

Cheltenham Borough Council
Cabinet – 13 January 2015
Transparency Policy

Accountable member	Councillor Jon Walklett - Cabinet Member Corporate Services
Accountable officer	Mark Sheldon, Director Resources
Ward(s) affected	None
Key Decision	No
Executive summary	The government has published a new Local Government Transparency Code (the Code) which is mandatory on all local authorities from October 2014 it identifies what information must be published quarterly before 31 December 2014 and annually no later than 2 February 2015.
Recommendations	That Cabinet: <ol style="list-style-type: none">1. Approves a Transparency Policy statement2. Approves an amendment to the description of one of the Council's Core Values so that it will align to the Policy Statement3. Approves an approach that will lead to the publication of all mandatory data to a minimum 3 star format.

Financial implications	None directly arising from this report. However, the requirement to publish spending information ensures that decisions on spending public money are properly considered. Contact officer: Mark Sheldon Email: mark.sheldon@cheltenham.gov.uk Tel; 01242 264123
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<p>Legal implications</p>	<p>The publication of data is required under the Local Government Transparency Code 2014 (the Code) under section 2 of the Local Government, Planning and Land Act 1980 (the Act).</p> <p>The Government has decided that it should be a legal requirement for local authorities to publish the data specified in Part 2 of the Code. Two statutory instruments are required to achieve this.</p> <p>The Local Government (Transparency) (Descriptions of Information) (England) Order 2014 came into force on 29 July 2014 and allows the Secretary of State to require local authorities to publish data, more frequently than annually, on any expenditure incurred by authorities and any legally enforceable agreements entered into by authorities and any invitations to tender.</p> <p>Ministers have now approved the Local Government (Transparency Requirements) (England) Regulations 2014. These Regulations, which will be made under section 3 of the Act, will make it a legal requirement for local authorities to publish the data specified in Part 2 of the Local Government Transparency Code 2014.</p> <p>The Code of Recommended Practice does not replace or supersede the existing legal framework for access to and re-use of public sector information and the Council will continue to deal with requests under the Freedom of information Act 2000 and the Environmental Information Regulation 2004.</p> <p>Contact officer: Sarah Halliwell, Senior legal advisor.</p> <p>Email; sarah.halliwell @tewkesbury.gov.uk,</p> <p>Tel; 01242 272692</p>
<p>HR implications (including learning and organisational development)</p>	<p>HR has a duty to publish specified information as detailed in the body of the report.</p> <p>Contact officer: Carmel Togher</p> <p>Email:carmel.togher@cheltenham.gov.uk</p> <p>Tel : 01242 775215</p>
<p>Property/Asset Implications</p>	<p>None directly arising from this report.</p> <p>However, the requirement to publish information on the council's property ensures that decisions on asset management are properly considered.</p> <p>Contact officer: David Roberts</p> <p>Email: david.roberts@cheltenham.gov.uk Tel; 01242 264151</p>
<p>Key risks</p>	<p>None</p>

Corporate and community plan Implications	The Council believes that the act of transparency is a key condition and driver for the understanding of its Corporate Strategy and the delivery of its services.
Environmental and climate change implications	None

1. Background

1.1 The Code which applies to all Councils is mandatory and identifies what must be published, and what is recommended for publication.

1.2 We also have a duty under the Freedom of Information Act to maintain a publication scheme listing the classes of information we routinely make available. The Code does not replace these existing arrangements. The Code focusses on a small but key sub-set of information.

1.3 The first set of;

- **Quarterly data** must be published no later than 31 December 2014. The categories for this reporting period are;
 - a. expenditure exceeding £500
 - b. Government Procurement Card transactions
 - c. Procurement information.
- **Annual data** must be published no later than 2 February 2015 and thereafter not less than annually. The categories for this reporting period are;
 - a. local authority land
 - b. grants to voluntary, community and social enterprise organisations
 - c. Organisation chart
 - d. trade union facility time
 - e. parking account
 - f. parking spaces
 - g. senior salaries
 - h. constitution
 - i. pay multiple and
 - j. fraud.

1.4 The Government endorses the five step journey to a fully open format for publication:

- **One star** Available on the web (whatever format) but with an open license
- **Two star** As for one star plus available as machine-readable structured data (eg. Excel instead of an image scan of a table)
- **Three star** As for two star plus use a non-proprietary format (eg. CSV and XML)
- **Four star** All of the above plus use open standards from the World Wide Web Consortium (such as RDF and

SPARLQL21)

- **Five star** All the above plus links an organisation's data to others' data to provide context.

1.5 The information that we publish will conform to the government's timetable and the three star format it will then strive to deliver the publication in accordance with the four star standard as soon as possible.

2. Transparency Policy Statement

2.1 The Transparency page on the council's website will provide links to a wide range of information about the council's services and its performance. To help customers fully understand the approach being taken to make as much information as possible available a Transparency Policy statement (appendix 2) has been drafted for Cabinet approval.

2.2 The public are encouraged to use and re-use the information that is published by the council freely and flexibly, with only a few conditions as set out in the Open Government Licence for public sector information which the council has adopted. The licence provides guidance as to the use by the public balanced with safeguards for the council with regards to warranties as it accuracy and freedom from errors etc.

2.3 The Transparency Policy statement, if approved will be added to the Council's Transparency Webpage this endorses a commitment to publish all appropriate information. The presumption being that data will be published, provided that in doing so it will not contravene the following restrictions

Restrictions to publication;

- The information relates to personal or sensitive nature
- The information relates to a commercial arrangement in negotiation.
- It relates to the protection of vulnerable adults and children.
- Contravene any legislative requirement e.g. Data Protection Act.

2.4 In addition to the Transparency Policy statement, it is proposed that one of the Council's Core Values be amended so that it will align to the Policy Statement, it is currently;

***Clear and open;** we will be responsive, courteous and fair and be clear and open about what we can achieve and what we cannot.*

This should be amended to;

***Clear, open and transparent;** we will be responsive, courteous and fair and be clear and open about what we can achieve and what we cannot. We will also make available information about the Council's activities that does not involve additional cost, contravene data protection or disclose exempt/commercial information.*

3. Reasons for recommendations

3.1 This new Transparency Policy statement will ensure a clear overview of how published information will be managed and will support and give confidence to residents around transparency.

4. Alternative options considered

4.1 The alternative is to *do nothing*, however this would expose the council to the risk of complaints to the Information Commissioner and adverse audit reports.

5. Consultation and feedback

5.1 The Executive Board have been consulted and they are fully supportive of the proposals.

6. Performance management – monitoring and review

6.1 Service Managers will compile the relevant data and ensure that it meets all statutory requirements. The Corporate Governance Group will monitor what information needs to added and published.

Report author	Contact officer; Corporate Governance, Risk and Compliance officer. Email bryan.parsons@cheltenham.gov.uk, Telephone; 01242 264189
Appendices	1. Risk Assessment 2. Transparency Policy statement
Background information	1. None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likely-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council fails to adopt a Transparency Policy statement, then there is a risk that it could be reported to the Information Commissioner and/or it could receive adverse audit reports resulting in reputational impact.	Director Corporate Resources	17/11/2014	2	2	4	reduce	Prepare a Transparency Policy statement for Cabinet approval	January 2015	Corporate Governance, Risk and Compliance officer	

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close