

DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

Improving Local Government Transparency – Department for Communities and Local Government, October 2012

<http://www.communities.gov.uk/publications/localgovernment/makingthecode>

Following the publication of the “Code of Recommended Practice for Local Authorities on Data Transparency” in September 2011, Ministers are now minded to make the Code a legal requirement via regulations, subject to consultation.

The Secretary of State has the power to enforce the Code through regulations via the local Government Planning and Land Act 1980, Section 3. Ministers wish to hear from all those local authorities listed in paragraph 4 of the Code (including county, district and some parish councils, national park authorities and others). They would also like to hear from relevant bodies, open data experts, developers, citizen activists and other interested parties.

The consultation closes on 20 December 2012.

Consultation Question 1 – *What amendments or additions could be made to paragraphs 10 and 11 of the Code to aid compliance?*

Draft Response: Local authorities are fully committed to transparency of information to support local democracy and enhance accountability to local residents, businesses and other stakeholders. This commitment has been reflected in the response of the sector to publish relevant information as set out in the code. However, it is inconsistent to apply the code to local authorities and not to the wider public sector. The terms of paragraphs 10 and 11 should be applied consistently to all central and local public services.

These paragraphs could include reference to necessary caveats in relation to personal data, for example, and exemptions identified in other legislation.

It is important that information presented is easily accessible but also helpful. A ‘one size fits all’ definitive list of what should be disclosed may not be the most suitable method to achieve this objective. In the spirit of the localism agenda, an approach which enables local dialogue to shape the information which would be valuable could prove more worthwhile and ensure that local authority resources are effectively targeted to those areas of greatest use.

The commitment set out in the consultation to work with the local authority sector during the consultation period is particularly welcomed.

Consultation Question 2 – *What data streams could be added to the Code to aid transparency where services are contracted-out; and help greater access to contract information?*

Draft Response: As the consultation document states, the Local Government Association’s guidance “Local Transparency – A Practitioners Guide to Publishing New Contracts and Tenders Data” (March 2011) is very helpful in this regard. If paragraph 12 of the Code is to be amended it

would be useful to reflect the minimum information recommendations from this guide so that key documents used at the start of a procurement process are published together with final agreed documentation with the agreed contractor, subject to commercial confidentiality. A key consideration should also be the volume of documentation required by the Code. There should always be a balance struck between the volume of information required and the value of that information.

Local authorities should also continue to be allowed to work within their own local standing orders with regard to issuing tenders and contracts, with reference to the need to publish contract terms clearly stated in tender documentation.

Consultation Question 3 – *Are there other data sets which would be useful to the public which could be added to paragraph 12 of the Code? In particular, is there any data that would:*

- *Support Small and Medium-sized Enterprises and local businesses*
- *Support the release of surplus Local Authority land and property?*

Draft Response: Local authorities are keen to support local business growth as much as possible through all existing activities. There are many examples of innovative practice around the country where local businesses are encouraged and supported to compete in procurement processes not only supporting business development and growth but also often helping to achieve other local employment and social objectives. It is suggested that local authority efforts would be better directed at facilitating such local business support rather than compiling a further list of data publishing requirements.

In relation to local authority land and property the details set out in Annex B of the consultation document are useful in helping to clarify the information required. The recognition that a similar requirement should apply across other public bodies is particularly welcomed. However, the detailed level of information as set out should remain as guidance rather than a mandatory requirement in order to maintain a level of consistency with other elements of the code and to allow for local variation where appropriate.

Consultation Question 4 – *Is the description of minimum standards and proposed timing to achieve them correct?*

Draft Response: Local authorities are already publishing data and an approach which adopts minimum standards which can be exceeded as deemed locally appropriate is welcomed. However, setting a target to coincide with the regulations coming into force will necessarily require clear notice of when this date will be. It would be preferable to require the first standard to be met within a certain period of the regulations coming into force to enable all local authorities to effectively plan to meet such a target.

Consultation Question 5 – *Is the process of what will happen if the Code is to be enforced clear?*

Draft Response: A considered approach which allows local authorities to work with the department is welcomed and supported as the most appropriate way to enable all authorities to comply with the requirements of the Code. Local authorities are keen to be as transparent as possible in supporting local accountability and democracy and this will be best achieved through a collaborative approach both locally and nationally.