

<b>Cabinet</b>  <b>4 October 2016</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director - Law, Probity & Governance	<b>Classification:</b> Unrestricted
<b>Update on implementation of the Mayor's Transparency Protocol and response to the OSC Transparency Commission Report</b>	

<b>Lead Member</b>	<b>Mayor John Biggs</b>
<b>Originating Officer(s)</b>	Kevin Kewin (Interim Service Head, Corporate Strategy & Equality) / Afazul Hoque (Interim Service Manager Strategy, Policy & Performance)
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<b>One Tower Hamlets</b>

### **Executive Summary**

This paper provides an update to the action plan set out in the Mayor's Transparency Protocol and an action plan responding to the 18 recommendations arising from the Overview and Scrutiny Transparency Commission report. In light of the obvious synergies between these two initiatives, this update provides a more complete picture of the action being undertaken taken with respect to improving transparency across the organisation.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the progress in delivering the actions set out in the Mayor's Transparency Protocol (Appendix A);
2. Approve the actions in response to the Transparency Commission's recommendations (Appendix B).

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

- 1.1 The Local Government Act 2000 and the Council's constitution require the Executive to respond to Overview and Scrutiny recommendations. The action plan in Appendix B represents the Council's response to the 18 recommendations of the Transparency Commission. For each recommendation, background information in the "comment/reason for approval" row is provided to inform the Mayor's decision.
- 1.2 This report also provides an update on the progress of implementing the actions in the Mayor's Transparency Protocol which was agreed by Cabinet on 3<sup>rd</sup> November 2015.

## **2. ALTERNATIVE OPTIONS**

- 2.1 To take no action. This is not recommended as the recommendations from the Transparency Commission build on the work of the Mayor's Transparency Protocol and help develop the Council into a more open and transparent organisation.
- 2.2 To agree some, but not all recommendations. This is not recommended as actions identified help develop the Council into a more open and transparent organisation.

## **3. DETAILS OF REPORT**

- 3.1 Lack of transparency was an issue identified in the Best Value inspection of the Council in 2014. While specific problems highlighted in the inspection are being addressed through the Council's Best Value Action Plan, transparency was also a key theme of last year's mayoral election, and it remains a matter of real interest and concern to local people.
- 3.2 On 3<sup>rd</sup> November 2015, the Mayor put a paper before Cabinet that set out a number of principles to demonstrate his personal commitment to governing in a transparent way in order to help create a culture shift to a more transparent Council. Within the paper were actions the Mayor had already put in place as well as an action plan (Appendix C) to be delivered in the short to medium term.
- 3.3 At its first meeting of the 2015-16 municipal year, the Overview and Scrutiny Committee decided to focus primarily on transparency as a scrutiny review, with the full committee sitting as the Overview and Scrutiny Transparency Commission between July-October 2015. 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:
  - I. How residents could be better informed about Council activity, processes and decisions;
  - II. How members could be supported to make more transparent decisions; and
  - III. How decision-makers could be held to account transparently

- 3.4 The Commission's evidence-gathering sessions took place at the Overview and Scrutiny Committee meetings on 27th July, 7th September and 5th October 2015. The Commission produced its report (Appendix D) in November 2015 and it was formally handed to the Mayor on the 29<sup>th</sup> January 2016.
- 3.5 Both the Mayor's Transparency Protocol and the Transparency Commission's report and recommendations were presented to the senior officers' and cross-party members' of the Governance Review Working Group (GRWG) at its meeting on 7<sup>th</sup> December.
- 3.6 The GRWG is comprised of the following:
- Chief Executive,
  - Director of Law, Probity and Governance, and Corporate Director of Resources;
  - Service Head, Corporate Strategy and Equality, Service Head Legal Services and Committee Services Manager
  - The Leader and Deputy from each of the three party political groups, (Labour, Independent Group and Conservatives); and
  - Chairs of the Overview and Scrutiny and General Purposes Committees.

The Group acts as a steer and sounding board for proposals and plans arising from a range of work streams before they are implemented or presented before Cabinet or the appropriate formal committees for approval.

- 3.7 The attached action plans (Appendix A and B) set out, respectively, an update to the action plan in the Mayor's Transparency Protocol and the Council's response to the recommendations of the Transparency Commission.

## **THE TOWER HAMLETS' TRANSPARENCY AGENDA**

- 3.8 The Council has made considerable progress over the last year to improve transparency making it a core priority in conducting its business, reviewing systems and processes and ensuring engagement with staff, local people and other stakeholders focuses on how the Council can collectively deliver the transparency agenda. This has focused on a number of key areas of work and a summary of this is provided below:

**Decision making:** The use of individual Mayor's decisions is now limited to only urgent issues and those that have minor policy implications. Details of reasons for their use are now published. This ensures more decisions are made in public Cabinet meetings providing greater opportunities for pre-decision scrutiny from non-executive councillors and local people. Furthermore, a new policy and process with respect to disbursement of the Community Infrastructure Levy has been developed and agreed by Cabinet to make this more transparent and ensure the involvement of local people.

**Scrutiny:** Two new sub-committees have been established for Grants and Housing which enables cross-party member scrutiny, in public, on grants allocation and strengthens members and local peoples involvement in scrutiny of housing issues. The Overview and Scrutiny Committee meetings are now scheduled the week before Cabinet which enables Cabinet to consider pre-decision scrutiny questions and comments in greater depth to influence their decision making. Alongside this, regular review of the Executive Forward Plan allows the Committee to discuss reports before Cabinet decisions are made. For example, in June, the Overview and Scrutiny

Committee considered the Reset of the Commercial Contract with Agilisys for the provision of ICT Services and provided comments for Cabinet's consideration as part of their decision making.

**Publishing information:** In regards to Section 106 and Community Infrastructure Levy spending this is now published on the Council website on a six monthly basis helping local people understand how this money is being spent within their locality. A range of information required by the Local Government Transparency Code is now published on a dedicated page on the Council website. This includes details of spending over £500, FOI disclosures, the grants process, procurement information and equalities data. Further work is currently being undertaken to publish details of contracts over £5,000 through a new e-tendering system and names of all Service Heads published on the Council website. In regards to the Government's 2015 Transparency Code, the Council has achieved 3 star status and is acquiring a suitable IT platform will enable it to achieve 4 and 5 star status which will also provide momentum for broadening the scope of data published. A new dedicated performance information web page has been developed on the Council website which provides details of the Council's performance on a quarterly basis. A review of the Council's performance management and accountability framework will further consider how performance information can be presented in accessible and interactive format. This will be supported by securing a new performance management system for use across the Council.

