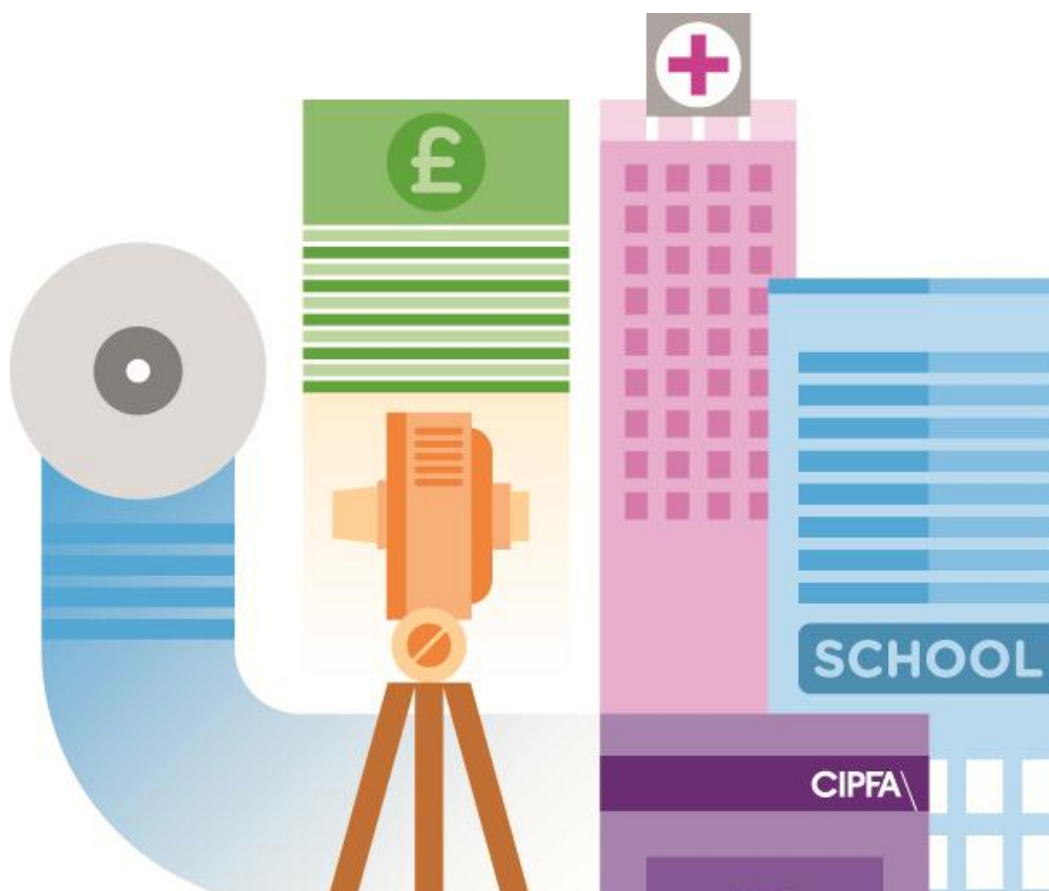


CIPFA Property Briefing

The Transparency Agenda – Property Attributes Interim Briefing Note

May 2014



**Interim Briefing note on the Transparency Agenda – Property Attributes
ENGLISH LOCAL AUTHORITIES - May 2014**

We issued a Briefing Note on the 13th December 2013 on the government’s proposals for property attribute information that will need to be made publically available by Local Authorities in response to the Transparency Agenda.

On 1st May we saw the publication of the ‘Local government transparency code 2014’.

The document (together with the accompanying ‘Frequently Asked Questions’ paper) sets out the minimum data that local authorities should be publishing, the frequency it should be published and how it should be published.

Whilst this document is intended to provide the final requirements for authorities to implement, there are still some outstanding queries and clarifications that are required. We are meeting with DCLG and other stakeholders within the next few weeks to go through these outstanding issues and as such this briefing note is only an interim publication and we will provide further information when these queries are resolved.

As usual we will cover any updates at our future AMP events and briefings.

The actual proposals and frequently asked questions paper can be obtained from

<https://www.gov.uk/government/publications/local-government-transparency-code-2014>

General

- The property attributes are part of a much wider drive to help cut council waste and increase local accountability that includes information on
 - spending on corporate credit cards
 - greater openness on the money raised from parking charges
 - subsidies given to trade unions
 - information on councils' contracts and tenders
 - grants given to voluntary and community groups

Applicability

- The full list of authorities that the Transparency Code applies to is included within Part 1, Section 10 which include – Local Authorities, National Park Authorities and Fire Authorities.

