

# Business Plan 2012–2015

## Department for Communities and Local Government

31 May 2012

*This plan will be updated annually*

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# A) Coalition priorities

## 1. Decentralise power as far as possible

- Through local government finance reforms and the Localism Act 2011, free local government (including Fire and Rescue Authorities) from central control; decentralise power; provide greater freedom and flexibilities to local government so that they can genuinely lead their communities and drive local growth
- Work with local leaders on local sustainable growth, community budgets, and tackling troubled families

## 2. Reinvigorate accountability, democracy and participation (including transparency)

- Through the powers in the Localism Act 2011, trust people to take control of the decisions that affect them, support integration and enable the Big Society to flourish by creating community rights, devolving power, accountability and funding closer to neighbourhoods; increasing citizen participation, lifting burdens, empowering local people to hold services to account

## 3. Support and incentivise local sustainable growth

- Give local leaders the tools to drive local sustainable growth through local enterprise partnerships, enterprise zones, city deals and elected mayors

#### **4. Meet people's housing aspirations**

- Through the Housing Strategy, provide support to get house building going again, take action to improve affordability and support aspiration, choice and quality for tenants; as well as tackling empty homes and seeking to improve the quality and sustainability of homes. Together these will spread opportunity and promote local growth

#### **5. Put communities in charge of planning**

- Put local people and communities in charge of planning so they can determine the shape of the neighbourhoods in which they live, ensure that regulations support our ambition to drive sustainable economic growth and development, including our ambitions for a low carbon and green economy

# Departmental responsibilities

This page sets out who in the Department leads on its major responsibilities, including its Coalition priorities.

**Head of the Civil Service and Permanent Secretary: Sir Bob Kerslake**

**Neighbourhoods Group**  
£3430.2mn<sup>1</sup>, 652 staff  
Director General: Peter Schofield

**Localism Group**  
£434.6mn<sup>1</sup>, 424.5 staff  
Director General: David Prout

**Finance & Corporate Services Group**  
£612.8mn<sup>1,2</sup>, 563.5 staff  
Director General: Sue Higgins

**Troubled Families**  
£102.5mn, 35 staff  
Director General: Louise Casey CB

**Strategy & Performance**  
81 staff  
Director: Andrew Campbell

## Coalition Priorities

1. Decentralise power as far as possible: neighbourhood budgets
3. Meet people's housing aspirations
4. Put communities in charge of planning
5. Local growth

1. Decentralise power as far as possible: local government finance reforms; community budgets
2. Reinvigorate accountability, democracy and participation: Localism Act local government reforms; community rights; fire and rescue authorities  
Local government workforce issues; Transparency; Integration; Sustainable Communities Act; Resilience.

1. Decentralise power as far as possible: tackling troubled families

Works across all five priorities; Business Plan and Structural Reform Plan Delivery

## Other Responsibilities

Olympics resilience & legacy; Building standards; European Regional Development Fund 2007/13; Planning casework

Departmental Efficiency Savings; Shared services; European Regional Development Fund 2000/06; Arms Length Body sponsorship & reform; analytical and legal services

Corporate governance and strategy

Notes: 1. Indicative budget allocation 2012/2013.

2. Included within the Finance and Corporate Services Resource total of £520.1m is the £373.5m administration costs of the Department.

3. Staffing figures represent number of fully funded posts as of 1 November 2012

## B) Structural Reform Plan

This section sets out the key actions the department will take to implement its Coalition priorities. An implementation report will be published online, setting out progress in completing them.

Additional actions, including contributions to cross-cutting Government agendas such as the Growth Review, can be found in Annex A. All commitments and end dates relating to legislation and pre-legislative scrutiny are subject to Parliamentary timetables