**Community Engagement:** A number of Mayor's Public Assemblies have been held at local community venues which have offered local people the opportunity to raise issues of concern and get involved in local initiatives. These have been well attended and feedback has been very positive. A schedule of future assemblies has been developed which will continue to offer local the people opportunity to hold the Mayor to account. A draft Community Engagement Strategy has been developed in consultation with local people and stakeholders outlining how the Council will build on the engagement and involvement of local people in Council business. This will support local people to co-produce services ensuring they meet local needs, improve consultation and engagement across a range of services and allow people to shape their locality. At the core of the strategy is ensuring local people's involvement has an impact on service delivery.

**Digital engagement:** The Council has begun using social media to raise awareness about decisions being made by Cabinet and the impact it will have locally. Full Council and Cabinet meetings are now webcast and available to view on the Council website with further work being undertaken to livestream meetings and explore how people can get involved in meetings using social media. A new e-petition facility is currently being tested and will go live later this year. This will better enable the Council to understand local concerns and allow people to get involved more easily in campaigns. In addition, an e-mail subscription list has been set up to allow local people to receive e-newsletters on a range of topics. Further work is being undertaken to develop e-bulletins on specific areas such as Public Health, Leisure, Community Safety, Licensing and Planning.

**Organisation culture:** A draft Organisation Culture Plan has been developed which supports openness. Work has been undertaken with senior management and members to identify organisational culture issues and how to address them. An engagement programme has been developed to engage staff in a debate about vision,

values and culture which will help inform delivery of a new Workforce Strategy. In addition, a new whistleblowing procedure has been launched and widely advertised to facilitate easier reporting. A process for managing any issues reported is now in effect and they are being dealt with. An independent Clear Up Team has also been set up to investigate allegations of improper Council decision making or impropriety in the discharge of Council functions between October 2010 and June 2016.

- 3.9 The above highlights the considerable progress the Council has made over the last year and work will be undertaken to communicate this progress internally and externally over the next few months. Despite the progress it is recognised that further work needs to take place to enable the Council to achieve the vision outlined in the Mayor's Transparency Protocol and the Overview and Scrutiny Transparency Commission. This includes activity to further engage and involve local people in the design, delivery and scrutiny of local services, embed the new scrutiny structure and better use technology to enable the Council to become more transparent.
- 3.10 The Annual Residents Survey provides data on resident perceptions about the Council, local services and the area. It has a number of questions relating to themes on transparency that help the Council understand residents' views. The 2016 Annual Residents Survey notes that overall satisfaction with the Council is up by 6 points with 71% of residents satisfied with the way the Council run things. There was also a record 17 percentage points increase on the statement 'My council is doing a better job than one year ago'. Two new questions on trust and transparency were introduced this year with 72% saying they trusted the Council a great deal or a fair amount. Residents were more ambivalent on the issue of transparency: just over half (52 per cent) of those surveyed agreed that the Council is 'open and transparent about its activities' while 37 per cent said they neither agreed nor disagreed (or didn't know), and 11 per cent disagreed. Views about resident involvement also remain mixed; 55 per cent felt the Council involves residents when making decisions, while more than one third disagreed; 57 per cent felt the Council listens to concerns of local residents, while 35 per cent disagreed. There has been an 11 per cent decrease on information requests in 2015/16 compared to 2014/15 which includes Freedom of Information requests and those under Environmental Information Regulations 2004. The on-going implementation of actions identified in the appendices, alongside a communication plan, will help us better understand the impact of the work on transparency in 2017 through the above measures.
- 3.11 With respect to progress in delivering the tasks set out in the action plan of the Mayor's Transparency Protocol (Appendix A), all the specific 'next steps' have been achieved on time with subsequent work all on track. 19 actions have been completed and 15 actions are on track to be completed.
- 3.12 Of the Transparency Commission's 18 recommendations (appendix B), these have resulted in the development of 47 actions, 14 actions have been completed and 33 actions are on track to be completed.

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

- 4.1 The report sets out progress to date in delivering actions set out in the Mayor's transparency protocol and seeks approval for actions that need to be taken in response to the transparency commission recommendations. The cost of the clear up team is estimated to be in the region of £100k-£200k and will be funded through

general reserves. The remaining actions are expected to be delivered through existing budgets and resources and thus there are no additional financial implications arising specifically from the recommendations within this report

## **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 that ensure the committee has specified powers. Consistent with this 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 in connection with the discharge of any functions.
- 5.2 The Overview and Scrutiny Committee's Transparency Commission ran over the course of three Committee meetings in July, September and October 2015. The core question for the Transparency Commission was "How can the Council be more transparent?" The desired outcome was "Recommendations to improve transparency within the Council." At Appendix D is the Final Report titled "Overview & Scrutiny Transparency Commission Final Report" and which sets out the evidence, findings and recommendations of the Transparency Commission. There were eighteen (18) recommendations set out in that Final Report and this Briefing Paper advises as to the progress with recommendations 1 through to 17 (Recommendation 18 requires "progress on implementing the above recommendations [i.e. 1 through to 17] supporting open data is reported to the Overview and Scrutiny Committee on a six-monthly basis.")
- 5.3 With regard to transparency, local authorities are encouraged to be transparent and open in their decision making and business dealings generally. Legislation provides a minimum level of publication through the Local Government Acts 1972 and 2000, the Localism Act 2011 and a variety of attendance regulations.
- 5.4 The Council has discretion to go beyond the statutory minimum in the interests of developing its transparency and openness and the recommendations are all matters within their discretion.

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

- 6.1 Increasing the transparency of decision making, enabling more effective public engagement in the work of the Council and making more information accessible to the public all serve to empower residents. In so doing, this provides for better understanding of, and engagement in, the challenges faced by the borough leading to more resilient communities.

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

- 7.1 The recommendations and actions set out in this report relate to Section 5 of the Best Value Action Plan: Organisational Culture.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no direct implications from this report on a sustainable environment.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The actions within this report will help the Council govern in a more open and transparent manner which reduces the risk of further intervention and reputation damage. It will help strengthen confidence of local people and partners in the Council's decision making process.

