



Department for
Communities and
Local Government

Improving local government transparency consultation

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

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This document/publication is also available on our website at www.communities.gov.uk

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Introduction

1. The Government is consulting on making regulations to require local 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'), which was issued on 29 September 2011 under section 2 of the Local Government, Planning and Land Act 1980 ('the Act') (see **Annex A** for a copy of the Code). The regulations will also require authorities to publish information in the manner and form specified in the Code. The Code is concerned with making data generated by authorities available and accessible to the public. The authorities to whom the Code applies, and to whom the regulations will apply, are listed in section 2 of the Act (and are set out in paragraph 4 of the Code).

Why we are consulting

2. The Code was issued to meet the Government's ambition to place more power into people's hands. For democratic accountability to increase, local people need to be able to hold local authorities to account over how they spend public funds and the decisions that are made on their behalf. Transparency is the foundation of this accountability and, if people are to play a bigger role in society, they need to have the tools and information to enable them to do so.
3. The Secretary of State wishes to strengthen this ambition further by making regulations under section 3 of the Act to make it a legal requirement to publish data in accordance with the regulations and the Code: to publish information of the description, in the manner and form, and at the times specified. The power to make regulations exists if, in the Secretary of State's opinion, it is necessary to make such regulations in order to ensure that authorities publish information of that description, in the manner and form, and at the times specified.
4. All principal local authorities are now publishing expenditure over £500. Whilst some authorities are making excellent progress in the provision of open, accessible data for citizens, the availability of data listed in the Code is still somewhat variable across local authorities. The Secretary of State believes that making regulations is necessary to ensure that *all* citizens, up and down the country, have equal access to the data set out in the Code. Also, that there is a minimum standard of access to this data and when this data is made available.

What are we proposing?

5. We propose to make regulations to require authorities to publish descriptions of information specified in the revised Code, in the manner and form specified. If, after consultation, it is agreed that authorities should not be required to publish certain descriptions of information, it is

anticipated that the revised Code will continue to specify that this information should be published as recommended practice.

6. Comments are invited on proposed amendments and additions to the Code; and the regulations. In particular:

Question 1: What amendments or additions could be made to paragraphs 10 and 11 of the Code to aid compliance?

Question 2: What data streams could be added to the Code to aid transparency where services are contracted-out; and help greater access to contract information?

Question 3: Are there other data sets 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?**

Question 4: Is the description of minimum standards and proposed timing to achieve them correct?

Question 5: Is the process of what will happen if the Code is to be enforced clear?

Who are we consulting?

7. We would welcome comments from any organisations affected by this Code. This document is also available on the Department for Communities and Local Government website (www.communities.gov.uk) and we will be drawing it to the attention of all principal councils in England and all other bodies affected by the Code. We would also welcome views from the public, open data experts, developers, citizen activists and other interested parties.

Scope

8. This proposal will affect all local authorities in England as listed in paragraph 4 of the Code.

How to respond

9. Your response must be received by **20 December 2012** and may be sent by email to: Transparencycode@communities.gsi.gov.uk, via the forum: <http://haveyoursay.communities.gov.uk/forums/> , or in writing to:

Angela Isichei
The Department for Communities and Local Government
Zone 3/J6
Eland House
Bressenden Place
London
SW1E 5DU

10. Please title your response 'Response to Making Regulations under the Transparency Code consultation'.
11. It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

Publication of responses - confidentiality and data protection

12. Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. (These are primarily the Freedom of Information Act 2000, the Data Protection Act 1988 and the Environmental Information Regulations 2004).
13. If you want any information you provide to be treated as confidential, you should be aware that under Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
14. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give any assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
15. The Department will process your personal data in accordance with the Data Protection Act 1988 and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

16. Are you satisfied that this consultation has followed these criteria? If not, or if you have any other observations about how we can improve the process please contact

DCLG Consultation Co-ordinator
Zone 6/H10
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London SW1E 5DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Revising the published Code

17. Government expected that from January 2011, all English local authorities would start to publish spend over £500. The local transparency agenda is an evolving one not least as new technologies develop. The Secretary of State therefore intends to take the opportunity of this consultation exercise to propose amendments and additions to the Code to facilitate greater clarity as to what must be published, in what manner and form, and when. This will also add clarity to what the requirements will be under the proposed regulations. To take account of experience and improved best practice, the Code will be revised and updated as and when needed.

