

Item 4

Update on Transparency

Purpose of report

For discussion and direction.

Summary

This report gives an update on recent developments and ongoing work related to the transparency programme and proposes the transparency work plan for 2013/14.

The Board's attention in particular is drawn to the fact that BIS through the Data Strategy Board has issued a government wide funding programme to help overcome technical barriers in opening up data to foster community engagement, transformation of services and to stimulate social and economic growth. BIS is planning to grant the Local Government Association £1 million for a year to manage the local government breakthrough grants and fund local authorities projects over the financial year 2013/14.

Recommendation

1. Note the progress made and ongoing work of the transparency programme, and comment where appropriate. Please note in particular.
2. £1 million grant funding to local government for 2013/14 to support the opening up of data.
3. Proposed commencement to the changes of the Freedom of Information Act extending the right of access to the release of datasets in reusable form.
4. Comment and approve the transparency work plan for 2013/14.

Action

The Research and Information Team will continue to develop the programme in the light of the Board's views.

Contact officers: Dr Gesche Schmid
Position: Programme Manager – Transparency
Phone no: 020 76643290
E-mail: gesche.schmid@local.gov.uk

Item 4

Update on Transparency: March 2013

1. The Transparency agenda sets out to open up government and public services, to help them be more accountable, to engage and empower citizens and communities, foster improvement and efficiencies and drive social and economic growth. This report gives an update on data transparency and policy developments since the Improvement and Innovation Board in November 2012, and outlines key work undertaken by the Research and Information Team over the last few months. The report also proposes the transparency work plan for 2013/14 overseen by Cllr Tim Cheetham, lead for transparency on the Improvement and Innovation board.
2. This paper advises about:
 - 2.1. Current position on the code for local government on transparency.
 - 2.2. Proposed changes to the Freedom of Information Act and a new code on releasing datasets for reuse.
 - 2.3. Public Sector Information Review (Shakespeare review) being carried out by BIS.
 - 2.4. Recent government announcement of breakthrough funding to overcome the barriers to publishing open data.
 - 2.5. Various transparency programme updates.
 - 2.6. Future work plan of the local transparency programme to support councils in local transparency and making use of open data.

Improving local transparency

3. The Department of Communities and Local Government consulted on regulating the code of practice for local government on transparency and making the code mandatory. The code sets out a range of datasets to be published as open data including data related to spending, contracts and tenders, senior salaries, public sector building and land and property assets.
4. The LGA responded to the consultation with the view that local transparency should not be driven by central control and that a regulatory code is unnecessary for the following reasons:
 - 4.1. Local transparency should encourage a meaningful approach to open data based on local needs and demands. Local authorities already embrace transparency locally and publish spending data, salaries and a variety of other datasets.
 - 4.2. Making the code mandatory may be in conflict with other mandatory codes such as the recently announced dataset code for making data reusable under the revised Freedom of Information Act.
 - 4.3. Centrally mandated datasets may be irrelevant to some local settings and their creation and publication in open formats carries a cost. The current proposal lacks a clear business case and impact assessment to warrant such an approach.

Item 4

5. Instead of a mandatory code the LGA proposes an alternative voluntary approach for encouraging local transparency which is meaningful to local citizens and communities and local business. We will support local authorities through engagement, collaboration, guidance, promotion of good practice and development of common standards and platforms such as LG Inform to make data open and placing them into meaningful context. The local transparency programme will reflect this approach.
6. The full LGA response is available on http://www.local.gov.uk/web/guest/local-transparency/-/journal_content/56/10171/3825810/ARTICLE-TEMPLATE. DCLG has received over 200 responses to the consultation and will report back in late spring/early summer.

Consultation on publishing spending to the Voluntary, Community and Social Enterprise Sector

7. The current '[Recommended Code of Practice on Transparency for Local Government](#)' published by the Department for Communities and Local Government encourages local authorities to publish grants to the voluntary, community and social enterprise sector (VCS), amongst other datasets.
8. Following the development of a practitioner's guide to publishing local spending data, the LGA has worked with local authorities and the voluntary sector to extend it to include information on VCS expenditure. The LGA has consulted on guidance on how to publish VCS spending data in a way that:
 - 8.1. promotes local accountability by demonstrating to residents and the VCS how local councils spend their money.
 - 8.2. is consistent and comparable between authorities.
 - 8.3. proposes a practical solution to publishing the data that is cost-effective and does not create a new and unnecessary burden on councils.
9. The overall response indicates that local authorities are in favour of further guidance but that it should be light touch and voluntary to minimise any potential burden. In response to the consultation, the LGA will
 - 9.1. review our spending guidance to incorporate feedback from the survey.
 - 9.2. continue the discussion with central government on clearer definition of social enterprises and extending definition of VCS to help define VCS.
 - 9.3. promote good practice on transparency as a way to proactively engage with the VCS.