### 1. Decentralise power as far as possible: Local Government Finance Reform

*Leads: David Prout / Simon Ridley*

<b>ACTIONS</b>	<b>Start</b>	<b>End</b>
<b>1.1 Provide greater freedoms and flexibilities to local government</b>		
i. Develop and introduce proposals to implement Tax Increment Financing, working with HM Treasury, so that local authorities can raise funds against the future uplift in their business rates base provided by an investment in infrastructure	Started	Apr 2013
ii. Lead the localisation of support for Council Tax, working with Department for Work and Pensions, to enable local authorities to develop local rebate schemes for the most vulnerable people in society	Started	Apr 2013
iii. Provide greater flexibility to local authorities to keep overall council tax levels down by changing the rules on how empty properties should be treated for council tax purposes and through other technical changes to council tax	Started	Apr 2013
iv. Agree process for selecting Tax Increment Financing Type 2 schemes and announce outcome of process	Started	Jul 2012
v. Achieve Royal Assent to Local Government Finance Bill to implement rates retention, Tax Increment Financing and localisation of Council Tax support	Started	Jul 2012
vi. Consult upon detailed and technical issues and introduce secondary legislation to bring into effect business rates retention and Tax Increment Financing	Started	Mar 2013
<b>1.2 Empower elected mayors in English cities</b>		
i. Negotiate with directly elected mayors the additional powers to be transferred to their cities, and establish arrangements such as a cities cabinet, for them to have a voice at the heart of Government.	Started	May 2014

# 1. Decentralise power as far as possible: Local Government Finance Reform

*Leads: David Prout / Simon Ridley*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>1.3</b>	<b>Shift power over funding away from the centre and establish community budgets for public service delivery, working with other government departments and with places</b>		
	i. Deliver proposals for the future development of Community Budgets, in phase 2 of the Local Government Resource Review	Started	Apr 2013
<b>1.4</b>	<b>Turn around the lives of 120,000 troubled families</b>		
	i. Complete putting in place National network of Troubled Families Co-ordinators	Started	Jun 2012
	ii. Commence Payment by Results scheme for troubled families commenced in first local authorities	Started	Jul 2012
	iii. Develop and put in place a way of measuring the wider impact on families, beyond the results element of the Payment by Results, including health, family functioning and costs for the state	Started	Nov 2012
	iv. Launch and deliver public campaign to drive pressure for change tackling troubled families	Started	Mar 2015

## 2. Reinvigorate local accountability, democracy and participation

*Leads: David Prout / Mark Carroll*

<b>ACTIONS</b>	<b>Start</b>	<b>End</b>
<b>2.1 Reinvigorate local accountability, democracy and participation</b>		
i. Pass the regulations associated with the Localism Act 2011 to give communities the right to bid to save local facilities threatened with closure	Started	Oct 2012
ii. Pass the regulations associated with the Localism Act 2011 to give communities the right to bid to take over local state-run services	Started	Jul 2012
iii. Consult on detailed proposals to make it easier to establish new town and parish councils with consultation launch in July and close in October	Jul 2012	Oct 2012
iv. Ask the Local Government Association and the National Association of Local Councils to help us develop model schemes for town and parish councils by summer 2012	Started	Oct 2012
v. Develop and put in place a targeted programme of support to help communities understand their new rights and support take-up of community ownership of assets and services	Started	Jun 2012
<b>2.2 Disband the Audit Commission and refocus local audit on helping local people to hold councils and local public bodies to account for local spending decisions</b>		
i. Publish a draft Bill for pre pre-legislative scrutiny, which will set out the repeal of legislation setting up the Audit Commission and the new audit regime for local public bodies	Started	Jul 2012
ii. Complete outsourcing of Audit Commission's in-house audit practice to private sector	Started	Nov 2012
<b>2.3 Make local authorities accountable for health and safety decisions and offering citizens a route for redress where events have been cancelled by a local authority or where citizens consider the local authority's conditions on the event going ahead are unreasonable or disproportionate</b>		
i. Reintroduce legislation to allow the public to hold councils to account for cancellation or banning of events on health and safety grounds so that: (a) local authorities conduct an internal review of all refusals on the grounds of health and safety; (b) officials who ban events on health and safety grounds should put their reasons in writing; (c) the Local Government Ombudsman may award a settlement where it is not possible to reinstate an event <sup>1</sup>		

<sup>1</sup> Dates for action 2.3 i will be updated during the year, once a legislative vehicle is identified.

