

**Manchester City Council
Report for Resolution**

Report To: Resource and Governance Overview Scrutiny Committee – 16 December 2010

Subject: Publishing spend and other information in open data format

Report of: The City Treasurer & City Solicitor

Summary

To inform members of the Coalition Government's transparency programme, draft guidance issued by the Local Government Group and the Council's proposals for meeting these expected publication commitments

Recommendations

To note the progress made in relation to the draft guidance issued by the Local Government Group

Wards Affected:

All

Financial implications

It is clear that there will be a need to commit staff resources to deal with the publication of information and any subsequent requests for further information arising from this although at this time the cost of implementing the Coalition Government's open data proposals cannot be fully quantified.

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	None
Reaching full potential in education and employment	None
Individual and collective self esteem – mutual respect	May encourage greater engagement in local decision making
Neighbourhoods of Choice	None

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

The Prime Minister's Letter to Government Departments dated 31st May 2010.

The Secretary of State for Communities and Local Government letter dated 4th June 2010.

The Communities and Local Government action note no. 17/10 dated 10th September 2010.

Publishing Local Data on New Contracts and Tenders – A Practitioners Guide (Draft)

Local Transparency Publishing Senior Salary Information – A Practitioners Guide (Draft)

1.0 Introduction

- 1.1 The purpose of this report is to inform members of the Coalition Government's transparency programme which builds on the recommendations in the 2007 *Power of Information Taskforce report* on the government's use of digital technologies.
- 1.2 As part of the move away from scrutinising performance against centrally set targets, one of the Coalition Government's key policy aims in promoting transparency is to enable the public to hold politicians and public bodies to account, to deliver better value for money in public spending and to give businesses and non-profit organisations new opportunities to create products and services using data compiled or created by publicly funded bodies, free of charge.
- 1.3 To simplify copyright issues and licensing arrangements, the National Archives has developed a UK Open Government Licence (OGL) suitable for wide use across the public sector. Subject to limited conditions, this permits free reuse of a broad range of public sector information. Adoption of this licence by the publishing authority (where the information is not subject to intellectual property rights/third party copyright or permitted charges) commits the user to the terms of the licence without having to register or, seek express permission and supports the Reuse of Public Sector Information Regulations. The licence has been adopted by the City Council.
- 1.4 The transparency programme is reflected in the Coalition Government's recently published Departmental Business plans and is being overseen by a new Public Sector Transparency Board established in the Cabinet Office.
- 1.5 The Transparency Board is working closely with IT developers, open data experts and business to ensure that they have a strong voice in how the transparency agenda is implemented.
- 1.6 The Board has a wide remit and its terms of reference include
- the adoption of a working definition of "Public Data"
 - development of Public Data Transparency Principles
 - strengthening statutory access rights to include a "right to data"
 - setting open standards, policies and licences for the release of a broad range of data sets across the public sector
- 1.7 Although this wider context is clearly important, this report focuses on the Coalition Government's initial transparency objectives.

2.0 Background

2.1 On 31st May 2010, the Prime Minister wrote to Government departments outlining the Coalition Government's initial plans to open up government data. On 4th June, the Secretary of State for Communities and Local Government (CLG) set out the transparency expectations placed on local authorities. The Table below identifies the key publication commitments, thresholds, and timetable expected of central government departments and local authorities.

Data	Threshold	Timetable
Spending data	£25k Central Government £500 Local Government	April - September by October 2010 & monthly from 15 th November 2010 By 31 st January 2011 & 30 th each month thereafter
New Tenders	£10k Central Government £500 Local Government	September 2010 January 2011
New ICT Contracts	£10k Central Government	In force from July 2010
New Contracts	£10k Central Government £500 Local Government	January 2011
Names, job titles and salaries of those earning: <ul style="list-style-type: none"> • over £150k (shown in £5k bands) • over circa £58k (shown in £5k bands) 	<u>Central Government</u> Senior Civil Servants Senior Civil Servants and officials in Non Departmental Public Bodies (Note: due to privacy concerns, publication of names has been	June 2010 September 2010

