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Smoke-filled rooms revisited: armchair auditing, FoI and the great town hall transparency swindle

Introduction

Britain's coalition government has preached an awful lot about local transparency. Within weeks of the Conservatives entering their uneasy alliance with the Liberal Democrats in May 2010, the new administration's Pooterish Communities Secretary, Eric Pickles, had already earned a reputation as its most hyperactive minister – firing off a volley of press releases promoting initiatives to make town-halls more accountable. English councils would not only need to learn to budget more efficiently (in the face of Whitehall-imposed revenue cuts of up to 40 per cent) but, for the first time, we taxpayers would be able to scrutinise their every invoice (up to a point), by assuming the mantle of “armchair auditors” (Pickles, 3 October 2010), as they unleashed exhaustive monthly lists of all items of spending worth £500 and over.

Not content with embarrassing spendthrift councils over their ostentatious catering contracts or luxurious office furnishings, Pickles was also quick to announce crackdowns on the more dubious means by which they took spending decisions and made information public. First he announced plans to allow them to abandon the secretive cabinet meetings ushered in by the Local Government Act 2000, which had enabled senior councillors to take costly policy decisions with neither press nor public present (Dale, 26 July 2010). Then came a pledge to stop them publishing “glossy” magazines and newspapers, or “town hall Pravdas”, at public expense – in so doing, eating into the profits of the provincial press at a time when it was already buffeted by a perfect storm of technological upheaval and falling advertising revenue (Pickles, 1 October 2010).

Yet, for all the fine talk (and ostensible action), we are in a remarkably similar place today to where we were when the first edition of this book was published. Mr Pickles' much-touted new publication code, designed to bring council communication departments into line by stopping them printing propaganda sheets in direct competition with local papers, turned out to be advisory only (Greenslade, 21 February 2012), while council publications have been explicitly excluded from the Royal Charter proposals for press regulation endorsed by all the major political parties at time of writing (Newspaper Society, 25 April 2013). As a result, not only are many councils gleefully continuing to publish their own papers in defiance of their critics, but some are even developing new economies-of-scale, by competing for the contracts to print titles for neighbouring councils (Newspaper Society, 28 February 2013). Meanwhile, the trumpeted armchair auditing revolution has been anything but – with authorities simply off-loading reams of impenetrable spread-sheet data, with little evidence (so far) that either press or public are managing to make sense of it.

This chapter aims to take up where its precursor left off, by reviewing the actual and supposed changes that have occurred in relation to town-hall transparency since the coalition was formed. It uses a mix of primary and secondary research to

demonstrate that, far from being subject to more scrutiny than ever before, if anything today's councils are getting away with even less.

Transparency then and now: a review of recent changes

'Repairing' New Labour's legacy: whither open government, performance data and Freedom of Information?

As argued in the original chapter (Morrison 2011), 'New Labour' did little in 13 years of office to meaningfully advance town-hall transparency. Under the LGA 2000, councils were not so much permitted as compelled to adopt a top-down decision-making structure modelled on the Westminster cabinet system (HM Stationery Office 2000). Shorn of all but superficial scrutiny by their fellow elected representatives, press or public, the new wave of "executive" leaders and directly elected mayors heading these cabinets held court (largely behind closed doors) in the manner of, respectively, provincial prime ministers and presidents.

At the same time, a quiet revolution was taking place in the way councils imparted what would once have been soberly dubbed 'public information'. Poorly photocopied newsletters were widely replaced by professionalised publications that, to all but the most discerning eye, might easily have been the work of an independent press (Newspaper Society, 25 April 2009; Local Government Association, April 2009). And far from confining themselves to publicising bin collections or planning applications, these authentic-seeming publications (often written by experienced journalists on generous, taxpayer-funded salaries) began encroaching ever further into traditional news territory - breaking general stories, running features and reviews, and poaching advertisers in the process.

Coming at a time when local papers were struggling to adapt to the challenges of a more competitive, less lucrative and newly 'digitised' marketplace, the net effect of these developments was to erode public oversight of local decision-makers. As several recent surveys have shown, a combination of creeping newsroom cutbacks and the widespread perception of journalists and editors that little or nothing worthwhile was any longer being debated or voted on in 'open session' meant that fewer and fewer papers now felt able to justify routinely sending reporters to meetings, let alone continuing to employ dedicated council correspondents, as they had previously (Fowler 2009; Morrison 2011).

