

# **CHESHIRE EAST COUNCIL**

## **Constitution Committee**

---

<b>Date of Meeting:</b>	5 <sup>th</sup> June 2013
<b>Report of:</b>	Head of Commercial Strategy, Business Innovation and Performance
<b>Subject/Title:</b>	Transparency

---

### **1.0 Report Summary**

- 1.1 This report updates the Committee on the work that is going on across the authority to encourage openness and transparency, and in particular in response to the Protection of Freedoms Act, which came into force in November 2012.
- 1.2 The Act has amended the Freedom of Information Act 2000 to require public authorities to release datasets in a re-usable electronic format, in a way that allows businesses, non-profit organisations and others to re-use it for social and commercial purposes.
- 1.3 The report also invites the Committee to give further consideration to a Notice of Motion on Confidentiality which it considered previously at its meeting on 26<sup>th</sup> November 2012 as referred to later in this report.

### **2.0 Recommendations**

- 2.1 That the Committee
  - (1) note the report and make any further response it considers appropriate; and
  - (2) consider a response to the motion referred to in paragraph 10.1 of the report.

### **3.0 Reasons for Recommendations**

- 3.1 To enable the Committee to consider whether the authority is taking appropriate action to maximise transparency and openness.

### **4.0 Wards Affected**

- 4.1 N/A

### **5.0 Local Ward Members**

- 5.1 N/A

## **6.0 Policy Implications**

6.1 None identified.

## **7.0 Financial Implications**

7.1 None identified.

## **8.0 Legal Implications**

8.1 None identified.

## **9.0 Risk Management**

9.1 No issues identified

## **10.0 Background and Options**

10.1 On 26<sup>th</sup> November 2012 the Committee considered a report by the Borough Solicitor responding to the following motion which had been moved by Councillor B Murphy and seconded by Councillor P Edwards at the Council meeting on 19<sup>th</sup> July 2012 and referred to the Committee for consideration:

“In the light of the ever-growing demand for public accountability in public services and the need to sustain public trust and confidence in democratic governance, this Council calls for a review of its policies and protocols in relation to confidentiality.”

Following further clarification by Councillor Murphy, the officers believe that the motion is aimed at maximising transparency and openness.

10.2 The Borough Solicitor’s report explained the role of the Council’s Compliance Team, which encourages the Council to make as much information as possible available to the general public while at the same time protecting the privacy and confidentiality of our citizens, abiding by the relevant legislation:

- The Freedom of Information Act 2000
- The Environmental Information Regulations 2004
- The Data Protection Act 1998
- The Re-use of Public Sector Information Regulations 2005

10.3 The report also described how the Council met the requirement to adopt and maintain a publication scheme through its website, and how the Council responded to the Code of Recommended Practice for local authorities on data transparency by also publishing details of:

- Payments over £500 made by the council
- an organisational chart of the staff structure of the local authority
- salaries for staff earning over £55,000 a year,
- the powers and responsibilities of senior officers
- Councillor allowances and expenses
- the democratic running of the Council

10.4 The Committee resolved 'that the officers review the approach to confidentiality and the publication of information in this and other local authorities and consult all members of the Council and appropriate Council decision-making bodies before reporting back to the Committee'.

10.5 It was intended that this action be referred to the Data Transparency Working Group. Unfortunately, however, this group no longer exists. It was formed as a 'task and finish' group to consider and respond to the Government's consultation on the draft Code of Recommended Practice for local authorities on data transparency.

10.6 The Council's Compliance Unit continues to champion transparency and openness within the Council whilst also ensuring we are prepared for and abide with new legislation. The team actively encourages services to provide accurate and timely information in response to request and to allow customers to access as much information as possible without having to resort to freedom of information requests.

10.7 The Protection of Freedoms Act, which came into force in November 2012, has amended the Freedom of Information Act 2000 to require public authorities to release datasets in a re-usable electronic format, in a way that allows businesses, non-profit organisations and others to re-use it for social and commercial purposes.

- Public authorities are required when releasing datasets to adhere to any request to do so in electronic form which allows their re-use where reasonably practicable.
- Any dataset containing copyright material (where the authority holds the copyright) must be made available for re-use under a specified licence.
- Publication schemes must contain a requirement to publish datasets which have been requested, as well as any updated versions.
- Such datasets will also have to be published in an electronic form capable of re use and any copyright material must be available for re use in accordance with the terms of a specified licence.
- Public authorities will be able to charge a fee for allowing re use of any datasets containing copyright material.

10.8 Much of the detail about the requirements to publish datasets will be provided in a new Code of Practice, but this remains in draft form only at this stage.

10.9 The focus of activity within the Council at this stage is:

- Identify our key datasets
- Decide on the licence to be applied to these datasets if they are disclosed:
  - Open Government Licence (where we own the copyright)
  - Non-commercial licence (limiting re-use to non-commercial use)
  - Charged licence (allowing re-use in exchange for a fee)
- Initiate a proof of concept, using datasets held by Environmental Health, to understand the opportunities and risks from proactively publishing datasets
- Set up a section in the publication scheme for datasets which we choose to proactively disclose (in advance of any FOI request) and make available for re-use

10.10 This programme of work is being led by the Senior Information Risk Owner (SIRO), with overview by the Corporate Governance Group.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer. There are no specific background documents.

Name: Paul Bayley  
Designation: Customer Service and Libraries Manager  
Tel No: 01625 378029  
E-mail: [paul.bayley@cheshireeast.gov.uk](mailto:paul.bayley@cheshireeast.gov.uk)