## 2. Reinvigorate local accountability, democracy and participation

*Leads: David Prout / Mark Carroll*

<b><u>ACTIONS</u></b>	<b><u>Start</u></b>	<b><u>End</u></b>
<b>2.4 Give greater force to the Code of Recommended Practice on Local Authority Publicity by putting compliance with the Code on a statutory basis</b>		
i. Introduce legislation providing the Secretary of State with the power to make a direction requiring compliance with some or all of the Code's recommendations to protect local commercial newspapers from unfair competition from municipal publications	May 2013	Apr 2014
ii. Provisions in force providing the Secretary of State with the power to make a direction requiring compliance with some or all of the Code's recommendations to protect local commercial newspapers from unfair competition from municipal publications	May 2013	Apr 2014
<b>2.5 Giving greater force to the Code of Recommended Practice for Local Authorities on Data Transparency</b>		
i. Reviewing the Code of Recommended Practice for Local Authorities on Data Transparency, including a review of local government assets, and considering what further transparency requirements may be needed including whether compliance with the Code should be a legal requirement	Jul 2012	Feb 2013
<b>2.6 Deliver Weekly Collection Support Scheme</b>		
i. Support local authorities to retain and reinstate weekly rubbish collection and encourage reward schemes to boost recycling, including providing up to £250 million of central funding	Started	Oct 2012
<b>2.7 Decentralise power to fire and rescue authorities</b>		
i. Set up a new Fire and Rescue Strategic Resilience Board, following consultation	Started	Jul 2012
ii. Reset the relationship, decentralising power to Fire and Rescue Authorities – Publish new Fire and Rescue Framework	Started	Nov 2012
iii. Sell the Fire Service College as a going concern	Started	Mar 2013



### 3. Support and incentivise local growth

*Leads: Peter Schofield / Philip Cox*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>3.1</b>	<b>Work with Local Enterprise Partnerships and Local Authorities to support delivery of new economic growth in Enterprise Zones</b>		
	i. Support the simplification of planning in Enterprise Zones	Started	Apr 2013
	ii. Ensure delivery of business rate retention in Enterprise Zones, including establishment of agreements between Local Enterprise Zones and local authorities on managing and investing retained rates	Started	Apr 2013
<b>3.2</b>	<b>Champion and support the work of the Local Enterprise Partnerships across Whitehall to create policy links, opportunities and new incentives for local enterprise partnerships which will support local growth</b>		
	i. Help Local Enterprise Partnerships lead the development of their local economies by removing the barriers to their ambitions and strengthening the stake and incentives that they have to promote local economic growth	Started	Apr 2013
	ii. Support Department for Transport's transport devolution proposals by developing an appropriate role for local enterprise partnerships	Started	Apr 2013
	iii. Support the strong and appropriate role of local enterprise partnerships in Growing Places Fund allocation and investment process, ensuring local delivery in getting money into the productive economy	Started	Apr 2013
	iv. Develop publicly available data on local economic area performance, working with the Local Enterprise Partnership Network and local enterprise partnerships	Started	Apr 2013
<b>3.3</b>	<b>Growing Places Fund</b>		
	i. Produce a Growing Places Fund programme report to demonstrate how the fund has supported sustainable economic growth, and the extent to which it has supported the delivery of jobs and houses, based on progress reports submitted by each partnership	Started	Apr 2013

### 3. Support and incentivise local growth

*Leads: Peter Schofield / Philip Cox*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>3.4</b>	<b>City Deals</b>		
	i. Working with Cabinet Office and BIS, ensure that City Deals with the 8 core cities are agreed and to develop the criteria for a second wave of cities including a negotiation and implementation timeframe	Started	Jul 2012
	ii. Deliver the Department's-specific commitment forming part of finalised city deals and set out in agreed action plans	Started	Sep 2014
<b>3.5</b>	<b>Support High Streets and Town Centres</b>		
	i. Announce outcome of round two town centre pilots	Started	Jul 2012
	ii. Launch a £1 million competition, the "High Street Challenge Fund" to capture innovative ideas to revitalise high streets	Started	Mar 2013
<b>3.6</b>	<b>Implement changes to the management arrangements for delivery of the European Regional Development Fund, following abolition of the Regional Development Agencies, as set out in the Growth Review</b>		
	i. Agree firm proposals for the delivery of the European Regional Development Fund 2014 to 2020 programme in a way that supports local growth	Started	Oct 2013