This is not to say that Labour did nothing to promote local accountability. Although he would later describe it as one of his biggest political "regrets" (Blair, 2010), one of Mr Blair's more noteworthy achievements was arguably the passage of the Freedom of Information Act 2000 which, when it finally came into force five years later, subjected 100,000 "public authorities" to direct questioning about their governance and spending decisions – including all 433 then local councils (HM Stationery Office, 2000). And, towards the end of its life, there were promising signs that Mr Brown's government understood the wisdom of corralling the blizzard of council performance data it had amassed centrally since 1997 – in guises ranging from Best Value Performance Indicators to Comprehensive Area Assessment - in a single, online and *relatively* user-friendly, location. How ironic that the resulting 'one-stop' website, www.oneplace.org, and the publicly funded watchdog that oversaw it, the Audit Commission, should both be abolished by the Coalition – to whose pledges to 'enhance' local transparency we now turn.

Cabinets, committees, council webcasts and transparent decision-making

Shortly after entering office, Mr Pickles told Conservative blogger Iain Dale of his intention to introduce a clause in the then upcoming Local Government Bill to “let” councils abandon cabinets and revert to the pre-LGA 2000 committee system if they wished. It would be made clear to them that whichever option they chose – even adopting “a choral system” with councillors “singing sea shanties” – must be “accountable, transparent and open” (Dale 26 July 2010). In short, for councils operating a cabinet-style system the status quo would not be an option.

Yet, at time of writing, a widespread return to committees had failed to materialise. Though councils have been able to switch back to a pre-LGA 2000 model since the Localism Act received Royal Assent on 15 November 2011 (HM Stationery Office 2011), by spring 2013 only four had done so - with a dozen or so more expected to revert by the year end (Jeraj, 5 March 2013).

In the absence of wholesale reform of councils’ decision-making food-chains, however, there have still been *some* positive changes to how they conduct business publicly. Most significantly, in the continued absence of a regular presence in their press (or, in many cases, public) galleries, a growing number of local authorities have opted to take their business to the masses: by webcasting cabinet, full council and major committee meetings live on the internet. This trend continues to spread - to the extent that commercial companies are now battling to become the ‘industry-standard’ software providers of choice. The most widely used, Public-i.tv, maintains the feeds for 40-plus councils, while smaller-scale rivals include Planetstream.net and Mediaondemand.net (Argyll and Bute Council, 19 November 2012).

However, evidence that webcasts are succeeding in (re)connecting councils to their ‘constituents’ and/or local media is patchy. While a record 4,489 viewers tuned in to a Cornwall Council meeting involving a vote of no confidence – with 242 contributing live comments via the streaming screen during the course of the knife-edge debate (Ibid) – an FOI request to Bristol City Council disclosed that a cabinet meeting in May 2012 was watched live by a mere three people (www.bbc.co.uk, 14 April 2013). Attempts to objectively chart the success of webcasting have also been hampered by a lack of clarity in the way their ‘hits’ are recorded by authorities keen to justify the expense of introducing them: Bristol claimed coverage of the results of its first mayoral election in November 2012 achieved 14,071 live “views”, though it failed to distinguish between individuals who tuned in for the entire webcast and those who did so just for the final result (Ibid). It is also far from clear how widely journalists are accessing webcasts – and, even if they are, whether the availability of this further ‘short-cut’ for obtaining council information is simply stoking their previously noted disinclination to attend meetings, meet councillors and dig for stories directly (Fowler 2009; Morrison 2011). If so, the introduction of webcasts may be having the effect of further *eroding* town-hall transparency, rather than enhancing it.

Indeed, the suspicion that proactive engagement initiatives such as webcasting might be little more than a fig-leaf behind which (some) authorities are masking a continued reluctance to submit themselves to meaningful public scrutiny has been fuelled by a succession of occasions when journalists and/or public have been *prevented* from using new media to report from council proceedings. In January 2013 it emerged that Wrexham Borough Council had banned the *Daily Post* newspaper and bloggers from using social media, including Twitter, in its meetings (McAthy, 8 January 2013), while Wirral Council tried to stop filming of its pensions committee on spurious “health and safety” grounds (johnbrace.com, 15 January 2013). But the most

egregious case of town-hall censorship occurred some 18 months earlier, when blogger Jacqui Thompson was handcuffed by police for daring to film a meeting of Carmarthenshire Council on her camera phone (Allen Green, 13 June 2011). Earlier cases like these had prompted ministers to write to all councils, urging them to adopt various “new media” solutions to address the dramatic decline in engagement with local democracy, by allowing not only the mainstream media but also bloggers, hyper-local news sites and other “citizen journalists” to blog, film and tweet from meetings (www.localgov.co.uk, 23 February 2011). In the spirit of localism, ministers initially stopped short of ordering across-the-board changes, but they have since forced the pace by publishing guidelines guaranteeing the public reporting rights, bolstered by a new “plain English guide” explaining how they can exercise them (DCLG, June 2013).

