



**Kent Fire &
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Dear Angela

Response to Making Regulations under the Transparency Code Consultation

Thank you for the opportunity to respond to the consultation on the proposal to make regulations in relation to the transparency code.

In general terms, the Authority is disappointed that the Minister is minded to issue regulations to achieve transparency, as this appears to be at odds with the Government's drive to remove red tape and burdens on local authorities. In Kent, experience indicates very little demand for any of the information contained in the guidance, although most of it is routinely published in accessible formats on the Authority's website.

In relation to the questions asked in the document, the Authority offers the following views.

Question 1: What amendments or additions could be made to paragraphs 10 and 11 of the Code to aid compliance?

We would ask for clarity from the government in terms of what they are defining as 'salary', For example, would this include for grey book staff payments related to the flexible duty system, communications or car allowances, or any other payment made to the member of staff as part of their contract[s] of employment. Without an agreed baseline e.g. using base salary, different organisations will inevitably take different approaches. Hence the information will be misleading to any member of the public wishing to make comparisons across a number of fire and rescue services or organisations.

B4:8



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Ann Millington

Question 2: What data streams could be added to the Code to aid transparency where services are contracted-out; and help greater access to contract information?

Your intention to require information on time spent by staff on trade union activities is noted. Whilst the Authority has no particular issue with this, the only data held is on the time an individual has spent on union duties, and no information about the duties they have undertaken for their trade union is held. If the intention of publishing this information is to help assess if value for money is being achieved, then the Authority's view is that this data is unlikely to demonstrate it, and could also lead to an unfortunate decrease in the quality of industrial relations between employers, recognised trade unions and whoever chooses to use the data for their own purposes. As this Authority has a very constructive relationship with the recognised trade unions, this would be of concern.

Question 3: Are there other data sets which would be useful to the public which could be added to paragraph 12 of the Code? In particular, is there any data that would:

- **Support Small and Medium-sized Enterprises and local businesses**
- **Support the release of surplus Local Authority land and property?**

The Authority does not believe there is any additional information from a fire and rescue service point of view. However, your attention is drawn to the LG Inform tool being promoted by the Local Government Association which is proposed to include some performance metrics which some members of the public may find interesting. The Authority has the same doubts about the demand for this data too.

Question 4: Is the description of minimum standards and proposed timing to achieve them correct?

This question relates to the five levels of accessibility of data. The Authority has assessed itself to be at three-star level at the current time, so it does not have any comment on this issue, except that it welcomes levels four and five being left as an aspiration for the time being.

Question B1: Do you agree with the information being published?

As the guidance is clear that assets of national security are excluded from publication, we would argue that fire stations, headquarters, and other operational buildings fall under this definition. Fire & Rescue Services are part of the critical national infrastructure for emergencies and are also category one responders under the Civil Contingencies Act. Therefore we do not agree that this information should be made freely available as a matter of course for fire and rescue authorities. If a specific enquiry is made to us on a particular building we own, then we may release the information under the freedom of information act, but this might be subject to some redaction.

B4:9



Question B2: Are there other attributes that should be published to help hold councils to account or to help drive performance?

None.

Question B3: Should all of this information be mandated under the regulations?

Please see our response at question B1.

**Question B4: Should the Open Government Licence be applied to Asset information?
If so, how?**

The Authority does not have a view on this issue.

I hope these comments are useful

Yours sincerely

Ann Millington
Chief Executive

B4:10



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