An Inventory

18. Paragraphs 10 and 11 of the Code refer to the building and maintaining of an Inventory of the public data that the local authorities hold. These Inventories should be registered on data.gov.uk. To ensure that the expectation is clear, amendments or additions could be made to the Code to aid compliance. We would welcome views on this.

Question 1: What amendments or additions could be made to paragraphs 10 and 11 of the Code to aid compliance?

Public data that should be released

ADDING CLARITY

19. The bullet points under paragraph 12 of the Code set out a list of data requirements. In some cases, the data description is obvious and clear. However, there are instances where this is not the case. We understand that to allow local authorities to know explicitly what is required to comply with the regulations, we will need to provide greater detail regarding these data streams. During the consultation period we will be working with the Sector to add greater definition to the description of the data streams. However, we would welcome *your* thoughts on what further detailed descriptions would be helpful.

CONTRACTS

20. Paragraph 12 bullet point six deals with copies of contracts and tenders. We think that the description in the Code is clear, save that it needs to specify contracts and tenders 'of £500 and over'. The Local Government Association's guidance, *Local Transparency: a Practitioners Guide to Publishing New contracts and Tenders Data*, published in March 2011, gives helpful advice.

21. We think that greater transparency can be gained by including transparency specifications when services are contracted-out. We also think that greater use of Contracts Finder would enable greater access of information. We would welcome *your* views on this.

Question 2: What data streams could be added to the Code to aid transparency where services are contracted-out; and help greater access to contract information?

GRANTS

22. Paragraph 12 bullet point seven deals with grants to the voluntary community and social enterprise sector. We think that some further clarity is needed on the definition of voluntary, community and social enterprise sector. We will be developing this during the consultation period.

POLICIES, PERFORMANCE, EXTERNAL AUDITS AND KEY INSPECTIONS ETC

23. Paragraph 12 bullet point eight deals with 'policies, performance, external audits and key inspections and key indicators on the authorities' fiscal and financial position'. We will be developing greater clarity on the description of these data streams during the consultation period.

LOCATION OF PUBLIC LAND AND BUILDING ASSETS

24. Paragraph 12 bullet point nine deals with land and property assets. We consider that we need to clarify what information must be published and an opportunity for you to provide comments on this is provided in **Annex B**.

See Annex B for detailed questions on what information should be included on land and property assets.

DEMOCRATIC DATA

25. Paragraph 12 bullet point ten deals with data on the democratic running of the local authority. As with paragraph 12 bullet point eight, we consider that this bullet point requires some clarification and intend to work on defining the exact expectation.

ADDITIONAL DATA STREAMS

26. We have the opportunity when revising the Code to add further data streams to the Code. We intend to add the following:

- Trade Union Facility Time - authorities should publish the amount spent on providing support and facilities to trade unions within their workforces, and specify which unions;
- Parking Charges - authorities should publish: revenue from off-street parking charges; revenue from on-street parking charges; the number of off-street parking places; the number of on-street parking places; the revenue from parking fines; and the number of free parking spaces available (in line with The Portas Review¹);
- To councillor allowances and expenses – we will add: "and any other payments made to councillors from the public purse"; and
- Corporate charge cards, credit cards or procurement cards - spending on goods and services made via these types of cards should be identified as payments to the underlying merchant/supplier, not spending on the card company itself.

¹ <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/p/11-1434-portas-review-future-of-high-streets.pdf>

Question 3: Are there other data sets 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 minimum standard

27. The Code is clear about the manner and form in which the information stipulated in the Code is to be published. At paragraph 15 the Code sets out a recommended 5 step journey to a fully open format (although as made clear in paragraph 14 of the Code, where licence restrictions prevent this, this needs to be made clear). At the moment the 5 step journey is aspirational. We want to make it clearer how local authorities must publish information, and where they should be headed for the future. We therefore intend to amend the Code and require local authorities to publish information in compliance with the requirements of star two when the regulations come into force; and to publish in compliance with the requirements of star three, six months after that. Star four and five will remain in the Code but will be aspirational. We may, when revising the Code in the future, set timelines for meeting star 4 and 5.

