

Strengthening Local Government Transparency

Cornwall Council Response to the
Consultation on changes to the
Local Government Transparency
Code

July 2016

Background

The Department for Communities and Local Government (DCLG) is consulting on proposals to update the Local Government Transparency Code 2015, in particular to change the way that local authorities record details of their land and property assets and publish information about their procurement, their contracts and the delivery of some of their services. They are also proposing to include in the Code, new requirements about information on parking charges and enforcement and about the way transparency data is published and presented. Finally, they are proposing to include in the Code recommendations that local authorities publish information about their dealings with small and medium-sized enterprises.

The following areas of the report outline the specific questions being asked as part of the consultation, along with the Council's response

The consultation pages can be found using the following link:
<https://www.gov.uk/government/consultations/strengthening-local-government-transparency>

Cornwall Council Response

Introduction

Cornwall Council recognises supports and is committed to the overall Local Government Transparency Code (LGTC) with a key aim of supporting information to be publically available increasing accountability and helping to shape public services and local decision making.

The Code was updated in 2015 and this consultation is on a proposal to make further changes to both the data that is required to be published and the manner in which publication takes place with a general move towards the information on government websites.

DCLG advises that some of the proposals will place no additional burden on Local Authorities, as the changes are only to the way in which the data is published. Our responses in relation to this are included below.

Land

Proposed Changes outlined in the Consultation

(In relation to Qs 1 – 4) In the Spending Review 2015, the government committed to consulting on updating the LGTC to require all local authorities to record details of their land and property assets in a consistent way on the government's electronic Property Information Management System (ePIMS).

The government considers that collecting data on local authority land in a central space would allow for a more strategic consideration of how public land can best be used and enable closer collaboration with central government and the wider public sector. This is important if land and property are to be used as enablers for local growth including housing

growth, better services and to create efficiency savings that can be reinvested. To ensure greater and more collective transparency, it is proposed that the data would be publically available on the Government Property Finder, which is currently used for central government data.

It is proposed that the Code be modified to require the annual publication of land and building asset data to ePIMS, rather than to local authority websites. In practice, local authorities would need to fill out and submit to Cabinet Office, via email, a standard Excel spreadsheet, which the department would then upload to the ePIMS system.

DCLG are clear that this proposal will entail only the publishing of data to a different place, in a fixed format, rather than any new data collection requirement. As a consequence, this may not result in new burdens and may instead result in savings and wider benefits to the local authority.

(Specifically in relation to Qs 5 – 8) In terms of collecting new data, the Code proposes that in addition to the existing data on land and property assets published by local authorities, local authorities also publish, on ePIMS:

- the extent of the land in hectares for each piece of land
- whether that land is surplus to requirements
- whether there are current or future plans to release the land for housing development
- if there are plans to release the land for housing development, what is the current planning status
- if there are plans to release the land for housing development, how many homes can be accommodated, and
- for properties of 10,000 square foot or larger, the floor area of that property, the number of floors and the number of car parking spaces that property has.

The suitability of land for housing may be a subjective judgement. However, it is considered that local authorities should be able to make that judgement and rely on their housing plans. By planning status, it is meant as - what the existing permitted land use for that land is, and, if an application is in preparation or submitted for a change to housing use, what stage that application is at. Where plans do exist for the release of land for housing development, it is considered that there will usually have been an assessment of how many homes can be accommodated.

In relation to the specific questions raised in the consultation, the following applies:

CONSULTATION QUESTION	COUNCIL RESPONSE
Q1: Do you agree that authorities should record details of their land and property assets in a consistent way on ePIMS?	Cornwall Council can see the benefits to Government of a consistent approach. However we have reservations around ePIMS as a software tool as it is complex and lacks important functionality from an