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

- 10.1 There are no direct crime and disorder reduction implications arising from this report.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 There are no direct safeguarding implications arising from this report.
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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- A. Update to the Action Plan of the Mayor's Transparency Protocol
- B. Action plan in response to the recommendations of the Transparency Commission
- C. The Mayor's Transparency Protocol
- D. Final Report of the OSC Transparency Commission

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- State NONE if none.

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

N/A

# **Appendix A**

## **Update to the Action Plan of the Mayor's Transparency Protocol**

Action	Next Steps	Progress Update	Responsible Lead	Due Date	Status
Broadening the use of social media into democratic meetings including Cabinet and Full Council. This could include welcoming public filming and tweeting or introducing a council meeting hashtag	To be incorporated into the Communications Review and the Community Engagement Strategy	The public are already able to film all our formal meetings. In addition, webcasting of council and cabinet have already begun.	Melanie Clay / Andreas Christophorou	Q4 15/16	Complete
		Summary of key items on Cabinet agenda will be publicised using social media channels.		Q1 16/17	Complete
		A list of hashtag has been developed and will be used on committee paper publication for easy search and residents to receive alerts.		Q2 16/17	On track
Develop approaches for residents interested in particular topics, for example, planning, licencing, community safety or in particular areas (wards/ LAPS), to be alerted about decision making or consultations taking place about their area of interest.	To be incorporated into the Communications Review and the Community Engagement Strategy	Communications has set up an e-mail subscription list and residents receive e-newsletter on a range of topics. Further work is being undertaken to develop e-bulletin on specific areas such as Public Health, Leisure and Community Safety.	Andreas Christophorou	Q1 16/17	Complete
		The draft Community Engagement Strategy which is in development will support improved consultation and engagement with residents.	Kevin Kewin	Q3 16/17	On track
Explore the feasibility of publishing spend and contracts under a lower threshold	Develop through existing information governance processes	Timeline for collection/alignment of data agreed with Competition Board	Zamil Ahmed	Q4 15/16	Complete
		Review spend and contracts information and publish information		Q12 16/17	On track
Explore the feasibility of publishing the names of all officers at Service Head level and above.	Through existing information governance processes	The Council already publishes information of all Corporate Directors. The names of all Service Heads will be published in Q2.	Stuart Young	Q2 16/17	On track

Engage with residents on what areas of performance are of most importance to them and produce an easy to read performance scorecard for publication	To be explored in the next Annual Residents Survey and produced as part of the year end Annual Report.	Performance information was included within the Annual Council tax leaflet	Kevin Kewin	Q4 15/16	<b>Complete</b>
		Performance information has been published on a separate web page within the council website: <a href="http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/council_performance.aspx">http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/council_performance.aspx</a>			<b>Complete</b>
		A review of the Council's Performance Management and Accountability Framework (PMAF) is underway, as part of this we will consider how we can produce and publish more accessible performance information. The Council is also procuring a new performance management system – the ability to publish information publicly is part of the draft specification.		Q3 16/17	<b>On track</b>
Explore the possibility of requiring developers to publish Planning Viability Assessments, which have previously been restricted due to commercial sensitivity	Legal advice is being sought on possible adoption processes	The Council is already part of the Inter-Borough Viability Working Group, with 20 other London local authorities and are developing a Viability Protocol to standardise a number of key viability parameters and clarify the approach towards transparency of viability appraisals.	Owen Whalley	Q2 16/17	<b>On track</b>
		Currently committee members and other interested parties are able to view the viability assessment in a closed room.		Q3 15/16	<b>Complete</b>
		Legal advice has been obtained and recommended measures are in the process of being implemented to protect the council from concerns relating to commercial sensitivity.		Q2 16/17	<b>On track</b>

		Working towards adopting a protocol on publishing planning viability assessments		Q4 16/17	<b>On track</b>
Review procurement thresholds and channel all contract expenditure over £5,000 through the Council's e-tendering system. Publish detailed summary of all new contracts as part of the Transparency Code.	To be incorporated into the refresh of the procurement strategy.	Incorporated into Strategy	Zamil Ahmed	Q4 15/16	<b>Complete</b>
		New e-procurement solution agreed and implemented		Q1 16/17	<b>Complete</b>
Review the way in which the Council publishes contracts		This links to work being undertaken as part of the Local Government Transparency Code set out in its action plan in response to the Transparency Commission (Tasks 11-16)	Graham White	Q2 16/17	<b>On track</b>
Develop a series of both formal and informal 'Meet the Mayor' events. These will include the Mayor attending events or markets and high streets in the borough so that residents can have the opportunity to quickly raise issues and concerns; the Mayor undertaking a series of structured visits to organisations which would reach across equalities groups, wards and interests; and a formal set of Question Times, where the public can ask the Mayor (and Cabinet and / or Heads of Partner organisations) questions. These will all be timetabled in advance		Mayor's Assemblies introduced and will be held on a monthly basis in different parts of the borough.  The draft Community Engagement Strategy which is in development will support improved engagement of local people through Mayor's Assemblies.	Andreas Christophorou	Q4 15/16	<b>Completed</b>

and advertised (where appropriate) for wider public attendance.		The Mayor has been attending a range of formal and informal events based on invites from local people and also to better understand service delivery. These will be reviewed on an on-going basis to ensure the Mayor reaches a diverse range of communities.	Peter Robbins	Q4 15/16 on going	<b>Complete</b>
Develop a new localised consultation mechanism	To be incorporated into the Community Engagement Strategy	The Local Strategic Partnership's review is currently considering local engagement mechanisms	Robin Beattie	Q2 16/17	<b>On track</b>
		The draft Community Engagement Strategy will incorporate findings from the above review and outline how people can get involve at a local level and service issues.		Q3 16/17	<b>On track</b>
Explore options to involve residents in Housing Scrutiny	To be undertaken through a refresh of the borough wide resident scrutiny panel and to explore with Tower Hamlets Homes and the RPs working in the borough how resident scrutiny can be improved.	Refresh of borough wide housing scrutiny Borough-wide Scrutiny Forum completed	Jackie Odunoye	Q2 15/16	<b>Complete</b>
		Pilot scrutiny by Forum and feedback to RP scrutiny panels, residents and members		Q4 15/16	<b>Complete</b>
		Establish link with LBTH Housing Scrutiny sub-committee		Q1 16/17	<b>Complete</b>
Develop an improved consultation process for policy development and service change, to improve decision making.	To be incorporated into the Community Engagement Strategy	A Community Engagement Strategy is being developed. This will set out proposals for actions to improved engagement and involvement in policy and service development.	Kevin Kewin	Q3 16/17	<b>On Track</b>

Improve awareness of Council meetings through the targeted use of social media, or through email contact lists to interested residents, businesses and organisations.	To be incorporated into the Communications Review and the Community Engagement Strategy	People can already sign up to receive alerts when agendas to particular meetings are published (or when issues relating to their wards are published).	Andreas Christophorou		<b>Complete</b>
		Summary of key items on Cabinet will be publicised using social media channels.		Q1 16/17	<b>Complete</b>
Adapt the Individual Mayoral Decision report template to include a reason for their use, such as demonstrable urgency.	To be adapted for the next individual Mayoral Decision.	The individual Mayoral Decision template now includes reason for use.	Melanie Clay		<b>Complete</b>
Review the current decision making process to improve the speed and transparency of the Council's decision making	Proposals have been put before the Governance Review Working group for the CMT-MAB-Cabinet phase of decision making	Work is now underway to review the officer –DMT-CMT phase.	Melanie Clay	Q1 15/16	<b>Complete</b>
		On-going work by cross party member and officer Governance Review Group to improve decision making transparency.		Q3 16/17	<b>On track</b>
Develop and promote new guidelines on the use of Exempt Papers and their availability to non-executive members.	This has been discussed at the GRWG: There is growing evidence that since discussing this issue, there has been a significant reduction in exempt papers	Ongoing monitoring to establish the degree to which a reduction in Exempt papers is sustained before further action is deemed necessary	Melanie Clay	Q2 16/17	<b>On track</b>

<p>Work with Overview and Scrutiny Committee to develop target information response times, to better enable their scrutiny function</p>		<p>OSC has developed an action log to follow up outcomes of requests for information. This action log will be updated and considered at each OSC meeting</p>	<p>Kevin Kewin</p>	<p>Q1 16/17</p>	<p><b>Complete</b></p>
<p>Ensure major policies and strategies are discussed with Overview and Scrutiny Committee in advance to improve the use of pre-decision scrutiny, enabling the committee to help question and shape policy during its development, rather than the night before Cabinet.</p>		<p>OSC meetings have been moved a week before Cabinet to allow more time for pre-decision scrutiny.</p> <p>The OSC also considers the Executive Forward Plan at all their meetings to consider areas they would like to contribute to development.</p> <p>As part of OSC work programme development they are provided with briefing outlining challenges and priorities for year ahead which enables them to consider issues they would like to help develop.</p>	<p>Kevin Kewin</p>	<p>Q1 16/17</p>	<p><b>Complete</b></p>

## **Appendix B**

**Action plan in response to the recommendations  
of the Transparency Commission.**

	Action	Responsible Lead	Date	Status	Resource/other implications
<b>Recommendation 1:</b>	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 where it is appropriate.				
<b>Response/Comments</b>	A draft Organisation Culture Plan has been developed and will help deliver this aspiration. It sets out work across key areas, including governance, member / officer relations, transformation and delegation of powers.  Interim arrangements for whistleblowing for staff and members of the public have been put in place pending a more holistic review of the various ways by which staff and members of the public can comment on, complain about and when necessary raise a more serious concern (whistle-blow) in relation to the activities of the Council and/or its members, employees or agents.				
Explore and implement measures to bring about culture change in the organisation	SOLACE facilitated exercise with senior management to identify issues	Will Tuckley	Q4 15/16	<b>Complete</b>	These activities will be delivered within current budget
	Organisational Culture Plan in place that will draw upon related corporate strategies	Stuart Young	Q2 16/17	<b>On track</b>	
	Staff engagement programme in organisational vision, values and culture	Stuart Young	Q2 16/17	<b>On track</b>	
	Chief Executive's roadshows and other activity to engage staff in transforming the organisation's culture	Stuart Young	Q2 16/17	<b>On track</b>	
	Investors in People health check progress report	Stuart Young	Q3 16/17	<b>On track</b>	
Whistleblowing	Interim whistleblowing arrangements put in place to facilitate easier reporting of serious concerns by staff	Stuart Young	Q4 15/16	<b>Complete</b>	These activities will be delivered within current budget
	Whistleblowing Charter to CMT and Cabinet	Stuart Young	Q3 16/17	<b>On track</b>	

	Action	Responsible Lead	Date	Status	Resource/other implications
	Develop proposals for a more holistic approach to whistleblowing that links up with other ways by which staff, members and residents comment upon, critique, congratulate, query and raise concerns about the work of the Council and those it employs.	Stuart Young	Q2 16/17	On track	
	In addition, develop and run a culture change programme in relation to whistleblowing to bring about a change in attitudes and behaviours in this respect.	Stuart Young	Q3 16/17	On track	
	Implement whistleblowing proposals following sign off by CMT and Cabinet	Stuart Young	Q3 16/17	On track	
<b>Recommendation 2:</b>	The Mayor extends his Transparency Protocol to include required conditions for the use of individual mayoral decisions (IMD).				
<b>Response/Comments</b>	A review has been undertaken on the individual mayoral decisions made by the Mayor and essentially they fall into two categories – those that need to be taken by IMD as a result of urgency, and those that are taken by IMD because they are sufficiently minor that they don't justify taking to Cabinet, usually because they are operational, rather than policy decisions.				
	All Mayoral decisions will be taken by the Mayor in Cabinet, unless it meets one of the following criteria, in which case it can be taken by IMD: <ul style="list-style-type: none"> <li>• It is an urgent decision</li> <li>• It is a minor decision in that it does not result in a change of council policy.</li> </ul>	Peter Robbins	Q1 16/17	Complete	Within current budget
<b>Recommendation 3:</b>	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.				
<b>Response / comments</b>	The service has been exploring this issue and will seek approval from the committee for such a protocol as soon as possible.				