Amendments to the Freedom of Information Act: New Dataset Code of Practice

10. The Protection of Freedoms Act 2012 will alter the Freedom of Information Act 2000, changing the right of access to information to a right of reuse. This will imply that any dataset that is not exempt under the FOI Act (such as personal, security or commercially

Item 4

sensitive data) has to be made available as open data for reuse if requested. Cabinet Office consulted early this year on a code of recommended practice detailing the changes to the Act which are likely to come into force in April 2013.

<http://data.gov.uk/consultation>. The LGA response to the consultation is available on http://www.local.gov.uk/web/quest/local-transparency/-/journal_content/56/10171/3841473/ARTICLE-TEMPLATE.

11. The changes to the code will have implications to local authorities making it mandatory to release datasets as far as reasonably practical. Where the dataset is released under FOIA and it is a “relevant copyright work”, the public authority must provide it under a “specified licence” for re-use. The default is the Open Government Licence. Cabinet Office is drafting new regulations on fees for re-use. The new regulation is likely to increase a demand for datasets.
12. The Information Commissioners Office (ICO) is developing further guidelines about the code which they plan to issue at the beginning of April. The LGA is working with the ICO to raise awareness of the proposed changes and to support local authorities meeting the legislative changes.

Public Sector Information review

13. Open data and transparency is a new and challenging policy introduced by government in 2010. As with many new and innovative initiatives, initially there is little evidence available on the take-up, benefits and value of open data. Since then there has been a flurry of activities to identify benefits and build an evidence base for open data and public sector information use.
14. BIS through the Data Strategy Board is carrying out an independent review of public sector information and its marketplace also known as the Shakespeare review. BIS is inviting local authorities to provide evidence on public sector use cases.
<http://news.bis.gov.uk/Press-Releases/Review-of-open-data-to-explore-growth-opportunities-68203.aspx>
15. As part of the open data agenda, the Open Data User Group is lobbying for the release of open data and in particular for the release of a national address dataset. Address data form the key core national dataset for administering services and delivering business. The group calls for the address data to be released for free. The DSB is currently carrying out a review of the feasibility for an open national address dataset. Changes to the national address data could have implications to local authorities and GeoPlace, a limited company jointly owned by Ordnance Survey and the LGA. GeoPlace collates address data from local authorities, Royal Mail, Ordnance Survey and other organisations and compiles them into a national dataset. Ordnance Survey is distributing the data for onward use to public authorities for free at point of use and other organisations under commercial licensing terms.

Item 4

Breakthrough Funding

16. The Department for Business, Innovation and Skills (BIS) has earmarked breakthrough funding to assist open data proposals where government departments, government agencies and local authorities have identified constraints on data release. The fund is to support the Data Strategy Board's agenda in enabling open data release and ease of access to open data supporting growth and innovation, contributing to local engagement with citizens, communities and business, and providing seed funding to create action. The call for funding is published on <https://www.gov.uk/data-strategy-board#faqs-on-the-three-new-complementary-investments> .
17. BIS is planning to grant the Local Government Association £1 million for a year to manage the local government breakthrough grant and fund local authorities projects over the financial year 2013/14. This LGA fund will form part of a wider overarching breakthrough fund. The other part of the fund which will be grant funding to central government departments will be managed by BIS. BIS and LGA will work together to ensure consistency across the two parts of the fund so that it runs as an overarching programme.
18. The breakthrough funding will support the LGA's strategic objective of sector led improvement as most of the funding will be spent directly at local authority level or in support of local authorities improving and innovating the way data is made openly available and can be used. The fund is to be used to help councils overcome particular technical barriers in opening up data so that the data can be more easily used in onward applications, tools and services. The LGA will add their knowledge, expertise and networks to assist BIS to channel the funding to authorities according to the criteria set out by the BIS breakthrough fund panel. The LGA will manage the grant funding to local authorities and is in the process of setting up a review panel to review the first funding applications. Cllr Tim Cheetham will be chairing the review panel. Funding will be granted on an ongoing basis and will be reviewed on a regular basis.

