

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

EXECUTIVE COMMITTEE

10 DECEMBER 2012

1. **IMPROVING LOCAL GOVERNMENT TRANSPARENCY
CONSULTATION 2012**

Joint report of the Chief Fire Officer and the Clerk and Monitoring Officer.

RECOMMENDED

THAT the Executive Committee approves the consultation response of the West Midlands Fire and Rescue Authority to the Improving Local Government Transparency Consultation 2012.

2. **PURPOSE OF REPORT**

This report is submitted for Members approval of the response to the Improving Local Government Transparency Consultation 2012.

3. **BACKGROUND**

- 3.1 The Government is endeavouring to make Local Authorities more transparent to those that they serve and placing more power into people's hands by being able to hold them to account over how they spend public funds and the decisions that are made on their behalf. Thus consultation is now taking place on making regulations to require local authorities, including Fire and Rescue Authorities, to publish data falling within certain descriptions of information specified in the Code of Recommended Practice for Local Authorities on Data Transparency (the Code).
- 3.2 The consultation proposes amendments and additions to the Code to facilitate greater clarity as to what data must be published, when and in what format. It also adds clarity as to what the requirements will be under the proposed regulations. To take account of experience and improved best practice, it will be revised and updated as and when needed.

- 3.3 The Code asks all local authorities to follow three principles of transparency when publishing data they hold; responding to public demand; releasing data in open formats available for re-use; and, releasing data in a timely way. This includes data on senior pay, the structure of their workforce, tenders, contracts, councillor expenses, voluntary sector funding, meetings, and frontline service data.
- 3.4 When the above requirements were originally specified in the Code it was on a voluntary basis, hence there was a large amount of variation in the application of it between local authorities.
- 3.5 In order to ensure that all citizens across the country have equal access to the specified data, the Government is now consulting on regulations which will make it a legal requirement for the data to be published by authorities.
- 3.6 There are links between this document and previous consultation documents. The National Framework Document which members will have seen and been consulted upon previously outlines the requirement for Fire and Rescue Authorities to make their communities aware of how they can access data and information on their performance and in meeting this requirement it included (but is not limited to) meeting the Code.
- 3.7 Members have also been consulted on the Guidance on Statement of Assurance for Fire and Rescue Authorities in England. A report containing a draft Authority response to this consultation was submitted to the Executive Committee on 5 November 2012. The proposals contained in the above Guidance require the Fire and Rescue Authority to consider the principles of transparency set out in the Code when publishing data.
- 3.8 The Consultation Document on the Code, including the questions to be answered, was sent to Members on 16 November with a response requested by 26 November, in order to meet the necessary timescales. A low number of responses was received.
- 3.9 The responses were collated and are included at Appendix 1.
- 3.10 For information the link to the consultation document is included at Appendix 2.

3.11 Consultation responses are to be submitted to the Department for Communities and Local Government by 20 December 2012.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required. The matters contained within this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

It will become a legal duty for the organisation to publish the specific datasets described in the Code. In addition permissions will need to be sought from employees to allow some personal information to be published.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Improving Local Government Transparency Consultation Document
(2012)

Code of Recommended Practice for Local Authorities on Data
Transparency – Summary of Responses to Consultation 2011

Fire & Rescue Monthly Bulletin No. 27

Members and Directors Consultation Responses

VIJ RANDENIYA
CHIEF FIRE OFFICER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER

APPENDIX 1

SUMMARY OF RESPONSES

Q1 – What amendments or additions could be made to paragraphs 10 and 11 of the Code to aid compliance?

Guidance needs to be absolutely clear in order to ensure consistency across all organisations.

Rather than all LAs, as defined in the code, having to publish all of the data, it would reduce the burden if there was a generic inventory which contained information pertaining to all. This could be supplemented by a standard inventory for each type of LA containing sector-specific information.

Producing and marketing the inventory will increase demands for information. Will there be additional support for authorities in managing this extra burden at a time when public sector resources are reducing?

Agree that the inventories should be accessed via a central point but clarity is required that this will be resourced, funded and managed by central Government.

Q2 – What data streams could be added to the Code to aid transparency where services are contracted out; and help greater access to contract information?

There should be lists of approved suppliers and details of any renewals/changes to approved supplier lists.

Any declarations of interest/conflicts for officers and members relating to contracts.

Details of how contractors who we do business with need to be made aware of the requirements placed on the organisation to publish some of their details once contracts are awarded.

There have been issues raised with the disclosure of equipment and contracts that could be related to national resilience.

Q3 – Are there other datasets 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?

The usage of any land and property and potential capacity, along with property strategies, and longer term plans for estates and buildings.

Opportunities for an organisation to share its property and resources with other authorities.

In terms of the extra data sets that have already been factored in, while we welcome the desire to become more transparent there is an inherent danger of increased fraud by publishing details of payments made to suppliers.

Additionally trade union facility time may have an element of personal information given that there are a small number of employees in the organisation that are granted this facility. This will need to be balanced against the requirements of the Data protection Act 1998 (DPA).

Q4 – Is the description of minimum standards and proposed timing to achieve them correct?

Assuming we will be expected to adhere to and implement a minimum standard has any consideration been given to the additional resources required and the cost?

Q5 – Is the process of what will happen if the Code is to be enforced clear?

The approach seems flexible. This could be advantageous for authorities rather than having to be too rigid about how they approach compliance.

The second Annex relates to Land and Property Data.

Question B1: Do you agree with the information being published?

As a first responder organisation would it be sensible in the climate we live in to offer such detailed information such as locations, number of employees and what assets we have located and where.

With regard to GIA calculations, further clarification is needed. For example are fire stations areas such as appliance bays, BA areas, kit storage etc included? This becomes important when calculating space utilisation for benchmarking purposes.

Consideration will need to be given to the way that land and property is published as there are licensing issues about publishing Ordnance Survey and Royal Mail data.

In addition some locations such as Fire Control are deemed to belong to part of the critical national infrastructure so there needs to be consideration as to whether this information should be publicly available.

Question B2: Are there other attributes that should be published to help hold councils to account or to help drive performance?

Information from our IRMP regarding stats could be included as a driver.

Question B3: Should all of this information be mandated under the regulations?

No, there may be sensitivity/security issues around first responder organisations, Police, Fire and Ambulance.

Question B4: Should the Open Government Licence be applied to Asset information? If so, how?

No, information is available through websites on organisation AMPs and similar.

General

There will be a requirement to license the data that is published which may require some consideration as to how this is achieved. Click use licences are the most common and there is one available under open government but this may require adaptation. Advice on this would be useful.

This increased possibly mandatory requirement is coming against a backdrop of reducing resources; and will require staff time on a regular basis to keep information up to date.

APPENDIX 2

**IMPROVING LOCAL GOVERNMENT TRANSPARENCY –
CONSULTATION DOCUMENT**

Improving Local Government Transparency:
Making 'The Code of Recommended Practice for
Local Authorities on Data Transparency'
enforceable by regulations

Please click below for the consultation document.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14855/Making_the_Code_of_Recommended_Practice_mandatory_-_consultation.pdf