<p>Names, job titles and salaries paid to members of the organisation's senior management (to be locally defined)</p> <p>Extent of the organisation's establishment</p>	<p>limited to earners circa £83k)</p> <p><u>Local Government</u></p> <p>There are currently statutory obligations to publish in the Financial Accounts officers receiving remuneration over £150k and also the salaries of other officers who are part of the Strategic Management Team</p>	<p>31st January 2011</p>
<p>Organograms/Structure charts</p>	<p>Central government departments and agencies</p>	<p>October 2010</p>

2.2 Other areas highlighted in the CLG letter for improving transparency include the following:

- breaking down central government spend at local area level – *“ensuring that people in the community can have a clear view of what is being spent where - not just local but central taxes too”*
- councillor allowances and expenses – *“greater clarity on councillors' costs”*
- council minutes and papers – *“consistent publication of what is being discussed and what has been decided”*
- council job vacancies – *“making sure that job vacancies are published online and in an accessible format. This will help save money by reducing advertising costs, and will ensure that the vacancies can reach as wide an audience as possible, as well as make it easier for people to compare pay ranges within and across councils”*
- frontline service data – *“including rubbish and recycling rates, council tax collection rates and details of major planned projects”*
- licensing applications and decisions – *“giving residents more clarity on what was happening in their area and an early opportunity to raise concerns or objections”*
- planning applications and decisions – *“making sure residents have online access to information about planning applications that could affect them and the look and feel of their area, and making it easier for them to influence emerging development ideas”*
- food hygiene reports for food outlets – *“one example of information which is routinely collected and of interest to residents, but not currently shared in an easily accessible format”.*

- 2.3 The CLG have acknowledged that most of the information listed in 2.2 is already published by local authorities¹. However, the inference is that in the future local authorities will be expected to republish the same information in ways which standardise the content as well as the format, to make it easier for third parties to reuse the information at no cost.
- 2.4 Data can be published in many different formats, such as:
- a document in pdf format which is easy to read and printer friendly
 - a spreadsheet which is machine readable (i.e. CSV format)
- 2.5 The open data initiative is promoting the use of machine readable formats, in CSV or xml files. However, authorities are being encouraged to publish the data in both formats: CSV, as machine-readable for easier reuse and analysis, and pdf formats for those who simply wish to easily read the data.
- 2.6 Work has commenced on identifying and reformatting some published data sets on a newly created Open Data page on the Council's web site². However, this report focuses on those areas highlighted in the Table in 2.1 above.
- 2.7 Although the Coalition Government's proposals for local government do not currently have the force of law, various options are being considered either requiring no legislation, secondary or primary legislation which will have the effect of placing a legal obligation on local authorities to publish raw financial data and certain other data sets according to specified standards.
- 2.8 In the meantime, the Treasury has issued guidance to support implementation by central government departments, including the publication of new tenders and contracts.
- 2.9 In October 2010 the Local Government Group in conjunction with other organisations³, issued two separate consultations offering draft guidance on how local authorities could meet the commitments on publishing spending data and staffing/senior salary information.⁴
- 2.10 Draft guidance has not yet been issued on the publication of new local government tenders/contracts, even though the expected publication date for new tenders and contracts is the end of January 2011.

¹ Food Hygiene reports are not currently published.

