a pay multiple disclosure. 	Not currently published.

Note:- Sections within the Code relating to Government Procurement Card transactions, Trade Union Facility time, Parking, Waste Management and the detection and prevention of Fraud have not been included above as they do not relate to this Council.