	operational perspective which our local solutions provide.
Q2: What do you consider are the benefits/disbenefits of authorities recording details of their land and property assets in a consistent way on ePIMS?	Cornwall Council can see the benefits to central government of aggregate information. However the disbenefit to the Local Authority is the extra time, complexity and effort required to meet the needs of a new reporting system. Due to the specific information needs at a local level, our local asset data systems will be retained and so there will be an ongoing challenge in ensuring that data held in e-PIMS remains consistent with locally held data. It would be helpful if the minimum requirement to record the information on ePIMS was once a year, as per the current system.
Q3: Can you quantify the added cost or saving to your authority of publishing this data to ePIMS rather than publishing it on your own authority's website?	Other than the implications as highlighted above, there would be minimal impact (see below).
Q4: Can you quantify the added or saved man-hours involved in your authority publishing this data to ePIMS rather than publishing it on your own authority's website?	Currently, Cornwall Council downloads the information from our Asset Management system, and then uploads it to the Cornwall Council website. It is a simple process. As long as the government Cabinet office does the work by uploading this same spreadsheet to ePIMS, as per Clause 19 of the consultation document, there will be little impact.
Q5: Do you agree that authorities should record the additional data proposed above, in a consistent way on ePIMS?	Cornwall Council notes the benefit to central government.
Q6: What do you consider are the benefits/disbenefits of authorities recording the additional data proposed above, in a consistent way on ePIMS?	There is little perceived benefit to Cornwall Council because we already seek to keep interested parties updated on any housing development proposals on Cornwall Council land. The inclusion of additional data requirements will inevitably result in the Council having to dedicate additional officer time in order to gather the extra information and maintain it going forward. Also, it is not clear why the Government wishes to gather additional information on properties 10,000 square feet or larger.
Q7: Can you quantify the added cost, if any, to your authority of publishing this additional data?	No added cost is expected, other than officer time as highlighted below.
Q8: Can you quantify the added man-hours, if any, involved in your authority publishing this additional data?	There will be a negative impact on man-hours, perhaps 50 hours per annum, as the information will need to be gathered (within a prescribed format presumably) and assessed - and then taken through the governance process - before it is published.

Procurement & Contracts

General Response in Relation to Procurement & Contracts (and SMEs as referred to under questions 32 – 36)

Overall in relation to Procurement, Contracts and SMEs elements, Cornwall Council supports the requirements for the current level of data including Local authorities currently required to publish certain procurement data quarterly, including details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5k and details of every contract, commissioned activity, purchase order or framework agreement with a value that exceeds £5k.

In addition Cornwall Council is committed to the other areas of public access to information such as responding to Freedom of Information (FOI) requests.

It should therefore be recognised that with the current arrangements in place the Council would consider there is meaningful and relevant information available (or accessible via other means such as FOI). It is felt that the current level of information is sufficient for the purposes intended and that this information is locally available.

If there are plans to bring this together “centrally”, then it is felt that the impact and burden of doing this should not fall onto the individual Councils to provide this.

The proposal to also publish information centrally will provide some degree of additional burden with no clear benefit.

Procurement

Proposed Changes outlined in the Consultation

It is proposed that the framework for publication will be more prescriptive in order to introduce standardisation and that there will be a requirement to publish the information to a central source “such as data.gov.uk”.

It is argued that “the consistency of local government procurement data, including contracts data, will be improved through the development of a national reporting mechanism”.

The consultation is clear in that the requirement is for local authorities to continue to publish data in an open and machine readable format but that this will, in future be to a central source.

Cornwall Council general response in relation to Procurement

Local Authorities that have a propensity to collaborate already have systems in place that provide the data required for benchmarking based on actual

real time spend rather than on contracted amounts so it is unlikely that the central national data source would be heavily used.

The proposal to combine Local Authorities' information with central government contract data will be of limited use. Central Government procurement differs from Local Government procurement in a number of strategic ways, for example in the approach to localism and Social Value. The proposal is based on the simplistic view that procurement is about the cheapest price rather than the contribution that an award decision can make in relation to achieving the organisation's corporate objectives which as recognised in the Best Value Duty and the Social Value Act.

In relation to the specific questions raised in the consultation, the following applies:

CONSULTATION QUESTION	COUNCIL RESPONSE
Q9: Do you agree that authorities should publish procurement data in a fixed format to a central source?	Cornwall Council would see limited benefit from this approach – it might be useful for Benchmarking purposes but overall the information gathered would be at a superficially high level to render it of limited use.
Q10: What do you consider are the benefits / disbenefits of publishing procurement data in a fixed format to a central source?	Please see response to Q9 above. Benefit is the consistency in the form of how information is gathered, but the Council sees less benefits around central store, especially if it creates an additional burden on the individual source Councils.
Q11: Can you quantify the added cost or saving to your authority of publishing this data in a fixed format to a central source rather than publishing it on your own authority's website?	This is difficult to quantify other than to say that Cornwall Council would see this as a burden.
Q12: Can you quantify the added or saved man-hours involved in your authority publishing this data in a fixed format to a central source rather than publishing it on your own authority's website?	Cornwall Council believes that it is unlikely that there will be savings, as authorities are likely to continue to publish the data on their own websites in the interests of keeping local residents and businesses informed in line with the localism agenda, so the process of providing the data to others can only impose an additional burden.

Contracts

Proposed Changes outlined in the Consultation

The current regulations require that local authorities publish details of their existing waste collection contracts and details of any contract, commissioned activity, purchase order, framework agreement or any other legally enforceable agreement with a value that exceeds £5,000.