From top-down ‘target culture’ to bottom-up ‘armchair auditing’: the new accounting in practice

For all the fanfare, evidence suggests that David Cameron and Mr Pickles’ longstanding commitment to cultivate an “army of armchair auditors” to monitor the tax-paper’s pound (Cameron, 25 May 2009) has yet to materialise. Though most English councils, and some in Wales, now issue monthly statements on their websites itemising everything they spend over £500 (with some publishing all expenditure over £250), and councillors’ expenses and senior officers’ salaries are also routinely made public, some authorities have proved reluctant to open their books. By midnight on January 1, 2011 - the deadline set by the Government for all councils to commence publishing their monthly spending data - more than one in ten (or 33) of the 326 English authorities had still to comply. Now that the majority finally have, there is widespread frustration that many of the statistics are all-but impossible to decipher – with most authorities ‘info-dumping’ raw data on near-impenetrable Microsoft Excel spreadsheets and/or CSV files (a form of PDF) that are difficult to search on-screen for specific information. There is also a marked lack of consensus in terms of where exactly to publish data on websites – with some councils placing it under logically named tabs like “finance” or “spending” and others tucking it away to the point that a Kafkaesque odyssey is required to locate it. Such concerns led to the House of Commons Public Accounts Committee branding councils’ efforts thus far “not fit for purpose” in a critical report highlighting “lack of “consistency” in the way data was published and the damaging effect this could have on particular aspects of public service delivery (www.parliament.uk, 16 July 2012). More recently, one of the Conservatives’ closest advisors, Neil O’Brien, of the Policy Exchange think-tank, publicly lamented the failure of the coalition’s “transparency agenda” to spawn the army of “brilliant people” needed to monitor the data surge and hold councils to account (Wheeler, 9 November 2012).

Frustrated by this lack of transparency, both traditional media outlets (notably the Guardian Data Blog and www.telegraph.co.uk) and various collaborative and open-source citizen journalism sites have taken it upon themselves to monitor not only compliance but also the scale and nature of expenditure by authorities individually and collectively. Dissatisfied with the way spending is generally presented on councils’ websites, the *Telegraph* approached every liable authority in 2011 for lists, specifically, of all items of their “credit card” spending over £500. Of the 186 that supplied data (a further 48 insisted they did not use credit cards for purchases), none would release information on any spending below that amount – leading the paper to speculate that “tens of millions of pounds in additional spending on lower value items or services”,

spread over smaller payments, might remain unaccounted for (www.telegraph.co.uk, 27 May 2011). The £100 million of expenditure that was disclosed as a result of the *Telegraph* request - and the user-friendly database it subsequently published online - included Pembrokeshire County Council's splash-out of £5.4m on theatre tickets, gift cards and wetsuits (Ibid) and a stack of similarly frivolous items bought by other authorities, ranging from "pure silk ties", Tiffany jewellery and Nintendo Wiis to books on horticulture (Blake and Quilty-Harper, 27 May 2011). In addition to using the FOI Act 2000 to obtain much of this information, the *Telegraph* drew on the citizen journalism resource most diligently tracking council spending, www.openlylocal.com, whose "Council Spending Dashboard", which displays a running tally of local authority spending, had itemised more than £14.6 billion worth of data from 158 councils as at early July 2013 (www.openlylocal.com, accessed on 10 July, 2013).

Not every local authority has been backward at coming forward with its spending data: the Royal Borough of Windsor and Maidenhead, one of Mr Cameron's flagship "Big Society" councils, has even produced its own website, Armchair Auditor, to "dynamically generate reports" for users based on various criteria (data.gov.uk, accessed on 10 July 2013). The freelance developer responsible, Adrian Short, has made this software available, on an open-source basis, to other authorities, and there are now also Armchair Auditor sites for the Isle of Wight and North Lincolnshire and Hull (under the banner UpNorthAuditor). Nevertheless, the fact that professional journalists and concerned citizens are having to go to such extreme lengths to even *obtain* spending data, let alone decode it – and that, even after being 'compelled' to disclose this information by ministers, authorities are doing so in such a grudging and piecemeal fashion – appears to give the lie to any pretence that town-hall financial accountability has meaningfully improved. To the Government's critics, the opacity of these transparency efforts has been exacerbated by its decision to abolish the Audit Commission – hitherto the one semi-independent body charged with externally examining local authorities' books - as part of Cabinet Office Minister Francis Maude's "bonfire of the quangos" (quoted in Curtis, 14 October 2010).