## 4. Meet people's housing aspirations

*Leads: Peter Schofield / Terrie Alafat*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>4.1</b>	<b>Implementation of the Housing Strategy</b>		
	i. Report on progress against the Housing Strategy, including work to reinvigorate the Right to Buy, progress on the NewBuy scheme, the Government's land release programme, the public land auction pilot, and use of the New Homes Bonus	Nov 2012	Nov 2012
	ii. Agreements signed with local authorities on retention of additional Right to Buy receipts	Started	Sep 2012
	iii. Bring two land auction pilot sites to the market	Started	Dec 2012
<b>4.2</b>	<b>'Get Britain Building' investment fund implemented</b>		
	i. Announce successful Get Britain Building competition bids	Started	Jun 2012
	ii. Start construction work on the first site for Get Britain Building competition bids	Started	Jul 2012
<b>4.3</b>	<b>Tackling Empty Homes</b>		
	i. £160m funding programme operating to bring empty homes back into use	Started	Jun 2015
<b>4.4</b>	<b>Locally planned sustainable large scale developments</b>		
	i. Publish details of the support we can provide to locally-led, locally-planned large scale developments and details of how to access it	Started	Sep 2012
	ii. Publish details of the locally-led, locally-planned schemes to be supported	Feb 2013	Feb 2013
<b>4.5</b>	<b>Establish Single Housing Ombudsman to provide redress for social housing tenants with Registered Providers and local authority landlords where the landlord complaints system/local resolution does not work</b>		
	i. Make Commencement Order for Single Housing Ombudsman	Started	Mar 2013
	ii. Publish New Scheme for Single Housing Ombudsman	Oct 2012	Mar 2013
	iii. Single Housing Ombudsman in place	Apr 2013	Apr 2013

## 4. Meet people's housing aspirations

*Leads: Peter Schofield / Terrie Alafat*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>4.6</b>	<b>Support growth by accelerating the release of the Homes and Communities Agency's land-holdings</b>		
	i. Coordinate the programme to support other government departments in the release of their surplus land (with capacity for 100,000 housing units) over the Spending Review period	Started	Mar 2015
	ii. Accelerate the release of the Homes and Communities Agency's land-holdings by refreshing the land release strategy (providing details of sites to be released) and releasing land to deliver 11,000 housing starts on site over the Spending Review period	Started	Mar 2015
<b>4.7</b>	<b>Empower local authorities and voluntary and community sector to prevent and tackle homelessness, removing barriers to effective local action</b>		
	i. Report on the tenancies created and sustained in the first year of a scheme led by the voluntary sector to improve access for single homeless people to the private rented sector	Started	Jul 2012
	ii. Publish the second report from the Ministerial Working Group on Homelessness: a homelessness strategy that will consider how to tackle the complex underlying causes of homelessness, prevent homelessness at an earlier stage and deliver integrated services that support an individual's recovery	Started	Sep 2012
<b>4.8</b>	<b>Support the development of the National Adaptation Programme to address climate change</b>		
	i. Set out the Department's contribution to the National Adaptation Programme	Started	Mar 2013
<b>4.9</b>	<b>Ensure continuous improvements in energy efficiency of new buildings</b>		
	i. Make changes to energy efficiency requirements in Building Regulations	Started	Oct 2013

