



Mr J Jobe
Department for Communities and Local Government
2nd Floor, NE, Fry Building
2 Marsham Street
London
SW1P 4DF

Legal and Democratic Services

Terry Broderick
Borough Solicitor

PO Box 16, 52 Derby Street
Ormskirk, West Lancashire L39 2DF
Telephone: 01695 577177
Website: www.westlancs.gov.uk
E-mail: terry.broderick@westlancs.gov.uk

Date: 20 June 2016
Your ref:
Our ref:
Please ask for: Terry Broderick
Direct Dial no: 01695 585001
Extension: 5001

Dear Mr Jobe

STRENGTHENING LOCAL GOVERNMENT TRANSPARENCY: RESPONSE TO CONSULTATION BY WEST LANCASHIRE BOROUGH COUNCIL

West Lancashire Borough Council welcomes the opportunity to respond to the Consultation dated May 2016 on changes to the Local Government Transparency Code 2015. This Council is committed to the transparency agenda and views it as an important contribution to increasing local accountability. We take a pro-active approach in ensuring that we comply with the requirements of the Code.

We have answered the specific questions raised in the Consultation in the Appendix, but wish to highlight two areas of the proposals which give us more general concern because they take the Transparency Code into territory which is beyond its stated purpose of helping local people, local businesses and VSCEs to gain access to council information.

1. The proposals set out in paragraph 35 of the Contracts section of the Consultation imply an expansion of the Duty of Best Value which goes well beyond the remit of the Transparency Code, while paragraph 40 of the Parking section proposes the provision of additional information solely to assist the Department for Transport, with no explicit consideration being given to whether it benefits local people. We are of the view that the Transparency Code is not the most appropriate mechanism for addressing these issues.
2. Whilst we agree with the principle that expenditure of public funds should be transparent, the proposals that focus on centralising the presentation of information appear to be moving away from transparency for the benefit of the general public and businesses in the locality, and more towards facilitating comparisons between councils nationally. There is a risk that centralising data in

Kim Webber BSc (Hons) MSc
Chief Executive

large, relatively complex national databases may actually make them less accessible to local stakeholders and local SMEs, and could deter the public from seeking information. The only beneficiaries of centralisation are likely to be large organisations that are capable of, and have a commercial interest in, analysing large public sector datasets.

We hope that you find our detailed comments useful and constructive.
Yours sincerely



T Broderick
Borough Solicitor

Kim Webber BSc (Hons) MSc
Chief Executive

APPENDIX

Responses to the specific questions set out in the Consultation.

Land

Q1: Do you agree that authorities should record details of their land and property assets in a consistent way on ePIMS?

The Council has recently submitted an expression of interest, along with other Lancashire authorities, in a pilot project to use ePIMS. However, as a matter of principle we believe that authorities should be able to use any format which meets the Transparency Code's requirements and is usable by the general public.

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?

The information about land and property held by this Council is currently published in a form which is not ePIMS but is updated in real time. This exceeds the Transparency Code's mandatory requirements, and publication on ePIMS is likely to require additional resources.

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?

It is estimated that 2 man-months of data input effort would be required to transfer the data to ePIMS in the first instance.

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?

Please refer to our response to Q3 above.

Q5: Do you agree that authorities should record the additional data proposed above, in a consistent way on ePIMS?

Most of the information is already readily available to the public; however if ePIMS is to be used consistently, this should be reflected as a new burden.

Q6: What do you consider are the benefits/disbenefits of authorities recording the additional data proposed above, in a consistent way on ePIMS?

Information about the planning status of a site is already available to the public on this Council's website. The use of ePIMS may add to consistency, however the usefulness of some of the proposed changes is unclear (e.g. data on the number of floors for larger properties).

Q7: Can you quantify the added cost, if any, to your authority of publishing this additional data?

We have not applied resource to the estimation of additional costs, but they are likely to be significant.

Q8: Can you quantify the additional man-hours, if any, involved in your authority publishing this additional data?

Please refer to our response to Q7 above.

Procurement

Q9: Do you agree that authorities should publish procurement data in a fixed format to a central source?

We are unable to form a view on this, as it is unclear how this measure will help to achieve the stated purpose of the proposals which is to help detect fraud, bribery and corruption.

Q10: What do you consider are the benefits/disbenefits of publishing procurement data in a fixed format to a central source?

The main advantage of this proposal for authorities is that it will allow purchasers to see which suppliers are being used by other authorities. This may help them to compile lists of potential bidders for future tenders, and will promote contact between authorities to gain references and informal feedback on supplier performance.

However, useful local information about contracts may be lost in an attempt to make the data fit a centrally -prescribed format.