Errors in data

- The code states that '*Public data should be as accurate as possible at first publication*' but also goes on to say '*the publication of information should not be unduly delayed to rectify mistakes. Where errors in public data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment. Metadata on data.gov.uk should be amended accordingly*'.

Property Attributes

- Property attributes must be provided on an annual basis as a minimum requirement. Authorities may choose to publish more frequently than this as recommended by the code but this is not mandatory.
- Property attributes must be published within 12 months of the Code becoming mandatory (i.e. when the Parliamentary process to make part 2 of the Code mandatory has been completed). At the time of writing this has not been achieved. So in simple terms if the code passes through Parliament and receives Royal Assent say on the 15th June 2014, authorities would have until 15th June 2015 to publish the mandatory attributes.
- Local authorities **must** publish details of all land and building assets including:
 - all service and office properties occupied or controlled by user bodies, both freehold and leasehold
 - any properties occupied or run under Private Finance Initiative contracts
 - all other properties they own or use, for example, hostels, laboratories, investment properties and depots
 - garages unless rented as part of a housing tenancy agreement
 - surplus, sublet or vacant properties
 - undeveloped land
 - serviced or temporary offices where contractual or actual occupation exceeds 3 months and,
 - all future commitments, for example under an agreement for lease, from when the contractual commitment is made.
- Exclusions are as follows:

- social housing
 - rent free properties provided by traders (such as information booths in public places or ports)
 - operational railways and canals
 - operational public highways (but any adjoining land not subject to public rights should be included)
 - assets of national security
 - information deemed inappropriate for public access as a result of data protection and/or disclosure controls (e.g. such as refuge houses).
- The above categories are exactly the same as the December 2013 consultation, the only change being that reference to the Office of Government Commerce guidance 08/05 included previously has been omitted from this final version.
 - The 'mandatory' and 'recommended' property attributes again are identical to the consultation. For completeness we have included the full text below.
 - For each land or building asset, the following information **must be published** together in one place:
 - Unique Property Reference Number
 - Unique Asset ID - the local reference identifier used by the local body, sometimes known as local name or building block. There should be one entry per asset or user/owner (e.g. on one site there could be several buildings or in one building there could be several users floors/rooms etc – where this is the case, each of these will have a separate asset ID). This must include the Original Reference Number from the Data Source plus authority code
 - name of the building/land or both

- street number or numbers - any sets of 2 or more numbers should be separated with the '-' symbol (e.g. 10-15 London Road)
- street name – this is the postal road address
- postal town
- United Kingdom postcode
- easting and northing (geocoding in accordance with ISO 6709 Standard Representation for Geographic Point Location by Coordinates, usually a centre point of the asset location)
- whether the local authority owns the freehold or a lease for the asset and for whichever category applies, the local authority must list all the characteristics that apply from the options given below:
 - for freehold assets:
 - occupied by the local authority
 - ground leasehold
 - leasehold
 - licence
 - vacant
 - for leasehold assets:
 - occupied by the local authority
 - ground leasehold
 - sub leasehold
 - licence
 - for other assets:
 - free text description e.g. rights of way, access etc.
- whether or not the asset is land only (i.e. without permanent buildings) or it is land with a permanent building.
- Information **recommended** for publication is as follows:

- the size of the asset measured in Gross Internal Area (GIA, m²) for buildings or hectares for land, in accordance with the Royal Institution of Chartered Surveyors Code of Measuring Practice. The Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor level. Local Authorities using Net Internal Area (NIA, m²) should convert measurements to Gross Internal Area using appropriate conversion factors and state the conversion factor used.
- the services offered from the asset using the services listed from the Effective Services Delivery government service function list <http://doc.esd.org.uk/FunctionList/1.00.html> (listing up to five main services)
- the reason for holding asset such as, it is occupied by the local authority or it is providing a service in its behalf, it is an investment property, it supports economic development (e.g. provision of small businesses or incubator space), it is surplus to the authority's requirements, it is awaiting development, it is under construction, it provides infrastructure or it is a community asset
- whether or not the asset is either one which is an asset in the authority's ownership that is listed under Part 5 Chapter 3 of the Localism Act 2011 and/or an asset which the authority is actively seeking to transfer to the community
- total building operation (revenue) costs as defined in the Corporate value for money indicators for public services at <http://www.vfmindicators.co.uk/guidance/2010-11-Estates-Management.pdf>
- required maintenance - the cost to bring the property from its present state up to the state reasonably required by the authority to deliver the service and/or to meet statutory or contract obligations and maintain it at the standard. This should exclude

improvement projects but include works necessary to comply with new legislation (e.g. asbestos and legionella)