	Action	Responsible Lead	Date	Status	Resource/other implications
	Set out conditions for, and purpose of, pre-committee briefings and the way in which they are reported and implemented – agreed approach	Owen Whalley	Q2 16/17	On track	Within current budget
<b>Recommendation 4:</b>	The new process for deciding on the spending of planning contributions is open and transparent, and includes some resident involvement.				
<b>Response / comments</b>	A new more open and transparent approach (enabling better resident involvement) to making decisions on the spending of S106 and Community Infrastructure Levy (CIL) at a corporate level has been agreed in principle and is awaiting final agreement on the detail. Proposals went to Cabinet (5/4/16) to enable neighbourhoods to establish neighbourhood planning areas. This would provide an incentive to build community capacity in a locality offering greater influence over spend of locally allocated funds as capacity increases and matures.				
	New governance of CIL monies and the process principles has been agreed by the Mayor	Owen Whalley	Q4 15/16	Complete	Within current budget
	Process detail and specifics of the scheme to be agreed by Mayor		Q2 16/17	On track	
	Implement new decision-making approach		Q3 16/17	On track	
	Earmarking of monies for neighbourhood groups to recommend/decide allocation implemented		Q3 16/17	On track	
<b>Recommendation 5:</b>	Make information on spending of planning contributions publicly and easily available, delineated by ward, and sent to members, with regular progress reports to the Overview and Scrutiny Committee.				
<b>Response/Comments</b>	This Council has already started publishing 6 monthly summaries and a full, more detailed, annual report on CIL and S106 receipts, allocations and outcomes. This links to work being undertaken to develop scrutiny role with respect to planning contributions, open data and local forums.				

	Action	Responsible Lead	Date	Status	Resource/other implications
	A 6 monthly newsletter is already published and available to the public providing an update on spend of CIL and S106 monies by ward	Owen Whalley	Q4 15/16	Complete	Within current budget
	First Annual Report to go to OSC and Cabinet that will provide a detailed analysis of all CIL and S106 monies received, allocated and spent by ward	Owen Whalley	Q4 16/17	On track	
<b>Recommendation 6:</b>	The Council increases opportunities for community engagement in democratic processes, including by:				
<b>Response/Comments</b>	A pilot programme of public meetings in alternative venues is underway for the OSC and this will be explored for other meetings if needed. The technical aspects of webcasting (videos of meetings) are already in place and live streaming will be piloted in Q1. Other uses of social media to engage the public will be explored following this. These Issues are also being considered in the Community Engagement Strategy.				
a. Exploring holding committee meetings in a variety of venues more amenable to the public in different parts of the borough;	Some meetings such as OSC have already been held in different parts of the borough. Options for holding other meetings will be considered if requested.	Melanie Clay	Q1 16/17	Ongoing	

	<b>Action</b>	<b>Responsible Lead</b>	<b>Date</b>	<b>Status</b>	<b>Resource/other implications</b>
b. Providing plain English summaries of items on committee agendas via the Council's existing communications channels, and reporting these afterwards;	<p>Summary of agenda items for Cabinet are already included in the agenda. Training and supporting report authors to ensure these are in plain English will be provided.</p> <p>Summary of key items on Cabinet agenda will be publicised using social media channels. In addition press releases will be issued when there are decisions which may be of local interest.</p>	Melanie Clay	Q2 16/17	<b>On track</b>	Within current budget these activities will be delivered. To develop this for other committees new resource will need to be identified.
c. Making Council and Cabinet webcasts viewable from the Council's main social media accounts and on popular video hosting sites.	The meetings webcasts are currently available from the Council website. The Council will use social media channels to promote these to local people.	Melanie Clay	Q2 16/17	<b>On track</b>	Within current budget.
d. Exploring options for remote and electronic participation in committee meetings, such as offering live streaming and tweeting, and allowing questions via social media; will follow 'a.' above	Live streaming will be implemented once the Council has put relevant IT infrastructure in place. Further discussions will be held with the Governance Review Working Group on feasibility on live committee participation through social media.	Melanie Clay	Q3 16/17	<b>On track</b>	Within current budget

	Action	Responsible Lead	Date	Status	Resource/other implications
e. Enabling e-petitions on the council's website; and	E-Petition facility is currently being tested and following further discussions this will go live later this year.	Melanie Clay	Q2 16/17	On track	Within current budget
f. Allowing the public to propose items for Overview and Scrutiny work plans.	As part of the development of the Overview and Scrutiny Committee Work Programme options will be considered to enable the public to propose items.	Kevin Kewin	Q4 16/17	On track	Within current budget
<b>Recommendation 7:</b>	The new Community Engagement Strategy (CES), 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.				
<b>Response/Comments</b>	The draft Community Engagement Strategy has been cross-checked against the recommendations of the Transparency Commission and the Mayor's Transparency Protocol. The Strategy will be informed by the current review of the LSP.				
	Draft Community Engagement Strategy in development	Kevin Kewin	Q3 16/17	On track	Within current budget
	Public Consultation on the Strategy and approved by Cabinet		Q4 16/17	On track	
<b>Recommendation 8:</b>	New localised consultation forums allow a key role for ward councillors.				
<b>Response/Comments</b>	The Local Strategic Partnership's review is currently considering local engagement mechanisms, and the potential role of Councillors. A draft Community Engagement Strategy will be developed and informed by the Partnership's decisions on local governance arrangements.				

	Action	Responsible Lead	Date	Status	Resource/other implications
		Robin Beattie	Q3 16/17	On track	There will be cost implications associated with the implementation of local governance arrangements
<b>Recommendation 9:</b>	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				
<b>Response/Comments</b>	<b>Planning:</b> The introduction of the upgraded public access system for planning (October 2015), available via the Council's website, allows much more search functionality on planning applications. Members of the public can search for applications on various criteria including by ward, date received, date determined and status. Plans, supporting documents and statutory consultation responses can be viewed on line via the PAS. Anyone wishing to make comments can submit those directly online too.				
	<b>Licensing:</b> The licensing team has a webpage with all applications listed and where licences are granted, the details of the licence. This has a search facility enabling the public to search in wards. It is recognised that the public have to logon to the website view this data. Recently, the service has been trialling tweeting new applications when they are received – this goes out to everyone that has signed up to the Council's tweets. With respect to consultations – all residents within 40 metres are notified that an application has been received and that the details are on the website. The Licensing Team, to produce a weekly bulletin, would need the resources of other Teams e.g Communications				
<b>Planning</b>	Work to utilise other technology to raise awareness and provide the public with information about planning applications will be further considered and developed in quarter 4.	Owen Whalley	Q4 16/17	On track	Within current budget

	Action	Responsible Lead	Date	Status	Resource/other implications
<b>Licencing</b>	Continue with adding information onto the website, and further exploration with Communications on the consultation processes.	Dave Tolley	Q2 16/17	<b>On track</b>	Within current budget
<b>Recommendation 10:</b>	The Council undertakes a full review of its Overview and Scrutiny arrangements, and amends these as necessary.				
<b>Response/Comments</b>	The Overview and Scrutiny Committee as part of its work programme for 2015/16 has been reviewing areas of improvement and as a result the following changes are proposed for 2016/17:				
	Grants scrutiny sub-committee established	Steve Hill	Q1 16/17	<b>Complete</b>	Additional resources may be required to support the additional scrutiny work.
	Review Grants scrutiny sub-committee to improve based on learning of three months of operation	Steve Hill/ Kevin Kewin	Q2 16/17	<b>On track</b>	
	Housing scrutiny sub-committees established	Kevin Kewin	Q1 16/17	<b>Complete</b>	
	Induction programme developed for new OSC Members and Sub Committees	Kevin Kewin	Q1 16/17	<b>Complete</b>	
	Timing of OSC relative to Cabinet moved to allow for more time to consider reports prior to Cabinet	Kevin Kewin	Q1 16/17	<b>Complete</b>	
<b>Recommendation 11:</b>	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.				
<b>Response / comments</b> Applies to recommendations 11-16	Work is underway to significantly improve the variety, quantity, quality and accessibility of data relevant to LBTH. This includes data set out in the Local Government Transparency Code, Council performance data and other socio-economic and demographic information likely to be of interest to residents and organisations in Tower Hamlets. Links to actions 5-8 in the Mayor's Transparency Protocol				

	Action	Responsible Lead	Date	Status	Resource/other implications
	Undertake full review of compliance with minimum (Part 2) and recommended (Part 3) data and propose options going forward	Graham White	Q2 15/16	Complete	There may be resourcing implications related to the quantity and quality of data we publish beyond the minimum requirements
	Achieve compliance for part 2 data	Graham White	Q1 16/17	Complete	
	Agree and implement approach to Part 3 data	Graham White	Q2 16/17	On track	
<b>Recommendation 12:</b>	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.				
<b>Response / comments</b>	<b>See 11 above</b>				
	Identify and evaluate options to achieve 3 through to 5 star status with respect to quality/accessibility of published data	Graham White	Q1 16/17	Complete	See 11 above
	Achieve 3 star status	Graham White	Q2 16/17	On track	
	Agree ambition and approach with respect to 4 and 5 star status and initiate work to achieve this	Graham White	Q3 16/17	On track	
<b>Recommendation 13:</b>	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.				
<b>Response / comments</b>	Incorporated in 11 above	Graham White	Q2 16/17	On track	See 11 above

	Action	Responsible Lead	Date	Status	Resource/other implications
<b>Recommendation 14:</b>	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.				
<b>Response / comments</b>	See <a href="http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/Transparency/transparency.aspx">http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/Transparency/transparency.aspx</a> for the current status of the online hub	Graham White	Q2 15/16	Complete	
<b>Recommendation 15:</b>	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.				
<b>Response / comments</b>	This will be considered as part of the review and evaluation of options (see 13 above)	Graham White	Q2 16/17	On track	
<b>Recommendation 16:</b>	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.				
<b>Response/comments</b>	The Council is reviewing its current performance management system and as part of this will explore securing a system which helps publish data in more user friendly and interactive way.				
	A specification for a new system has been developed and will be procured in 2016/17	Kevin Kewin	Q4 16/17	On track	
	Explore feasibility of linking work relating to accessibility of data under recommendations 11 and 12 above to the performance management publishing software purchased	Graham White/ Kevin Kewin	Q3 16/17	On track	
<b>Recommendation 17:</b>	The Council appoints an open data champion for each directorate.				
	Proposal will be put before the Information Governance Group for their consideration	Graham White	Q2 16/17	On track	Within current budget

	<b>Action</b>	<b>Responsible Lead</b>	<b>Date</b>	<b>Status</b>	<b>Resource/other implications</b>
	Write job description for an open data champion and evaluate need for training/support as the role develops	Graham White	Q2 16/17	<b>On track</b>	Within current budget

# **Transparency protocol: A Transparent Mayor, an Open Council**

## **1. INTRODUCTION**

In the Mayor 2015 election, I campaigned on a pledge to lead the borough in an open and transparent way. Following my election I have requested the development of a Transparency Protocol to enable me to put this pledge into action.

This paper provides a starting point for what a transparent and open Council and Mayor might look like and what actions need to be put in place to achieve these proposals. It includes more detail on the pledges I made in my manifesto which were designed to increase transparency. These include my commitment to answer questions from the public and councillors at every full Council meeting; to attend Overview and Scrutiny meetings as invited and to set up Public Meetings across the borough. It also makes new suggestions, as I want to be ambitious in this regard, to maximise the transparency of the Council, ensuring we become a leading borough in this field.

The Council is emerging from a turbulent past few years which have had an impact on the trust residents have in the work of the Council. National scrutiny has been focussed on the Council, highlighting areas for improvement and creating an opportunity to make changes. Most importantly, it has demonstrated 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.

Having undertaken reviews into Transparency at the GLA, it is my view that it is not only important to be transparent through the publication of decisions or information and data, but also to provide a rationale and explanation for the decisions made. The benefits of this approach are manifold, but have even greater importance in the face of the difficult decisions which will soon be facing the Council. As the national policy of austerity continues and the Council develops ways to respond, it is vital that residents are informed about the decisions made, the reasons behind them, and are involved in developing options and providing feedback.

The purpose behind this transparency initiative is for residents to be informed, able to influence decision making, especially where they are affected, and are empowered to hold the Mayor and Cabinet to account.

Councillors, both those on the Overview and Scrutiny Committee and all non-executive members, play an important role in scrutinising decision making and improving policy making, within the Council. They must be supported, through the provision of timely information and officer time, to ensure they can undertake this role effectively.

Moving towards a more transparent Council will involve a whole host of new actions which will affect the way we communicate with residents, engage and consult with residents and undertake decision making.

This is an important issue for the Council and I am extremely pleased that the Overview and Scrutiny Committee has established a Transparency Commission to look at this issue. The actions contained in this report do only provide the starting point for the work the Council needs to undertake on this agenda and I look forward to receiving their recommendations and trust this document will help to inform their deliberations and final report.

With the above considerations in mind, I have laid out the following principles, which I hope demonstrate my commitment to governing in a transparent way which will help create a culture shift to a more transparent Council.