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?

There will be an added cost if the fixed format is significantly different from our own format. We will only be able to quantify this when the fixed format is available.

Q12: Can you quantify the added or saved man-hours involved in your authority publishing this data in fixed format to a central source rather than publishing it on your own authority's website?

Please refer to our response to Q11 above.

Contracts

Q13: Do you agree that authorities should publish information about the decision making process of retaining, or taking, a service 'in house'?

No, the proposals will create an implied expectation that all services should be tested against provision by private firms every 7 years. This adds an element of prescription to the existing Duty of Best Value and we are concerned that the Transparency Code is not an appropriate vehicle for introducing a fundamental change to the Duty.

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'?

We already publish such information when decisions of this type are made.

Q15: Should the requirement apply to all services, or should 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?

Please refer to our response to Q13 above.

Q16: If the requirement were to apply to all services, what should the threshold be for the value of these services?

Please refer to our response to Q13 above.

Q17: What aspects of this requirement will give rise to burdens for local authorities and how can these be minimised while still increasing transparency?

The publication of the information is not a significant burden; however the use of the Transparency Code to introduce the underlying market testing activity is an issue.

Q18: Can you quantify the added cost, if any, to your authority of publishing this data?

The cost of publishing this data is less significant than the cost of undertaking the market testing activities themselves.

Q19: Can you quantify the added man-hours, if any, involved in your authority publishing this data?

Please refer to our response to Q18 above.

Parking

Q20: Do you agree that authorities should publish further details of their parking finances and enforcement?

Yes, providing the data is readily available and can be shown to be useful to local people.

Q21: What do you consider are the benefits/disbenefits of publishing the parking data as set out above?

This information may not be of assistance to local people.

Q22: Can you quantify the added cost, if any, to your authority of publishing this additional data?

We have not assessed this, for the reason given in our response to Q21 above.

Q23: Can you quantify the added man-hours, if any, involved in your authority publishing this additional data?

Please refer to our response to Q22 above.

Method of publication

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?

This is an excellent proposal which would make it easier for local people and businesses to locate the transparency data for this authority and other authorities in our region which is of interest to them.

Q26: Can you quantify the added cost, or saving, if any, to your authority of establishing a transparency page on your authority's website?

This Council already has an Open Data webpage that lists, and links to, all of the Transparency Code requirements. The cost of standardising the format should be low.

Q27: Can you quantify the added man-hours, or saving, if any, to your authority of establishing a transparency page on your authority's website?

Please refer to our response to Q26 above.

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?

Yes, but probably not by the local people and businesses that the Transparency Code is designed to assist. Large consolidated datasets are likely to be off-putting to the general public; they will only be useful to them if the local data can be extracted and viewed easily. Datasets of this size are most likely to be of benefit to organisations that are capable of, and have a commercial interest in, interpreting and exploiting large volumes of public data.

The proposals are not definitive as to which information should be made available in this way.

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?

There will be an added cost if the fixed format is significantly different from our own format. We will only be able to quantify this when the standardised format is available.

Q30: Can you quantify the added man-hours, or saving, to your authority of publishing the data in a standardised format to a central source?

Please refer to our response to Q29 above.

Compliance with the Code

Q31: How should compliance with the Code be measured and enforced?

We note that this question is aimed at users of the Code rather than authorities.

Small and Medium-sized Enterprises

Q32: Do you agree that the Transparency Code should recommend that authorities publish information about their dealings with small and medium-sized enterprises?

The proposed recommendations will involve significant costs for most authorities, so it is unlikely that many will adopt them.

Q33: What do you consider are the benefits/disbenefits of authorities publishing details about their dealings with small and medium-sized enterprises?

Councils are already very focused on the SME procurement and payment agenda. The existing Transparency Code already identifies where contracts over £5,000 are awarded to SMEs, and from this year we are required to publish late payments statistics. The benefits of providing the proposed additional information are unlikely to outweigh the costs, particularly for smaller authorities.

Q34: Do you think that publishing this data should be a requirement rather than a recommendation?

No, for the reasons stated in our response to Q33 above.

Q35: Can you quantify the added cost, if any, to your authority of publishing this data?

Calculating the percentage of total procurement spend that goes to SMEs would involve flagging all suppliers (or all payments) on an authority's payments system to show whether they are (or relate to) SMEs. The same flagging issue would apply to payments data for SMEs. Third party organisations can provide the data on a subscription basis, although there may be technical issues in transferring the data into the payments system.

Q36: Can you quantify the added man-hours, if any, involved in your authority publishing this data?

Please refer to our response to Q35 above.