² Link to City Council's Open Data page: <http://www.manchester.gov.uk/opendata>

³ Local Government Group in partnership with the Local eGovernment Standards Body (LeGSB), the Society of Information and Technology Management (SOCITM), the Chartered Institute for Public Finance and Accountancy (CIPFA) and some Local Councils

⁴ Local Transparency - A Practitioners [Draft] Guide to Publishing Local Spending Data, Consultation published by Local Government Group in collaboration with the Local Public Data Panel. October 2010

<http://lqtransparency.readandcomment.com/files/2010/09/Local-Spending-data-APractitioners-Guide-v-7-4.pdf>

Local Transparency - A Practitioners [Draft] Guide to Publishing Senior Salary Information, Consultation published by Local Government Group in collaboration with the Local Public Data Panel. October 2010

<http://lqtransparency.readandcomment.com/files/2010/09/Salary-Disclosure-Guide-v5-2.pdf>

- 2.11 It is not therefore clear exactly what is expected but this may include the following for new tenders/contracts with a value exceeding £500:
- Specifications
 - Terms and Conditions
 - Associated Schedules (which may include the winning tender bid)
- 2.12 Although authorities may be expected to publish the overall value of the contract, it is not anticipated this will include a detailed breakdown of pricing structure or other confidential information which could harm the commercial interests of the Council and/or the contractor.
- 2.13 If the current proposal is implemented, the £500 threshold and the redaction of exempt information prior to publication will require significant resources and changes to internal processes, including the information shared with prospective tenderers. Until firm guidance has been issued, it is not possible to fully assess the resource implications.
- 2.14 The draft guides referred to in 2.9 generally describe:
- what data to publish
 - how to publish spending data/staffing information online in an open format,
 - what to consider when publishing the data such as data protection, licensing etc.
 - how to make better use of the data through Linked Data.
- 2.15 The final guidance is not yet available but in preparation for meeting these expected new publication commitments, a small project team has been established to address the technical and administrative implications for the Council.
- 2.16 In the absence of local government guidance on new tenders/contracts, the team has concentrated on publishing spending data and staffing related information and has sought internal low cost/resource solutions to achieve publication in the timescale expected.
- 2.17 A number of issues have been identified, these include:
- the danger of creating a transparency "industry"
 - the need for good governance arrangements (including verification and the selection of other data sets for publication)
 - the need to inform suppliers that information will be published
 - the need to ensure that appropriate contextual information is provided alongside published information to assist with interpretation of the data

- issues relating to open data including copyright, protection of personal data, information quality and the need for clear standards
- the adoption of the UK Open Government Licence simplifying the reuse of data published on the Council's Open Data web page
- consideration of how follow-up queries ought to be dealt with (i.e. business as usual or FoIA)

3.0 Publishing spending data over £500

- 3.1 Although the threshold for publishing information in central government departments is £25k, the Cabinet Office is working with the Treasury to investigate the options, benefits and costs of lowering the disclosure of central government spending to £500. On 19th November, the CLG published spending over £500 for the period July to September 2010.
- 3.2 Government spending is viewable on departmental web sites and collectively at: <http://data.gov.uk/data/tag/finance> and local authorities are expected to publish on <http://data.gov.uk> as well as their own web site.
- 3.3 CLG's web site links to circa 100 local authorities publishing spending data over £500. Information about these councils and an analysis of their local spending data is now available on a variety of web sites.
- 3.4 The Local Government Group draft guidance proposes that local authorities publish the details of all transactions over £500 (net of VAT) including individual invoices, rent, expenses, grant payments and payments for the cost of goods and services to third party suppliers, including other public bodies.
- 3.5 Excluded from publication of spending data are transactions relating to income or the financing or underwriting of debt, financing and investment expenditure, payments made to HMRC for VAT, PAYE, NIC, pensions, salaries and termination/settlement payments.
- 3.6 To facilitate comparison between different local authorities, the draft guidance proposes using standard classification systems across local government based on either the CIPFA Best Value Accounting Code of Practice (BVACOP) service headings and expenses categories and/or the Proclass procurement classifications.
- 3.7 Use of these classifications will also assist in identifying payment types involving vulnerable individuals (foster carers etc) where individual names and any other identifiers need to be redacted.
- 3.8 A sample spending data template is attached at Appendix 1. Initially this includes only the mandatory fields listed below. It is proposed that consideration is given to the inclusion of discretionary descriptive fields referred to in the guidance, no later than January 2012.