**As Mayor, I will personally:**

- as a default, take all decisions in public through Cabinet, and where this is not possible, a clear reason will be provided to explain why;
- be open to public, scrutiny and opposition questions at all public decision making forums, which will be answered by the Mayor and/or Cabinet Member;
- create more opportunities, through public meetings, for residents to ask questions and raise concerns.

**As Mayor, I will lead an organisation, which:**

- involves residents and Councillors in consultation at the earliest possible point in any policy or decision making process;
- as a default, make information available to the public and all Councillors in a timely and easily accessible format;
- actively communicates with residents and responds to queries positively.

This paper outlines what activities the Council already has in place to promote transparency and provides an overview of further actions I have put in place, and am proposing to put in place, to further this agenda and promote culture change across the organisation.

**Mayor John Biggs**

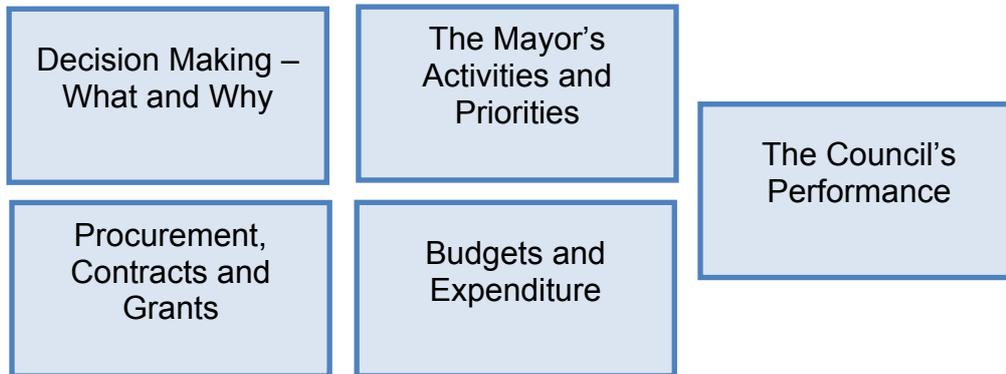
## 2. AIMS AND OBJECTIVES:

In order to fulfil the principles established by the Mayor to further embed transparency into the culture of the Council, the following aims and objectives have been devised for the Transparency Protocol. The focus for these aims and objectives are the areas of Council activity which are Mayor and Executive functions; areas of greatest public interest and those areas which can promote and enhance transparency.

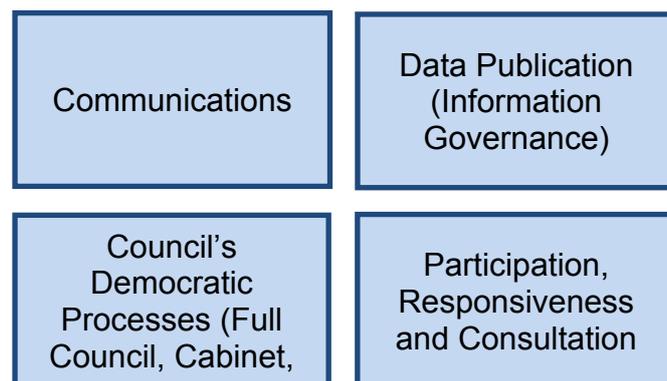
### The Public and Members will be:



### About:



### Through:



### **3. BACKGROUND:**

Across these four key areas: Communications; Data Publication; Participation, Responsiveness and Consultation and the Council's Democratic Processes, the Council already undertakes a range of activities to keep residents informed, engaged and able to hold the Mayor and Councillors to account. The following provides an overview of these activities.

#### **3.1. Communications:**

The Council currently uses a print version of East End Life, social media and proactive media releases to local and national press to advise residents on the Mayor's activities and priorities, upcoming consultations and decision making.

This is supplemented by additional communications directly undertaken by the Mayor including interviews, columns in the Wharf, East London Advertiser and East End Life.

There has also been a tradition of an annual Mayoral Report which outlines key activities and performance (published in East End Life).

#### **3.2. Publication (Information Governance):**

The Council has a dedicated section of the Council's website where it publishes the information it currently has a duty to publish under the Statutory Requirement under Local Government Transparency Requirements (2015). This includes:

- Council spend over £500
- Spend on Procurement Cards
- Invitations to Tender
- Contracts above £25k
- Land and Assets in Local Authority ownership, including Social Housing Assets
- Grants
- Organisational Chart (of top three tiers)
- Trade Union Facility Time
- Parking account and spaces
- Senior Salaries (numbers earning over £50,000 and their responsibilities; names of those earning over £150,000)
- The Constitution
- The pay multiple
- Fraud
- Publications Scheme

The Council also has in place systems to respond to freedom of information requests in line with the relevant legislation. These responses are all published on the Council's website.

The Council also currently publishes quarterly information on the Council's budget and performance monitoring, through the Cabinet process.

#### **3.3. Participation, Responsiveness and Consultation:**

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The Council currently has several different routes to help residents contact the council about a personal query or complaint. The corporate complaints service, member's surgeries and the member enquiry system.

Each service is currently responsible for running consultations on any service changes or in accordance with legislative requirements. In addition there is a cross cutting consultation, Your Borough Your Voice, which asks residents views on the budget and the future of service delivery.

The annual residents' survey provides the Council with regular feedback from residents about services in the borough. Whilst not in-depth feedback, it does allow tracking of key indicators and themes over time, and enables some comparison with other London Boroughs.

To enable more in-depth consultation with residents, the Council consults regularly with a series of themed groups. These include:

- Tower Hamlets Safer Neighbourhood Board (SNB) which ensures communities are more closely involved in problem solving and crime prevention in Tower Hamlets.
- Healthwatch Tower Hamlets, whose purpose is to bring residents and users voice to health and social care commissioners and providers.
- There is also a series of equalities forums: the Interfaith Forum, an LGBT Community forum, New Residents and Refugee Forum and Older People's Reference Group, and Local Voice (disabled residents' forum).

Alongside the themed groups, the Council developed a programme of Community Champions Co-ordinators and Ward Forums which supported actions within ward areas by bringing residents and service providers together, developing community led solutions, supporting active citizenship and improving cohesion within the locality. The latest round of decision making and community budgeting has come to an end and these community engagement mechanisms are being reviewed to see if a better method of localised consultation can be devised.