## 5. Put communities in charge of planning

*Leads: Peter Schofield / Shona Dunn*

<b>ACTIONS</b>		<b>Start</b>	<b>End</b>
<b>5.1</b>	<b>Radically reform the planning system to give neighbourhoods much greater ability to shape the places in which they live, based on the principles set out in the publication 'Open Source Planning'</b>		
	i. Prepare and introduce secondary legislation on neighbourhood planning as necessary	Started	Oct 2012
	ii. Publish first annual release of data on the number of neighbourhood plans. The plans will include statements showing who were consulted in the production of the plan and how issues were addressed by each neighbourhood forum or parish council	Started	Apr 2013
	iii. Put in place a programme of professional support and funding to assist those communities leading the way in developing new neighbourhood plans	Started	Sep 2012
	iv. First local authorities designating neighbourhood areas under the Localism Act	Started	Jun 2012
	v. Publish six monthly data on local plan making progress by authorities	Jun 2012	Dec 2012
	vi. Announce outcome of review of planning guidance, in concert with the sector	Started	Nov 2012
	vii. Local councils reporting on compliance with the duty to cooperate in Authority Monitoring Reports	Started	Jan 2013
<b>5.2</b>	<b>Consultation on review of Use Classes Order and implementation of new regulations</b>		
	i. Consult on review of Use Classes Order and implementation of new regulations	Started	Apr 2013
<b>5.3</b>	<b>Streamline planning application and appeal procedures and implement new regulations</b>		
	i. Publish proposals to simplify the information required to support planning applications, particularly at the outline stage (including consultation)	Jun 2012	Apr 2013
	ii. Review planning appeals process (including consultation)	Started	Apr 2013
	iii. Publish monitoring report on performance against the 'planning guarantee' for application and appeal processing times	Aug 2012	Aug 2012
<b>5.4</b>	<b>Provide strong incentives for local authorities to build new homes through reform of the Community Infrastructure Levy</b>		
	i. Pass the regulations associated with the Localism Act 2011 to ensure that the Community Infrastructure Levy incentivise neighbourhoods to go for growth	Started	Oct 2012
	ii. First local authorities publish data on their spending on infrastructure via the Community Infrastructure Levy	Dec 2012	Dec 2012

## C) Departmental expenditure

### Planned expenditure and major projects <sup>1</sup>

This section sets out the Department's planned expenditure over the Spending Review period, as agreed with the Treasury, and expected cost for the 2012/13 financial year of the Department's major projects.

Planned expenditure (£bn)	2011/12 (outturn)	2012/13	2013/14	2014/15
<b>Total departmental expenditure limits <sup>2</sup></b>	<b>5.7</b>	<b>4.5</b>	<b>4</b>	<b>3.7</b>
Administration spending	0.3	0.4	0.3	0.3
Programme spending	1.6	1.4	1.6	1.1
Capital spending	3.8	2.7	2.1	2.3

Major projects expected cost (top 4, £m)	2012/13	Whole life cost
Reform of the Audit Commission	27.7	53.1
ICT re-let	3.2	36.6
Housing Investment and Regulatory Reform Programme	6.9	25.5
Planning Inspectorate/Infrastructure Planning Commission Implementation Programme	2.1	8.1
<b>Total (all major projects)</b>	<b>39.9</b>	<b>123.3</b>

#### Definitions:

*Administration spending:* the costs of all central government administration other than the costs of direct frontline service provision

*Programme spending:* spending on activities, goods and services, such as pay and benefits (excl. administration spending as defined above)

*Capital spending:* spending on assets with a lasting value, such as buildings and equipment

<sup>1</sup> Excludes departmental Annually Managed Expenditure. Numbers may not sum due to rounding

<sup>2</sup> Excludes depreciation

## Local Government planned expenditure and major programmes <sup>1</sup>

Planned expenditure (£bn)	2011/12	2012/13	2013/14	2014/15
<b>Total departmental expenditure allocation</b>	26.7	24.0	23.9	22.3
<b>Programme spending</b>	26.7	24.0	23.9	22.3

