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More open, more democratic or better at hiding? Two decades of local government transparency in the UK

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ABSTRACT

Local government has long been the site of experiments and innovation in transparency. Since the 1990s waves of reforms have sought to open up local government in Britain, from the Freedom of Information (FOI) Act in the 2000s to Open Data in the 2010s. This paper looks across the evidence to see how well these new transparency tools have worked, who is using them and why. It then moves to analyse what impact the changes have had on local government, in line with hopes of campaigners and fears of (some) politicians. Have reforms succeeded in making local government more open, more accountable and more participative, and in what situations? Or have they, as some claim, simply driven decision-making into other arenas, and made local bodies 'better at hiding'? Finally, how does transparency sit with the fragmented and disjointed landscape of local politics today, from outsourcing and devolution to financial crisis?

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What can transparency do?

Since Local Government Studies was launched, the landscape of local government transparency has changed enormously. The level to which local institutions are, or should be, 'open', has altered out of all recognition, driven by a combination of technological change and legal reform. This paper examines the impact of successive transparency reforms on local government in the UK.

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Transparency is widely agreed to be a 'good thing', and a reform that brings numerous benefits (Birchall 2014; Wood and Aronczyk 2020). It is often described as a 'window' (Christensen and Cheney 2015, 75) that can help the public to better understand who governs them, and, perhaps, improve perceptions of legitimacy and trust (Birchall 2014). It may curb corruption or misbehaviour in politics, by making politicians feel 'watched', and making it more likely misbehaviour will be seen.

Critics are unconvinced. Some see transparency as less a window and more a prism – allowing endless 'reconfigurations' (Flyverbom 2019, p. 17). Transparency tools are driven by use and can cause conflict or be 'weaponized' or manipulated by those deploying them (see Wood and Aronczyk 2020, 3, 7: Heimstädt and Dobusch 2020, 8). Transparency could trigger counter-productive consequences, driving activity underground, creating a focus on certain areas at the expense of others, or triggering distrust (Strathern 2000; Bauhr and Grimes 2014). In isolation, transparency alone may 'not be enough', as it must connect to strong publicity and clear accountability mechanisms to have a full effect (Lindstedt and Naurin 2010, 302).

A further question is how useful it is as a tool to understand more about local government (Walker and Stride Forthcoming; Hefetz and Sebo Forthcoming). Various transparency tools have been used at local government level, as a means to map and test levels of openness. More than 800 FOI requests to central, devolved and local bodies were used to test (and refute) the idea that decentralisation greater creates openness (Poole 2019). In another, 687 FOI requests on PFI initiatives demonstrated how FOI did 'little to bridge the accountability gap' on outsourcing for public bodies, including local government (Waugh and Hodkinson 2021, 271). Elsewhere, it has proven less effective. Eckersley and Ferry (2020) found that using the new open data on local government published by councils and the central government Contracts Finder tool revealed little about the state of outsourcing in the UK.

This article argues that FOI and, to a lesser degree, Open Data have succeeded in making local government more open and accountable but have faced obstacles and limitations from within and without (Strathern 2000). The article focuses on the UK, though similar reforms have happened elsewhere, in countries as diverse as Spain, the US, Brazil and India (Jain 2009; Michener and Nichter 2022; Sáez-Martín, López-Hernández, and Caba-Pérez 2021; Wagner 2021).

Opening up local government

Local governments are traditionally more open than their central or federal counterparts (Chapman 2010; Michener and Nichter 2022). This is in part because of circumstance: local bodies are closer to their electorate, with

less space to hide, and stronger motives to be open. It is also because they are frequently sites for democratic and participative innovations, and so layers of piecemeal reforms are built up over decades (Maslen 1979; Chapman 2010). Another part of the explanation lies in imposition: in more centralised systems like the UK, local government is made more open by centrally created legislation (Wraith 1977, 189).

International research shows that exact levels of local transparency can vary with fiscal pressure, political competition and ideology (Krah and Mertens 2020). Work in Spain, for example, has found low levels of compliance, shaped by population size and political will and leadership (Saez-Martin, Caba-Perez, and Lopez-Hernandez 2016). Political ideology can play a role, with left-wing municipalities more open than the right-wing (Tejedo-Romero and Ferraz Esteves Araújo 2021). In Chile 'municipal income, social and political participation, poverty rate, and to some extent, local compliance with information disclosure can predict the number of FOI requests to a municipality' (Hernández-Hernández-Bonivento and Moller 2024, 1). Unsurprisingly, 'One-party' dominant bodies tend to be less open, though, more interestingly, the gender of local leaders appears to play a role (Krah and Mertens 2020). Especially at the lowest level of government, compliance and resources may be a significant obstacle (James and John 2007). Shepherd, Stevenson, and Flinn (2010) suggest that variation is dependent on where responsibility for openness is located within an organisation.