- payee/supplier's name (unless this is exempt)
 - transaction number
 - amount of the transaction (in sterling)
 - type of expense
 - date of transaction/payment
- 3.9 It is estimated that extracting this data from the Council's finance system and producing a monthly report will commit one member of the finance team for between two and five days each month.
- 3.10 In making judgements as to the nature of the information that is published or redacted, the appropriate frame of reference is the Freedom of Information Act. The exemptions most likely to arise relate to the protection of personal information about identifiable individuals and the risk of harm to the commercial interests of the public authority and/or third party.
- 3.11 Automated redaction of recognisable names of individuals is possible. However, this is not risk free and there is no automated means of identifying spending items which may be commercially sensitive. It is therefore necessary to ensure manual checks are undertaken at service level to identify any commercially sensitive items and personal information which may not have been redacted in the automated process.
- 3.12 Under FoIA, the commercial interests exemption only applies where there is a real and significant risk that legitimate commercial interests would be harmed by releasing the information. Even if the exemption is engaged, the public interest in withholding the information must outweigh the public interest in disclosure. To ensure consistency, service areas must be able to justify redaction decisions applying the same balancing test required under the FoIA. Commercial sensitivity cannot be assessed corporately merely from reviewing the information identified in 3.8 and responsibility for identifying such issues must therefore rest with the information owners at service level.
- 3.13 To avoid the risk of publishing personal information protected by the Data Protection Act, it is proposed a final check be undertaken at corporate level prior to publication.
- 3.14 There are approximately 3800 transactions each month over £500. In view of the scale of the task and the need to provide appropriate assurance about the process, it is intended that November spending will be reported in January 2011. This will ensure we have built in sufficient time to undertake the manual checks at service and corporate level and meet the expected publication date. Once publication of monthly spending data is firmly established, the cycle between reported spending and publication date will be one month.
- 3.15 It is proposed that enquiries about the published spending data should be routed through a single point of contact advertised on the Open Data web page.

3.16 Until publication, it is not possible to estimate the level of enquiries which may result and therefore these arrangements and the potential resource implications, will need to be kept under review.

4.0 Publication of staffing/senior officer salaries

4.1 In June 2010, the Coalition Government published a list of the names and salaries of senior civil servants earning in excess of £150,000.

4.2 Since then the names and salaries of other senior civil servants together with organisational charts have been published by most Government departments and may be viewed collectively on the Cabinet office web site.

4.3 However, due to privacy concerns, plans to publish the names and salaries (within £5k bands) of all civil servants earning circa £58k have been abandoned. Publication of salaries within a £5k range has been confined to named civil servants earning above circa £83k and "*an independent report for government on open data and personal privacy*" has been commissioned by Francis Maude, Minister for the Cabinet office. This report has not yet been published.

4.4 In response to statutory requirements, the Council already publishes in its Financial Accounts the name, job title and salary of senior officers with remuneration over £150,000 and the post titles and salaries of other members of the Council's Strategic Management Team.

4.5 The draft guidance published by the Local Government Group on publishing senior salary information expects local authorities to publish data on senior management staff by 31st January 2011 based on a snapshot as at 31st October 2010 and at regular intervals thereafter. The intention is to show:

- the salaries paid to members of the organisation's senior management; and
- the extent of the organisation's establishment.

4.6 The guidance indicates it is a matter for the Council to decide how it chooses to define its senior management team which could be defined as those reporting directly to the Head of the Paid Service or based on posts falling within the purview of the JNC for Chief Officers of Local Authorities Conditions of Service. For consistency with current practice, it is proposed this definition correspond with the Council's Strategic Management Team (SMT).

4.7 It is intended that the Council publish salaries of SMT member in an open data format so it is accessible in both text and machine readable versions on the Council's Open Data page.

4.8 Using a common classification system linking senior salary information to other information about the authority is designed to enable more intelligent use

of variations in senior management pay across authorities based on the size and complexity of the constituent population.