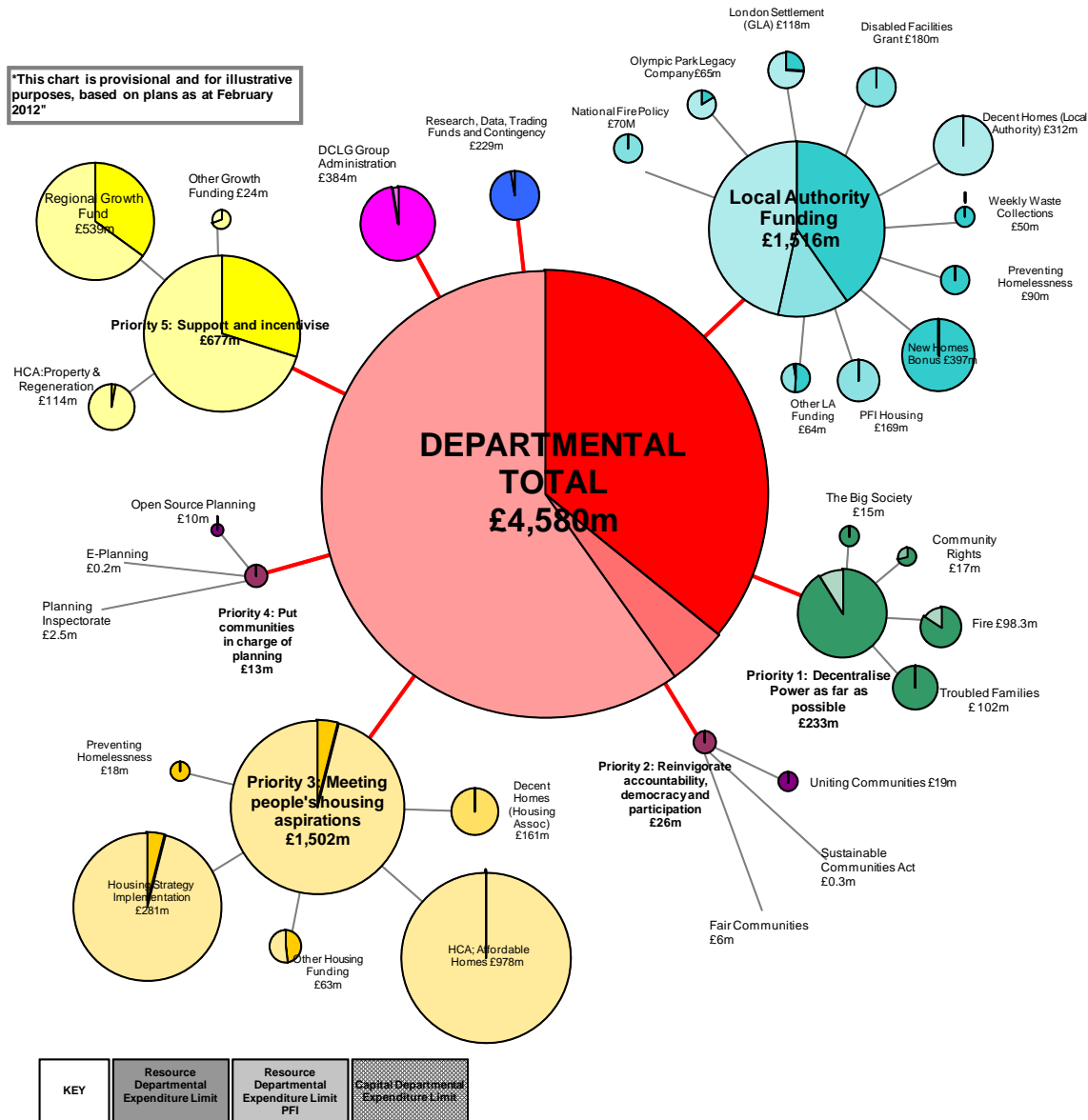
*Programme spending:* spending on activities, goods and services, such as pay and benefits (excl. administration spending as defined above)

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<sup>1</sup>Excludes departmental Annually Managed Expenditure. Numbers may not sum due to rounding.