Question 4: Is the description of minimum standards and proposed timing to achieve them correct?

Timing of publication of information

28. Paragraph 17 of the Code sets out the expectation as to the timeliness of making public data available. We intend to tighten-up the requirement here and intend to amend paragraph 17 to say “Public data is to be published as soon as reasonably practicable after it is produced by, or comes into the possession of, the local authority”.

Non-compliance with the Code

29. Local Authorities should comply with the Code. We will make a specific reference in the Code that authorities should not routinely use the Data Protection Act or the Freedom of Information Act as a justification for not being transparent on spending.
30. We propose to take a considered approach to non-compliance, to allow authorities to work with the department. If necessary, the Secretary of State has the power to seek an order from the courts that an authority is in breach of its obligations, and/or an order that it must comply with its duties.

Question 5: Is the process of what will happen if the Code is to be enforced clear?

Fraud

31. Procurement fraud is estimated by the National Fraud Authority to cost local government £890 million a year. The Local Government Association's Fraud Strategy, *Fighting Fraud Locally*, offers advice on how to address this. We want local authorities to take further steps to tackle fraud. Previously, we consulted on including an annex to the Code outlining some anti-fraud measures. We decided against including this annex in the final Code. However, we are now reconsidering this matter and intend to produce an annex to the Code setting-out clear messages about anti-fraud measures.

Costs

32. Transparency saves the public sector money by identifying waste and inefficiency. Taking into consideration these savings, compliance with the regulations should not entail any additional costs over and above existing best practice adherence to the Code and accompanying Sector guidance. If you believe that mandatory as opposed to voluntary compliance with any specific aspect will incur additional financial costs, it would be helpful for us to understand what this might entail.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

The Code of Recommended Practice for Local Authorities on Data Transparency

Introduction and application

1. This Code is issued by the Secretary of State for Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue a Code of Recommended Practice (The Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.
2. The Code sets out key principles for local authorities in creating greater transparency through the publication of public data. The Code does not replace or supersede the existing legal framework for access to public sector information provided by the Freedom of Information Act 2000, Environmental Information Regulations 2004, the Re-use of Public Sector Information Regulations 2005 and INSPIRE Regulations 2009. Following this Code should help local authorities to meet these obligations to achieve the routine publication of more data to enhance accountability to the public.
3. The Code applies in England only.

Definitions

4. In this Code:

“the Act” means the Local Government, Planning and Land Act 1980;

“local authority’ means:

- a county council;
- a district council;
- a parish council which has gross annual income or expenditure (whichever is the higher) of at least £200,000
- a London borough council;
- the Common Council of the City of London in its capacity as a local authority or police authority;
- the Council of the Isles of Scilly;
- a National Park authority for a National Park in England;
- the Broads Authority;

- the Greater London Authority so far as it exercises its functions through the Mayor;
- the London Fire and Emergency Planning Authority;
- Transport for London;
- the London Development Agency;
- a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority);
- a police authority, meaning
 - (a) a police authority established under section 3 of the Police Act 1996;
 - (b) the Metropolitan Police Authority;
- a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport);
- joint waste authorities, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007;
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- a combined authority established under section 103 of that Act;
- waste disposal authorities, i.e. an authority established under section 10 of the Local Government Act 1985;
- an Integrated Transport Authority for an integrated transport area in England.

Scope

5. Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent, to demonstrate how value for money has been achieved or to highlight inefficiency. Publication of data should also be used to open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.
6. “Public data” therefore means the objective, factual data, on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions. Public data will generally not include personal information. Public data can only include personal information if disclosure

would not contravene the Data Protection Act, and disclosure of personal information should be necessary to meet a legitimate public interest.

Principles

7. The following principles should underpin local authority decisions on the release of public data. Local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards.

DEMAND-LED

8. There are growing expectations that new technologies and publication of data should support transparency and accountability. Local authorities should not pre-determine the value of their public data and the level of public demand; rather they should understand what they hold, what their communities want and then release it in a way that allows the public, developers or the media to use it. This may involve users combining it with data from other sources to create new information.
9. The Freedom of Information Act 2000 requires local authorities to operate a publication scheme approved by the Information Commissioner's Office that sets out information that must be routinely published. Local authorities must comply with these requirements.
10. Local authorities should build and maintain an inventory of the public data that they hold so that people are able to know what is available to them. If public data would be released under Freedom of Information it should be included in the inventory. As this inventory is highlighted to the widest possible audience demand should grow and local authorities should expect to publish more.
11. These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.
12. As a minimum, the public data that should be released are:
 - expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent;
 - senior employee salaries, names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff. "Senior employee salaries" is defined as all salaries which are above £58,200 and above (irrespective of post), which is the Senior Civil Service minimum pay band. Budgets should include the overall salary cost of staff reporting to each senior employee;
 - an organisational chart of the staff structure of the local authority including salary bands and details of currently vacant posts;

- the ‘pay multiple’ – the ratio between the highest paid salary and the median average salary of the whole of the authority’s workforce;
- councillor allowances and expenses;
- copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector;
- grants to the voluntary community and social enterprise sector should be clearly itemised and listed;
- policies, performance, external audits and key inspections and key indicators on the authorities’ fiscal and financial position;
- the location of public land and building assets and key attribute information that is normally recorded on asset registers; and
- data of democratic running of the local authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.

OPEN

13. Provision of public data should become integral to local authority engagement with residents so that it drives accountability to them. Its availability should be promoted and publicised so that residents know how to access it and how it can be used. Presentation should be helpful and accessible to residents and other interested persons.

14. Public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. The Open Government Licence published by The National Archive should be used as the recommended standard. Where any copyright concerns exist with public data these should be made clear.

15. Publication should be in open and machine-readable formats. The recommended 5 step journey to a fully open format is:

* Available on the web (whatever format) but with an open license;

** As for one star plus available as machine-readable structured data (e.g. Excel instead of image scan of a table);

*** As for two star plus use a non-proprietary format (e.g. CSV and XML);

**** All the above plus use open standards from the World Wide Web Consortium (such as RDF and SPARQL21) and;

***** All the above plus link your data to other people’s data to provide context.

16. Local authorities should use a risk management approach with strong internal control arrangements to reduce the risk of any payment fraud as a result of publishing public data. Local authorities should refer to the Chartered Institute of Public Finance and Accountancy *Red Book 2 – Managing the Risk of Fraud – Actions to Counter Fraud and Corruption*.

TIMELY

17. The timeliness of making public data available is often of vital importance. It should be published as soon as possible following production even if it is not accompanied with detailed analysis. Where practical, local authorities should seek to publish in real time.
18. Public data should be as accurate as possible at first publication. While errors may occur, the publication of information should not be unduly delayed to rectify mistakes. Instead, publication should be used to help address any imperfections and deficiencies. This concerns errors in data accuracy not errors in redacting personal data, which is covered below. The best way to achieve this is by having robust information management processes in place.
19. Where errors in public data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment. Meta data on data.gov.uk should be amended accordingly.

Exclusions and Exemptions

20. Local authorities must comply with the law on data protection, and so must not release data if that would contravene the Data Protection Act 1998 or sections 100A, 100B or 100F LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, INSPIRE Regulations 2009 or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. However, the Government believes that local transparency can be implemented in a way that complies with the Data Protection Act.

SIGNED: Shehla Husain, a Senior Civil Servant in the Department for Communities & Local Government

Department of Communities & Local Government

Local Authority Land and Property Data

This annex provides further details on what is meant under paragraph 12 bullet point 9 of the code regarding the location of local authority public sector land and property information including key attribute information. Local Authorities will have a statutory duty to maintain and publish other lists of assets for example, lists of assets of community value and lists of those assets nominated but not deemed by the local authority to meet the definition of an asset of community value. It is up to the Local Authority to determine the best way of publishing these lists which could be either separately or as a single list as long as it is clear which asset is in which category.

For the purposes of the consultation, the focus of local authority assets will be on land and building property assets based on Office of Government Commerce guidance 08/05². This includes:

- all service and office properties occupied or controlled by user bodies, both freehold and leasehold;
- any properties occupied or run under Private Finance Initiative contracts;
- all other properties they own or use, for example, hostels, laboratories, investment properties and depots;
- surplus, sublet or vacant properties;
- undeveloped land;
- serviced or temporary offices where contractual or actual occupation exceeds 3 months; and
- all forward commitments, for example under an agreement for lease, from when the contractual commitment is made.

However, there are some exclusions:

- social housing³ although the total number of homes and estimated value should be included for completeness. Also, there is a benefit from aggregate figures of the number of empty homes being available. Councils may also want to consider such data being available by ward or polling district.
- rent free properties provided by traders (such as information booths in public places or ports);
- operational railways and canals;
- operational public highways (but any adjoining land not subject to public rights should be included);
- assets of national security; and

² http://www.ogc.gov.uk/documents/DAO_0805.pdf

³ To avoid data protection issues it is recommended that the specific location details of social housing is not included in the published list.

- information deemed inappropriate for public access as a result of data protection and/or disclosure controls (such as refuge houses).

No de-minimis asset value has been recommended for publication. While this code applies to local authorities we feel that other public bodies should follow the Government Property Unit lead and publish information on the buildings on data.gov.uk. <http://data.gov.uk/dataset/epims>

Extensive work with local areas suggested that in order to undertake strategic asset management the following information should be published. This will help the public hold their local authorities to account and also help to drive better performance of public buildings and share community assets.

The definition and notes column help to clarify the data being sought

Attribute Number	Attribute Name	Definition and notes
1	Unique Property Reference Number	Unique Property Reference number as allocated by the National Land and Property Gazetteer/ AddressBase
2	Unique Asset ID	Indicate the local reference identifier used by the local body- Unique reference number for each asset. Sometimes known as Local name or building block, One entry per asset or user/owner (On one site there could be several buildings, in one building there could be several users floors/rooms etc. each of these will have a separate asset ID) -Original Reference Number from the Data Source plus authority code
3	Name	Name of the Building/Land or both
4	Street Number	This relates to the Street number or numbers. Any sets of 2 or more numbers should be separated with the '-' symbol e.g. 10-15 London Road
5	Street Name	This is the postal road address
6	Postal Town	This is the postal town
7	Postcode	UK Postcode
8	Easting and Northing	Geocoding in accordance with ISO 6709 Standard Representation for Geographic Point Location by Coordinates (usually a centre point of the asset location)
9	Asset Tenure	Please select Tenure type from the dropdown menu list: <ol style="list-style-type: none"> 1. Freehold 2. Foothold 3. Fee Simple 4. Ground Lease 5. Leasehold (in) 6. Leasehold (out) 7. Licence 8. Private finance initiative /freehold 9. Private finance initiative /leasehold 10. Serviced Office 11. Other (Specify)

Attribute Number	Attribute Name	Definition and notes
10	Asset Owner	The current name of the organisation which owns the property.
11	Building /Land with or without a building	Whether Asset is: 1. Building only 2. Land only (i.e. without permanent buildings) 3. Land with a permanent building
12	GIA(m2)	In accordance with the RICS Code of Measuring Practice Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor level
13	Services offered from asset	Services listed from the esd government service function list http://doc.esd.org.uk/FunctionList/1.00.html (please provide up to 5 main ones from the drop down menu)

Attribute Number	Attribute Name	Definition and notes
14	Reason for holding asset	<p>1. Investment asset: To be an Investment Asset it must be held solely for rental income or capital appreciation or both.</p> <p>2. Assets Held for Sale: Generally these assets are available for immediate sale, the sale must be highly probable, the asset must be actively marketed for sale and the sale should be expected to be completed within one year.</p> <p>3. Property Plant & Equipment.</p> <p>4. Surplus Asset. These assets that are no longer used for production of goods or delivery of services (Property Plant & Equipment), but which do not yet meet the definition of either an Investment Asset or an Asset Held for Sale.</p> <p>5. Community Asset. The definition of a Community Asset is one that the body intends to hold in perpetuity. This might be by reference to either a definitive resolution by the authority or equally could be derived through custom and practice for such assets. Has no determinable useful life. In other words there is no limit on the economic life of the asset. That may have restrictions on its disposal. This could for example arise through a covenant that was attached to a donation of the asset to the local body. NOTE: the fact that an asset may have the word 'community' in its title or description of current use (such as a Community Centre or Community Arts Project) does not make it a community asset.</p> <p>6. Infrastructure</p> <p>7. Assets under construction.</p>
15	Number of Full time Employees	<p>For offices only</p> <p>Number of Full time Employees (FTE) Calculate as per the Corporate value for money indicators method at http://www.vfmindicators.co.uk/guidance/2010-11-Estates-Management.pdf</p>