4.9 In relation to wider publication of salary information, it is proposed that:

- once the independent report on open data and personal privacy, referred to in 4.3, is published, guidance be issued to employees explaining the criteria and types of information that may be published/disclosed and the types of information that will not be published/disclosed
- the Council's salary scales be published no later than the end of January 2011.

4.10 The draft guidance also recommends that councils publish organisational and contextual information showing the levels of responsibility and accountability of its senior management team, both in terms of the scale of the organisation and the specific accountabilities of individual roles to enable users to better understand the scope of management roles (as an alternative to publishing an overly complex organogram). The draft guidance advises this should include:

- budget responsibility
- staff under direct or indirect line management responsibility
- job description and person specification

4.11 In terms of organisational scale, the draft guidance indicates this should include the following factors:

- Employment - the headcount and Full-Time Equivalent (FTE) of all the council's directly employed staff
- Expenditure - the total Gross Expenditure of the council for the previous financial year.
- Service Responsibilities - details of the services provided by the council.

4.12 Most of the above information is already published in the Council's Constitution and appropriate links will need to be made with the Council's Open Data page.

5.0 Recommendations

5.1 To note the progress made and the proposals for:

- publishing items of spending over £500 from January 2011
- republishing the salaries of members of the Strategic Management team together with the other staffing related information outlined in 4.7, 4.9, 4.11 and 4.12

- 5.2 To note that guidance on the publication of local government tenders and contracts is not yet available and the resource and other implications will be reported once the position is clear.

Body Name	Service Area	Expenses Type	Invoice Payment Date	Transaction Number	Amount	Supplier Name
Manchester City Council	Environment and Operations	Ext Rep & Main Build	14.10.2010	5100377337	549.90	The Fountain Company Ltd
Manchester City Council	Adult Social Care	Cleaning Equipment	21.10.2010	5100380978	550.00	Nationwide Cleaners N/C
Manchester City Council	Adult Social Care	Equipment	01.11.2010	5100383577	550.00	Ots Ltd
Manchester City Council	Childrens Services	Oth Professional Fee	28.10.2010	1902327777	550.00	REDACTED PERSONAL DATA
Manchester City Council	Hospitality + Trading Services	Hire of Equipment	21.10.2010	5100381001	550.00	Tenant UK Ltd
Manchester City Council	Adult Social Care	Cont Cleaning - Ext	04.10.2010	5100374671	550.20	REDACTED PERSONAL DATA
Manchester City Council	Childrens Services	Landline Telephone	14.10.2010	1902072296	551.45	Cable & Wireless UK
Manchester City Council	Grtr Manchester Urban Traffic	Sub Contractors	20.10.2010	5100380353	552.65	Peek Traffic Ltd
Manchester City Council	Hospitality + Trading Services	Hire of Machinery	18.10.2010	5100379335	554.00	R & M Developments Ltd
Manchester City Council	Hospitality + Trading Services	Direct Materials	18.10.2010	5100379552	554.25	Cemex (Uk) Shared Service Centre
Manchester City Council	Chief Executives	Printing	14.10.2010	5100375838	555.00	Paramount Print Group Ltd
Manchester City Council	Regeneration Finance	Radio Charges	18.10.2010	5100378495	556.00	Nextelecom Ltd
Manchester City Council	Adult Social Care	Furniture	08.10.2010	5100376324	557.53	The Furnishing Service Ltd
Manchester City Council	Manchester Leisure	Equipment	22.10.2010	5100379986	559.00	Sovereign Fencing Ltd
Manchester City Council	Hospitality + Trading Services	Hire of Equipment	20.10.2010	5100380509	559.35	One Stop Hire Limited
Manchester City Council	Childrens Services	Hire of Premises	07.10.2010	5100375454	560.00	Wythenshawe Community Church
Manchester City Council	Grtr Manchester Urban Traffic	Sub Contractors	19.10.2010	5100379792	560.61	Peek Traffic Ltd