# Indicative budget allocation

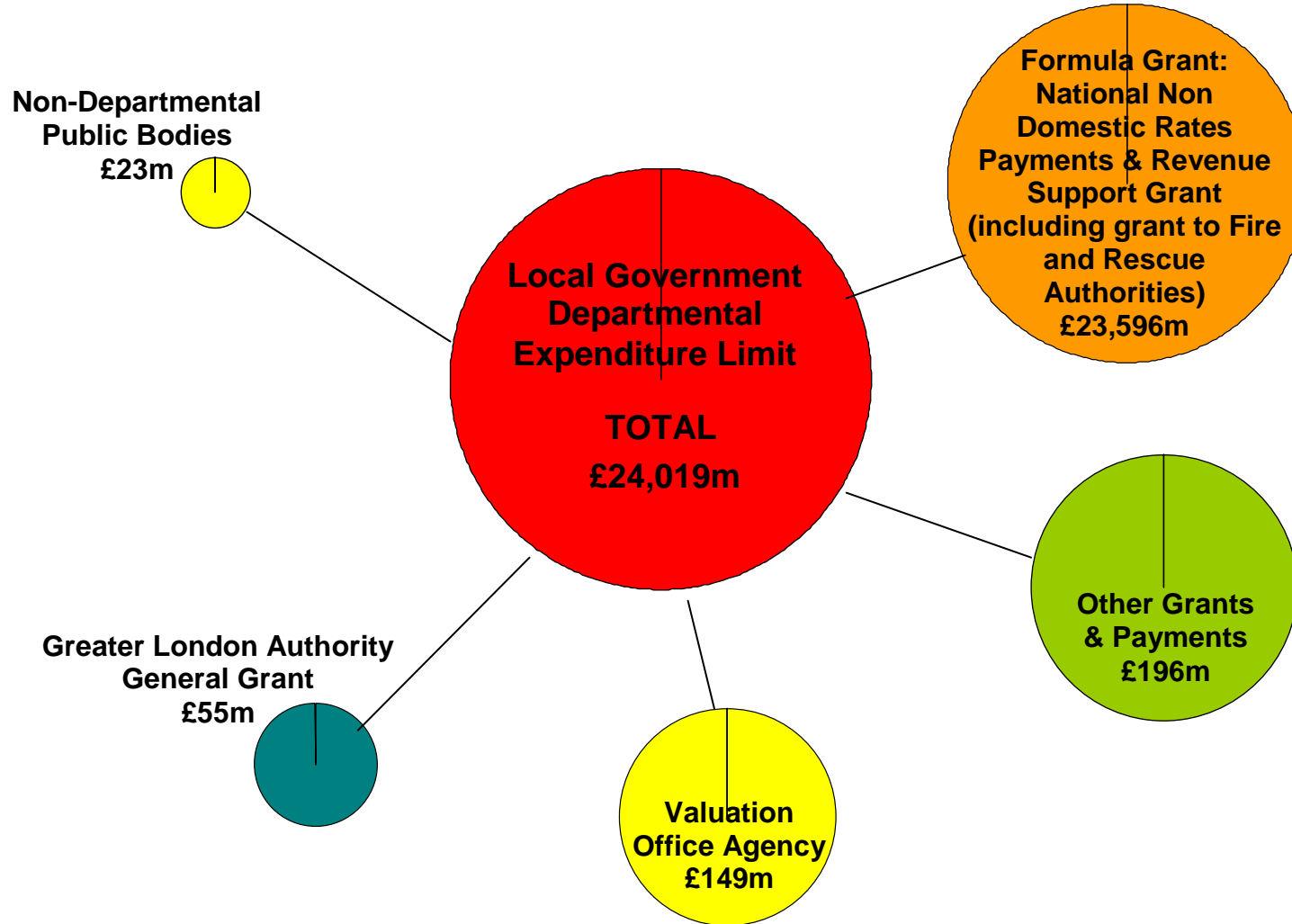
This chart sets out further detail on how the Department's settlement will be allocated for the 2012/13 financial year across key programmes and activities.





# Local Government Departmental Expenditure

Local Government Departmental Expenditure Limit  
Planned Expenditure 2012-13



## Departmental efficiency

This data allows the public to compare the Department's operations to other organisations by setting out the cost of common operational areas, and sets out the Department's efficiency plans for 2012/13.