Opening up the UK

For much of the Twentieth Century, the UK had a 'two tier system' transparency system, with local government having greater openness imposed upon it by successive central governments, who were unwilling to open up themselves (Wraith 1977). Local government was praised for its level of openness (Maslen 1979)

Local government has been subject to layers of successive openness laws and policies, the first of which goes back to audit rights in the 1840s (Maslen 1979; Waugh et al. 1979). Local authorities began to grant informal access to the media in the early 1900s (Chapman 2010). The Local Government Act of 1933 and successive Town and Country Planning Acts then created statutory duties to provide certain information (Wraith 1977, 195). In 1960, a Private Members' Bill from Backbencher Margaret Thatcher gave statutory access to full council meetings for both the press and public (Moore 2013). The Local Government Act of 1972 gave further access to documents, as did the Local Government (Access to Information) Act 1985 (Chapman 2010). By the end of the 1980s, small pieces of legislation on data protection and access to files had opened up various spheres of local government (Chandler 2010).

Access was made more systematic and wide-ranging through Freedom of Information (FOI) laws in the UK, which from 2005 onwards granted citizens the legal right to request information from public bodies, as well as specific rights of access to environmental information under EIRs. The UK Act covered more than 100,000 public bodies, including all of local government down to the level of parish or town council. FOI appeared alongside Labour's local government reforms, which were designed to create executive-controlled local councils (Stoker et al. 2007).

FOI was followed by a second wave of Open Data reforms from 2010 onwards, which aimed to publish various 'government data in a reusable form' (Huijboon et al. 2011). These initiatives were driven by central government, who hoped to dismantle audit institutions and replace them with citizen auditors. The centre piece for local government was the requirment on councils to publish certain datasets (above a certain threshold), including all spending over £500. This, the government claimed, would create an 'army' of citizens auditors using data to force cost savings (Waugh et al. 1979; Worthy 2017). Existing Inspection Rights were then extended access to allow journalists to view council accounts (see Waugh and Hodkinson 2021)

However, these reforms came into force in a context marked by growing fragmentation, with transparency imposed on an increasingly complex 'jigsaw of boundaries, political structures and services' (Copus, Roberts, and Wall 2017, 58). They also parallelled deep, pervasive 'critical narratives of local government' and a repeated emphasis on citizens as consumers (Copus, Roberts, and Wall 2017; Wilson and Game 2011). From the 2010s, local government was caught between severe austerity and the quickening 'spread of financial failure' (Pike 2023, 9). At an individual level within each council, responsibility fell on a small group of officials who had to implement the reforms, amid growing pressure and austerity (Wyeth 2021).

Who is using them?

To borrow McBarnet (1981) on perceptions of justice, there is a two tier effect with FOI, where use at national government level is viewed as being about 'politics' and at local level seen, unfairly, as focused on 'triviality' (195). This perception gives a highly distorted view of 'what the law does and how it operates' (195).

While it is requests to central government that attract headlines, FOI is primarily a local tool, and a heavily used one. One study found that the majority of FOI requests are 'local', estimating that nearly four in every five, or 70–80% of all requests, go to local councils (Worthy, Amos, and Bourke 2011). Analysis of requests to the Scottish FOISA regime, the only one where data are regularly available, shows local government makes up somewhere

Table 1. Estimated users of local government transparency tools (worthy etal. 2013; Waugh et al. 2022).

Size	FOI	Spending data	Inspection Rights
Largest	Public	Business	Journalists
Second largest	Journalists	Journalists	NGOs/campaigners
Third largest	NGOs	Public	Public

between 50% and 60% of all requests, with more going to other local bodies (Scottish Information Commissioner 2024).

Local government FOI requests have increased over time, from 60,000 in 2005 to 197,000 in 2010 (Constitution Unit 2010; Wyeth 2021). In 2017, MySociety estimated local government received 467,000 requests, when central government received only 46,681 (Parsons and Rumbul 2019). Most remarkably, FOI use is expansive. Two opinion polls found that somewhere between 10% and 15% of the population had made an FOI request by 2022 (ICO 2023; Parsons 2022).

By contrast, the use of the spending data fits the low patterns seen with other forms of local engagement (Waugh et al. 1979; Worthy, John, and Vannoni 2017). Despite being designed specifically for local government, spending data has been very little used, with use described as 'low' or 'very low' (Worthy 2017).

A key question is who is using the new tools. Table 1 shows the different key user groups across FOI, spending data, and the older inspection rights (though the spend data and inspection are at far lower levels).

For FOI, many of the local requests appear to be micro-political (Richter and Wilson 2013; Worthy 2013). Information requested by individuals often focuses on 'micro-politics' and 'allotments, parking and the quality of the roads' (see Worthy, Amos, and Bourke 2011). The most commonly requested information/data was financial, followed by local issues and then contracts (Constitution Unit 2010).

In relation to Open Data, rather than the hoped for 'army' of auditors, low level use was spread broadly, or thinly, across businesses, a few members of the public, journalists and NGOs (Worthy 2017). Most interestingly, the spending data was used internally by officials and councillors (Worthy, Amos, and Bourke 2011).

Despite the positive signs of high use, there are a series of warning signs for FOI, as performance has suffered amid a deepening financial crisis. Many FOI officers in local authorities are 'only adequately or poorly resourced' and can be located at different parts of organisations (Wyeth 2021, 61; Parsons and Rumbul 2019). Amid deepening cuts and the rise of financialization, the work of openness has been de-prioritised and undermined, something exacerbated by Covid (Pike 2023; Wyeth 2021)).

The impact of transparency 2005–2024

FOI has made local government more transparent, building on decades of gradual opening up (Worthy 2013). Local contexts can be key, and 'exactly how open a body is can depend on individual cultures, enthusiasm or ability, and … leadership' (Worthy 2017, p.120: Poole 2019).

Nevertheless, as the 2007 Constitutional Affairs Select Committee concluded, the 'real value' in FOI was local, in the way it provided information of importance to 'people's lives, public service and the environment' (in Austin 2007, 400). One former Scottish Information Commissioner similarly spoke of how 'the real worth of freedom of information [is] to be found in the pages of the local rather than the national newspaper' (Dunion 2011, 458). A poll in 2017 found that local authorities and other public bodies were seen as more 'open' than central government: 53% of those asked thought local bodies' information was 'accessible' compared with 42% for central government (YouGov 2017). Transparency has driven openness even at the lowest parish level (Worthy 2017). There has also been unexpected impacts too: FOI helped drive improvements in food hygiene through the development of 'Scores on the Doors' local public restaurant ratings (Worsfold and Worsfold 2007).

This has been less the case for the Open Data. This is partly about useability, as the 'sheer volume' of data, and the fact that data are 'difficult to collate and dissect' (Eckersley and Ferry 2020, 77). It may be partly because the reform was not a law but a Code, and was reinforced by 'weak' implementation and an 'unwieldy plethora' of bodies involved in pushing the agenda, in parallel to austerity (Public Administration Select Committee 2014, 36–37).

Given local government's structure, there is a larger question around how far openness goes. There are fears of a yawning 'transparency gap' between local public bodies and private contractors (Local Government Lawyer 2015; Waugh and Hodkinson 2021). Scandals from Carillion and Grenfell have heightened concern over how far transparency covers outsourced work, with questions more recently around the Tees Valley Authority and Nottingham City Council. Political parties across the UK have committed to extending FOI laws to private bodies since 2010 but, despite numerous reviews and consultations, nothing has happened. The current 'landscape of financialization' has meant local government is 'in some cases, less accountable, transparent, and open to scrutiny' (Pike 2023).

There is a further question around whether openness can really drive local accountability. To bring about real accountability, data need to be linked to clear and functioning accountability mechanisms. There are some high profile examples, with FOI used to discover that Liverpool councillors had parking fines cancelled, resulting in two Councillors stepping down (Liverpool Echo

2023). It can also trigger change, with the Annual Taxpayer's Alliance gathering of a 'Town Hall Rich List' leading to a cap on salaries (Guardian 2011). Yet beyond the formal (and irregular) mechanisms of voting or informal reporting in the media, it's unclear how users can bring accountability to bear even when something becomes public.

There is little sign FOI has directly driven participation or greater involvement in politics by the public, at least directly (Worthy 2013; Chandler 2010). For FOI, fewer than 10% of authorities identified any increase in participation (Chapman 2010; Constitution Unit 2010). There is 'little or no evidence' of Open Data 'encouraging greater public participation' (Public Administration Select Committee 2014, 18). This is in part because those 'usual suspects' already involved are those more likely to use FOI (Worthy 2013). However, the fact that 1 in 10 people have made an FOI request does constitute indirect involvement (Parsons 2022). Participation may be 'hidden' among wider campaigns, as FOI is often used as part of wider work by activists and NGOs (Worthy 2013). FOI has continued to drive innovations including crowdsourcing analysis of FOI data (such as local government Climate Scorecards) and other forms of public engagement.

Are local authorities getting better at hiding? One often repeated fear is that transparency creates a so-called 'chilling effect', driving decision-making off official records (Shepherd, Stevenson, and Flinn 2010). At local government level similarly there appear to be a few exceptional cases but no systematic negative effect (Shepherd, Stevenson, and Flinn 2010; Worthy 2013). There is also some evidence of a positive professionalising effect on records generally, with any 'chilling' often restricted to senior politicians (Taylor and Burt 2010; Richter and Wilson 2013).

While some argue that FOI imposes a burden, the evidence shows transparency is processed efficiently by local government-a trend that increases over time (Constitution Unit 2010). Cost calculations of FOI requests are often low, with estimates around £20 per request: in 2024 Liverpool City Council calculated the cost as being '£143.75' (Birkenhead News 2024; Colquhoun 2010). There are also repeated overstated claims that FOI is being 'misused' (Cherry and McMenemy 2013). The far more significant financial issue is the lack of staffing and resources caused by austerity (Wyeth 2021).

The exact impact on trust is unclear. Local government remains more trusted than central government (IPSOS 2023). One concern is that information and data are caught within ongoing narratives, and that presentation 'frames' interpretation. So, for example, FOI requests and spending data, which often focus on relatively small data or single issues, work to reinforce 'critical narratives' around local government (Copus, Roberts, and Wall 2017). Local voters display negativity biases when voting, punishing poor performance and ignoring the good, something openness can exacerbate (Bentley 2023; Boyne et al. 2009).

A final question is how all the data can help us understand and better research local government. Local authorities sit on a huge amount of data but lack the capacity and resources to use it (see Walker and Stride Forthcoming). Researchers can and have used data to examine contracts, audits and openness itself, and continued innovation can help academia and local government, bridging the open data and the capacity to turn it into something intellectually and democratically useful.

The future

Local government is more open, with less sign of any systematic hiding. But 25 years on, numerous trends could shape local government transparency in different directions. In the short-to-medium term, the ongoing financial crisis is likely to make local government more opaque, as resources are stretched (Pike 2023). However, moves towards 'in-sourcing' could bring more bodies within the ambit of transparency, and greater resources could help shift the balance towards better functioning (Sasse 2020). New innovations, such as the Office for Local Government (Oflog), are making data easier to access.

In the longer term, shifts towards 'algorithmic bureaucracy' can be seen across local authorities in the UK, in policy areas ranging from social care to customer service (Vogl et al. 2020, 954). On the one hand, this could improve the efficiency and processing of requests, and authorities elsewhere have begun experimenting with AI technology to improve the handling of archives, and FOI requests (NBC 2023), Larsson and Heintz (2020). On the other hand, transparency tools can be counter-balance the concerns over secrecy and bias AI bring. While the emerging picture is more nuanced than 'local government by robot', the looming question is to what extent transparency laws can, in the future, penetrate the 'black box' of algorithms (Wischmeyer 2020). Some have argued that FOI laws can play a vital role in uncovering problems with automated governance but need fundamentally redrawing to do so fully (Ng, Yee-Fui and O'Sullivan 2020).

The question of how transparent and open local government is will continue to be a vital one for all who study it. Transparency sits at the crucial juncture between democratic rights and technological change, and AI and other new leaps in data analysis provoke further concerns and debate. The questions, tensions and issues the topic raises about democratic responsiveness, participation and support are at the centre of how well local government can work, both as a deliverer of services and a democratic site of representation.

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