#### 3.4. Council's Democratic Processes:

The following processes are put in place to enable Council decision making to be transparent and enable scrutiny and questioning from non-executive members and the public.

**Mayor's Decisions:** Whilst for reasons of urgency these are the only decisions not made in public, key decisions do have to be listed on the forward plan. The decisions are also then published on the website.

**Cabinet:** Most Mayoral decisions are made at Cabinet meetings which are public and webcast. Decisions are listed on the forward plan before the meeting and the agenda, reports and background papers must be published before the meeting. Decisions and full minutes are published. Public questions are allowed at chair's discretion; questions are required in advance and must be on subject of reports being considered. All reports considered at Cabinet are considered the night before at the Overview and Scrutiny Committee. The Chair of Overview and Scrutiny is provided with an

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opportunity to ask the Committee's questions on the reports. There is also an opportunity for the Mayor to give a short address to the Cabinet.

The following rules apply to publication around decision making. For key decisions (which involve major spending, or savings, or which have a significant impact on the local community) 28 clear days' notice must be provided via the Forward Plan or an Individual Mayoral Decision Notice. General Exception Notice is required for decisions taken between 5 and 28 clear days. Special Urgency must be agreed with the Chair of Overview and Scrutiny. The agenda and papers must be published five working days in advance. Some papers are exempt from publication as they contain personal, commercial or otherwise sensitive information.

The above executive functions are scrutinised by the Overview and Scrutiny Committee. This meeting is held in public. The Committee undertakes three main roles:

- to undertake scrutiny on upcoming decisions
- to call in decisions already made to prompt reconsideration
- to undertake in-depth scrutiny spotlight sessions and reports on policy areas.

Full Council: Full Council meetings are held in public and webcast. Decisions are listed on the forward plan and the agenda, reports and background papers must be published before the meeting. Decisions and full minutes are also published. There is an opportunity for the Mayor to give a short address to the Council. There are dedicated slots for petitions, public and member questions. These have to be received in advance and any questions which do not receive an answer in the meeting will receive a written answer.

#### **4. NEW ACTIONS IN PLACE TO PROMOTE TRANSPARENCY:**

The processes outline above, properly implemented, show that the Council takes transparency seriously and has in place a range of activities designed to promote transparency across these four areas: Communications; Data Publication; Participation, Responsiveness and Consultation and the Council's Democratic Processes. But more can be done to make the Council transparent and enable residents to be engaged and empowered.

Since the election of Mayor John Biggs in June 2015, the Mayor has already made key changes to increase the level of transparency of his own actions and those of Council. These are detailed below:

##### 4.1. Communications:

- The Opposition Group Leaders now have a monthly column each in East End Life.

##### 4.2. Participation, Responsiveness and Consultation:

- The Mayor has committed to responding to all non-vexatious correspondence within 10 working days, either directly or via the Member's Enquiry process.
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- The Mayor holds a weekly surgery which all residents are able to attend, by appointment.

#### 4.3. The Council's Democratic Processes:

- The Mayor has committed to attending, and has attended, all Overview and Scrutiny meetings he has been invited to.
- The Mayor publishes all Individual Mayoral Decisions in the Cabinet papers which follows the decision, as well as on the Council's website
- The nature of the Cabinet meeting has been altered to allow for further scrutiny by non- executive members, with Group Leaders invited to speak and ask questions on agenda items.
- The Mayor is reducing the number of exempt papers produced in the decision making process. The Mayor and Cabinet Members actively challenge their use during the successive stages of report preparations.
- The Mayor provides a written Mayoral report to Full Council on the Mayor's activities over the preceding two months, including key decisions made and the Mayor's diary.
- The Mayor has also committed to sharing the answering of petitions, public and member questions in Full Council with Cabinet Members.

#### **5. FURTHER ACTIONS TO PROMOTE TRANSPARENCY:**

In addition to the actions listed above, which have already increased the transparency of the Mayor and the Council, a further set of longer term actions are proposed.

These will:

- Move the Council beyond the Local Government Transparency requirements;
- Benefit from emerging best practice and new legal freedoms regarding transparency;
- Fulfil the Mayor's Manifesto commitments regarding transparency, including establishing a Housing Scrutiny Committee involving residents and setting up public meetings across the borough;
- Improve the transparency of decision making, in a way which provides both the publication of decisions and an explanation for the decisions made:
- Improve the public understanding of how well the Council is performing;
- Improve decision making through the early incorporation of resident consultation and scrutiny involvement.

These actions are provided in the table below, along with details of how they will be progressed and the action deadlines. Many of these actions will be taken forward through a range of strategies and plans which are currently under development. The Mayor is looking forward to receiving the recommendations of the Transparency Commission, will give full consideration to these recommendations and will produce a further action plan after receipt of the Overview and Scrutiny recommendations.

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## **OVERVIEW & SCRUTINY COMMITTEE**

# **OVERVIEW & SCRUTINY 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.

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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**

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## **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;
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- 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 work plans.
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
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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.
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## 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

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<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>

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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:

- 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 Scope is attached as Appendix A.

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

#### 27<sup>th</sup> 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 Graham White, 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.

#### 7<sup>th</sup> 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
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- Ed Hammond, Head of Programmes for the Centre for Public Scrutiny, on a national perspective on the overview and scrutiny function

#### 5<sup>th</sup> 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. The full consultation report, including details of the methodology used, is attached as Appendix B.

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 John Seekings, 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.

## **FINDINGS 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

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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.

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 management team received regular progress reports on the rollout of the programme. This had led to all departments actively taking responsibility for publishing their own data. Socrata's open data guide<sup>4</sup> also identifies

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[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).

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

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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.

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.

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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

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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 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.

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**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.

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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.

**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;**
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- **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 work plans.**

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.

### *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

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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. The full results of the consultation can be found as Appendix B to this report.

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 in the report attached at Appendix B.

**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.**

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

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

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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**

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**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.**

### *Enhancing Overview and Scrutiny*

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

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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.

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.

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[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)

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

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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”;
- 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 (Annex Ai), 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 SPARQL21)

Five stars	As above plus links data to others' data to provide context
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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 allowing software developers to draw on it in developing their own applications which could be useful to residents, such as smartphone apps to display 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):

<b>Information category</b>	<b>Current format</b>	<b>Current star rating</b>
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
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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).

**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).

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

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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:

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- 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.**

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.

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**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.**

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.**

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.**

**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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