FOI: the myth and the reality

Under the FOI Act 2000, councils are expected to disclose official information to the public (and, by extension, journalists) within 20 working days of receiving a clear written request for it – "unless there is a good legal reason" for them to withhold it (www.ico.org.uk, accessed on 3 July 2013). Legitimate reasons to decline requests are if they would cost too much money or take too long to answer; details requested have previously been applied for by the same individual; or queries are considered "vexatious" (Ibid). In addition to these discretionary exemptions, a minority are "absolute" – for example, if a request relates to information received from security or intelligence agencies. Even under these circumstances, however, the Information Commissioner's advice is for authorities to apply a rigorous "public interest test" before withholding info (Ibid).

Despite their clear obligations under the Act, however, there is copious evidence to suggest that councils have been using imaginative tactics to delay FOI disclosures or, in some cases, avoid them entirely. In October 2010, the Information Commissioner's Office announced that 33 public bodies – a third of them councils – would be subjected to a new "intensive monitoring system" for failing to respond to FOI requests on time (www.ico.org.uk, 1 October 2010). And the commissioner has repeatedly intervened to clarify councils' obligations to publish details of senior staff

salaries, following a series of attempts by first Labour then the coalition to alternately persuade then coerce them into disclosing details of those earning more than £50,000 and £58,000 respectively (Hope, 17 February 2010 and Winnett, 6 February 2011). Councils have also become adept at burying information about how to make FOI requests on their websites.

All such obstacles, whether intentional or accidental, have the effect of obstructing due process when it comes to eliciting public information about which all of us have a “right to know” (HM Stationery Office 2000). And for hard-pressed journalists, working to ever tighter deadlines with ever scarcer resources, late FOI responses – let alone unnecessary delays in getting requests out in the first place – can have the effect of, at best, blunting the impact of stories or, at worst, ‘killing them off’ entirely. In the pre-FOI, pre-digital era, local reporters seeking public-interest information a council was reluctant to release simply had to pressurise their communications departments or press offices until they capitulated: while it might take numerous calls and great persistence to wring them out, journalists invariably gleaned the details they were after (assuming there was no legitimate reason for them to be withheld) in time for their next editions. Today, the FOI Act has arguably *impeded* the free flow of public information, in some respects, by giving journalists the ‘excuse’ to make once routine news enquiries of public authorities by FOI – thereby allowing obfuscating officials to delay disclosure for up to three weeks (Morrison 2013, p.602).

Council propaganda sheets: the ‘ban’ that never was

If one move towards greater council transparency *ought* to have occurred since the first edition of *The End of Journalism* that was a reining in of council-owned newspapers. Pledges to tame, if not ban, these “Pravdas” have been consistently reiterated by ministers (Pickles, 1 October 2010; Pickles, 3 July 2013; Pickles, 15 April 2013) – yet, three years into the coalition, only a handful have reverted to the four-issues-a-year model favoured by Mr Pickles, let alone ceased printing.

More worryingly for abolitionists (Greenslade, 3 July 2012), some councils have actually ramped up their PR print-presses in pursuit of new, more profitable, economies-of-scale. Most flagrantly, in February 2013 it emerged that Tower Hamlets – publisher of the infamous *East End Life* - had tendered for a £20m contract to print newspapers for two other London boroughs, Hackney and Newham (Newspaper Society, 28 February 2013). An FOI request submitted for the predecessor to this chapter established that *Life* was offering reporters starting salaries of £31,152 in March 2010 (Morrison 2011) – more than double the £15,000 average wage of a trainee journalist on a privately owned paper at time of writing (www.prospects.ac.uk, accessed on 10 July 2013) – giving it a distinct advantage over its independent rival, the *East London Advertiser*, when recruiting new staff. Distributed free to 81,000 homes in Tower Hamlets each week, *Life* has been directly blamed for eroding the slender circulation of the *Advertiser* (Starbrook quoted in Tryhorn, 25 January 2010), which sells 6,800 copies at a 50p cover price (Greenslade, 22 April 2009).

That Hackney already published the fortnightly *Hackney Today* - which has long claimed “the largest reach in the borough of any local paper” in the media-packs it sends out to potential advertisers – raises the prospect of an alliance with Tower Hamlets further boosting its 108,000-a-fortnight print run with taxpayers’ money, as its nearest commercial rival, the *Hackney Gazette*, continues struggling to shift 8,000 copies a week (Greenslade, 6 August 2009).

This is not to say that there have been *no* closures of council-run newspapers: Hammersmith and Fulham's notorious *H&F News* ended in April 2010 after the council came to an agreement with Trinity Mirror Southern to provide "extra pagination" in its local weekly, the *Fulham and Hammersmith Chronicle*, "to ensure that the council continues to promote consultations, events and other public information" (www.lbhf.gov.uk, 5 April 2011), while Barking and Dagenham shut down *The News* to cut costs in 2013 (Newspaper Society, 2 May 2013). Meanwhile, the Welsh Government was reviewing its own code for council publications at time of writing, following a BBC Radio Wales investigation which revealed 16 of the 22 Welsh councils were spending £1m a year between them on free-sheets including the bilingual *Capital Times*, which is distributed 13 times a year to 155,000 households by Cardiff City Council (Greenslade, 30 July 2012).