Spending Category	Latest Data (QDS <sup>1</sup> 3 2011)	Actions to improve operational efficiency in 2012/13
<b>HR</b>	1883 staff (1826.12 Full Time Employee staff) as of 29/02/12. (Agencies / Non Departmental Public Bodies not included)	Further early exits are planned throughout 2012 to reduce headcount further and the Department has delegated headcount targets to Directors, with a total target headcount of 1757 funded posts in the Department by 1 November 2012.
<b>Estates</b>	17,783 square metres	Reduce our estate costs by surrendering two leases upon expiry and working to sub-let all our other vacant space to public and private sector occupiers.
<b>Procurement</b>	* £62.80m spent	Phased transition to further central Government Procurement Service deals, building on experience from office supplies and travel. Spending controls for discretionary spend (e.g. consultancy and marketing) are planned to remain.
<b>Major Projects</b>	£279.9m total contract value	Increase our pool of qualified Gateway Reviewers by 50% and ensure that each project has an agreed Integrated Assurance and Approvals Plan.
<b>Information Technology</b>	£10.9m spent	Increase the efficiency of our IT spend by securing savings of £1.4m, and supporting the moving to digital services as per Digital By Default guidelines by becoming an early adopter of gov.uk citizen and inside government offerings.
<b>Corporate Services</b>	£5.55m spent	By sharing services within the Departmental group, save £128k on transactional finance services (sharing with Planning Inspectorate) and c.£1m on communications services ( sharing with Planning Inspectorate and Homes and Communities Agency).
<b>Fraud, Error and Debt</b>	£0 Fraud, £2.1m Error and £5.6m Debt identified	Raise fraud awareness across the Department, including through Civil Service Learning's e-learning platform (March 2013).
<b>Small and Medium –Sized Enterprises and Voluntary Organisations</b>	*£15.8m spent with Small and Medium Sized Enterprises and £18.2m spent with Voluntary and Community Sector organisations	Making it easier for Small and Medium Enterprises/Voluntary and Community Sector to bid for Department contracts, by increased use of open procedures and reducing paperwork, running Small and Medium-Sized Enterprises product surgeries and publishing our pipeline of future work. Tendering grant administration and support services for Community Rights, allowing Voluntary and Community Sector to compete for Local Authority work.

<sup>1</sup> Quarterly Data Summary

\*Includes Homes and Communities Agency and Planning Inspectorate figures

# D) Transparency

## Indicators and other key data

The Department has adopted the following input and impact indicators to help the public assess the effects of policies and reforms on the cost and impact of public services. These indicators, and other data specified here and in our Open Data Strategy, will be regularly published online.

Description	Type of data
<b>Decentralise power as far as possible</b>	
Percentage of local authority revenue expenditure funded by general government grant, broken down by class of authority	Input indicator
Percentage of local authorities committed to identifying and beginning work with troubled families	Input indicator
<b>Reinvigorate local accountability, democracy and participation</b>	
Number of groups supported to submit an expression of interest as part of the Community Right to Challenge	Impact indicator
Fire-related casualties (per 100,000 population)	Impact indicator
<b>Support and incentivise local growth</b>	
Business rates yield within Enterprise Zones	Impact indicator
<b>Meet people's housing aspirations</b>	
Affordable Rent payment per dwelling by the Homes and Communities Agency	Input indicator
Average New Homes Bonus grant payable per dwelling per year to different classes of authority (£)	Input indicator
Total number of housing starts and completions (seasonally adjusted)	Impact indicator
Number of affordable housing starts and completions delivered through the Homes and Communities Agency	Impact indicator
Energy efficiency of new build housing (average Standard Assessment Procedure energy rating score)	Impact indicator
Households in temporary accommodation (seasonally adjusted)	Impact indicator
<b>Put communities in charge of planning</b>	
Percentage of local planning authorities having an adopted local plan prepared under the 2004 Planning and Compulsory Purchase Act	Impact indicator
The number of planning permissions granted as a percentage of all applications for major and minor schemes	Impact indicator

## Open data

This section sets out as a summary DCLG's commitment to open data. Open data is an essential ingredient of the department's overarching purpose – driving effective localism and creating the conditions for successful places. Our **Open Data Strategy** commits DCLG to providing data that is of good quality so that it can be used for effective comparison and to publishing this information in such a way that it is as accessible as possible. DCLG has made an impressive start on the transparency agenda publishing spend over £500. Further details will be set out in full in DCLG's Open Data Strategy, to be published in June 2012.

To support authorities in publishing data, in September 2011 the Department produced a *Code of Recommended Practice for Local Authorities on Data Transparency*. The department will continue to work with the local government sector and strongly encourage local authorities to present their data in ever more open and accessible format. From June 2012, DCLG will be reviewing the Code, including a review of local government assets, and considering what further transparency requirements may be needed including whether compliance with the Code should be a legal requirement