- functional suitability rating 1-4 using the scale:
 - good – performing well and operating efficiently (supports the needs of staff and the delivery of services)
 - satisfactory – performing well but with minor problems (generally supports the needs of staff and the delivery of services)
 - poor – showing major problems and/or not operating optimally (impedes the performance of staff and/or the delivery of services)
 - unsuitable – does not support or actually impedes the delivery of services
- energy performance rating as stated on the Display Energy Certificate under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

CIPFA Property Comments:

We hosted a number of additional events in March to discuss the requirements relating to property attributes in more detail and to identify any questions arising from the Asset Management Planning Network.

The questions raised have been discussed with representatives of the Department for Communities and Local Government and we have received responses on most of them. (These have been added below).

There are however a number of issues where final assurance has not been given and these are subject to further clarification which we hope to get at a joint meeting with DCLG and other key stakeholders which is programmed for mid-June. Once these have been resolved we will issue a final guidance note including those outstanding issues.

Questions from the AMP Network and responses received from DCLG

(some of these may be subject to further clarification after the meeting in June)

1. Houses occupied under condition of service contract i.e. School Caretaker's House. Are these included or excluded as social housing?

Answer – These should be included if they are part of the school arrangement and not as a separate Social Housing agreement. However you could simply state that the School Site includes a dwelling

2. Parks – one authority's legal advice has suggested these could be classified as highways although we are assuming all parks should be included.

Answer – Yes all parks should be included

3. One example from an authority was where a freehold owned by the authority, was let on a 999 year ground lease to a church. The building was owned by church, and the council has no interest in it or any knowledge of building details. Should this be included?

Answer – The authority’s interest should be included on that basis

4. Similarly we were given an example of a Church school where the council owns the playing field, and the church owns the school building which is used for educational purposes, but the council has no legal interest in the building. How should this be recorded?

Answer – Only the authority’s interest should be included. If not covered by any of the suggested transparency categories an explanation for the land (i.e. the council’s interest) could be explained in free text.

5. VA & RC schools – do the buildings need to be in the list? Will this change if CIPFA/LASAAC decides to bring such assets onto the balance sheet?

Answer – These should be included only where there is a property interest.

6. Council land being used to site clothing banks being provided under contract. This involves land outside council retail units, or on edge of car parks (not highway land). Should this be included?

Answer – Yes, these should be included using free text if necessary.

7. Future agreement / contractual terms on land not in council ownership – e.g. option to acquire land in future. Should these be included?