Sharing good practice

19. Work is progressing on promoting and raising awareness of transparency across local authorities. After responding to the various consultations and setting a policy direction, the next year will focus on supporting authorities in releasing data and making better use of it. The LGA is currently running roadshows across the country (London, Bristol, Leeds) entitled "Making transparency work for you". The roadshows raise awareness and inform about the policy and technical elements of transparency and open data but more importantly encourage the sharing of good practice in publishing and making use of open data to the benefit of transforming services, engaging with citizens, communities and business and fostering innovative uses and driving social and economic growth.
20. Local authority examples include: use of open data in apps for checking the validity of taxi licences in Surrey, comparing obesity and its factors in Lambeth, sharing data by default in Redbridge. In Bristol we will hear about the use of open data in future cities and

Item 4

in community projects while in Leeds, Sheffield, Trafford and Manchester will give an insight into engagement with local developers and users through open data interest groups. We propose to collate and share the case studies as part of the sector led improvement programme.

Single Data List

21. The single data list is the list of all data returns that local authorities must make to central government. The current list contains 156 data returns across the range of central government departments.
22. The LGA in conjunction with DCLG has set-up a gateway system to govern the process for reviewing and adding data collections to the single data list with the aim of reducing the data burden on local authorities.

Proposed transparency work plan 2013/14

23. The LGA is supporting councils through the transparency programme to open up data to meet local needs and demands and to make better use of the data. The programme will support local authorities towards:
 - 23.1. promoting a greater understanding and responsibility for the opening up of data within local authorities. This requires a transition to be led by senior members of local authorities to foster a culture change to move from a compliance to an open culture.
 - 23.2. building skills and capabilities to publish and make better use of open data.
 - 23.3. identifying good practice in publishing and using the data in services and business applications and encouraging uses in the community.
 - 23.4. supporting the sector with guidance and development of data standards
 - 23.5. fostering a collaborative approach to help authorities reduce costs in publishing their data.
 - 23.6. promoting the better use of data through existing and new online applications, tools and services (including Knowledge Hub, esd toolkit and LG Inform).
 - 23.7. advocate the opening up of key government datasets, in the interest of local authorities and local communities.
 - 23.8. continue to lobby for ways to cover costs for collating, maintaining and publishing data to given standards where it is seen as an additional or new burden across] the sector and where the publishing of the data adds further value.

Item 4

24. To support councils to meet the local transparency agenda, we propose to deliver the following transparency work plan in the year 2013/14 which largely continues the work started last year. The programme will
- 24.1. Coordinate a local transparency task and finish group under the lead of Cllr Tim Cheetham to engage with councils and lead on developing a local transparency strategy and overseeing the implementation of the transparency programme.
 - 24.2. Consider whether to develop a local transparency strategy to promote the understanding and impact of transparency on local policies, service delivery and social and economic growth and to support councils in implementing it. The strategy would be based on previous responses to consultations and emerging government policies, engagement with councils and stakeholders and direction from the task and finish group.
 - 24.3. Support councils in improving the understanding and capabilities in opening up data through collaboration with the Open Data Institute and their online training material, guidance, regional workshops and sharing of knowledge and good practice through online learning networks.
 - 24.4. Engage with stakeholders and government departments, to promote local transparency, lobby for wider access to data, while minimising the burden to local authorities.
 - 24.5. Challenge the data burden on local government through the single data list gateway group.
 - 24.6. Collaborate with the LGA online offer tools and services to promote meaningful use of open data.
 - 24.7. Develop and manage the 'Breakthrough Fund' project, which will provide grants to local authorities for removing barriers to opening up data.
 - 24.8. Continue work with Defra to implement 'location data publishing services' to support local authorities in meeting INSPIRE regulation requirements.

Financial implications

25. The transparency programme will be funded as part of the ongoing financial commitment within the LGA. Resourcing the management of the breakthrough fund and supporting councils through a learning network at an estimated cost of £118 K will be funded from the breakthrough fund pending final approval by BIS.