Back in England, *East End Life* and *Hackney Today* are far from the only publicly funded titles to have continued publishing as frequently as ever - in open defiance of Mr Pickles' continued entreaties for them to become quarterlies. *Greenwich Time*, *Haringey People*, *Brent Magazine* and *Surrey Matters* are among numerous regular titles still in print to this day. And not only have councils continued publishing propaganda sheets - replete with planning and other public notices they would previously have paid commercial papers to run on their behalf (Belam, 14 May 2009) - but there have also been undignified run-ins between authorities and the independent press over editorial content which may even point towards a worrying new trend for *other* forms of council censorship. In one case, the *South Wales Guardian* claimed paid advertising in its pages by Carmarthenshire Council (an authority whose questionable openness was highlighted earlier) "all but dried up" following an article criticising its response to the Welsh Assembly's decision to call in plans for more Sainsbury's superstores in its region (Greenslade, 12 December 2012).

So how are councils managing to so brazenly flout the "Code of Recommended Practice on Local Authority Publicity" the coalition introduced to stop them continuing to publish "in hard copy or on any website, newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content" (DCLG, 31 March 2011)? Quite simply, because this code is merely *advisory* (Greenslade, 21 February 2012). At time of writing, the coalition had included in its 2013 Queen's Speech plans to finally enforce it through a new Local Audit and Accountability Bill, but it remained to be seen whether (and how quickly) this would happen - and, more importantly, how councils would respond in practice, as and when it did (DCLG, 8 May 2013).

Whether any such clampdown can come soon enough to arrest the decline of local newspapers - partly in response to the years of eroded circulation many have endured at the hands of their anti-competitive, state-subsidised rivals (Toynbee, 24 March 2009) - remains to be seen. And this is an especially vexed question when viewed in the context of the other great obstacle to its editorial freedom the sector now sees itself facing, in light of the Leveson Inquiry (www.levesoninquiry.org.uk, accessed on 4 July 2013): a proposed new Royal Charter on press regulation. According to the wording of the latest version of this document to be approved by the leaders of the three main Westminster political parties by summer 2013, while all commercial papers, including weekly free-sheets, would be bound by the new ethical framework it enforced, "a public body, charity or company that publishes news about their activities" - a sweeping category embracing local authorities - would be among the publishers *exempted* (Department of Culture, Media and Sport, 23 April 2013). Local press proprietors are understandably concerned that their ability to hold litigious individuals

and organisations to account will be curtailed by the threat of tough new £1m fines under the planned regulatory regime - and further argue that it is unfair for them to be saddled with the “substantial financial burden” of signing up to a new “approved” regulator, particularly given that Leveson explicitly “exonerated” their “behaviour and conduct” in his report (Jeakings, 12 June 2013). With the press still pushing an alternative charter for Privy Council approval at time of writing, the outcome of this latest battle remained uncertain, but it was hard to dispel the fear that the act of exempting councils from any strictures imposed on independent papers would inevitably lead to a more neutered media landscape in the years to come – to the further detriment of local transparency.

Armchair auditing in practice: an experiment

With a question-mark hanging over the abolition of council-run ‘Pravdas’ – and another, potentially, over the long-term viability of independent provincial papers as their monitors – it may indeed fall to all of us, as ‘citizen journalists’ or concerned electors, to hold our councils to account, and to do so more rigorously. It was with this thought in mind that a modest experiment in ‘armchair auditing’ was conducted for this chapter, to test the levels of openness authorities were demonstrating in *practice* in relation to three key aspects of the Government’s transparency agenda: publishing all monthly spending over £500; responding to FOI requests; and using webcasts to engage with electors.

To ensure this spot-check gave a representative picture of the state of town-hall transparency across England, the decision was taken to focus on 24 local authorities – five per cent of the total – covering a wide geographical spread, from Cornwall Council in the far South West to Newcastle City Council in the North East. While London boroughs were purposely excluded, the spread embraced all other areas of England, including the South East coast and all five metropolitan areas outside the capital. A decision was also taken to encompass several Welsh authorities, on the basis that, although they had hitherto been ‘exempted’ from the coalition’s edicts about monthly publication of £500 spend data, a number of its public pronouncements have indicated an expectation that Wales should follow England’s example (www.bbc.co.uk, 20 May 2010).

A twin-pronged methodology was used. Firstly, a search was conducted of the authorities’ websites for information on their £500 transactions, in order to assess both how easily these details could be found by press and public and the user-friendliness of the formats in which they were published. Secondly, Freedom of Information requests were sent to each authority to ask about the speed with which they typically *responded* to FOI enquiries – and the longest waits individuals had had to endure in the preceding 12-month period for details requested. Requesting this information using the mechanism of FOI itself had the advantage of testing the authorities’ adherence to their legal obligations under the Act first-hand: by definition, if they took longer than the statutory 20 working days to reply to the requests, their delays would be demonstrating non-compliance with the law. Additionally, information was recorded concerning the use (or non-use) of webcast meetings by each authority and, where relevant, councils were asked to disclose information held about the size and nature of their web audiences. The overall purpose of this experimental audit was, then, to test the fitness for purpose of councils’ present transparency regimes.

Spending over £500: where can you find it and how useful is it?

The locations of data on councils' monthly spending over £500 – the statutory threshold above which they are required to publish details online – proved to be extraordinarily inconsistent. While many authorities had placed their tables and/or spread-sheets in logical places, under headings such as “finance” or “performance and spending”, others had buried them in such a way that it took a number of clicks and/or considerable time to find them. Perhaps the worst ‘offender’ was Birmingham City Council, which expected visitors to its site to follow a tangled, bureaucratically labelled route through no fewer than five menu tabs in order to source the data. While the first click required was on the homepage tab for “council and democracy” – an arguably logical starting-point used by several authorities – users then had to think to click through “services”, “corporate resources directorate” and “invoices and payments” before finally finding a tab marked “payments to suppliers over £500”.

Though requiring far fewer clicks to locate it (once you knew the route), Medway Council's spending data was to be found under a “council and democracy” tab entitled “communications” – a term usually reserved for matters relating to authorities' media and public relations output. And, to reach the “council spend over £500” tab on Cumbria County Council's site, visitors had to scroll to the bottom of the main “your council” screen (another common starting-point for data searches), ignore all the main menu icons, and instead click on the small-print reading “spotlight on spend”. Similarly, to locate data via the “your council” portal on Cherwell District Council's site, users had to first click on the word “more” - to the right of a series of brightly labelled main menu icons – and then on a tab marked “transparency agenda”.

Finding the data was one thing, but how useful was it once located? Most councils published their itemised spending in one or both of two favoured file formats: Excel (CSV) and/or PDF. Each presented its own problems in terms of searching and interpreting data. There were, however, one or two notable exceptions: Cumbria, Cherwell and Poole District Council all used ‘Spotlight on Spend’ software to help users visualise and interpret their data, with the latter going so far as to present them with comparisons to similar-sized authorities elsewhere, like Brighton and Hove. A full breakdown of the web locations and format of the published council spending data can be seen in Table 1.1 below.

Table 1.1 Web locations and format of spending data by authority

Authority	Web location	Number of clicks from homepage	File format
Aylesbury Vale District Council	‘About AVDC’, ‘council performance’, ‘invoices over £250’	3	Microsoft Excel (CSV) and PDF
Birmingham City Council	‘council and democracy’, ‘services’, ‘corporate resources directorate’,	5	CSV and PDF

	'invoices and payments', 'payments to suppliers over £500'		
Brighton and Hove City Council	'council and democracy', 'council finance', 'payments over £250'	3	CSV and PDF
Bristol City Council	'council and democracy', 'council spending and accounts', 'expenditure over £500'	3	CSV
Cardiff City Council	could not be found		
Cornwall Council	'council and democracy', 'council spending and budgets', 'payments to suppliers where the invoiced payments are greater than or equal to £500'	3	CSV and Excel 97-2003
Cherwell District Council	'your council', 'more', 'transparency agenda'	3	CSV and Spotlight on Spend
Cumbria County Council	'your council', 'spotlight on spend', 'council spend over £500'	3	CSV and Spotlight on Spend
Durham County Council	'council and democracy', 'transparency and performance', 'payments to suppliers over £500'	3	CSV and PDF
Lancaster City Council	'council and democracy', 'budgets and spending', 'council spending'	3	CSV and PDF
Leicester City Council	'How do I?', 'open data', 'supplier'	3	CSV

		payments over £500'		
Liverpool Council	City	'council', 'performance and spending', 'budgets and finance', 'transparency in local government', 'payments of invoices to vendors over £500'	5	Excel 97-2003 and PDF
Manchester Council	City	'the council and democracy', 'budgets and spending', 'publication of supplier transactions over £500'	3	CSV
Medway Council		'council and democracy', 'communications', 'open data'	3	CSV
Newcastle Council	City	'your council', 'local transparency', 'payments over £250'	3	CSV and PDF
Norfolk Council	County	'council and democracy', 'your information', 'open data', 'payments to suppliers'	4	CSV
Pembrokeshire Council		not published		
Poole Council	Borough	'your council', 'councils budgets and spending', 'transparency', 'contracts over £500'	4	Spotlight on Spend
Scarborough Council	Borough	'council', 'performance and spending', 'spending', 'open data', 'spend 2013'	5	CSV and PDF