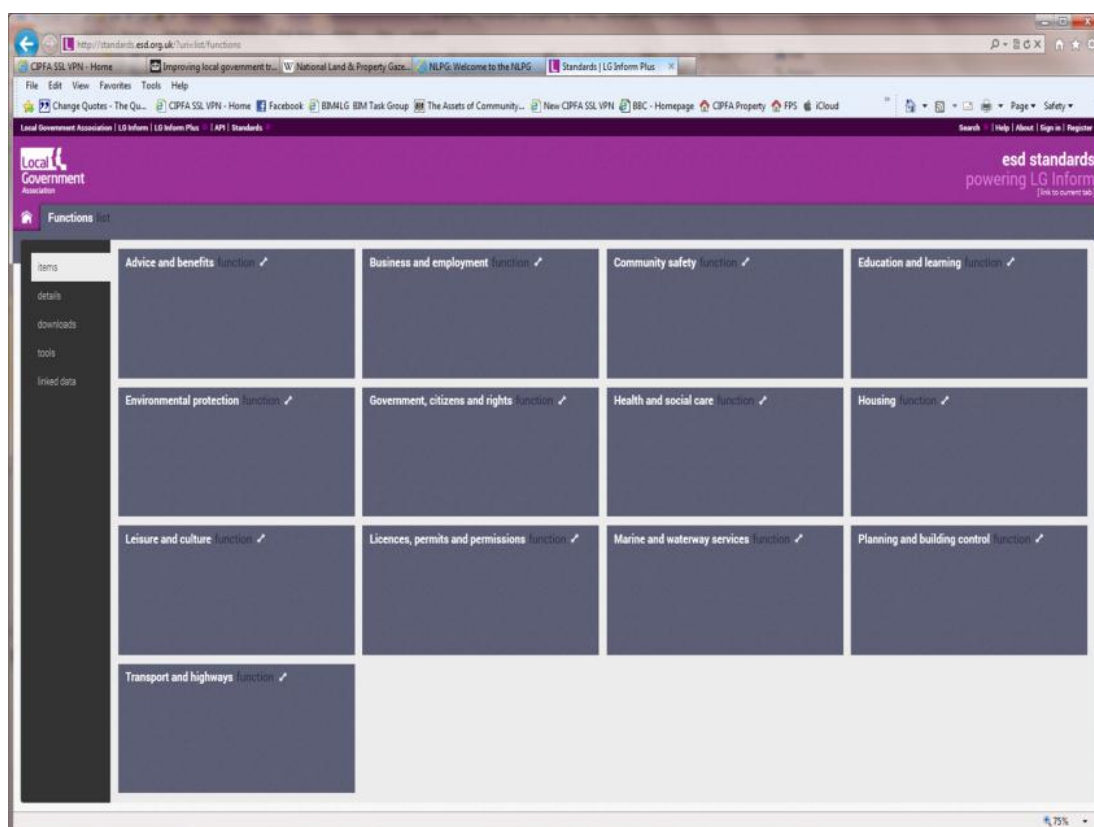
Answer - Exclude

8. Not all land has an NLPG reference (is it OK that this field would be just left blank?)

Answer – Yes, leave blank if no reference

9. Services offered from the building - can we confirm that it is the high level function list (13 categories as below) referenced at service group level, rather than the detailed full Service List.

Answer – Yes, list as screen shot below



10. There was confusion from some delegates over interpretation of the legal ownership categories (the 9th mandatory attribute) and whether the suggested categories cover every possible option.

Answer - If the list doesn't cover expand with free text.

11. Does the attribute list need to include long leasehold flats sold under right to buy?

Answer - No

12. Several delegates have had direct communications from Ordnance Survey stating that publication of the attributes in a searchable list, that includes eastings & northings and other attributes, will be a breach of the PSMA licence. Can you investigate and let us know what the formal position is?

Answer – The answer that has been provided by DCLG to this question and other licensing issues relating to Ordnance Survey data is as set out below. However this has still caused some queries within authorities who tell us they are getting mixed messages from local contacts. This is one of the issues we hope to resolve in the future meeting with DCLG and stakeholders.

“In relation to Ordnance Survey data (including Royal Mail data where licensed as part of an Ordnance Survey addressing dataset), Local Authorities can use Ordnance Survey data if they have a Public Sector Mapping Agreement (PSMA) Member Licence. These licences are paid for by the Department for Business Innovation and Skills and are free at the point of use for local authorities who can apply for a licence by emailing psma@ordnancesurvey.co.uk. Full details of how data may be shared and published by the licensee are included in Appendix 1 to the PSMA Member Licence, which is available via the link on this page:
<http://www.ordnancesurvey.co.uk/business-and-government/help-and->

[support/public-sector/guidance/licences.html](http://www.ordnancesurvey.co.uk/business-and-government/help-and-support/public-sector/guidance/licences.html). Additional guidance is available via: <http://www.ordnancesurvey.co.uk/business-and-government/help-and-support/public-sector/guidance/index.html>”

13. Further guidance on allotments and garages would be beneficial. CIPFA Property’s view is use discretion i.e. list an allotment site, or a garage block not individual tenancies.

Answer – This is a sensible interpretation, individual allotments plots would be impractical as would individual garages.

And Finally.....

Whilst there are still some points of detail still to be clarified, the broad components of the ‘mandatory’ and ‘recommended’ property attributes are clear and authorities should be actively gearing up to publish the data next year in the required format, if they are not already. There is some element of interpretation that could be applied in some areas and we would encourage authorities to take a pragmatic approach to ensure they publish data to accord with the principles of the Transparency agenda.

CIPFA Property
The Quadrant
Chester West
Sealand Road
Chester
CH1 4QR

01244 399 699
property@cipfa.org
cipfa.org/property