Local authorities must publish details of the contract reference number, title, the local authority department responsible, the description of goods and services being provided, the supplier name and details, the value of the contract, VAT that cannot be recovered, the start, end and review dates of the contract, whether or not the contract was the result of an invitation to tender and whether the supplier is a small or medium-sized enterprise.

The consultation includes significant proposals to extend this requirement to include publishing benchmarking data for services that are delivered in-house which Cornwall Council considers would be an unwieldy burden with little benefit.

Cornwall Council general response in relation to Contracts

As the questions in the consultation are simplified in a way that does not invite comment on the full implications of the proposal, the following responses are wider than the simple question being asked. In relation to the specific questions raised in the consultation, the following therefore applies:

CONSULTATION QUESTION	COUNCIL RESPONSE
Q13: Do you agree that authorities should publish information about the decision making process of retaining, or taking, a service 'in house'?	Typically this information is dealt with within the scope of internal rules (e.g. Contract Procedure Rules / Standing Orders) and Democratic decision making (such as Cabinet / Full Council). Hence the information would more than likely already be published, as information on both key decisions and non-key decisions in relation to choices about in house or external delivery of services is published locally in Cabinet or other decision papers in a format that has been devised locally, but which accords with legislative requirements. Hence it is felt this already happens and does not need additional burden to wrap around it, especially with consideration of the implications of FOI, for information which is not captured and readily available.
Q14: What do you consider are the benefits/disbenefits of publishing information about the decision making process of retaining, or taking, a service 'in house'?	The major disbenefit is that there is no standard method for accounting for back office and other rechargeable inter or outsourced departmental costs, so comparisons with decisions made by other authorities will be flawed, not to mention the cost of collating.
Q15: Should the requirement apply to all services, or should	As indicated in the responses to Q13 and Q14, there is no support from Cornwall Council for the need for this

it apply to specific key services - such as waste services, leisure services and human resources where a decision has been made to provide the service in-house?	approach to be mandated.
Q16: If the requirement were to apply to all services, what should the threshold be for the value of these services?	As indicated in the responses to Q13 and Q14, there is no support from Cornwall Council for the need for this approach to be mandated.
Q17: What aspects of this requirement will give rise to burdens for local authorities and how can these be minimised while still increasing transparency?	<p>The consultation requests that Local Authorities respond in relation to which services this new provision would include (Q15). It is therefore difficult to respond to the question in relation to additional resources unless the scope of the proposal is known.</p> <p>It is clear that this requirement will impose an additional burden and, as it is unlikely that services as diverse as, for example, refuse collection and Human Resources will have been reviewed using a consistent methodology, it is difficult to quantify the "additional burden" that the requirements will impose</p>
Q18: Can you quantify the added cost, if any, to your authority of publishing this data?	No, not at this time
Q19: Can you quantify the added man-hours, if any, involved in your authority publishing this data?	No, not at this time

Parking

Proposed Changes outlined in the Consultation

Department for Transport (DfT) guidance requires local authorities that enforce parking to produce an annual report about their enforcement activities within six months of the end of each financial year. The report should cover financial, statistical and other data reflecting the revenues received from their parking operations. DfT require this data to help develop parking policy and there is a concern that the data being supplied is not as comprehensive as it should be, and most local authorities do not feel obligated to do so. Accordingly, it is proposed that the requirements to publish data relating to a local authority's parking account be expanded to include greater detail about parking charges as well as statistics about the enforcement of parking restrictions by the local authority.

In relation to the specific questions raised in the consultation, the following applies:

CONSULTATION QUESTION	COUNCIL RESPONSE
Q20: Do you agree that authorities should publish further details of their parking finances and enforcement?	Yes
Q21: What do you consider are the benefits/disbenefits of publishing the parking data as set out above?	Publication of the information will lead to greater transparency in terms of how any potential surplus has been spent. This is seen as a benefit, as we will make the public more aware that any surplus will be used to maintain both the car park assets, and the highway network. A further benefit may be that the publication of the data reduces the number of Freedom of Information requests that are received by the Authority, specifically relating to the parking income received, and how it is spent.
Q22: Can you quantify the added cost, if any, to your authority of publishing this additional data?	Other than below, no additional costs expected.
Q23: Can you quantify the added man-hours, if any, involved in your authority publishing this additional data?	Approximately 8 hours of officer time per publication.