Sheffield City Council	'your city council', 'finance', 'supplier payments'	3	CSV
South Gloucestershire Council	'business', 'tenders and contracts', 'council payments over £500'	3	CSV and PDF
Surrey County Council	'your council', 'council tax and finance', 'council spending over £500'	3	PDF
Torridge District Council	'your council', 'performance and information', 'publication of items of spend over £500'	3	CSV and PDF
Wrexham County Borough Council	'council and democracy', 'finance', 'payments over £500'	3	CSV and Excel 97-2003

The relative inaccessibility of some data, then, suggests a reluctance of some authorities to throw their books open to inspection. This tendency was nowhere more apparent than in Wales, where, of three councils included in the spot-check, only Wrexham published its spending data at all. Indeed, when asked whether (and where) this information could be found online, Pembrokeshire County Council replied curtly:

"The Council does not publish this data on our website. There is no requirement in Wales to do so."

FOI: scale of enquiries and speed of response in practice

If authorities were somewhat 'patchwork' in their approaches to presenting spending data accessibly and transparently on their websites, their performance in relation to the FOI Act gave even more cause for concern. In several cases, it proved difficult to negotiate the byzantine procedures they insisted on for making enquiries – let alone working out the best way of phrasing them. Once again, the chief culprit was Birmingham, which required all FOI requests to be sent by letter, rather than email (the norm elsewhere). Cherwell, meanwhile, advised visitors to click an "apply online" button that could not be found anywhere on the screen, and both Leicester and Medway demanded requests be submitted using an online form – necessitating a note be taken of the reference number in case of the need to chase up a delayed response (which, in relation to Medway, there was). Cumbria opted for an even more clunky system, requiring users to download and complete a pro forma, before emailing it to a stipulated address.

More telling, however, was the data received from the 20 authorities that did answer their requests during the statutory 20-day period. This exposed a consistent pattern across the country of – sometimes extremely lengthy - delays in FOI response-times. One inconsistency in data supplied was that, while most authorities itemised the number of FOI requests they had received during 2012, some did so on the basis of the 2012-3 financial year. These discrepancies aside, the pattern to emerge from all respondents who answered the questions was remarkably consistent, in pointing to an unacceptable number of delays. Details of the total number of FOI requests received by the councils concerned - and their maximum response times - can be seen in Table 1.2 below.

Table 1.2

Authority	Total number of FOI requests in 2012 (or in 2012-3 financial year, where stated)	Number of responses taking longer than 20 working days	Longest response time
Aylesbury Vale District Council	506	28 (5.5%)	48
Birmingham City Council	1522	261 (17.1%)	112
Brighton and Hove City Council	1,083	216 (19.9%)	52
Bristol City Council			
Cardiff City Council			
Cornwall Council	4,477* (FY)	296 (6.6%)	not recorded
Cherwell and Northamptonshire District Council	397	42 (10.6%)	54
Cumbria County Council	825	245 (29.7%)	not recorded
Durham County Council	1,123 (FY)	300 (26.7%)	71
Lancaster City Council	549	51 (9.3%)	117
Leicester City Council	951	117 (12.3%)	143
Liverpool City Council	1,426 (FY)	319 (22.4%)	not recorded
Manchester City Council	1,663	701 (42.2%)	215
Medway Council			
Newcastle City Council	1,166	124 (10.6%)	67
Norfolk County Council	1,166 (FY)	70 (6%)	47

Pembrokeshire Council	744	52 (7%)	30
Poole Borough Council	724	69 (9.5%)	69
Scarborough Borough Council			
Sheffield City Council	1,044	166 (15.9%)	161
South Gloucestershire Council	1,042 (FY)	185 (17.8%)	75
Surrey County Council	1,622	178 (11%)	not recorded
Torridge District Council	407 (FY)	6 (1.5%)	not recorded
Wrexham County Borough Council	755	88 (11.7%)	69

*including Environmental Information Regulation requests

Several findings are particularly noteworthy. Significantly, eight of the 20 authorities that replied within the statutory 20-day timeframe – or two in five – had missed the target set by the Information Commissioner for at least 85 per cent of their general FOI requests to be answered on time (www.ico.org.uk, 1 October 2010). Some did so spectacularly: nearly a third of the 825 requests sent to Cumbria were answered late, while Manchester breached the 20-day mark 42 per cent of the time, with one response taking 215 days. Indeed, Manchester's average response time (24 days), disclosed in its reply, was four days over the legal maximum – and nearly twice as long as that of Newcastle, a comparably sized metropolitan authority (12.5). Despite this, there were examples of good practice, notably among smaller authorities, with Torridge District Council in north Devon missing the 20-day deadline only 1.6 per cent of the time and the maximum wait for information from Pembrokeshire being only 10 days longer than the statutory 'limit'. However, in the round, the act of sending an FOI request to obtain this information directly exposed the tardiness of some authorities - with four failing to respond within three weeks of requests being sent to them. More importantly, it also appeared to suggest that councils throughout England and Wales were frequently missing FOI deadlines. And, of further concern in relation to questions of transparency, at least five of the councils admitted they did not routinely keep records of how long their most delayed responses took, with two refusing to find out this information because of the cost and/or time involved. Of these, Cornwall said the man-hours involved would cost an unacceptable £1,865.

Webcasting meetings: who does what and who is watching them?

If the councils' online accounting and promptness at answering FOI requests left much to be desired, there was better news (on the face of it) in relation to their willingness to engage with electors/journalists by webcasting meetings. Exactly half of the 24 councils confirmed they were either doing so live already or (in Wrexham, Pembrokeshire and Manchester) planning to begin shortly. In addition, two authorities that stopped short of live webcasting had innovated in other ways to make their proceedings more transparent: Norfolk made available recordings of past meetings,

while Aylesbury circulated details of forthcoming ones via an iPhone app. Some that had invested substantial resources in webcasts were keen to boast about their bigger audiences, with the largest authority, Birmingham, reporting 5,103 viewings of live or archive coverage of one meeting.

However, occasional spikes in webcast-viewing on occasions when major debates and/or votes are taking place are only a small part of the story. Sheffield's FOI response pinpointed the nub of the dilemma facing austerity-hit authorities that had not previously webcast meetings as they considered whether they could justify such capital investment at a time when they were struggling to protect vital frontline services: its research into the take-up of webcasting by media and public in other council areas had revealed audiences were generally "only in the tens of people". Estimating the cost of setting up a webcasting service at £100,000 or more, the authority judged this "excessive for the size of the audience". Indeed, Cherwell reported an "average monthly live webcast audience" of just 46, with only two people tuning in for one executive meeting.

Similarly, the revelation by some councils that live webcasts were increasingly being used by journalists was encouraging only in the sense that it indicated *some* degree of continued engagement by media organisations with the importance of monitoring the actions of local authorities. An alternative way of viewing it might be as a journalistic short-cut – and one that, if unchecked, will only exacerbate the tendency identified in the previous volume (Morrison 2011) for provincial reporters to be reduced to desk-bound "churnalists" (Davies 2009) who are failing to subject councils to the direct, face-to-face scrutiny they require.

Conclusion

It would be disingenuous to argue that there has been no progress towards improving local government transparency in England and Wales. Since 2011, most councils have routinely published monthly details of their spending over £500, while a number have been experimenting with live and/or archived webcasts of key meetings. There is also some evidence to suggest that both media and public are engaging with important ones: in its FOI response, Birmingham cited "social media feedback" as proof that journalists from the city's *Post* and *Mail* papers (and bloggers) viewed webcasts "when unable to attend meetings in person", and noted that both the BBC and ITV Central had broadcast footage from them in televised news reports. Cherwell mentioned "telephone feedback" indicating that local journalists were accessing their service, and the Brighton *Argus* offered a link to its local council's webcasts from its own website.

But much of this progress is superficial. As the trial 'armchair audit' conducted for this chapter demonstrates, most councils tend to 'info-dump' their spending data in all-but incomprehensible spread-sheets and PDFs, with little apparent regard for the ability (or inclination) of journalists or electors to disentangle it. Meanwhile, the evidence gathered here in relation to FOI – a key tool used by reporters to extract newsworthy information from councils without having to circumnavigate their PR machines – confirms suspicions that many authorities are failing to meet the statutory target for 85 per cent of requests to be answered within 20 working days. Indeed, some delays are lasting months – and, if these affect media enquiries, may result in journalists missing deadlines and, potentially, entirely failing to report important public-interest stories.

As for webcasts, despite a handful of notable viewing 'spikes' most councils surveyed reported typical audiences in the "tens" identified by Sheffield - with some barely scraping single figures. Though anecdote suggests journalists are among those

watching these webcasts, more research is needed to establish how *routinely* (and exclusively) they rely on them, and whether any such reliance is positive – particularly if it has the effect of further undermining *direct* media scrutiny of council proceedings. Until such time, we can only surmise that the ‘hole’ in the media’s oversight of authorities will continue to be filled in many areas by councils’ own propaganda sheets. In the absence of oversight by a truly independent press, this can only be to the detriment of local transparency.

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