


<p>Non-Executive Report of the:</p> <p><b>Overview and Scrutiny Committee</b></p> <p>Monday 7<sup>th</sup> September 2015</p>	
<p><b>Report of:</b> Louise Russell, Service Head, Strategy and Equality</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Transparency Commission Scope and Work Programme</b></p>	

<b>Originating Officer(s)</b>	Kevin Kewin Strategy, Policy and Performance Service Manager
<b>Wards affected</b>	All

### Summary

This report presents the draft scope and schedule of the Overview and Scrutiny Committee's transparency work (the Transparency Commission).

### Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Approve the draft scope and work programme of the Overview and Scrutiny Transparency Commission (appendix 1).

## **1. REASONS FOR THE DECISIONS**

- 1.1 It is important that the aims, scope and work programme of the Overview and Scrutiny Committee's Transparency Commission are clear and documented.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Overview and Scrutiny Committee could decide not to proceed with any further Transparency Commission work.
- 2.2 Overview and Scrutiny Committee could decide to amend the scope and programme of the Transparency Commission's work.

## **3. DETAILS OF REPORT**

- 3.1 At Overview and Scrutiny Committee's (OSC's) first meeting on 7 July, the Chair of OSC announced the intention for the Committee to focus on transparency for its next three meetings.
- 3.2 At OSC's meeting on 27 July, the Committee discussed the initial aims, scope and work programme of the Transparency Commission. In addition, the Committee took evidence from journalists with a local interest, and considered transparency in relation to Freedom of Information, Licensing and Planning decisions.
- 3.3 The Committee's September meeting will consider transparency in relation to the Community Infrastructure Levy, Community Engagement, Democratic Engagement and Whistleblowing. In addition, the Committee will receive evidence from the Executive Mayor and Centre for Public Scrutiny.
- 3.4 In October, the Committee will receive evidence from authorities that are well regarded in particular aspects transparency. London Borough of Redbridge, for example, will be outlining their approach to open data.
- 3.5 The work of the OSC Transparency Commission has been widely publicised, including through East End Life and social media. A survey was launched in mid-August to provide local residents and organisations with an opportunity to give their views on how to improve transparency within the Council. The findings of the survey will be considered by the Committee at its October meeting.

## **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 There are no financial implications as a result of this report. The work of the Transparency Commission is being undertaken within existing resources.

## **5. LEGAL COMMENTS**

- 5.1 The Council is required by Section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements which ensure the committee has specified powers. Consistent with that obligation Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive, as appropriate, in connection with the discharge of any functions.
- 5.2 The legal framework for access to and re-use of public sector information is set out in the following:
- Local Government Act 1972, Part 5A, which governs access to meetings and documents at certain council meetings and committees
  - Freedom of Information Act 2000 (as amended by the Protection of Freedoms Act 2012)
  - Environmental Information Regulations 2004
  - Re-use of Public Sector Information Regulations 2005
  - Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations 2009, and
  - Sections 25 and 26 of the Local Audit and Accountability Act 2014 which provide rights for persons to inspect a local authority's accounting records and supporting documentation, and to make copies of them.
- 5.3 Additionally, the Local Government Transparency Code 2015 ("the Code"), issued pursuant to section 2 of the Local Government, Planning and Land Act 1980, sets out the recommended practice as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.
- 5.4 The objects of the Overview and Scrutiny Panel Transparency Commission are consistent with the legal framework and the Code. Any recommendations of the Commission must be implemented in a manner which is consistent with the Council's duties under the Data Protection Act 1998 and other common law principles regarding confidentiality, or contractual obligations relating to commercially sensitive information. Additionally, the Council must not contravene the provisions of sections 100A, 100B or 100F of the Local Government Act 1972.
- 5.5 Where information would otherwise fall within one of the exemptions from disclosure, for instance, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations 2009 or fall within Schedule 12A to the Local Government Act 1972 then it is at the

discretion of the local authority whether or not to rely on that exemption or publish the data.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The Commission may wish to consider whether there are any specific equality issues relating to transparency, such as whether some disabled residents, or those whose language or literacy skills are limited, experience particular access issues.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Transparency can play a key role in supporting economy, efficiency and effectiveness. As such, the Transparency Commission's work is aligned with the Council's Best Value Duty.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)**

- 8.1 There are no direct SAGE implications from this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The Council's Head of Risk Management will be providing evidence to the Committee on Whistleblowing which is within the draft scope of the Transparency Commission's work. There are no other direct risk management implications from this report.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no direct crime and disorder implications from this report.
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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendix**

- Appendix 1: Draft scope and work programme of the Overview and Scrutiny Transparency Commission.

#### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of "Background Papers" used in the preparation of this report**

- None

#### **Officer contact details for documents:**

- N/A

