



# Overview and Scrutiny Committee Transparency Commission Final Report



# Chair's Foreword

The ambition of the Overview and Scrutiny Transparency Commission is to move Tower Hamlets Council forward to enable it to become a beacon council for openness, transparency and accountability.

This agenda is paramount if the Council wants to regain the trust of our residents while turning around our reputation.

It was right for the cross-party committee, which holds the council and decision-makers to account, to establish a commission to begin this journey. Our goals and recommendations set out the building blocks needed.

It has become clear we need to create an organisational culture, led by senior management and the Mayor, which values and presumes openness. I welcome the Mayor's transparency protocol, and the commission's recommendations enhance this work.

The challenges for the council in the coming years are unprecedented. We need to enhance the role of the Overview and Scrutiny Committee to support the council to meet these challenges, along with the requirements of the Best Value Improvement Plan.

With this, transparent open data is essential for accountability, and providing access to our data can empower individuals, the media, civil society and businesses to achieve better outcomes for themselves and for our public services.

Tower Hamlets Council's motto is 'from great things to greater'. So let's aspire to set the gold standard for local government transparency.

I would like to thank everyone who supported and participated in our commission.

**Cllr John Pierce**  
**Chair, Overview and Scrutiny Committee**

# Summary

## Key Goals

- Make the council a beacon for openness, accountability and transparency by the end of 2017-18
- Enhance the role of Overview and Scrutiny to enable greater openness, accountability and transparency in 2016-17
- Publish all data by default wherever possible by the end of 2016-17

## Recommendations to achieve key goals

**To make the council a beacon for openness, accountability and transparency by the end of 2017-18, the Commission recommends that:**

1. The Mayor considers additions to his Transparency Protocol to include actions to create an organisational culture, led by senior management, which values and presumes openness. This should include explicit support for whistleblowing.
2. The Mayor extends his Transparency Protocol to include required conditions for the use of individual mayoral decisions.
3. The council implements a protocol governing the use of planning pre-committee briefings with applicants present, and includes materials used and any outcomes in reports to the development committees.
4. The new process for deciding on the spending of planning contributions is open and transparent, and includes some resident involvement.
5. Information on spending of planning contributions is publicly and easily available delineated by ward, and sent to members, with regular progress reports to the Overview and Scrutiny Committee.
6. The council increases opportunities for community engagement in democratic processes, including by:
  - Exploring holding committee meetings in a variety of venues more amenable to the public in different parts of the borough;
  - Providing plain English summaries of items on upcoming committee agendas via the council's existing communications channels, and reporting these afterwards;
  - Making Council and Cabinet webcasts viewable from the Council's main social media accounts and on popular video hosting sites such as YouTube;
  - Exploring options for remote and electronic participation in committee meetings, such as offering live streaming and tweeting, and allowing questions via social media;
  - Enabling e-petitions on the council's website; and
  - Allowing the public to propose items for Overview and Scrutiny workplans.
7. The new Community Engagement Strategy, and changes planned under the Mayor's Transparency Protocol to the consultation process for policy development and service change, takes account of the findings of the Commission's consultation.

8. New localised consultation forums allow a key role for ward councillors.
9. Licensing and planning teams explore the feasibility of enabling the public to sign up to receive weekly email bulletins detailing applications received, consultation arrangements, and the status of existing applications, at ward level. They should also:
  - Explore utilising social media and text alerts in relation to consultations; and
  - Use plain English as far as possible in communications, and include guides to technical language that cannot be avoided.

***To enhance the role of Overview and Scrutiny to enable greater openness, accountability and transparency in 2016-17, the Commission recommends that:***

10. The council undertakes a full review of its Overview and Scrutiny arrangements, and amends these as necessary.

***To publish all data by default wherever possible by the end of 2016-17, the Commission recommends that:***

11. Officers undertake a full review of compliance with the requirements of the Local Government Transparency Code, and take any action required to secure this compliance on a regular basis.

12. Officers explore approaches to achieving three-star status for all relevant information required to be published by the Local Government Transparency Code (as applicable) within six to nine months; and assess the feasibility of achieving five-star status for different categories of data published by the council on an ongoing basis, in the longer term.
13. The Mayor's Transparency Protocol is extended to include exploring the feasibility of publishing all of the information recommended in part 3 of the Local Government Transparency Code.
14. In the short term, the council develops a frequently-updated online hub of information accessible from the council homepage, including all information required by the Local Government Transparency Code, as well as additional categories of information suggested in the body of the Commission's report.
15. In the longer term, the council explores the costs and benefits of regularly publishing all of its data, with exceptions, as recommended in the Local Government Transparency Code.
16. Officers explore options to allow the public to access data published by the council via user-friendly, visually appealing and easily-navigated interfaces, using Redbridge DataShare and Bath:Hacked as benchmarks.
17. The council appoints an open data champion for each directorate.
18. Progress on implementing the above recommendations supporting open data is reported to the Overview and Scrutiny Committee on a six-monthly basis.



# Introduction

The previous Coalition Government made transparency a priority, with the view that in general it fosters democratic accountability, and makes it easier for local people to contribute to the local decision making process and help shape public services. For example, it can inform choice in those services and how they are run, and thereby drive improvements, as well as stimulating innovation and growth.

This was manifested in a presumption in favour of making data freely available – specifically, the 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 led to the development of a range of new policies, laws and regulations, including:

- The Local Government Transparency Code, which mandated local authorities to publish a number of open datasets (discussed in more detail in the body of this report);
- The Protection of Freedoms Act 2012, which expanded the right of access to information to a right for this to be made available as open data for reuse;
- An amended Reuse of Public Sector Information Regulation, requiring public bodies to make information created under public task available for reuse and, whenever possible, under an open government licence in machine-readable formats;

- The Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations (2009), which define how to publish and share spatial data among public sector organisations through a common Europe-wide spatial data infrastructure.

