

Annex 1

Code of Recommended Practice for Local Authorities on Data Transparency (Deadline Response Date: 14 March 2011)

Response made from Tonbridge & Malling Borough Council in liaison with the Leader and Cabinet Member for Finance

Question	Response Made
Does the proposed code and the principles contained within it help to create the conditions whereby local people will be able to hold local authorities to account?	<p>We have no disagreement with the statement that local people should be able to hold local authorities to account. Indeed, we already publish and make available much of the information described via our website.</p> <p>We do have concerns about the prescriptive nature of the Code. Over prescription may not aid understanding or accountability. Indeed, we feel that too much information can be overwhelming for the reader.</p> <p>We have specific comments to make regarding the detailed wording of the Code in "Other Comments" below.</p>
The Government believes it is essential local people know how much funding is directed towards the voluntary and community groups and wants to increase local accountability on such spending decisions and the transfer of services to this sector. Are there additional, existing data sets that should be specified to increase transparency in this area?	No
Does the Code sufficiently support the publication and reuse of public data?	As far as we can see
Do you believe all the bodies covered in paragraph 3 of the proposed Code should be included?	Whilst the principles of transparency are accepted, the requirements could potentially place significant burden on small parish councils.

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<p>The government's preference is for a threshold of £58,200 to apply to disclosure of senior salaries in local authorities. This is intended to increase accountability and ensure salaries are consistent with level of responsibility. Would a 'function test' such as that used on the Audit and Account Regs in 2009 be better e.g. "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons"? Or a definition based on legal definitions e.g. the salaries of heads of paid staff, statutory chief officers, non-statutory chief officers and deputy chief officers as defined in the Local Government and Housing Act 1989?</p>	<p>There are inconsistencies in the requirements of this Code of Practice and the proposed revisions to Accounts and Audit Regulations in respect of data regarding remuneration of senior employees.</p> <p>It would make much more sense for the requirements to publish data publicly to be consistent, if only to reduce the reporting burden on local authorities and avoid confusion by those receiving and attempting to use the information.</p>
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Other Comments:

The Code is slightly ambiguous about the proposed requirements to publish details of contracts and tenders. We have assumed – at a 'common sense' level – that it is intended that details of only formal tenders and contracts are included and not details of lower value items/services that have been purchased via quotation.

As set out at the beginning of this response, we have no disagreement with the principle that local people should have access to the information that will enable them to hold local authorities to account. However, we would stress the point that absolute prescription regarding disclosure of information can be costly, bureaucratic and resource-intensive and can distract authorities from their main purpose which is to provide services at best value.

Finally, it is important that local authorities are not "singled out" as far as transparency requirements are concerned. All parts of the public sector should not be immune, and appropriate, consistent, requirements should be imposed across the sector – including government departments.