Attribute Number	Attribute Name	Definition and notes
16	Asset condition	A - D rating or N/A. A) Good - performing as intended and operating efficiently. B) Satisfactory – performing as intended but showing minor defection. C) Poor – showing major defects and or not operating as intended. D) Bad – life expired and/ or serious risk of imminent failure. N/A if land
17	Rateable value	Valuation Office Agency Asset rateable value. State your Business rate assessment from the current Valuation list. This can be accessed at the Valuation Office Agency website http://www.voa.gov.uk/corporate/index.html
18	Total building operation (revenue) costs per square m	Total building operation (revenue) costs as defined in the Corporate value for money indicators for public services at http://www.vfmindicators.co.uk/guidance/2010-11-Estates-Management.pdf
19	Required maintenance	National Property Performance Management Initiative definition of Required Maintenance is: “The cost to bring the property from its present state up to the state reasonably required by the authority to deliver the service and/or to meet statutory or contract obligations and maintain it at the standard”. This should exclude improvement projects but include works necessary to comply with new legislation e.g. asbestos and legionella.
20	Functional Suitability	1-4 rating or N/A 1) Good: Performing well and operating efficiently (supports needs of staff and delivery of services) 2) Satisfactory: Performing well but with minor problems (Generally supports needs of staff and delivery of services) 3) Poor: Showing major problems and or not operating optimally (impedes the performance of staff and or delivery of services) 4) Unsuitable: Does not support the delivery of services (seriously impedes the delivery of services)
21	Energy Performance	Energy Performance Rating as stated on the Display Energy Certificate under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007. A+/A/B/C/D/E/F/G

Table 1: Recommended List of Attributes Location Information

Clearly, the greater the spatial information recorded, the greater the resource required. We therefore propose that point location information is sufficient to describe a building asset. Different floors of a building with significantly different attributes should be described as different assets with the same point location.

Licensing Conditions

Eastings and Northings, the Unique Property Reference Number and boundary/area extents are likely to fall under Ordnance Survey derived data unless data has been surveyed by some other organisation than Ordnance Survey. As a result the data can only be published under the conditions specified in the licence for Public Sector Mapping Agreement and not under the Open Government Licence.

As a result, these elements of the asset registers can only be published for download in reusable form

- for download by other public sector bodies, or by organisations licensed for business use of the underlying Ordnance Survey data;
- for download by another body/ individual to support the delivery of core government business, under the terms of an end user licence; or
- if the authority has been granted exemption from Ordnance Survey for free reuse.

Alternatively, we suggest that data are published for download without these elements.

In both the above scenarios, the postal address (including the postcode) will also contain intellectual property licensed by Royal Mail. In the event that such address constitutes “Cleansed Data”, there will be no restrictions on re-use, but this will need to be checked. To the extent that any of elements of the asset register include intellectual property of any other third parties, such parties’ consent will need to be obtained to any re-use, including publication.

Note also that, subject to the above paragraph relating to third party intellectual property rights, data can be displayed (rather than downloaded) on maps for viewing in accordance with Ordnance Survey licensing rules if provided as images with appropriate watermarking (please contact your Public Service Mapping Agreement principal contact for further advice).

The EU INSPIRE directive came into force in the UK in 2009 and provides a legislative standards framework for publishing information with a location element related to the environment.

Assuming that the asset registers are within the scope of the INSPIRE legislation, (i) metadata will need to be created for the registers, (ii) view, discover and download services provided in relation to them, and (iii) the

registers will need to comply with the relevant specification. The dates by which such requirements must be fulfilled vary per requirement. Further information is available from location.defra.gov.uk. We recommend that the asset registers are INSPIRE compliant from the onset.

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

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

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

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