Locally in Tower Hamlets, a lack of transparency was an issue identified in the Best Value inspection of the council in 2014<sup>1</sup>. This was particularly highlighted in relation to decision-making on grants, and the then-Secretary of State for Communities and Local Government was also critical in his statement to the House of Commons on the report<sup>2</sup>. While the specific problems highlighted in the inspection are being addressed through the council's Best Value Action Plan, transparency was also a key theme of the recent local mayoral election, and it remains a matter of real interest and concern to local people.

Therefore, at its first meeting of the 2015-16 municipal year, the Overview and Scrutiny Committee decided its next three meetings would be focused primarily on this issue as a scrutiny review, with the full committee sitting as the Overview and Scrutiny Transparency Commission. This was seen as an opportunity for members from all political parties to work together to identify actions to help the council become more transparent. In addressing this, members considered different aspects of the issue, such as:

<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/370277/140311\\_-\\_final\\_inspection\\_report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370277/140311_-_final_inspection_report.pdf)

<sup>2</sup> <https://www.gov.uk/government/speeches/london-borough-of-tower-hamlets-council-inspection>

- how residents could be better informed about Council activity, processes and decisions;
- How members could be supported to make more transparent decisions; and
- How decision-makers could be held to account transparently.

The Commission's evidence-gathering sessions took place at the Overview and Scrutiny Committee meetings on 27th July, 7th September and 5th October 2015. Witnesses and information provided at these were as follows:

### 27th July

- Ted Jeory, journalist and local blogger, on his perspective on the transparency of the council
- Mark Baynes, citizen journalist and blogger, on his perspective on the transparency of the council
- David Galpin, then-Service Head for Legal Services, and Ruth Dowden, Complaints and Information Manager, on freedom of information and transparency obligations
- Owen Whalley, Service Head for Planning and Building Control, and Paul Buckenham, Development Manager, on transparency in planning and development processes and decision-making
- David Tolley, Head of Consumer and Business Regulations Service, on transparency in licensing processes and decision-making.

### 7th September

- The Executive Mayor, John Biggs, on his plans for a Transparency Protocol
- Mike Brooks, senior reporter for the Docklands and East London Advertiser, on his perspective on the transparency of the council
- Aman Dalvi, Corporate Director for Development and Renewal; Owen Whalley, Service Head for Planning and Building Control; and Matthew Pullen, Infrastructure Planning Team Leader, on transparency in planning contributions processes and decision-making
- Louise Russell, Service Head for Corporate Strategy and Equality, on plans for a new Community Engagement Strategy
- John Williams, then-Service Head for Democratic Services, on transparency and engagement in democratic processes and decision-making
- Anna Finch-Smith, Employee Relations and Policy Manager, and Minesh Jani, Head of Risk Management, on whistleblowing
- Ed Hammond, Head of Programmes for the Centre for Public Scrutiny, on a national perspective on the overview and scrutiny function



## 5th October

- Lee Edwards, Chief ICT Officer for Redbridge Council, on Redbridge DataShare
- Ben Unsworth, Data Solutions Engineer for Socrata Inc, on Socrata's experience in working with governments and councils to help them share data
- Kerie Anne, Assistant Branch Secretary for Social Care, for Tower Hamlets UNISON
- Louise Russell, Service Head for Corporate Strategy and Equality, on interim results of the public consultation held by the Commission.

The Commission's public consultation was held to gauge perceptions of council transparency in Tower Hamlets.

Other information considered by the Commission included:

- A paper on models of participatory and ward budgets by Cllr Peter Golds
- A written contribution from Cllr Oliur Rahman on behalf of the Independent Group, on proposals to improve council transparency
- A written submission from Unite on proposals to improve council transparency
- A written submission from Kelly Powell, Acting Deputy Head of Communications and Marketing, on how the Corporate Communications function can support transparency
- A written submission from Children's Social Care officers in response to views expressed by UNISON in its presentation to the Commission



- An email from Prabhjot Babra, GIS Data Manager, on the publication of mapping data in open formats
- The terms of reference of the council's Freedom of Information Board
- The Local Government Transparency Code 2015
- The Institute of Government's 2011 report "Making the Most of Mayors"
- A note by the Local Government Association on its Local Transparency Programme
- A webinar by Socrata on the datastore they have built for Bath and North East Somerset.



# Finding and Recommendations

## A Culture of Openness

In a large and complex organisation like a local authority, there are many different areas in which transparency can be achieved and improved, and this report looks at some of these which were of particular interest to the Commission. However, an overall organisational culture which appreciates the importance of being open to the public, and views it as a desirable characteristic, is essential to accomplish these. It is also necessary if the council is to be well-equipped for the future, as the Local Government Transparency Code makes clear that the Government's overall aspiration is for all council data to be made publicly available (with exceptions where necessary to protect vulnerable people or commercial and operational considerations)<sup>3</sup>.

In evidence, local journalists expressed the view that this attitude was not currently widespread in the council, and that in general there existed a presumption against disclosure. An example of this was the council's willingness to classify reports as exempt from publication requirements on the grounds of commercial sensitivity - they felt that too little weight was given in such judgements to the right of the community to know the advice and information guiding decisions.

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408386/150227\\_PUBLICATION\\_Final\\_LGTC\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf) (para 4).



UNISON also felt that the authority had proven too reluctant to share important information in the course of the 2014 Your Borough Your Voice public consultation. They felt that the public summaries of budget proposals had not been fully open about how service provision could be affected, and also expressed concern at the restrictions placed by management on how staff could discuss these proposals with service users.

Views expressed in responses from the public to the Commission's consultation echoed these general concerns. Most respondents felt that the council was not transparent and open about its activities, and that consultation was not undertaken in good faith, as the council had often already decided on a course of action and would disregard opposing views. The methodology used in this consultation means that these views cannot be interpreted as representative of the community generally, but they can provide a useful starting point for the council in seeking to create and



maintain a culture which values openness, and strives to achieve it.

In this respect, Tower Hamlets can learn from other authorities which have made strides in achieving greater transparency. The Commission heard from Redbridge Council, which has developed its own online application to share its data with the public; and from Socrata, an international data solutions company with its UK base in Tech City, which has partnered with other authorities and governments (in the UK and abroad) to help them achieve this. Both spoke of the importance of the authority's leadership in embedding such a culture. At Redbridge, for example, the drive for achieving a high standard for open data came personally from the chief executive, who ensured that the corporate Socrata's open data guide<sup>4</sup> also identifies executive sponsorship as a key component of a successful open data programme, along with a dedicated policy.

The Mayor of Tower Hamlets has already made a clear commitment to achieving a more transparent council, with his Transparency Protocol articulating "a need for organisational culture change: away from a protective and defensive approach to one which recognises the importance of openness and engagement, and embraces the opportunities this will bring about". This also sets out some useful practical actions to help achieve this, through communications, data publication, engagement activity and the council's democratic processes.

<sup>4</sup> <http://moderngov.towerhamlets.gov.uk/documents/s77339/Open%20Data%20perspective%20from%20Socrata.pdf> (page 9)

The Commission is pleased that the Mayor has expressed a strong commitment to the value of transparency, and endorses his decision to launch a dedicated Protocol and action plan. However, it believes that the impact of these could be bolstered by including a focus on improving the culture within the organisation, and changing the attitudes of officers and managers towards sharing information with members and with the public. There are strong practical and moral arguments for a public sector organisation being open with the community, and staff should understand these and embrace transparency and accountability as a value of the organisation. Along with the commitment made by the Mayor, this requires the officer leadership of the council to set the tone for the whole council, lead by example, and ensure that the presumption is in favour of openness rather than secrecy, at all levels.

As noted when it was considered at Cabinet, the Mayor's Transparency Protocol provides a starting point for work to improve transparency, to be further developed by the Commission. Therefore, the Commission believes that the Mayor's action plan should include another set of actions aimed specifically at achieving a culture of openness and attitudes which value transparency amongst officers. Leading by example should include ensuring that staff are fully aware of public consultations on proposals affecting their services. Other possible actions to consider may include adopting openness as one of the organisation's core values; communicating the importance of public transparency in staff inductions; building transparency into team



planning requirements; and ensuring that team and service managers communicate the importance of this through team meetings, and exemplify it in day-to-day operations. The Commission was pleased to note that the most recent staff conference in October 2015 included a presentation on the topic of transparency, which is a positive first step.

A specific area where the culture of the organisation may need to change is the attitude towards whistleblowing by staff. UNISON brought to the Commission's attention its concerns about the lack of protection provided to internal whistleblowers, and shared results from the 2014 "Health Check" of Tower Hamlets by the Government's Social Work Task Force. This showed that only 26% of social work staff felt whistleblowing was safe, and almost a third of social work staff had such doubts about the protections in place that they would avoid whistleblowing altogether. These caused "serious concern" in the view of the Task Force, which identified the need for action to increase staff confidence in the council's policy, with the involvement of trade unions.

Officers from the council's Human Resources and Audit teams agreed that the culture of the organisation is key when it comes to raising concerns, and informed the Commission of a review of the whistleblowing processes and of the support available for those reporting concerns.

This review may result in a whistleblowers' charter, publicity for the reformed process, and potential e-learning options about this for staff, amongst other measures. As mentioned above, the Commission believes that changing the culture of the organisation requires a clearly articulated commitment from its leaders – in this case, that in certain clearly-defined circumstances, whistleblowing is safe, and is the right thing to do. A charter which explicitly authorises staff to report their concerns anonymously (when other avenues are not practical or available), and sets out the support and protections they can expect in doing so, would be welcome in building their trust. Similarly, educating staff on how and when to use the procedures is vital, and an e-learning module along with promotion would help achieve this.

The Commission believes that these measures and others to improve the authority's attitude towards whistleblowing should be an integral part of the overall work to change organisational culture around transparency (and therefore part of the Mayor's Transparency Protocol action plan). It is also important that the role of trade unions as important advocates for and representatives of employees is recognised and respected, and the Commission would like to see implemented the Social Work Task Force's recommendation that the unions be involved in this work.



**Recommendation 1: The Mayor considers additions to his Transparency Protocol to include actions to create an organisational culture, led by senior management, which values and presumes openness. This should include explicit support for whistleblowing.**

## Democratic Processes and Decision-making

Although statutory in nature, local authorities derive much of their legitimacy from their status as democratically elected institutions. Councillors, and in Tower Hamlets the Executive Mayor, are elected, and certain key elements of council processes and decision-making are required by law to be open to the public (with some exceptions). These include 28 days' advance notice to the public of key decisions; publication of agendas and papers in advance of all formal meetings; meetings being open to the public to attend; and publication of executive decisions taken individually by the Mayor. Particular information about all councillors and the Mayor must also be published, including their contact details, membership of council committees, and any interests which they are required to register. Other members of the community are also co-opted onto some committees.



Beyond these legal requirements, the council does more to facilitate public representation, and participation in decision-making. For example, committee meetings are publicised in East End Life and on the council website, and video recordings of meetings of the Cabinet and full Council are available to watch on demand (officers reported that each Cabinet recording tends to receive around 100 views). Audio recordings of other committees are also currently being trialled. A tablet application to view details and papers from meetings is available, and the right of members of the community to bring petitions to committees is enshrined in the council's constitution, where they may also be granted the right to ask questions. Indeed at full Council, between July 2014 and July 2015, 19 petitions were received (with one being the subject of a formal debate), and 50 questions were asked by members of the public.



Furthermore, councillor information published online includes records of how their time on council business has been spent, membership of any council committees, their appointments to outside bodies by the council's General Purposes Committee, and details of surgeries that constituents can attend. Officers stated that most executive decisions were made in public; and expressed the view that relatively few committee items were considered in private (permitted when necessary to avoid the illegal disclosure of confidential information, or of other types of information classified as "exempt" by law, such as that pertaining to an individual, or to a legal person's financial or business affairs).

In spite of the above, the Commission believes that both the use of individual mayoral decisions, and the consideration of reports as exempt items, has been too common in the council's recent past, to the detriment of transparency and public accountability. The Commission is therefore pleased to see that the Mayor has committed in his Transparency Protocol to taking all decisions in public by default, and to including a written explanation for their use when making an individual decision. However, the Commission believes that this could be strengthened further by the Mayor outlining a set of prescribed circumstances or conditions which must exist to justify the use of private decision-making powers.

## **Recommendation 2: The Mayor extends his Transparency Protocol to include required conditions for the use of individual mayoral decisions.**

The Commission also considered the openness of information and advice provided to the council's Development Committee and Strategic Development Committee, in taking decisions on planning applications. Information provided to the council by developers assessing the viability of their applications (ie whether or not they realistically can be delivered) is currently confidential, to encourage maximum candour. This enables the council to have the best information available to review the appraisal, and to negotiate any planning obligations for the benefit of the area. However, officers acknowledged that there was a tension between this and transparency, and that public confidence in the planning system, and accountability, could be increased with greater information on viability assessments. Indeed, recent decisions by the Information Commissioner have required the disclosure of these; and Islington Council's newest Strategic Planning Document actively advocates transparency in viability negotiations. The Mayor's Transparency Protocol also includes exploration of requiring the publication of viability assessments, which the Commission supports.



Occasionally, for large and complex developments, members are briefed by officers on the relevant issues in private prior to formal committee meetings or before applications are submitted, sometimes with applicants in attendance. The Commission wishes to see the conditions for and purpose of these briefings clearly set out, in liaison with members of the committees, and for them to be recorded in the published papers of the committees when they occur.

**Recommendation 3: The council implements a protocol governing the use of planning pre-committee briefings with applicants present, and includes materials used and any outcomes in reports to the development committees.**

Detailed negotiations for planning contributions to the council from developers to help mitigate the impacts of their developments (under section 106 of the Planning Act 1990) begin after planning permission has been granted. The council's position on these is determined by the Planning Contributions Overview Panel (PCOP), made up of officers from across the council's directorates and chaired by the Corporate Director for Development and Renewal. This panel also considers projects proposed by directorates for funding from planning contributions, based on the particular obligations agreed with the developer, and takes account of the degree of public consultation underpinning a proposal (amongst other factors) in determining if funding should be agreed. Agreements made between the council and developers on contributions, projects with agreed funding, and factsheets on these projects are available on the council's website, along with the relevant planning applications.



The introduction of the Community Infrastructure Levy, however, has prompted a review of this process, as expenditure under the new regime will be an executive decision. The Commission believes that this should represent a move towards greater transparency, and aim to enable a degree of resident involvement in the process, whilst maintaining the council's ability to take strategic decisions on the basis of need.





**Recommendation 4: The new process for deciding on the spending of planning contributions is open and transparent, and includes some resident involvement.**

Members also welcomed plans to make planning contributions agreements and details of how they were spent more accessible online. In particular, they believed it was important for residents to be able to view the spending of planning contributions by ward, and for members to be proactively informed when such decisions were made. They also requested that the Overview and Scrutiny Committee receive regular reports on the progress of infrastructure projects funded by these contributions.

**Recommendation 5: Information on spending of planning contributions is publicly and easily available delineated by ward, and sent to members, with regular progress reports to the Overview and Scrutiny Committee.**

The Commission considered ways in which the provisions made to keep democratic processes visible could be enhanced to maximise the engagement of the public. In their presentation, officers gave some examples of measures which could be undertaken in order to increase engagement in democratic processes, such as requiring plain English in committee papers and the constitution, live video and audio webcasting of committee meetings which are currently recorded and viewed on-demand only, and reviewing the arrangements for nominees to outside bodies to report back on their work. The Commission was pleased that officers were thinking proactively about such improvements, and hopes the measures mentioned will be explored and implemented if feasible and beneficial.

## **Recommendation 6: The council increases opportunities for community engagement in democratic processes, including by:**

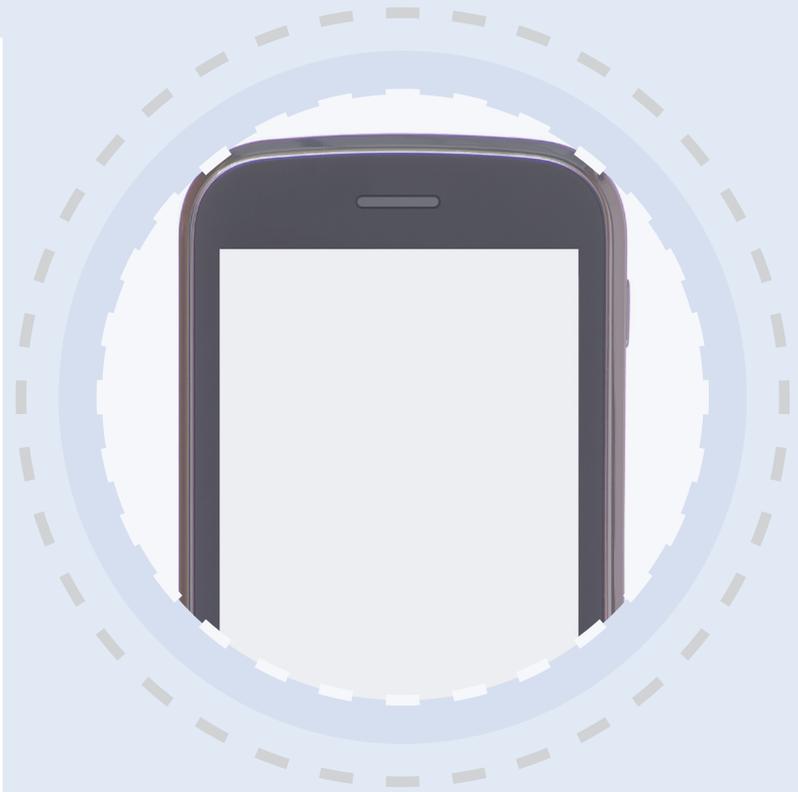
- **Exploring holding committee meetings in a variety of venues more amenable to the public in different parts of the borough;**
- **Providing plain English summaries of items on upcoming committee agendas via the council's existing communications channels, and reporting these afterwards;**
- **Making Council and Cabinet webcasts viewable from the Council's main social media accounts and on popular video hosting sites such as YouTube;**
- **Exploring options for remote and electronic participation in committee meetings, such as offering live streaming and tweeting, and allowing questions via social media;**
- **Enabling e-petitions on the council's website; and**
- **Allowing the public to propose items for Overview and Scrutiny workplans.**

The Commission also welcomes the Mayor's action to develop and promote new guidelines on the use of exempt papers and their availability to non-executive members. As this will require amendment of the council's constitution, it will be carried out through the Governance Review Working Group, and the Commission hopes that this report will also be taken into account by that Group in its work.

The Commission focused on some specific possibilities for improvement which it felt could have a particular impact. A common view in evidence was that committee meetings held at alternative venues to the Town Hall in Mulberry Place were more likely to attract attendees to view or participate, if these were more accessible or familiar to residents. It was pointed out to the Commission, however, that there were resource implications to this proposal, especially when taken together with others. It was also considered that the information included in East End Life on agenda items for upcoming committee meetings could be more extensive and informative, to give readers a better indication of what is being considered, recommended and decided on, although it was recognised that the reach of East End Life in this respect was likely to decline in the future, if and when it was produced less frequently. However, these synopses could also be posted on the council's Facebook and Twitter accounts in advance of these meetings, and may stimulate greater interest from residents. Ideally the Commission would like to see this for all committees, with particular emphasis given to executive decisions and decisions of full Council relating to the Policy Framework. The decisions taken should also be reported in the same way.

Newer technology and media also offer greater opportunities for the public to not only see the decisions being taken, but to participate in the processes without having to be physically present. The internet and social media are important and powerful means for individuals to express their views on issues which matter to them, including hashtags on Twitter and electronic petition platforms Change.org and the UK Parliament's own petition scheme. The Commission believed that these could be better exploited. Furthermore, all such measures should be as easy as possible for the public to find and use, including existing engagement channels – for example, council webcasts currently are hosted on the website of the council's delivery partner, but not on YouTube (technical limitations mean these cannot currently be embedded on the council's own website).

Again, the Commission welcomes the steps taken by the Mayor in his Protocol to investigate how to broaden the use of social media into democratic meetings, but would like to see these built on further.



## Community Engagement and Consultation

Along with the provisions for public access to and participation in the formal procedures of democratic decision-making, another important way in which the community should be able to play a part is through engagement and consultation. This is clearly a priority for the council - its new Strategic Plan explicitly links transparency to engaging more residents and community leaders in policy and budget changes, and also commits to a framework of borough-wide equality forums, which contribute to the council meeting its legal duty to promote equality. In addition, the new Community Plan includes a cross-cutting priority of “empowering residents and building resilience”, with the aim of engaging them in actually designing and delivering public services.



The council's Annual Residents Survey for 2014-15 shows that, using a representative sample of the community, the majority feel that the council both listens to residents' concerns, and involves them when making decisions. The Commission's own consultation exercise showed a less positive perception amongst respondents who did not identify themselves as working for the council, with majorities feeling that the council does not listen to residents' concerns or involve them when making decisions. Similar proportions believed the council is not open and transparent when conducting consultations, nor keeps residents informed about how their involvement has made a difference.

By comparison, the majority of council staff who responded to the consultation felt that the authority was open and transparent with its consultations, listened to residents' concerns and involved them in decision-making. Less than half agreed that the council kept residents informed about how their involvement has made a difference.

While these consultation results cannot be interpreted as representative of the borough as a whole, the additional comments provided by respondents can provide an insight into the reasons for a lack of confidence in the council's engagement work amongst some. Alongside the clear conclusion that the council could better feed back to participants the results of consultations and their influence on decisions, there were also criticisms that these were rushed and not managed well; that they were tokenistic, due to a perception that the council had often decided on a course of action regardless of the results of consultation; and that those engaged were often a vocal minority heard often, rather than representative of the community.

Residents' suggestions to improve consultation and engagement included more direct, proactive and targeted engagement of those who are likely to be affected by a potential decision or action, such as events for the community or based around specific issues, as well as open forums and written materials. It was felt that merely putting information online was insufficient, although there was room for creative use of digital and social media. Consultations should also be better planned, with supporting information and materials provided in good time, adequate publicity, longer times allowed for responses, more careful consideration given to venues and times for events, and better feedback on results and impact. Respondents were also keen to have more involvement in formal meetings, and greater contact with members and officers.

As mentioned earlier in this report, UNISON expressed criticism of how consultation on the budget and future savings proposals was carried out in 2014. The union believed that the information provided to the public on these proposals was insufficient to enable them to provide informed responses, particularly about their risks and implications.

The council is currently developing a new Community Engagement Strategy, the content of which is being developed and consulted upon. This will aim to better coordinate and standardise the range of engagement and consultation activity carried out by various teams in the authority and, as set out in the Community Plan, will see the council and partners "co-produce" solutions with local people and the third sector. It is likely this will take advantage of existing resident and equality forums, and digital and social media, as methods of engagement. The strategy will also look at new options for local participatory





structures, and the Commission was keen that the role of ward members is a key consideration in this.

Alongside new structures, the Mayor's Protocol also plans to develop an improved consultation process for policy development and service change. The Commission believes that this should draw on the findings of its consultation.

**Recommendation 7: The new Community Engagement Strategy, and changes planned under the Mayor's Transparency Protocol to the consultation process for policy development and service change, take account of the findings of the Commission's consultation.**

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**Recommendation 8: New localised consultation forums allow a key role for ward councillors.**

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For both licensing and planning applications, there are statutory consultation requirements which the council must fulfil in order to inform potentially affected individuals and organisations, and give them the opportunity to express their views prior to a decision being made. Tower Hamlets policy and practice is to exceed these requirements. In the case of licensing applications, along with displaying a notice on the premises in question, placing a notice in East End Life and consulting the responsible authorities, the council provides information about applications on its website and writes to addresses within a radius of 40 metres of the premises. For events expected to attract more than 1000 attendees, this radius is expanded further – with such events being held in Victoria Park, for example, these are extended to the park's perimeter.

The latter measure is not undertaken universally by councils, as an informal survey of seven other nearby London boroughs showed that only two wrote to additional addresses.



Where the council receives a planning application, while required to either post a notice on the site or notify the adjoining occupiers, it writes to all addresses within 10 metres of the premises (20 metres for a larger “major development”, and 40 metres for an even larger “significant development”). Residents can also register to receive a bulletin of all planning applications received in the borough. The law requires a notice in the press for other specific types of applications, such as major developments and those in conservation areas, which the council also carries out.

However, planning officers recognised that response rates to their consultations are currently low; and licensing officers stated that an email bulletin like that sent by the planning department was something that it had not explored (and was something that some of the other boroughs contacted undertook, where requested by members of the public). Members also commented that the language used in official correspondence relating to planning and licensing matters could be difficult for ordinary residents to understand, as it often used technical or legal language that was not familiar to them. The Commission therefore felt that measures should be explored to better inform and consult the public in relation to planning and licensing applications.

The Mayor’s Protocol sets out that the Community Engagement Strategy will include a facility for the public to sign up to receive alerts on reports posted on the council website with particular “tags” or keywords attached, including planning and licensing. This is a welcome step, although the Committee was concerned that by the time of publishing reports online, the opportunity to respond to a consultation may have passed. Therefore, the Commission believes that this could be bolstered by additional activity by the teams themselves, including exchanging and adopting each other’s good practice. Officers presented some potential actions which they suggested might achieve this, which the Commission would like to be explored and implemented where feasible. It is pleased that the Planning team has already moved to improve the functionality of its online search facility.

The Commission noted that that any new measures pertaining to the use of social media should be consistent with legal advice regarding these statutory processes, as well as the latest version of the council’s corporate social media policy. They should also take account of any recommendations arising from the Local Government Association’s review of the council’s communications activity.



## **Recommendation 9: Licensing and planning teams explore the feasibility of enabling the public to sign up to receive weekly email bulletins detailing applications received, consultation arrangements, and the status of existing applications, at ward level. They should also:**

- **Explore utilising social media and text alerts in relation to consultations; and**
- **Use plain English as far as possible in communications, and include guides to technical language that cannot be avoided.**

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## **Enhancing Overview and Scrutiny**

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The Overview and Scrutiny function plays an important role in the transparency of a local authority, by exposing the executive to public examination and requiring answers to its questions, alongside its role in advising the executive. Tower Hamlets currently has one Overview and Scrutiny Committee (OSC), with a Health Scrutiny Panel (HSP) undertaking the statutory role of scrutinising health services.

There is a mixed picture regarding the OSC's influence on executive decision-making. The previous mayor rarely attended meetings when requested, and despite a relatively high number of called-in decisions, those referred back for further consideration have seldom been changed. However, both committees have a good record of having the recommendations of their in-depth reviews and challenge sessions accepted by the administration.

Members of the Commission noted the Mayor's plans to ensure that target response times are developed for OSC questions. They also agreed that early opportunities to examine and input into policy decisions, including the budget, were of key importance, and were pleased that the Mayor intends to offer these in his Protocol. It is vital that the OSC is able to examine the basis of significant and strategic decisions which are to be made by the executive, and members look forward to doing so in relation to matters such as the scoping principles and priorities which will guide the council's assets strategy; and major asset disposals decided by the Mayor (though the latter also currently require the agreement of the Commissioners appointed by the Secretary of State).

The Commission also believes that the OSC should carry out pre-decision scrutiny for grant awards, which are currently made by the Commissioners. It understands that plans are in the process of being developed to facilitate this within the existing grant-making process.



The Commission did note, however, that no examination of the Overview and Scrutiny function had been undertaken following the change in executive arrangements from Leader and Cabinet to Mayor in 2010. In these circumstances, and given the scope of work envisaged for the OSC above, the Commission felt that a review would be timely, to ensure that the structures in place were appropriate. For example, the Institute of Government's 2011 report "Making the Most of Mayors"<sup>5</sup> advises putting more emphasis on time-limited task and finish groups or commissions which scrutinise particular areas of executive responsibility, rather than a standing full committee. It also suggests that such a review should be undertaken by Overview and Scrutiny members themselves.

<sup>5</sup> [http://www.instituteforgovernment.org.uk/sites/default/files/publications/Making%20the%20Most%20of%20Mayors\\_0.pdf](http://www.instituteforgovernment.org.uk/sites/default/files/publications/Making%20the%20Most%20of%20Mayors_0.pdf)

This work should, in turn, inform the resources available for member training and officer support for the OSC. Ideally, any changes should be included in the 2016-17 budget.

### **Recommendation 10: The council undertakes a full review of its Overview and Scrutiny arrangements, and amends these as necessary.**

## **Open Data**

As mentioned earlier, in October 2014 the Government released the Local Government Transparency Code, which sets out both minimum requirements for data that must be published by councils, and recommendations for data that should be published. This was updated in February 2015. The Local Government Association has also published practical guides to help councils implement the requirements.

The Code requires local authorities in England to publish information related to the following themes:

- Expenditure over £500
- Government procurement card transactions
- Procurement information
- Grants to voluntary, community and social enterprise organisations
- An organisation chart
- Salaries of senior officers
- The ratio between the highest and median earnings in the council (the "pay multiple")
- Trade union facility time



- Local land assets
- Social housing asset value
- Parking accounts and parking spaces
- Fraud, and
- The constitution.

The council has a dedicated transparency webpage to access this information<sup>6</sup>, which also links to other information not specifically required by the Code, including the council's log of Freedom of Information requests and responses; details of allowances paid to members since 2010; and business rate charges for premises.

The Commission did not have sufficient capacity to review in thorough detail the extent of the council's compliance with the Code's requirements. However, from a brief examination of the information linked from the transparency page, it did appear that there were some areas which required attention or amendment to more fully comply with the Code at the time of writing. For example:

- The link to "procurement information" requires complex navigation through multiple internal and external webpages, filtering through information concerning all London boroughs, and does not lead to all of the information required;
- Only Government Procurement Card transactions above £500 are published, rather than all transactions as required, and can only be found within the expenditure data as "payment card spend";

<sup>6</sup> [http://www.towerhamlets.gov.uk/lgnl/council\\_and\\_democracy/transparency.aspx](http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/transparency.aspx)

- Information on grants is out of date, and omits some required details;
- Senior salary information appears to be contradictory and confusing;
- The link to "fraud" does not directly lead to the required information, requiring additional navigation;
- Some other annual information included also appears to require updating, including the social housing asset register and parking information.

The Commission notes that the Mayor's Protocol contains two actions to review the way in which the council publishes contracts. Beyond this, it considers that it would be in the best interests of both local people and the council for officers to rigorously audit all information currently published against the requirements of the Transparency Code, and ensure that it fully meets our obligations. This should be undertaken as regularly as required in the code for each category of information. The Commission is pleased to learn that the Complaints and Information Governance Team is planning improvements in this regard.

## Recommendation 11: Officers undertake a full review of compliance with the requirements of the Local Government Transparency Code, and take any action required to secure this compliance on a regular basis.

As pointed out by local citizen journalist Mark Baynes, the format of published data has a strong influence on its usefulness and accessibility to users. The Code also sets out a hierarchy of standards for this, as follows:

### One star

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

### Two stars

As above plus available as machine-readable structured data (eg Excel instead of an image scan of a table)

### Three stars

As above plus using a non-proprietary format (eg CSV and XML)

### Four stars

As above plus using open standards from the World Wide Web Consortium (such as RDF and SPARQL<sup>21</sup>)

### Five stars

As above plus links data to others' data to provide context

The Government's recommendation at the time of publishing the Code was that local authorities publish data in three star formats, where suitable and appropriate, alongside open and machine-readable formats, within six months (ie by the end of March 2015, except for social housing assets).

The Commission was keen to see how data published in open formats could be useful to different audiences, and was impressed with examples provided by Redbridge Council and Socrata, the latter of which had worked with a number of public bodies to help them publish their data effectively. In the case of Bath and North East Somerset Council, demand for data from software developers in the community had actually driven the creation of a "data-store", built by Socrata and curated by a community interest company created for this purpose. This data had been published in formats which allowed software developers to draw on it in developing their own applications which could be useful to residents, such as smartphone apps displaying live parking space information for drivers to use in real time.

Having considered these examples, the Commission then looked at the information currently linked on the Tower Hamlets transparency page, benchmarking it against the star-rating system in the Code as follows (where data is split between different formats, the Commission has used the lower rating, on the basis that the full dataset is not available in the more open format):

Information category	Current format	Current star rating
Expenditure	CSV files, but Excel spreadsheets for 2013-14 and 2014-15	Two stars
Government procurement card transactions	As above	Two stars
Procurement	Link to summaries on London Tenders Portal for current invitations; contracts available from London Contracts Register as CSV.	One star
Grants	Excel spreadsheets	Two stars
Organisation chart	Excel spreadsheet	Two stars
Senior salaries	Excel spreadsheet (limited data in CSV)	Two stars
Pay multiple	PDF	One star
Trade union facility time	Excel spreadsheet	Two stars
Land assets	Excel spreadsheet and CSV	Three stars
Social housing asset value	PDF	One star
Parking accounts and spaces	PDF	One star
Fraud	Webpage	One star
Constitution	PDF	One star



This demonstrates that overall, the council has immediate work to do to make the data it publishes more suitable for others to use. Therefore, the Commission believes that once the council has reviewed its compliance with the requirements of the Transparency Code in terms of the types of information published, it should also improve the formats in which this data is published, initially to meet the standard already expected of councils by the Government. Beyond this, officers should also plan to achieve the highest standards of usability for the community in the longer term. The Commission hopes that the improvements planned by the Complaints and Information Governance Team will aim to do this.

**Recommendation 12: Officers explore approaches to achieving three-star status for all relevant information required to be published by the Local Government Transparency Code (as applicable) within six to nine months; and assess the feasibility of achieving five-star status for different categories of data published by the council on an ongoing basis, in the longer term.**

While the above recommendations deal with data that the council is obliged to publish, the Commission believed that it should also be exceeding those requirements by opening up more data to the public (in suitable formats). The Code itself makes specific recommendations in this regard for the required categories of information, such as more frequent updating and a lower threshold for expenditure publication.



The Mayor’s Protocol includes an action to explore the feasibility of publishing spend under a lower threshold than the £500 that the Code requires. The Government’s recommendation for this is £250, and the Commission believes that the Mayor should consider at least matching this, or exceeding it - for example Mark Baynes, in his Love Wapping blog<sup>7</sup>, suggests £100 (as well as including unique identifiers for recipients, such as company or charity registration numbers for recipients).

The Commission also feels that the Mayor should consider meeting the other recommendations in Part 3 of the Code, in addition to his plan to explore publishing the names of directors and service heads (which is not a recommendation in the Code).

<sup>7</sup> <http://lovewapping.org/2015/08/tower-hamlets-council-transparency-commission-begins-work/>



## Recommendation 13: The Mayor's Transparency Protocol is extended to include exploring the feasibility of publishing all of the information recommended in part 3 of the Local Government Transparency Code.

Beyond the categories of information which the Code explicitly deals with in its requirements and recommendations, the Commission believes that the council should work towards publishing other categories of data and information (while maintaining open format standards as previously discussed).

Deciding which data to publish would require liaison and planning across the organisation. Socrata suggested that a council should start from its strategic goals when deciding on how to initially prioritise publication of data. This might also be informed by analysis of existing indicators of public demand, such as traffic to particular council webpages, FOI requests, complaints and Members' Enquiries. Socrata further suggested learning from the experience of other authorities which were further along in the journey than Tower Hamlets, as well as explicitly consulting the community on this specific issue.

While limited, the Commission's public consultation yielded some insight into the kinds of information that respondents would like to see more of, or see improved. These included:

- Council finances
- Planning matters
- Staff structures, responsibilities and contact details
- Housing information
- Contracts, including performance
- Consultations
- Policies and performance, and
- Decision-making.

However, publishing more data alone is inadequate, if people are unaware of it or unable to find it. Issues with navigating the council's website and finding desired information was mentioned at various points to the Commission, and in its discussions. Respondents to the consultation reported that doing so was difficult, an observation echoed by Mark Baynes. Planning officers conceded that it could be difficult for users to locate information on applications, and members of the Commission stated that they were unaware that the transparency webpage existed at all. While Communications officers noted that they are currently working to make the website more accessible, this nonetheless demonstrates the importance of making information easy to find.



Most authorities, in meeting the requirements of the Transparency Code, have created a portal of some kind from which users can access the different sources, including Tower Hamlets with its transparency webpage. An information “hub” would give users an obvious starting point when trying to find particular data about the borough or the authority, thereby making the process easier for them and aiding overall transparency. This hub could be an expansion of the transparency webpage, and in any event should include all the information currently required by the Code, and all other information currently linked from that page, such as the FOI disclosure log. This hub, as the “one-stop shop” for information queries, should be prominently featured on the council’s homepage.

Having considered the evidence gathered, the Commission believes that it would also be beneficial to include other specific types of information within such a hub. Some were suggested by officers or other witnesses, and

some are available online already, but could be more easily found through this portal. These include:

- The borough profile
- The council’s mapped data (including the background data published on data.gov.uk which, in XML form, currently meets the three-star standard)
- Licensing and planning applications
- Easy-to-understand guides to the council’s decision-making processes and complex policies
- Plain English executive summaries of reports to council committees for decisions, along with summaries of decisions taken and short explanatory videos
- Links to video and audio recordings of committee meetings, and
- All information currently published about members.

The Commission notes that the Mayor’s Protocol includes an action to produce an easy-to-read performance scorecard for publication, and this would also be a sensible addition.

Respondents to the consultation reported that, on the occasions when they could find information on the website, it was often out of date. In addressing the Commission, journalist Ted Jeory also gave examples of member information on the council’s pages which was demonstrably out of date. Therefore, it is important that information on the hub is regularly and frequently updated, so that it remains a useful resource for the community and can be relied upon.



**Recommendation 14: In the short term, the council develops a frequently-updated online hub of information accessible from the council homepage, including all information required by the Local Government Transparency Code, as well as additional categories of information suggested in the body of the Commission's report.**

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As mentioned earlier, the Government's aspiration is for all data held and managed by local authorities to be made available to local people unless there are specific sensitivities preventing this. In the longer term, therefore, the Commission believes that the council should explore the costs and benefits of doing so. Clearly, there are strong arguments for completely open data, including those set out in the introduction to this report. In addition, given the Government's strong endorsement, this may in the future become an obligation on local authorities, in which case it would be useful for the council to be prepared in advance.

On the other hand, such a project would require a major shift for the whole organisation, and could have significant resource implications, at a time when the council is required to make large scale savings. The demand within our community for access to all council data is unknown at present, and it may be that publication of particular datasets for which there is a clear appetite, rather than all data, strikes the best balance between transparency and effective use of resources. The council would then act to discharge any future duty of full publication if and when it was imposed by the Government.

**Recommendation 15: In the longer term, the council explores the costs and benefits of regularly publishing all of its data, with exceptions, as recommended in the Local Government Transparency Code.**

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Regardless of the approach the council takes in relation to the amount of data it chooses to publish, however, the Commission believes that the portal to that data should make it as easy as possible for residents and any other interested parties to access, visualise and use. This was also endorsed by Mark Baynes in his blog, and should go beyond the hub of links to data sources in open formats envisaged in Recommendation 14, and involve dedicated software designed for this purpose.

Members were shown the web-based application that Redbridge Council's ICT department had developed to let services and teams publish their data directly online. This was accessible from the council's homepage, user-friendly, and could be easily searched, with data available in a variety of formats and presentation styles, including maps and charts. Similarly, the data-store built by Socrata for Bath: Hacked (the community interest company formed to curate the area's open data) also provided a portal through which residents could access information presented in ways to make them understandable, alongside raw data.



**Recommendation 16: Officers explore options to allow the public to access data published by the council via user-friendly, visually appealing and easily-navigated interfaces, using Redbridge DataShare and Bath:Hacked as benchmarks.**

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The Commission is aware that its recommendations concerning open data represent potentially significant change for the whole authority, taking place over an extended period of time. As acknowledged earlier in this report in relation to culture change, a clear commitment by the leadership of the organisation is crucial to ensure that this has a high profile both within and outside of the council, and that it is given sufficient priority. Alongside this, and equally important, is accountability for achievement. For these reasons, the Commission believes that the council should appoint a Champion for Open Data, with a specific remit to ensure that these activities are implemented, and the outcomes of greater access to council-held information are achieved and maintained. For the same reason, the Commission feels that progress of the recommendations' implementation should be reported back to the Overview and Scrutiny Committee on a six-monthly basis.

**Recommendation 17: The council appoints an open data champion for each directorate.**

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**Recommendation 18: Progress on implementing the above recommendations supporting open data is reported to the Overview and Scrutiny Committee on a six-monthly basis.**

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## Contact:

For further information on the work of the Transparency Commission, please contact Mark Cairns:  
[mark.cairns@towerhamlets.gov.uk](mailto:mark.cairns@towerhamlets.gov.uk).

For more information about the council's Overview & Scrutiny Committee, go to:  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk).

