

Subject: Transparency
Agenda item: Public item 11
Report No: 8
Meeting date: 05.12.2012
Report to: Board
Report of: Jonathan Dutton – Executive Director of Finance and Corporate Services

FOR NOTING

This report will be considered in public

1. SUMMARY

- 1.1. This report updates the Board on plans to make the Legacy Corporation compliant with Government guidance and GLA Group practice on transparency, including the publications of information relating to staff salaries, staff and board members expenses, gifts and hospitality, contracts and other matters.

2. RECOMMENDATIONS

- 2.1 The Board is invited to:
- 2.2 **NOTE** existing arrangements for the publication of all expenditure above £250;
- 2.3 **NOTE** the proposals for publication of information on salaries, expenses, declarations of interest, and gifts and hospitality from January 2013;
- 2.4 **NOTE** the plan to implement publication of specific information on contracts, tenders and grants to voluntary organisations, in line with Government guidance; and
- 2.5 **NOTE** the plan to establish a Freedom of Information disclosure log.

3. BACKGROUND

- 3.1. In September 2011, the Secretary of State for Communities and Local Government issued a Code of Recommended Practice for Local Authorities on Data Transparency. This code, which applies to the Greater London Authority and its functional bodies but not specifically to the London Legacy Development Corporation, makes recommendations on information that relevant authorities should publish, including: salaries, organisational structures, expenditure, contracts, grants, committee minutes, external audits.
- 3.2. In addition, the Mayor of London's manifesto (*Value from the Olympics*, Boris Johnson, March 2012) made the following commitment:

"I will also ensure absolute transparency over the legacy costs by requiring the MDC to publish all expenditure, so that Londoners know how money is spent, including the expenses of staff, and seek to make efficiencies where possible."

- 3.3. London Assembly Member John Biggs has recently begun a review of transparency across the GLA Group, which will be looking at – among other things – the information about staff salaries, performance and decision-making published by individual organisations.

4. PROPOSALS

- 4.1. The Legacy Corporation's proposed approach to openness is set out in Appendix A below, together with an analysis of Government's guidance and current GLA practice. In summary, the Legacy Corporation will seek to comply with both Government guidance and to emulate GLA practice, as appropriate, but will require further development work to enable full and real-time on-line updates to published information by individual staff members.
- 4.2. In relation to staff information, salaries will be published for all staff paid more than the equivalent of the lowest Senior Civil Service grade (£58,200), as per the Code. For other disclosures not covered by the Code (eg, expenses and gifts and hospitality), we will adopt the GLA's approach by publishing information for staff at and above the 'Head of' grade. This will comprise staff earning £68,000 and above.
- 4.3. Expenses, declarations of interest, gifts and hospitality, and remuneration will also be published for all Board members.
- 4.4. In relation to contracts, tenders and grants, the Legacy Corporation will review its publication arrangements and implement a system for access to these documents in early 2013.
- 4.5. In relation to decision-taking, Board decision-taking is currently fully compliant with transparency expectations as set out in the Local Government Act 1972, but the potential for formal recording and publication of decisions delegated to officers will be considered further, as delegations are reviewed in early 2013.
- 4.6. It is also proposed that the Legacy Corporation adopts a disclosure log, which will list all information disclosed in response to Freedom of Information Act requests that is judged to be of public interest. In addition to increasing the Corporation's overall transparency, this will reduce the need to respond to duplicate requests.

5. FINANCIAL IMPLICATIONS

- 5.1. It is expected that the costs of implementing the openness measures proposed in this paper will be absorbed in current staff costs.

6. LEGAL IMPLICATIONS

- 6.1. The Code of Recommended Practice sets out the key principles for local authorities in creating greater transparency through the publication of public data. It is important to note that the Code is only recommended or best practice for the local authorities and does not replace or supersede the existing legal framework for access to public sector information provided by the Freedom of Information Act 2000, and the Environmental Information Regulations 2004, subject to the exemptions from disclosure under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, and also under Schedule 12A of the Local Government Act 1972. Public bodies, including 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 of the Local Government Act 1972.

- 6.2. The Code identifies the local authorities and includes the Greater London Authority so far as it exercises its functions through the Mayor; the London Fire and Emergency Planning Authority; Transport for London; and the London Development Agency.
- 6.3. The Greater London Authority Act 1999 (as amended) identifies the “functions exercisable by the Mayor” and includes any Mayoral development corporation (Section 38(2) (da)) and it is arguable that the Code could apply to LLDC.
- 6.4. Finally the Code does provide for individuals to be given the option to refuse consent for their name to be published and, where the name is given as 'withheld', this is because the individual concerned has expressly refused consent for their name to be included.

7. PRIORITY THEMES

- 7.1. These administrative changes will not directly affect priority themes, but will increase the Legacy Corporation’s transparency and, through the Mayor of London, accountability.

8. APPENDICES

- Appendix A – proposed transparency publication approach

List of Background Papers:

Code of Recommended Practice for Local Authorities on Data Transparency

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Appendix A: proposed transparency publication approach

Information	Government guidance	GLA approach	LLDC proposal
Expenditure	Publish Expenditure over £500, (including costs, supplier and transaction information).	All expenditure over £250 published	Has published all expenditure over £250 since August 2012. No change proposed.
Salaries and remuneration	Publish 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.	The GLA publishes on their website the salary for the Mayor, deputy mayors, Assembly members and staff in line with Government guidance. Information is updated as staff changes take place. Some names withheld (as allowed for in Government guidance).	Proposed to comply with guidance, with the option for staff names to be withheld, from January 2013. Board member remuneration already published in annual report.
Expenses	Publish councillor allowances and expenses.	The GLA publishes on their website expenses for all assembly members as well as the Mayor, deputy mayors, directors, advisors and special appointments. Publication takes place when claims are approved. Quarterly reports on Senior staff expenses are submitted to the Audit Panel, as public papers.	Remuneration for Board members published in annual report. All travel and subsistence expense claims for Board members, and staff above 'Head' grade to be published to be published as quickly as possible after processing. Audit Committee to maintain oversight.
Gifts and hospitality	Not specifically addressed	The GLA publishes on their website registers of gifts and hospitality for Assembly members, the Mayor, deputy mayors, directors, assistant directors and heads of service. Publication is linked to on-line system for registering gifts and hospitality.	All declarations for Board members and staff above 'Head' grade, to be published as declarations are made. Audit Committee to maintain oversight.

Information	Government guidance	GLA approach	LLDC proposal
Register of interests	Not specifically addressed	The GLA publishes on their website the register of interests for assembly members, the Mayor, deputy mayors, directors, assistant directors and heads of service. This is updated as new declarations are made.	Board member registers of interests currently published. To be updated and also to be published for all staff above 'Head' grade. To be updated as future declarations made, and refreshed at six-monthly intervals.
Contracts and grants	Publish copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector, and grants to the voluntary community and social enterprise sector should be clearly itemised and listed.	Not yet published	Publication arrangements to be considered and implemented in 2013.
Corporate finance information	Publish: policies, performance, external audits and key inspections and key indicators on the authorities' fiscal and financial position.	Published in various locations	Published in annual report and/or quarterly reports to Board
Assets	Publish the location of public land and building assets and key attribute information that is normally recorded on asset registers	Property assets register under development.	Summary information currently published on website and in business plan.
Constitution	Publish: data of democratic running of the local authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.	Published in various locations including mayoral decision and director decision forms	Board and committee terms of reference, agendas, papers, minutes and standing orders all published. Further consideration to be given to publishing record of delegated decisions, as part of governance and delegation review.