Method of Publication

Proposed Changes outlined in the Consultation

It is considered that navigating to local authority transparency data should be a straightforward matter. Accordingly, it is proposed that local authorities should have a link to a common 'landing page' where the public can find all the transparency data required by the Transparency Code, as well as that transparency data that is published because the Transparency Code recommends it. It is also considered that it would be beneficial for those seeking transparency data if all local authorities were to use a common template web page that lists the data required by the Transparency Code, with links to that data that the public can click on to access the data.

The government also considers that there may be merit in the publication of certain local authority data in a standardised format and to a central source.

In relation to the specific questions raised in the consultation, the following applies:

CONSULTATION QUESTION	COUNCIL RESPONSE
Q24: Do you agree that authorities should ensure that their transparency data is clearly signposted and easy to navigate?	Yes
Q25: What do you consider are the benefits/disbenefits of prescribing a fixed format for local authorities to present their transparency data?	If all Councils were using a standardised "landing page" for this information, this would further enhance the ease of use for the public and others wishing to access this information, thereby further promoting the openness and transparency agenda.
Q26: Can you quantify the added cost, or saving, if any, to your authority of establishing a transparency page on your authority's web site?	Cornwall Council already has a transparency page on its website. Standardising this page would therefore be a natural progression.
Q27: Can you quantify the added man-hours, or saving, if any, to your authority of establishing a transparency page on your authority's web site?	N/A. The Council already has a transparency page.
Q28: Do you consider that the publication of certain local authority data in a standardised format to a central source will facilitate analysis, comparison and benchmarking of that data?	We believe that it would facilitate analysis, comparison and benchmarking of data, but as highlighted, would involve additional burden in some cases.
Q29: Can you quantify the added cost, or saving, if any, to your authority of publishing the proposed data in a standardised format to a central source?	See Q30
Q30: Can you quantify the added man-hours, or saving, to your authority of publishing the proposed data in a standardised format to a central source?	No, not at this stage, but there is likely to be some additional officer time required to facilitate the requirement, including as highlighted in the responses above.
Q31: How should compliance with the Code be measured and enforced?	We believe the current enforcement regime is adequate.

Small & Medium sized Enterprises

Proposed Changes outlined in the Consultation

The government is committed to one third of central government procurement spend going to small and medium-sized enterprises by 2020 and already publishes what percentages of procurement spend goes to small and medium-sized enterprises on an annual basis.

The consultation makes it clear that the Government believes that local authorities should do the same. The Code already requires local authorities to identify where contracts over £5,000 are awarded to small and medium-sized enterprises.

It is proposed that the Code be modified to recommend that local authorities publish, on an annual basis, what percentage of their procurement spend goes to small and medium-sized enterprises.

Moreover, in line with the government's commitment to creating a supportive environment in which businesses can flourish, it is proposed that the Code be modified to recommend that local authorities publish data on the time taken for local authorities to pay undisputed invoices from small and medium-sized enterprises.

Cornwall Council general response in relation to SMEs

Local Authorities have an additional aspiration that spend should be with local SMEs – this is in keeping with the localism agenda and the consistent theme within all devolution agreements that the proposal to devolve decision making will benefit the local economy by growing local GVA.

The commitment to a supportive environment in which business can flourish is shared by Local Authorities and it is disappointing that the consultation paper does not recognise this.

In relation to the specific questions raised in the consultation, the following applies:

Q32: Do you agree that the Transparency Code should recommend that authorities publish information about their dealings with small and medium-sized enterprises?	Yes. Cornwall Council is committed to supporting opportunities for SMEs and do measure this already as a local performance indicator.
Q33: What do you consider are the benefits/disbenefits	The benefits are in relation to encouraging SMEs to participate in tenders for supplying to Local Authorities and wider partners and to demonstrate

of authorities publishing details about their dealings with small and medium-sized enterprises?	to local people that the local economy is considered to be of significant importance. The definition of SME should be clearer as companies sometimes describe themselves inaccurately as SMEs.
Q34: Do you think that publishing this data should be a requirement rather than a recommendation?	We consider that this should continue to be a recommendation as most Local Authorities already do this voluntarily. The imposition of a prescriptive methodology based on Central Government performance is unlikely to reflect local practices which generally are more rigorous and challenging so it is argued that Local Authorities should be left in a position to publish data that they consider relevant to their own localities.
Q35: Can you quantify the added cost, if any, to your authority of publishing this data?	No – publication is likely to take place regardless of the Transparency Code requirements.
Q36: Can you quantify the added man-hours, if any, involved in your authority publishing this data?	Generally there will be no increase as Local Authorities already do this.

Prepared by:

Customers & Community Service

Cornwall Council

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**If you would like this information
in another format please contact:**

**Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk