

# **The Effectiveness of Professional Lobbyists in Britain 1986-1999**

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# **Abstract**

## **The Effectiveness of Professional Lobbyists in Britain 1986-1999**

The impact of professional lobbyists varies according to context. The thesis assesses the relationship between professional lobbying and policy outcomes, and the impact of external variables. Whilst the effectiveness of professional lobbyists is partly a function of internal variables like skill, contacts and resources, external contextual factors are more often the key determinants of policy. Contextual variables include factors external to government like the world economy and judicial decisions, and factors internal to government including party ideology and the autonomy of government actors.

Its four case studies (Sunday Trading, CrossRail, Jubilee Line Extension and Professional Liability), representing a range of issues, from high to low profile, and varying in degrees of technicality and politicality, test nine hypotheses against evidence from in-depth interviews, governmental and parliamentary papers, and the press.

When context is favourable, lobbyists have the greatest effect on non-contentious, technical and non-partisan issues. On low-profile issues, when low-profile tactics have failed, lobbyists can be effective if they use high-profile tactics to increase the salience of the issue *within* government. On issues initially and inherently high-profile, non-technical and political, there are more variables so the lobbyist's impact is proportionally less.

Though lobbyists on occasion affect policy, they are rarely at the centre of decision-making. Policy outcomes are decided by bigger factors than the activities of lobbyists. Their impact is at the margins of policy, and the perception they and the press hold about their major effects is illusory.

Whilst lobbyists rarely influence policy significantly, they do add value to clients. They bring economies of scale (offering services more cheaply than if provided in-house) and are often a worthwhile investment. They have experience; they educate clients; they know key players and processes and can overturn established procedure. More importantly, on rare occasions when the context is right, their involvement can affect policy outcomes.

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# Table of Contents

	Page
Title Page	i
Abstract	ii
Acknowledgements	iii
Table of Contents	iv
Figures and Tables	ix
Glossary of Acronyms	xii
<b>Chapter 1</b>	
<b>Introduction</b>	1
Objectives of the Thesis	5
Research Methods	12
What is Lobbying?	16
Who Counts as a Professional Lobbyist?	18
Who Hires Professional Lobbyists?	21
Growth of Professional Lobbying	25
Focus of Professional Lobbying	29
Conclusions	36
<b>Chapter 2</b>	
<b>Effectiveness</b>	37
What is Effectiveness?	37
• Problems of judging effectiveness	41
• Measuring effectiveness	46
• How to judge effectiveness	48
External variables	51
Internal variables	60
Conclusions	71

## Chapter 3

# Analytical Framework 72

### Macro-level

- Hypothesis One 74
- Hypothesis Two 79
- Hypothesis Three 80

### Meso-level

- Hypothesis Four 89
- Hypothesis Five 95

### Micro-level

- Hypothesis Six 97
- Hypothesis Seven 102
- Hypothesis Eight 107

### Conclusions 109

## Chapter 4

# Sunday Trading 112

### Interest-groups and lobbyists 114

#### Macro-level

- Profile, technicality and politicality 118
- External and contextual factors 121
- Pre-existing policy and experience of government players 127

#### Meso-level

- Involvement in the policy-making process 130
- Multi-faceted lobbying 134

#### Micro-level

- Routines and Standard Operating Procedures 139
- Contacts and Coalitions 141
- Resources 148
  
- Low-Profile Outsider Tactics 151

### Conclusions 155

<b>Chapter 5</b>	
<b>CrossRail</b>	161
<b>Lobbyists</b>	162
<b>Macro-level</b>	
• Profile, technicality and politicality	164
• External and contextual factors	167
• Pre-existing policy and experience of government players	171
<b>Meso-level</b>	
• Involvement in the policy-making process	178
• Multi-faceted lobbying	182
<b>Micro-level</b>	
• Routines and Standard Operating Procedures	188
• Contacts and Coalitions	191
• Resources	198
• Low-Profile Outsider Tactics	200
<b>Conclusions</b>	201
<b>Chapter 6</b>	
<b>Jubilee Line</b>	207
<b>History</b>	208
<b>Lobbyists</b>	209
<b>Macro-level</b>	
• Profile, technicality and politicality	210
• External and contextual factors	216
• Pre-existing policy and experience of government players	220
<b>Meso-level</b>	
• Involvement in the policy-making process	225
• Multi-faceted lobbying	231
<b>Micro-level</b>	
• Routines and Standard Operating Procedures	234
• Contacts and Coalitions	236

• Resources	240
• Low-Profile Outsider Tactics	242
<b>Conclusions</b>	243

## Chapter 7

# Professional Liability 248

<b>Lobbyists</b>	250
------------------	-----

### Macro-level

• Profile, technicality and politicality	252
• External and contextual factors	255
• Pre-existing policy and experience of government players	259

### Meso-level

• Involvement in the policy-making process	263
• Multi-faceted lobbying	268

### Micro-level

• Routines and Standard Operating Procedures	272
• Contacts and Coalitions	275
• Resources	280

• Low-Profile Outsider Tactics	283
--------------------------------	-----

<b>Conclusions</b>	288
--------------------	-----

## Chapter 8

# Conclusions 293

### Macro-level

• Profile, technicality and politicality	293
• External and contextual factors	297
• Pre-existing policy and experience of government players	299

### Meso-level

• Involvement in the policy-making process	302
• Multi-faceted lobbying	305

<b>Micro-level</b>	
• Routines and Standard Operating Procedures	307
• Contacts and Coalitions	311
• Resources	315
• Low-Profile Outsider Tactics	317
<b>Conclusions</b>	319

## Appendix A

### **Survey Results**

321

<b>Macro-level</b>	
• Profile, technicality and politicality	324
• External and contextual factors	327
• Pre-existing policy and experience of government players	329
<b>Meso-level</b>	
• Involvement in the policy-making process	333
• Multi-faceted lobbying	335
<b>Micro-level</b>	
• Routines and Standard Operating Procedures	341
• Contacts and Coalitions	345
• Resources	351
<b>Internal Variables</b>	356
<b>Conclusions</b>	368

## Appendix B

### **Survey Form**

370

### **Bibliography**

375

# List of Figures and Tables

## Chapter 1

Figure 1.1	Newspaper article search results to determine profile of case-studies
Figure 1.2	APPC clients
Table 1.1	Newspaper article search results to determine profile of case-studies
Table 1.2	APPC clients

## Chapter 2

Figure 2.1	Determinants of policy outcome
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## Appendix A

Figure A.0.1	Profile of the organisations surveyed
Figure A.1.1	Effectiveness related to low visibility, technical issues
Figure A.1.2	The importance of understanding technical issues
Figure A.2.1	The importance of external factors
Figure A.3.1	The impact of pre-existing commitments
Figure A.3.2	The importance of a case in line with government policy
Figure A.3.3	The importance of a case that is politically neutral
Figure A.4.1	The importance of getting into the network of interests
Figure A.5.1	The importance of briefing MPs privately
Figure A.5.2	The importance of briefing ministers privately
Figure A.5.3	The importance of briefing officials privately
Figure A.5.4	The importance of a media campaign
Figure A.5.5	The importance of a combination of both media and private briefings
Figure A.6.1	The importance of knowing parliamentary procedure
Figure A.6.2	The importance of knowing official procedure
Figure A.6.3	The importance of knowing informal rules
Figure A.7.1	The importance of a good contact network of MPs
Figure A.7.2	The importance of a good contact network of ministers
Figure A.7.3	The importance of a good contact network of officials
Figure A.7.4	The importance of a knowledge of the personalities of MPs
Figure A.7.5	The importance of a knowledge of the personalities of officials
Figure A.7.6	The importance of the ability to form coalitions
Figure A.8.1	The importance of the financial resources of the client
Figure A.8.2	The effectiveness of political donations
Figure A.8.3	The importance of a case that has limited costs
Figure A.8.4	The importance of the salary of the lobbyist
Figure A.8.5	The importance of a bargaining advantage
Figure A.9.1	The importance of high ethical standards
Figure A.9.2	The importance of being trusted by decision-makers
Figure A.9.3	The importance of having a long-term track-record
Figure A.9.4	The importance of providing authoritative information



Figure A.9.5	The importance of being a skilled advocate
Figure A.9.6	The importance of being committed to the client's case
Figure A.9.7	The importance of being identified with a political party
Figure A.9.8	The importance of having worked within the system
Figure A.9.9	The effectiveness of the lobbying industry before May 1997
Figure A.9.10	The effectiveness of the lobbying industry after May 1997
Table A.0.1	Profile of the organisations surveyed
Table A.1.1	Effectiveness related to low visibility, technical issues
A.1.1a	In detail
Table A.1.2	The importance of understanding technical issues
A.1.2a	In detail
Table A.2.1	The importance of external factors
A.1.2a	In detail
Table A.3.1	The impact of pre-existing commitments
A.3.1a	In detail
Table A.3.2	The importance of a case in line with government policy
A.3.2a	In detail
Table A.3.3	The importance of a case that is politically neutral
A.3.3.a	In detail
Table A.4.1	The importance of getting into the network of interests
A.4.1a	In detail
Table A.5.1	The importance of briefing MPs privately
A.5.1a	In detail
Table A.5.2	The importance of briefing ministers privately
A.5.2a	In detail
Table A.5.3	The importance of briefing officials privately
A.5.3a	In detail
Table A.5.4	The importance of a media campaign
A.5.4a	In detail
Table A.5.5	The importance of a combination of both media and private briefings
A.5.5a	In detail
Table A.5.6	A comparison of means for different lobbying strategies
Table A.6.1	The importance of knowing parliamentary procedure
A.6.1a	In detail
Table A.6.2	The importance of knowing official procedure
A.6.2a	In detail
Table A.6.3	The importance of knowing informal rules
A.6.3a	In detail
Table A.6.4	A comparison of means for different lobbying knowledge
Table A.7.1	The importance of a good contact network of MPs
A.7.1a	In detail
Table A.7.2	The importance of a good contact network of ministers
A.7.2a	In detail
Table A.7.3	The importance of a good contact network of officials
A.7.3a	In detail
Table A.7.4	The importance of a knowledge of the personalities of MPs
A.7.4a	In detail
Table A.7.5	The importance of a knowledge of the personalities of officials
A.7.5a	In detail
Table A.7.6	The importance of the ability to form coalitions
A.7.6a	In detail
Table A.8.1	The importance of the financial resources of the client
A.8.1a	In detail
Table A.8.2	The effectiveness of political donations
A.8.2a	In detail

Table A.8.3	The importance of a case that has limited costs
A.8.3a	In detail
Table A.8.4	The importance of the salary of the lobbyist
A.8.4a	In detail
Table A.8.5	The importance of a bargaining advantage
A.8.5a	In detail
Table A.9.1	The importance of high ethical standards
A.9.1a	In detail
Table A.9.2	The importance of being trusted by decision-makers
A.9.2a	In detail
Table A.9.3	The importance of having a long-term track-record
A.9.3a	In detail
Table A.9.4	The importance of providing authoritative information
A.9.4a	In detail
Table A.9.5	The importance of being a skilled advocate
A.9.5a	In detail
Table A.9.6	The importance of being committed to the client's case
A.9.6a	In detail
Table A.9.7	The importance of being identified with a political party
A.9.7a	In detail
Table A.9.8	The importance of having worked within the system
A.9.8a	In detail
Table A.9.9	A comparison of means of internal resources
Table A.9.10	A comparison of means of the most important policy actors
Table A.9.11	The effectiveness of the lobbying industry before May 1997, and after May 1997

# Glossary of Acronyms

ADM	Annual Delegate Meeting
APPC	Association of Professional Political Consultants
BAA	British Airports Authority
BMA	British Medical Association
BR	British Rail
CHL	Chelsea-Hackney Line
CLRS	Central London Rail Study
CTRL	Channel Tunnel Rail Link
DIY	Do It Yourself
DJC	Docklands Joint Committee
DLR	Docklands Light Railway
DoE	Department of the Environment
DTI	Department of Trade and Industry
DTp	Department of Transport
E&Y	Ernst & Young
EC	Executive Committee
ECJ	European Court of Justice
ECU	European Currency Unit
EDL	London Cabinet Sub-Committee
EDL (L)	Cabinet Sub Committee – London
EDM	Early Day Motion
EDX	Cabinet Committee on Public Expenditure
EIB	European Investment Bank
ELRS	East London Rail Study
EP	European Parliament
ERM	Exchange Rate Mechanism
EU	European Union
FT	Financial Times
GDP	Gross Domestic Product
GJW	GJW Government Relations
GMB	General and Municipal Boiler-workers' Union
HMT	Her Majesty's Treasury
HSBC	Hong Kong Shanghai Banking Corporation
ICEAW	Institute of Chartered Accountants for England and Wales
IoD	Institute of Directors
J&S	Joint and Several
JLE	Jubilee Line Extension
KSSC	Keep Sunday Special Campaign
LBTH	London Borough of Tower Hamlets
LCD	Lord Chancellor's Department
LDDC	London Docklands Development Corporation
LDSP	London Docklands Strategic Plan
LEG	Legislation Committee of the Cabinet
LLP	Limited Liability Partnership
LRG	Liability Reform Group
LRT	London Regional Transport
LT	London Transport

LUL	London Underground Limited
MAFF	Ministry of Agriculture Fisheries and Food
MMC	Monopolies and Mergers' Commission
MP	Member of Parliament
MSF	Manufacturing, Science and Finance Union
NCT	National Chamber of Trade
NDPB	Non Departmental Public Body
NFU	National Farmers' Union
OPEN	Outlets Providing Everyday Needs
O&Y	Olympia and York
PES	Public Expenditure Survey
PFI	Private Finance Initiative
PLP	Parliamentary Labour Party
PM	Prime Minister
PMQ	Prime Minister's Questions
PPS	Parliamentary Private Secretary
PPU	Public Policy Unit
PQ	Parliamentary Question
PR	Proportional Representation
PSBR	Public Sector Borrowing Requirement
PWC	Price Waterhouse Coopers
QFL	Queen's Speech and Future Legislation Committee
RAM	Residents' Association of Mayfair
RSAR	Retailers for Shops Act Reform
RSC	Rowland Sallingbury Casey
SHRC	Shopping Hours Reform Council
SOP	Standard Operating Procedure
T&GWU	Transport and General Workers Union
TWA	Transport and Works Act
UCTA	Unfair Contract and Terms Act
UDC	Urban Development Corporation
USA	United States of America
USDAW	Union of Shop, Distributive and Allied Workers

# 1. Introduction

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The objective of this thesis is to assess under what circumstances professional lobbyists are likely to be effective. Assessing their effectiveness is controversial. The current debate shows wide variance in judgements about the efficacy of lobbyists. Do lobbyists advance special-interests over the collective interest? Who is right – the critics who deplore the activity of lobbyists, assuming their effectiveness, or those within government who dismiss their effect?

A classic study of ‘the lobby’ in 1950s and 1960s Britain identified those innumerable and ubiquitous groups that influenced public policy.<sup>1</sup> Finer’s anonymous group empire emerged from the shadows in the 1980s. The participation of outside interests in policy-making has become institutionalised. Formal consultation procedures, departmental select committees, and legislative inquiries on draft Bills provide groups with formal mechanisms to contribute to policy-making.

Since the early 1980s the ‘Empire’ has commissioned an anonymous and discreet ‘mercenary army’ of professional lobbyists.<sup>2</sup> British political science has largely ignored this development in interest-group politics. What Salisbury said of Washington lobbyists in the mid-1980s foreshadowed the plight of British lobbyists today: that the real world accords lobbyists importance, but they are not designated significant by social scientists.<sup>3</sup> Yet, outside interests are increasingly aided and abetted by professional lobbyists.<sup>4</sup> Finer’s words forty years ago befit professional lobbyists today: “their day-to-day activities pervade every sphere of domestic policy, every day, every way, at every nook and cranny of government.”<sup>5</sup>

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<sup>1</sup> Finer, S., (1966), p18

<sup>2</sup> Moloney, K., (1996), pp1-20

<sup>3</sup> Salisbury, R., (1984), p70

<sup>4</sup> Rush, M., (1994b), p645

<sup>5</sup> Finer, SE., (1966), p18

Pick any domestic policy on the government's agenda, and professional lobbyists will likely be involved somewhere somehow. Political science has overlooked this subtle evolution. There is a need to bring together the current academic understandings of interest-group impact on policy and the new reality of professional lobbying. The widespread involvement of professional lobbyists is unmistakable, but their impact on policy-making is uncertain.

The question of who influences policy formulation is central to political science, and the effect of professional lobbyists has implications for the study of public policy. The increase in professional lobbying has raised fears about a policy-making system exposed to bias. It is time to re-evaluate these fears in light of the evidence presented in this thesis.

For scholars interested in lobbying, effectiveness is a captivating subject.<sup>6</sup> There are limitations to the existing literature, of which paucity of data on effectiveness and their contradictory conclusions are striking.<sup>7</sup> The literature on effectiveness and influence "is an interesting example of avoidance based on a recognition that previous studies have mostly generated more smoke than fire, more debate than progress, more confusion than avoidance."<sup>8</sup> Grant concludes his study on British pressure groups by stating "if we are interested in finding out who wins and who loses in the political process, and why they win and lose, the question of effectiveness cannot be ignored by pressure-group analysts."<sup>9</sup> A question which needs answering is why are lobbyists influential and under what circumstances are they effective? Jordan sums up neatly, asking whether lobbyists are 'unfairly useful or fairly useless'.

Clients pay high fees for lobbyists' services to influence policy, yet the return on investment is uncertain and difficult to substantiate.<sup>10</sup> Berry notes "the question remains, however, to what extent these techniques

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<sup>6</sup> Whiteley and Winyard contend that interest group effectiveness is the least adequately researched aspect of interest group literature. Whiteley, P., and Winyard, S., (1987). Dearlove looked at groups that enjoyed effective access in the policy making of local government. See Dearlove, J., (1973), in Jordan et al (1992a)

<sup>7</sup> Harris and Lock promote a research agenda for the advancement of studies of corporate lobbying [sic], noting "how does one measure effectiveness, values, and success of failure?" in Harris, P., and Lock, A., (1996), pp 313-328

<sup>8</sup> Baumgartner, F., and Leech, B., (1998), p13

<sup>9</sup> Grant, W., (1995), p152

<sup>10</sup> Grantham, C., (1989)

are effective in any meaningful way?”<sup>11</sup> Jordan has asked for “detailed examples of the *impact* of these increasingly expensive activities.”<sup>12</sup> He continues “If there are lobbyists active on both sides of a question, there are bound to be plenty of cases where the lobbyists can claim to have been effective... whether the client wins because of the impact of the lobbying or whether the lobbying was merely incidental is something that requires detailed investigation. Such an assessment however requires more detailed case study evidence than is yet available.”<sup>13</sup> This thesis provides the case-studies and analysis.

Whilst the market for professional lobbying suggests that they are a worthwhile investment, Warhurst suggests the market is not always right and that lobbyists would not describe their own work as ineffective.<sup>14</sup> Whilst this statement is true, it also pays for lobbyists to show real results – repeat business and referrals are important in a market which has moved from retainers to case work.

Similarly Berry wonders whether “the tendency [of the media] to emphasise the ‘influence’ of lobbyists, and to place them at the centre of the decision-making process, is borne out by more than hearsay and unsubstantiated newspaper speculation?”<sup>15</sup> Effective lobbying may be impossible to discover because “a great lobbyist is like the perpetrator of the perfect crime. At the very best there is no indication the crime has even been committed. When they have done their job well, there are no fingerprints.”<sup>16</sup> Although the lobbying industry is increasingly discreet in the face of recent press coverage, now is an opportune moment to undertake research. Some lobbyists are aware of the reasons why they should be the subject of academic scrutiny; for example the creation of the Association of Professional Political Consultants (APPC) has shone light on the lobbying industry.

Attention is being paid to effectiveness. The public relations journal *PR Week* launched its ‘10% Campaign’ in 1998 to encourage

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<sup>11</sup> Berry, S., (1992), p227. Cliff Grantham claims the most important question, “and the most difficult to answer, is what effect do political consultants have in influencing public policy?” Grantham, C., (1989), p512.

<sup>12</sup> emphasis added. Jordan, G., (1991a), p189

<sup>13</sup> Jordan, G., (1991a), p189

<sup>14</sup> Warhurst, J., (1990)

<sup>15</sup> Berry, S. (1993), p345

<sup>16</sup> Palast, G., (1998), “The American Way of Influence”, *The Observer*, 19 July 1998 citing Larry Makinsons from the Center for Responsive Politics in Washington

practitioners to allocate ten per cent of their budget to assessing the value and impact of their services.<sup>17</sup> Similarly more attention is being paid to lobbying by practitioners and journalists, reflecting its higher profile and increasing importance.<sup>18</sup> Lobbyists entered popular culture, with even the News of the World reporting their activities.<sup>19</sup> Restricted scholarly interest in professional lobbying continues – a recent special edition of *Parliamentary Affairs* examined the regulation of lobbying.<sup>20</sup> Regulation is a questionable enterprise unless decision-makers can be sure lobbyists are influential. A study is needed to assess the views of the press, which ascribes the lobbyist influence, and of the civil service and ministers who suggest the journalists' interpretation is inaccurate.

The debate between those suggesting lobbyists are effective and those arguing they are an information service staggers on. By explaining what factors facilitate effectiveness, this thesis has the potential to resolve questions about the influence of lobbyists, to explain how the policy process operates and how different actors interact.

Since the attention given to professional lobbyists in UK academic circles is less extensive than in the US, some of the material cited is of American origin. This work is referred to only when its analysis or insights are applicable to the UK.

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<sup>17</sup> PRCA and ICO, (1997); Fairchild, M., (1997) and Fairchild, M., (forthcoming)

<sup>18</sup> Greer, I., (1997); Jones, N., (1997); Mitchie, D., (1998); Moloney, K., (1996); Souza, C., (1998), Jones, N., (1999)

<sup>19</sup> The News of the World declared in their Political Thought of the Week "Lobbyists are to government what a dog is to a tree." News of the World, 5 July 1998

<sup>20</sup> Greenwood, J., (1998a) (ed), pp487-600



## Objectives of the Thesis

The literature that exists on influence and effectiveness has failed to reach concrete conclusions, or rather has thrown up contradictory answers on the impact of lobbyists.<sup>21</sup> To understand when, how and why lobbyists are effective will allow for an improved understanding of public policy-making.<sup>22</sup> Many lobbyists seek to portray their work as simply a service to complement a client's strategy.<sup>23</sup> But this definition fails to withstand practical application. Lobbyists have a vested interest in denying their activity can be measured. The attempt to maintain a 'professional mystique' indicates that lobbyists wish to be measured by their inputs into the policy process and not outputs. However, their promotional literature is laden with bravado about policy successes from effective lobbying.<sup>24</sup>

The thesis assesses whether lobbyists meet their client's targets. It will seek to distinguish between publicly-expressed and private objectives of the client. It will distinguish between lobbyist's skills (internal variables) and contextual factors (external variables). It will apply a contextually-rich framework. Assessment of effectiveness requires attention to the policy outcome. A lobbyist will be judged effective if the policy-outcome meets the client's objective, and if that outcome can be traced at least in part to the activity of the lobbyist.

Lobbyists, like academics and journalists, have two versions of their effect. Version one is for the media and the public: the lobbyist is depicted as an adviser who has little ability to upset a system that takes decisions based on merit. Version two is for clients: the lobbyist is portrayed as an effective operator and the key to success. The two faces

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<sup>21</sup> Broad surveys have been conducted by Heinz, J., et al (1993); Scholozman K, and Tierney, J., (1986); and Walker, J., (1991); Milbrath, L., (1963).

<sup>22</sup> Milbrath, L., (1963)

<sup>23</sup> Peter Moore, director of Market Access, Seminar at Brunel University, 11 December 1996

<sup>24</sup> For example, Ian Greer Associates gives examples of case studies on TV listings, Trafalgar House, Honour Hong Kong Campaign and Mobil Oil Company; "Government Policy Consultants is a leading public affairs consultancy with a reputation for consistently achieving success for its clients." Government Policy Consultants brochure, *The Business of Politics*, nd. The "political balance within the company means that we can lobby effectively whichever government is in power. At GJW we have a record of achieving good results for our clients." GJW brochure, nd GJW considers itself the "most effective government relations consultancy" but is too discreet to provide examples; GPC informs prospective clients "the best measure of any consultancy is the success it achieves for its clients", and proceeds to claim credit for "a public sector transport project secured £250m of public funding... A Private Members Bill was successfully promoted to deregulate legislation for a major trade association, opening up significant new market opportunities... the Secretary of State agreed to block a large housing development despite the government having previously

of the lobbyist are reflected in the literature on the value of lobbying. Those views can be distilled into two schools. First that lobbyists have little effect and their influence is trivial. Second that lobbyists do affect public policy.

The American 'communications school' of lobbying, proposed by Milbrath amongst others, argues that lobbyists do not have a significant effect on the decisions of officials or legislators.<sup>25</sup> Lobbyists have been portrayed as timid, approaching only those decision-makers that agree with them and acting as a service bureau.<sup>26</sup> Lobbyists are simply channels of information to improve decision-makers' knowledge.<sup>27</sup> Lobbyists are not influential; in fact they are ill-informed and badly organised. Part of the reason lobbyists were deemed ineffective was because they did not lobby; or rather their lobbying was directed at those who were already convinced.<sup>28</sup> This school encouraged political science to move away from analysing the policy process and to concentrate on internal group dynamics.<sup>29</sup>

Recent research in the UK "suggests that commercial lobbyists achieve low levels of effectiveness, defined as the ability to achieve pre-stated measurable goals by their own behaviours."<sup>30</sup> It is not only academics who dismiss the impact of lobbying as superficial. Government also denies lobbyists are effective.

John MacGregor MP, a former Cabinet Minister and Leader of the House of Commons, in evidence to the Committee on Standards in Public Life argued the work of one lobbying company, Decision Makers, added nothing to the decisions being taken by government. Ministers, he argued, made their decisions based on representations received and the clear benefits.

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indicated support for the scheme... along with more example; Market Access is more discreet and adds 'help' to its case studies, MA "help them win a major contract / major PFI contract / relaxation of cross media rules".

<sup>25</sup> Milbrath, L., (1963); Scott, A., and Hunt, M., (1965); Dexter, L., (1969b); and Zeigler, H., (1964). In Leech, B., and Baumgartner, (1998).

<sup>26</sup> Lewis Dexter has argued that lobbyists target their friends and leave their enemies alone. See Dexter, L., (1969a and 1969b). Also Bauer, R., Pool, I., and Dexter, L., (1963)

<sup>27</sup> See Leech, B., and Baumgartner, F., (1998)

<sup>28</sup> This field of political science has been well ploughed by Ainsworth and Austin Smith amongst others who developed the counter-active theory of lobbying. They claimed, in contradistinction to Bauer, Pool and Dexter, that the interest-group more likely to lobby is the one against whose interests the legislator will vote in the absence of lobbying. Supporting groups are then forced to lobby their supporters – counter-actively – to offset the approaches from the first group.

<sup>29</sup> Baumgartner and Leech, (1998), p64

<sup>30</sup> Moloney, K., (1996), p146

## MacGregor went on to say

I think the role and so-called influence of lobby firms needs to be put into its proper perspective. In my experience and judgment it is greatly overstated. They do not have preferential access to and influence with government. Presumably if such claims are made, they are made to potential clients for marketing purposes and to win business. On the other hand, lobbying firms do have a legitimate role. For those companies, organisations and pressure groups who do not have their own resources they can provide a proper and useful information service... They can provide technical knowledge on how government and Parliament work, and they have experience in knowing how best to present a case.<sup>31</sup>

If MacGregor's interpretation holds true, much of the hyperbole about lobbyists and their impact is empty boastfulness on the part of firms seeking business. Similarly a parliamentary question about the effect of lobbyists produced the following unambiguous response: "Lobbyists play no role in decisions made by my Department" [Welsh Office].<sup>32</sup>

Others have shown lobbyists to be effective. The press in Britain and in America has been captivated by the influence of lobbyists.<sup>33</sup> *The Guardian* and *The Independent* in the UK have long run stories about their access and supposed efficacy.<sup>34</sup> This journalistic obsession was illustrated in 1998 by a team from *The Observer* posing as representatives of an American energy company.<sup>35</sup> The story rested on the foundation that lobbyists were unduly effective. The lead journalist argued Labour modernisers were "now boasting that the contacts they made when the party was in opposition can now be used to gain access to and information from their erstwhile fellow-modernisers playing key roles in government."<sup>36</sup> Although government dismissed the investigation

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<sup>31</sup> Evidence of Rt Hon John MacGregor MP to *The Committee on Standards in Public Life*. Transcript of Oral Evidence, 24 January 1995, p79 section 395

<sup>32</sup> HC Deb, WA, Col 228, 9/12/1998

<sup>33</sup> See the Cash-for-Questions affair in 1994 and the Cash-for-Access story in 1998 in the UK. There have been various books on the substantial influence of lobbying in the USA, see the following work by American commentators: Birnbaum, J., (1992); Birnbaum J., and Murray A., (1987); Choate, P., (1990); Edsall, T., (1988); Smith, H., (1988)

<sup>34</sup> "Labour to sell policy papers to lobbyists", *The Independent*, 9 March 1998; "Labour spin doctor quits to join Thatcher's PR man", *The Independent*, 8 April 1998; "Blair woos sponsors for welfare roadshows", *The Guardian*, 28 January 1998; "Revealed: Labour's links with lobbyists", *The Independent*, 24 March 1998; "Companies hand out jets and Jaguars as pre-election perks", *The Observer*, 23 March 1997; "Ex-Labour aides selling the inside track on how to block party policy", *The Independent*, 7 September 1998; Also see the cash-for-access investigation by *The Observer* which started with the following story: "New Labour insiders offer secrets for cash", *The Observer*, 5 July 1998. See the quality press for the following eight days 5 July–13 July 1998

<sup>35</sup> "New Labour insiders offer secrets for cash", *The Observer*, 5 July 1998

<sup>36</sup> Palast, G., (1998), "The American Way of Influence", *The Observer*, 19 July 1998

as empty boasting by ambitious thirtysomethings, Palast argued “The Observer has demonstrated the boasts were well-founded.”<sup>37</sup> He pointed to a No 10 Policy Unit member who said one lobbyist was part of the inner circle and offered preferential access.<sup>38</sup>

Two Cabinet ministers, David Clark and Clare Short, expressed concern at lobbyists flitting around special advisers and ministers like moths around a flame. Short argued ministers should not deal directly with lobbyists and advised colleagues “we should frown on it and completely distance ourselves from it.”<sup>39</sup> The Association of Professional Political Consultants’ report, which pointed to human error not management system deficiencies, extinguished the matter.<sup>40</sup>

Journalistic commentators suggest professional lobbyists have too much influence over policy-making. However, a correlation does not prove a causal relationship – and the press frequently take a one-dimensional view of policy-making.<sup>41</sup> In general the validity of journalistic assertions has been difficult to establish.

In support of the journalists some scholars advocate the ‘interest-group dominance’ thesis, suggesting lobbyists and groups play an important role in policy communities and can be dominant.<sup>42</sup> Schattschneider’s study of tariff policy found that interest-groups were effective.<sup>43</sup> Various scholars make normative judgements about the desirability of their activity and deem lobbyists effective if only because they judge their activities undesirable.<sup>44</sup> Lobbyists are alleged to be detrimental to good government. They supposedly pull decision-makers away from the public interest.<sup>45</sup>

<sup>37</sup> *ibid*

<sup>38</sup> The key criticisms were that lobbyists: boasted they made use of Treasury information before it was announced; helped a company save £40million by persuading ministers to abandon plans for a car park tax; knew in advance the contents of the Chancellor’s Mansion House speech and that the Treasury would announce a new housing inspectorate; breached the embargo on a Trade and Industry Select Committee in advance of publication and sent it to a client (in reality an *Observer* journalist); claimed to have privileged access to ministers and key advisers in government; passed inside information about public spending plans to an investment bank; arranged a meeting between PowerGen and Treasury officials; placed clients on advisory committees; and were able to arrange tea with the Paymaster General.

<sup>39</sup> “Cabinet tells Blair: ditch the lobbyist”, *The Sunday Telegraph*, 12 July 1998

<sup>40</sup> Purnell and Armstrong concluded “There is nothing intrinsically improper about the role of political consultants. On the contrary, they have a valuable role to perform in assisting their clients to make proposals and cases to agencies of government in the most effective way.” Purnell, N., and Armstrong, R., (1998)

<sup>41</sup> Malbin, M., (1984), p247

<sup>42</sup> Both Truman and Latham showed decision-makers changing policy to satisfy interest-groups. Truman, D., (1951) and Latham, E., (1952). See also Lowi, T., (1969); McConnell, G., (1966)

<sup>43</sup> Schattschneider, E., (1935a)

<sup>44</sup> Doig, A., (1986a; 1986b; 1986c; 1990a; 1990b; 1991; 1995a)

<sup>45</sup> Rauch, J., (1994); Chub, J., and Peterson, P., (1989); Lowi, T., (1969); Burns, J., (1963)

This thesis moves away from this debate. The two camps talk past one another “with academics dismissing the validity of popular claims in a few paragraphs and the popular press ignoring the research of scholars or quickly rejecting its methods and conclusions as irrelevant.”<sup>46</sup> Confusion is inflated by concealment. Twelve ministerial departments failed to answer PQs about the meetings ministers, officials, special advisers and PPSs had with people working for lobbying firms. Ministers replied baldly that meetings are all governed by the ‘Ministerial Code’ and the ‘Civil Service Code’ and ‘Guidance for Civil Servants: Contacts with Lobbyists’.<sup>47</sup>

The contradictory conclusions in the lobbying literature are partly explained by the perspectives of the researchers, their methodology and those to whom they speak. An incomplete explanation of the variance is that some academic studies concentrate on legislative voting and find little effect. It may be that such studies are looking at the wrong stage in the process. Second, to look at an issue from the perspective of the lobbyist, researchers concluded lobbyists were often ignored, spent most of their time submitting information, and were ineffectual. From the standpoint of government, however, researchers who saw decision-makers under pressure from lobbyists and interest-groups accorded them influence.

Neither finding is wrong. The difference between the two approaches appears irreconcilable only if debate is limited to the misleading question of whether lobbyists “are important at all, and if one is forced to make a single answer to that question and hold to it in all time periods and all conceivable circumstances.”<sup>48</sup> There is sufficient anecdotal evidence to suggest lobbyists make a difference on a case-by-case basis.<sup>49</sup> This thesis seeks to move ahead by recognising that the existing literature allows us “to stipulate at least occasional interest-group

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<sup>46</sup> Grenzke, J., (1990), p144

<sup>47</sup> HC Debs, WAs, 9/3/1999 Col 168; 31/3/1999 Cols 684, 712, 758, 842; 13/4/1999 Cols 14, 29, 34, 108, 123, 145, 170; 16/4/1999, Col 367; 19/4/1999 Col 415.

<sup>48</sup> Hayes, M., (1978), p137

<sup>49</sup> Grantham and Seymour-Ure note “there are various cases which suggest that consultants have achieved for clients outcomes that otherwise were unlikely to have been achieved.” Grantham, C., and Seymour-Ure, C., (1990), p73

influence and to concentrate instead on the circumstances under which groups are influential.”<sup>50</sup>

The contradictions are variations that need to be explained.<sup>51</sup> It is necessary to examine the *circumstances* under which lobbyists are effective.<sup>52</sup> Research should adopt “a contextually-rich view of the policy process” to explain effectiveness.<sup>53</sup> It is important to disaggregate the policy-making system and recognise that lobbyists’ effectiveness depends on context.<sup>54</sup> Policy outcomes depend on the combined influence of a number of factors.

## The Principal Hypothesis

A review of the literature suggests eight hypotheses. The hypotheses are constructed around external and internal variables. With the context of a congenial external environment, success depends on the lobbyist’s possession of those internal characteristics necessary for effectiveness.

The central hypothesis of this thesis is based on three external variables: lobbyists tend to be effective on (a) low-profile, (b) non-political, and (c) technical issues. “Consultants operate more regularly, and more effectively, at the level of incremental day-to-day policy-making rather than at the more visible level of medium and high policy.”<sup>55</sup>

Because the effect of lobbyists depends on the presence or absence of a range of variables, *ceteris paribus* lobbyists will be effective when other variables do not impinge on decision-makers.<sup>56</sup> On politically high-profile issues the concept of effectiveness becomes more diffuse as lobbyists have to wade through areas of subjective human factors.

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<sup>50</sup> Baumgartner, F., and Leech, B., (1998), p146. Jack Walker took “for granted that under certain circumstances, interest groups exert influence over legislators, bureaucrats and the public...” Walker, J., (1983), p390

<sup>51</sup> Baumgartner, F., and Leech, B., (1998), p126

<sup>52</sup> Hayes, M., (1978)

<sup>53</sup> Baumgartner, F., and Leech, B., (1998), p178. See also Schlozman, K., and Tierney, J., (1986); Knoke, D., (1990); Walker, J., (1991); Hansen, J., (1991); Heinz, J., et al (1993); McFarland, A., (1993); Browne, W., (1995)

<sup>54</sup> Fowler and Shaiko show the context of policy “matters a good deal in how much groups affect the outcome...” Fowler, L., and Shaiko, R., (1987), p503

<sup>55</sup> Grantham, C., (1989), p514. Malbin concurs arguing “Interest groups tend to be more successful on bills that do not capture the public’s attention than on ones that do.” Malbin, M., (1984), p249

<sup>56</sup> Frendreis, J., and Waterman, R., (1985), pp403. Charles Lindblom noted some policy areas received public attention whilst others received no public attention; he argued business will be at its weakest on issues in the public domain. See Lindblom, C., (1984)

On low-profile technical issues lobbyists will be effective because persuasion and reasoned argument is more important within a closed community where external variables do not operate as powerfully as they normally do. Organised opposition and media interest are less likely on technical issues.<sup>57</sup> Lobbying, which on high-profile matters would not exert influence, can tip the balance on low-profile, technical, non-political issue. Smith suggests that visibility and salience, issue technicality, and the degree of partisanship are variables that influence effectiveness.<sup>58</sup> Lobbying on technical issues should be effective across time and space because contextual factors impinge on effectiveness.

Scrutinising less observable areas of effectiveness is laborious when compared with studying parliament. It is precisely because of the likelihood that lobbyists are more effective in low-profile policy spheres far from the public eye that this study is important. The results may be stronger if the research moves to that part of the policy-making process which is "less amenable to study."<sup>59</sup>

Previous research has asked the wrong question.<sup>60</sup> The question should be under what circumstances are lobbyists effective and on what type of issue. Because lobbyists are not masters of their own destiny, the thesis accounts for internal variables and the contextual variables that are fundamental determinants of effectiveness.

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<sup>57</sup> Langbein, L., and Lotwis, M., (1990)

<sup>58</sup> Smith, R., (1995)

<sup>59</sup> Malbin, M., (1984), p249

<sup>60</sup> Baumgartner, F., and Leech, B., (1998), p134

## Research Methods

Survey research has acknowledged the importance of contextual factors in lobbying strategies, but surveys have rarely been linked to particular case studies.<sup>61</sup> Generalised quantitative studies tend to obscure contextual information. However, neither are qualitative case studies flawless. They often reach contradictory conclusions thereby making it difficult to generalise. Case studies are rich in detail but often fail to support broad conclusions about lobbyists' effectiveness.<sup>62</sup>

The most potent research method is to blend techniques. This research project utilises both methods: case studies and a quantitative survey.<sup>63</sup> Because surveys look at general behaviour, four chapters (4-7) focus on specific policy-based research. The case studies' task is to explain policy development, test the hypotheses and provide a disaggregated picture of lobbyists' effectiveness and the variables which impact on success.

The thesis examines evidence in the public domain, such as Hansard, government papers, business reports, press cuttings, and opinion polls. The case studies are also based on impressionistic evidence. Interviews were undertaken with civil servants, ministers, MPs, special advisers, lobbyists and their clients. A postal survey was carried out, allowing the research to come to broader, generalisable conclusions.<sup>64</sup> The detailed results are contained in Appendix A.

Over a three-year period (1996-1999) the author conducted 185 interviews. 18% were with officials or policy advisers. 17% were held with politicians, including ministers and MPs. 21% of the interviews were with lobbyists, 37% with their clients and a final 7% with third parties such as consultants, journalists and academics. Interviewees ranged from Secretaries of State to junior ministers and MPs, and from Permanent Secretaries to grade 7 civil servants. This range of informants allows the research to reflect the multi-level nature of policy-making and the perspectives each level holds about events.

<sup>61</sup> Baumgartner, F., and Leech, B., (1996c)

<sup>62</sup> There have been several classic American reviews of policy-making cases, of which some are: Schattschneider, E., (1935a); Maass, A., (1951) and Fritschler, A., (1975)

<sup>63</sup> Data from a quantitative survey carried out by the author are presented in Appendix A

<sup>64</sup> Baumgartner, F., and Leech, B., (1998), p128



Interviews focused less on factual developments, most of which could be tracked by press cuttings and government papers. They sought to obtain the subject's views on the effectiveness of the lobbyists, the campaign and the impact of contextual factors. Almost all the interviews lasted between 45 minutes and an hour.

The sampling method relied upon computerised newspaper searches, published directories and snowballing (using references in the text to spot other players and data sources). Interviewees were identified initially by informal conversations with lobbyists. Further discussions identified key players. Two reference books, *Dods* and the *Civil Service Yearbook*, identified politicians and officials. Combing the press identified businessmen and interest-group campaigners. Another source of respondents was discussions with interviewees. All respondents were asked 'who do you think is important inside and outside government for this policy?' and 'who else do you recommend I talk to?'. This technique identified players who would otherwise have remained anonymous.

## Why Case Studies?

The comparative case study approach allows valid generalisations to be drawn provided there is a theoretical statement against which to compare case studies. By comparing case studies one should be able to make analytical generalisations.<sup>65</sup>

Case studies help test theories.<sup>66</sup> They are an alternative to quantitative studies. This thesis compares the findings of the case studies against an analytical framework, which allows it to revise the hypotheses. The case-study findings are compared with the statements or propositions, which are revised as necessary. "The comparative case [study] method is a genuine alternative to quantitative methods"; it links the historian's 'what' questions to the political scientist's 'why' questions.<sup>67</sup>

This thesis focuses on three policy areas – home affairs, transport and trade and industry. Because government is fragmented, the nature of the lobbyist-government relationship varies over time and issue. It is

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<sup>65</sup> Rhodes, R., (1995a)

<sup>66</sup> Eckstein, H., (1975) and Yin, R., (1984), p108-9

<sup>67</sup> Rhodes, R., (1994), p183

important to include a range of policy areas. In some studies only case histories with positive results are investigated. This study will examine failed and successful lobbying campaigns ranging from high-profile to low-profile. Both have valuable normative implications.<sup>68</sup> The focus on policy across a range of departments helps ensure the generalisations about outcomes and the effect of lobbyists do not reflect the idiosyncrasy of particular departments or directorates. The four case studies also span different time periods. The choice of three policy arenas provided breadth and the opportunity to compare and contrast.

The Washington-based policy study conducted by Heinz et al was restricted by its concentration on issues of high politics, and consequently they found it difficult to separate the actions of actors in complex and multiple games.<sup>69</sup> Because context is a key variable, the profile of the campaign was the principal criterion. The four policy areas – Sunday trading, CrossRail, the Jubilee Line Extension and Professional Liability – contain a high-profile, two medium-profile and one low-profile issue. These case studies were selected to present different patterns of lobbyist-client-government interactions and different patterns of government response.

The following table presents data from a word search of *The Financial Times*, *The Independent*, *The Times*, *The Guardian* and *The Daily Telegraph* from 1987 to 1998 in 'FT-Profile'. All available data were searched.<sup>70</sup> Table 1.1 and figure 1.1 justify the selection of the case studies. Sunday trading is a highly visible issue. The Jubilee Line and CrossRail received similar levels of press coverage and occupy the middle-ground. The Jubilee Line received more coverage because of delays in construction and its association with the Millennium celebrations. Limited Liability Partnerships received little mention in the press. Adding the tabloid newspapers, *The Daily Mail*, *The Mirror* and *The Evening Standard* to the search of broadsheets added only two more hits, justifying its classification as low-profile.

<sup>68</sup>A similar point is made by Baumgartner and Leech when discussing the merits and demerits of US interest group studies for use in meta-analysis. Baumgartner, F., and Leech, B., (1996c), pp17-25

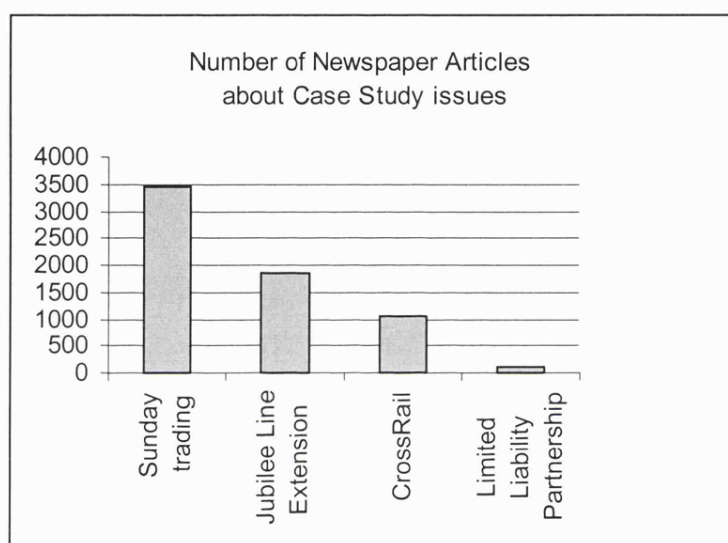
<sup>69</sup> namely agriculture, energy, health, and labour, in Heinz, J., et al (1993)

<sup>70</sup> Most of the broadsheet newspapers date back to the early 1980s. The exact dates are *Daily Telegraph* 3/87; *The Guardian* 7/84; *The Times* 7/85; *The Independent* 9/88; and *Financial Times* 1/82. *The Daily Mail* records date back to 1/93; *The Mirror*, 9/94; and *The Evening Standard* 1/93

Table no: 1.1

Search term >>	'Sunday Trading'	'Jubilee Line Extension'	'CrossRail'	'Limited Liability Partnership'
<i>Telegraph, Guardian, Times, Independent, and FT</i>	2,900	1199	717	89
All of above plus <i>Mail, Mirror and Evening Standard</i>	3121	1678	969	91
Sunday newspapers: Observer, Independent on Sunday, Sunday Telegraph, Sunday Times, Sunday Mail, Sunday Mirror	320	178	78	9
Total of Daily and Sunday broadsheets and tabloids	3441	1856	1047	100

Figure no: 1.1



Another essential criterion was the activity of lobbyists. All four policy areas had lobbyists working on them. Three of the four case studies had more than one consultancy involved – opposing one another. The fourth case study was driven by one lobbying company, but with other consultancies involved in minor aspects.

The Jubilee Line and CrossRail exhibit interesting contrasts. One failed, the other succeeded. The thesis explains whether the outcomes were the consequences of lobbyists or contextual factors. The two policies keep several variables constant – the civil servants responsible, ministers, budgets, economic factors, policy community members. These two case studies allow the research to focus on the role of internal variables.

## What is Lobbying?

It is difficult, and some argue not really necessary, to give a precise definition of the activity of professional lobbyists.<sup>71</sup> The concept of lobbying has meanings so varied as to lead inevitably to misunderstanding.<sup>72</sup> Salisbury, writing about lobbyists in America, noted of the word 'lobbying' "that much-abused word is so fraught with ordinary language meaning, most of it unsavoury, as to defy rehabilitation anyway, but it is also true that none of its historic uses comfortably fits with what many Washington representatives do."<sup>73</sup>

The term 'lobbying' need not be hostile, but attempts at close definition are often self-defeating.<sup>74</sup> Statutory definitions of lobbying are "either hopelessly restrictive infringements on free speech or because they are so narrow... only a few rare behaviors are affected."<sup>75</sup> Salisbury argues the word does not reflect what 'lobbyists' do, such as the presentation of a technical case or a legal challenge. He prefers the term 'interest representation'.<sup>76</sup> In fact "[p]rofessional lobbyists go under a variety of names, such as public affairs official, consultant, public relations specialist or parliamentary liaison officer. What lobbying is even goes beyond the elephant problem of being something one instantly recognises but cannot define precisely, because what may be lobbying to one individual, or in a particular cultural setting, may be a routine exchange to another."<sup>77</sup> There are some boundaries: lobbying relates to government decision-making; it is motivated by a desire to influence government decisions; it implies the presence of a representative; and it involves communication.<sup>78</sup>

One definition of a lobbyist is any person who, for payment, attempts to influence, directly or indirectly, the passage of legislation or

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<sup>71</sup> European Parliament, *Second Report on Lobbying in the European Parliament*, Committee on the Rule of Procedure, the Verification of Credentials and Immunities, Rapporteur: Mr Glyn Ford, 12 June 1996, PE 216.869/fin. Greenwood and Thomas argue that definitions of lobbying and interest groups are fraught with difficulties. Greenwood, J., and Thomas, C., (1998), pp490-91

<sup>72</sup> Milbrath, L., (1963), p7

<sup>73</sup> Salisbury, R., (1984), p71

<sup>74</sup> Biffen, J., (1989)

<sup>75</sup> Baumgartner and Leech, (1998), p29

<sup>76</sup> Salisbury prefers the word 'representative' to lobbyist as a description of the individual because it "connotes a free-standing agent, retained on a fee-for-service basis and often on the assumption that the agent possesses particular skills or credentials of relevance to the advocacy role that are not readily available within the interested organization, whether institution or membership group." Salisbury, R., (1984), p72

<sup>77</sup> Greenwood, J., and Thomas, C., (1998), p491

<sup>78</sup> See Milbrath, L., (1963), pp7-8

the taking of public policy decisions.<sup>79</sup> Some scholars have argued lobbying occurs only when an individual or group acts on behalf of someone else.<sup>80</sup> However, the definition of lobbying does not necessarily have to centre on the act of representing an interest to and before parliament, government and officials. It may include non-direct work such as providing strategic advice and monitoring since both fall under the concept of representation. The “reality behind much of the lobbying industry’s activity in Britain, while open to question and investigation, remains surprisingly mundane, and largely unrecognisable from the sensationalist lobbyist excesses so often portrayed in the media.”<sup>81</sup> Monitoring and advice must be “seen as a form of representation [because it] requires the third party’s presence to be meaningful.”<sup>82</sup> Therefore the thesis disregards Lord Donoughue’s distinction between advocacy and advice because the attendance of the lobbyist is a requirement of both services.<sup>83</sup>

Rush et al defined lobbyists as

- professional lobbyists or consultants whose business is to advise their clients on lobbying, and sometimes to lobby on their behalf;
- organisations outside Parliament and government who themselves seek to lobby, ranging from those who are fully professionalised or bureaucratised... to entirely voluntary bodies, who have no paid staff and only limited resources;
- MPs and other individuals with direct access to parliament who also have a pecuniary interest in a particular policy area or who receive some sort of remuneration to represent the interests of an outside organisation;
- MPs and other individuals with direct access to Parliament who have non-pecuniary interests in a particular policy area and who represent the interests of, or make representations on behalf of, an outside organisation.<sup>84</sup>

Lobbying involves both communicating the client’s aims and preferences and advising clients how to attempt to influence public policy. This thesis will use the Association of Professional Political Consultants’ comprehensive definition of a lobbying company.

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<sup>79</sup> Pross, P., (1991)

<sup>80</sup> See Milbrath, L., (1963), p8 “Lobbying is the stimulation and transmission of a communication, by someone other than a citizen acting on his own behalf, directed to a governmental decision-maker with the hope of influencing his decision.”

<sup>81</sup> Berry, S., (1992), p231

<sup>82</sup> Salisbury, R., (1984), p71

<sup>83</sup> Donoughue, B., (1995)

<sup>84</sup> Select Committee on Members’ Interests - submission by Professors Michael Rush, Philip Norton, Colin Seymour Ure and Malcolm Shaw for the Report on Parliamentary Lobbying, HC 586 Session 1990/91

Individual partnership or company (including divisions of companies) who either hold themselves out as offering consultancy services (meaning advice, representation, research, monitoring or administrative assistance provided for commercial gain by a professional political consultant relating to the institutions of UK central and local government and/or other public bodies) whether such activities are the principal business of that consultant or are ancillary or incidental to it, such work in each case being undertaken for their parties for commercial gain.<sup>85</sup>

It follows that a 'lobbyist' is a principal of a lobbying company, whilst the verb 'lobbying' encompasses the representative work undertaken by the lobbyist on behalf of a third party. The APPC paper continues "These criteria therefore cover advisers, the majority of whose trading revenue is derived from advice or advocacy related to dealings with public authorities, or those undertaking one-off or ad hoc projects, and others, such as law and accounting firms, who may deal with Government on behalf of third parties but only on a basis incidental to their main business since in undertaking such work they are implicitly holding themselves out as possessing professional competence."<sup>86</sup>

## **Who Counts as a Professional Lobbyist?**

Lobbyists often have experience in political parties.<sup>87</sup> The Public Policy Unit described itself as "a group of former officials, Minister, MPs, Peers and political advisers who now act as policy analysts and consultants on dealing with political and regulatory bodies at central and local government levels in the UK and EC."<sup>88</sup> In Washington DC the majority of lobbyists are lawyers. This legal dominance does not apply to the UK. Professional lobbyists in Britain have political and or administrative experience. They bring with them a detailed knowledge of the policy process and friends within the political system.

An advertisement in *The House Magazine*, from a leading professional lobbying firm seeking a managing director, sought a candidate with a "Westminster, Whitehall, Brussels or similar background, together with existing consultancy experience. Experience in publishing,

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<sup>85</sup> Association of Professional Political Consultants, Introductory Paper

<sup>86</sup> *ibid*

<sup>87</sup> Jordan, G., (1989), p107

<sup>88</sup> Public Policy Unit, (1991a), p1

information services, journalism or economic consultancy would also be considered.<sup>89</sup> Many have experience at the periphery of the political arena, such as civil servants, lobby correspondents, or departmental press officers.

Professional lobbyists market themselves on their experience of the 'village atmosphere' of Whitehall.<sup>90</sup> Lobbyists are mainly an amalgam of ambitious white middle-class political activists and a gaggle of aristocrats. They all have in common experience of and contacts in politics, the monarchy or elite business circles.

There are several types of consultancies offering professional lobbying services. First, the specialised professional lobbying consultancies, which are members of the APPC, tend to be the largest firms and the market leaders. Second, there exist smaller independent professional lobbying consultancies, eligible to become members of the APPC, but who chose not to for various reasons. Third, there are several large public relations companies with large public affairs departments and genuine experience (some US-owned), for example Burson-Marsteller and Hill & Knowlton. Fourth, there are a vast number of smaller PR companies which offer 'political services' treating government as another 'public' or 'stake-holder'.

Fifth, a host of 'one-man bands' exploit their contacts and experience of the political system, including Dorothy Drake (former chief press officer at DHSS) and Keith McDowell (ex-CBI). Sixth, the larger legal practices have public affairs departments (Clifford Chance and Lovell White Durrant). The boundary between the services provided by a lobbying company and those provided by a legal firm is hazy. Lobbyists have seen "increasing competition from law firms in Brussels and the UK [and] from a number of merchant banks."<sup>91</sup>

Seventh are registered Parliamentary Agents, with passes giving privileged access to the Palace of Westminster, who offer political consultancy services.<sup>92</sup> Since the replacement of the Private Bill with the Transport and Works Act (1992) and subsequent Orders and

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<sup>89</sup> Grantham, C., (1989), p508

<sup>90</sup> Doig, A., (1986c)

<sup>91</sup> Andrew Gifford, evidence to the Committee on Standards in Public Life, 24 January 1995

Regulations, they have moved into lobbying. The distinction between professional lobbyists and parliamentary agents is no longer relevant. Both are concerned with case-building and advocacy.

Eighth, the 'Big Five' accountancy companies have established offices in Brussels to monitor and lobby the Commission and Parliament. Some firms provide a full range of legislative lobbying services, whilst others offer monitoring and strategic planning but avoid advocacy. The accountancy companies have developed sophisticated computerised databases to track the EU legislative process. UK-based accountancy houses also offer legislative and policy services to their clients.

Finally, journalists have stepped in to exploit the lobbying market. The European Parliament has noted "some journalists express a specifically political agenda; and sometimes even... receive income from industrial or commercial interests for their advice and insights."<sup>93</sup> Peter Luff MP argued in evidence to the Select Committee on Member's Interests that

there are a number of paid relationships between outside interests and Lobby correspondents who are able to obtain more information on a confidential basis than even Members of Parliament, and if there were any attempt to curtail Members' ability to maintain relationships with outside interests... one could easily be left with a situation where others... had privileged access and would be more furtive than any of the possible abuses we are seeking to curtail here.<sup>94</sup>

Therefore professional lobbyists exist in a range of forms and might have previous experience as a local government officer or councillor, party official, civil servant, Commission official, NDPB official, MP, special adviser, journalist, in-house specialist, regulatory expert, lawyer, accountant or trade association official. They are an eclectic collection of representatives, each with a distinctive area of expertise and knowledge.

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<sup>92</sup> Parliamentary Agents include, Sherwoods & Co, Sharpe Pritchard, Dyson Bell Martin, Vizzards, Lewin Gregory and Rees and Freyer. Most of their political work is oriented towards legislation or regulation.

<sup>93</sup> European Parliament, *Second Report on Lobbying in the European Parliament*, Committee on the Rule of Procedure, the Verification of Credentials and Immunities, Rapporteur: Mr Glyn Ford, 12 June 1996, PE 216.869/fin

<sup>94</sup> Luff, evidence to Select Committee on Members' Interests cited in Doig, A., (1986a)



## Who Hires Professional Lobbyists?

Following Mancur Olson the term 'interest-group' became synonymous with membership organisations.<sup>95</sup> However, earlier interest-groups embodied a range of organisations, including professional lobbyists, industries, foreign and local governments and corporations.<sup>96</sup> It is a mistake to restrict the definition of groups to membership organisations because it has dragged political science away from examining non-membership organisations so influential in policy development.<sup>97</sup>

It is also arguable that the cost concentrating on internal structure was significant since it led to "the marginalization of interest group studies as they lost their relation with the core issues of democratic governance."<sup>98</sup> Olson and those who followed him concentrated on internal factors to the detriment of the contextual. More recently academics have broadened the concept of interest-groups to include institutions and other organised interests.<sup>99</sup> This thesis refers to all non-governmental organised interests as interest-groups.

Lobbyists are employed by interest-groups able to afford the fee. Clients are typically business organisations and companies. Even large companies with in-house staff employ external consultancies. Foreign governments use lobbyists as an alternative channel to traditional diplomacy. Executive bodies, executive agencies and local government use lobbyists to help them understand informal policy development in Whitehall. Government even hires lobbyists: The Department for International Development hired the Public Policy Unit in 1998.<sup>100</sup>

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<sup>95</sup> For example Walker limited his definition of an interest group to functioning associations open to membership and concerned with policy: Walker, J., (1991), p4. Baumgartner, F., and Leech, B., (1998), p26

<sup>96</sup> See Crawford (1939); Truman, D., (1951); Herring, P., (1929) and Key, V., (1964) in Baumgartner, F., and Leech, B., (1998), p27

<sup>97</sup> Salisbury, R., (1984)

<sup>98</sup> Baumgartner and Leech, (1998), p68

<sup>99</sup> Scholzmann, K., and Tierney, J., (1986), p10; Heinz, J., et al (1993); and Gray, V., and Lowery, D., (1996a), all use broader definitions of interest groups.

<sup>100</sup> Association of Professional Political Consultants register of June 1998

The services of lobbyists are “sought when, and only when, the client firm requires those services, and their billing is usually based on an hourly charge.”<sup>101</sup> Clients frequently have several criteria when judging whether to embark upon lobbying: the relative importance of the issue to the interest; the probability of success; the complexity of the issue; is the group obliged to get involved?; the insider/outsider criterion; an assessment of other actors already involved; the topicality of the issue.<sup>102</sup>

The potential market size is large. Every company is affected by public-policy decisions. In its nascent years lobbying-industry clients were mainly large business and City financial institutions.<sup>103</sup> By the mid-1990s the lobbyists’ client base had become more diverse. Although private companies are the largest client group, trades unions, local authorities, public bodies and campaign groups also hire lobbyists. The increased use of professional lobbyists by the private-sector has forced parts of the public-sector to follow because they often do not have good relations with central departments.

Figure 1.2 shows the breakdown of Association of Professional Political Consultants’ member companies’ clients. In mid-1998 the APPC had 16 members. Companies account for 69% of clients. Public bodies account for 9%, whilst trade associations account for 13%.

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<sup>101</sup> Salisbury, R., (1984), p73

<sup>102</sup> Smith, Martin., (1991)

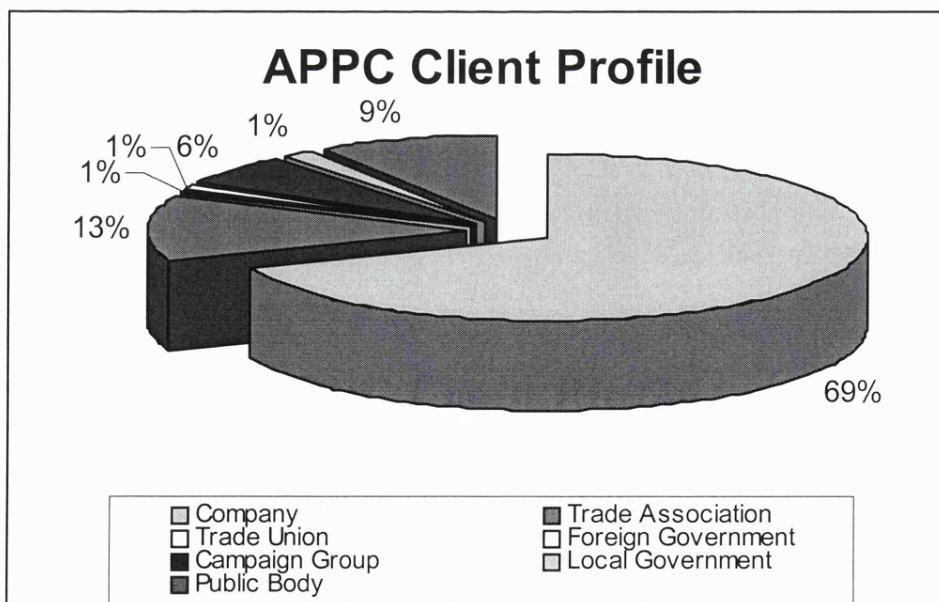
<sup>103</sup> A *Financial Times* survey in 1985 of 180 sizeable companies found more than 40% utilised the services of political consultants.

## APPC Clients<sup>104</sup>

Table no: 1.2

	Company	Trade Association	Trade Union	Foreign government	Campaign group	Local government	Public body
APCO	26	6	1	1	0	0	0
AS Biss	24	1	0	0	2	0	0
Beaumarck	11	3	0	0	0	0	0
Citigate Westminster	50	14	0	0	3	2	11
Connect	9	6	2	0	4	2	8
Fishburn Hedges	13	1	0	0	2	0	1
GJW	81	13	1	0	6	3	11
GPC	68	9	0	0	5	0	4
Policy Partnership	12	2	0	2	0	0	0
Political Planning Services	43	0	0	0	0	0	0
Politics International	39	14	0	0	4	0	1
Public Policy Unit	33	6	0	0	2	1	9
Rowland Public Affairs	14	2	0	1	5	0	3
Shandwick	26	3	0	2	4	3	7
Waterfront Partnership	24	3	0	0	0	0	5
Westminster Strategy	43	12	0	0	9	2	9
Total	516	95	4	6	46	11	69
%	69.1	12.7	.005	.008	6.1	1.5	9.2

Figure no: 1.2



Some blue-chip UK companies do not employ professional lobbyists. One reason is that the government may perceive hiring lobbyists as a sign of weakness. Second, Jordan opines that large

<sup>104</sup> Association of Professional Political Consultants register of June 1998

politically-aware companies have no need to purchase lobbying skills from professional lobbyists.<sup>105</sup> They can afford to employ in-house representatives to ensure their views are heard. He gives several examples of senior officials joining companies.<sup>106</sup> Despite the presence of experienced former public servants a lobbyist will support many large companies with a government affairs department. A lobbyist is often closer to decisions and can usually deliver high-quality intelligence.

Contrary to Jordan, Salisbury spotted a trend in Washington where the complexity of the policy system encouraged large companies to hire several representatives. He writes, "Ford, General Electric, IBM, GM, Exxon, and other giants may hire eight or ten separate outside representatives in addition to working through trade associations and their own substantial government relations staff."<sup>107</sup> Similarly British Gas hired several lobbying firms during the deregulation of the gas market for two reasons: the issue was complex, and their competitors were left a restricted choice of adviser.

So lobbyists often support large companies with an in-house government affairs department. They may work for companies because an issue may be important, it may be particularly demanding for a short time, or the company may face a crisis. The issue may also be too complex to be handled in-house or the company could have been forced to participate and needs advice. The company may see a potential competitive advantage in hiring a lobbyist to bring about change. Some lobbyists are also acknowledged experts in specific policy areas. The Public Policy Unit is regarded for its expertise in regulatory matters whilst the Waterfront Partnership gathers experts in transport policy.

Lobbying companies have a range of clients. They include trades unions like the Transport and General Workers Union and the Association of University Teachers; campaign groups like the Multiple Sclerosis Society, Fast Tracks to Europe Alliance and National Anti-Vivisection Society; and companies like BG, British Telecom, GKN

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<sup>105</sup> Jordan, G., (1991b)

<sup>106</sup> Recent press comment notes the following: Sir Anthony Reeve, former diplomat joined Barclays; John Gummer former Secretary of State for Environment joined Johnson Matthey; Douglas Hurd former Foreign Secretary joined Nat West Markets; Steve Norris, former Transport Minister joined Bell Pottinger a lobbying company; Roger Freeman, former Cabinet Office minister joined Coopers and Lybrand. "Major ministers shackled in job market", *The Guardian*, 29 July 1998.

<sup>107</sup> Salisbury, R., (1984), p74

Westland and Glaxo-Wellcome. Other clients include foreign governments like British Virgin Islands, the Azerbaijan Republic and the State of Bahrain. Bell Pottinger, which is not a member of the APPC, was hired by the Chilean Reconciliation Movement to run a campaign in defence of Senator Augusto Pinochet.<sup>108</sup>

## **Growth of Professional Lobbying**

Scholarly interest in the circumstances under which professional lobbyists are effective is partly a product of the increase in lobbying. This section and the next examine the reasons for the growth in professional lobbying and the foci of lobbyists' activity.

Lobbyists are now hired by thousands of organisations. The 17 APPC members alone have 747 clients serviced by 268 staff. Because of the number of lobbyists now working in the UK, the value of the industry (estimated in 1998 at £70million a year<sup>109</sup>), and their pivotal involvement in policy-making, an assessment of the circumstances under which they are effective is needed.

The development of professional lobbying is often described as an explosion.<sup>110</sup> However, given the UK government's long tradition of dealing with consultants it may be more accurately viewed as the latest stage in a continuum. David Saint-Martin talks of a 'consultocracy' culture.<sup>111</sup> Although new public management increased government's demand for business involvement, the involvement of the private-sector in Whitehall dates back far longer. The long-term experience of consultants gave access to inner circles and made possible the exercise of influence on policy.

Scholars have estimated that interest-groups in America tripled between 1960 and 1990.<sup>112</sup> There are four principal reasons explaining the increased growth in lobbying in the UK.

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<sup>108</sup> McSmith, A., and Calvert, J., (1999), "Look who's coming to the rescue of Augusto", *The Observer*, 17 January 1999

<sup>109</sup> Palast, G., (1998), "The American Way of Influence", *The Observer*, 19 July 1998

<sup>110</sup> This phenomenon is noted by Baumgartner, F., and Leech, B., (1998), pp100-102. They cite a range of scholars over time, all of whom have talked of an explosion in lobbying including Pollock, J., (1927); Crawford, K., (1939); and Berry, J., (1997)

<sup>111</sup> Saint-Martin, D., (1998)

<sup>112</sup> Baumgartner, F., and Jones, B., (1993)

## Government Factors

- i. Government became dependent upon interest-groups for information, advice and the implementation of policy. Statutory co-optation of groups allowed for specific interests to be included in the political system. In some cases there was a continuous dialogue with permanent lobbies. The element of 'bureaucratic accommodation' to policy-making increased.<sup>113</sup> A 'consultation culture' developed following the Second World War.<sup>114</sup> War brought outside interests closer to government, and the interaction that began during the war became established by the post-war period.<sup>115</sup>
  
- ii. Increased lobbying may be the consequence of government's increased scope in setting corporation tax and regulations.<sup>116</sup> As government has become more intrusive, organisations have become politically involved.<sup>117</sup> "If government is a significant actor in a corporation's environment, then, *ceteris paribus*, that corporation will be politically active."<sup>118</sup> Government matters because of its expenditure and increased regulation. Groups cannot afford to be inactive.<sup>119</sup>
  
- iii. The Conservative governments brought the professional lobbyist to the fore. Reforms distanced formerly public organisations from central government. These processes meant there were more potential clients, and more organisations keen to retain contact with policy-makers. Privatisation and sub-contracting became commonplace. Professional lobbying is a consequence of those trends. Privatisation expunged the incestuous relationship that existed between the centre and nationalised industries. Though the system consults more, arguably it deals with outsiders less.

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<sup>113</sup> Jordan, G., and Richardson, J., (1982)

<sup>114</sup> See, for example: Beer, S., (1982); and Middlemas, K., (1986, 1990, 1991)

<sup>115</sup> Miller, C., (1991)

<sup>116</sup> Jordan, G., (1991b)

<sup>117</sup> Schlozman, K., and Tierney, J., (1983), p367

<sup>118</sup> Humphries, C., (1991), p355

<sup>119</sup> Wilson, G., (1991)

Privatisation erected Chinese walls that distanced the system from outsiders. Business thinks lobbyists help them scale these Chinese walls. It is also commonplace in business to contract-out services.

- iv. The changing structure of government has led to a proliferation of lobbying. EU institutions have broadened their policy competence.<sup>120</sup> The Single European Act enhanced the power of the Commission, which can now initiate policy in several areas. The power of the European Parliament has also increased given the co-operation procedure, and parliament now influences the detail of Community legislation. Similarly the 1997 Labour Government's devolution programme encouraged the growth of lobbying firms in Edinburgh and Cardiff.<sup>121</sup>

## Business Factors

- i. The private-sector increasingly relies on public subsidies and general economic decisions. The increase in lobbying may be the consequence of a shift from distributive to redistributive policy. More interest-groups seek a share of increasingly limited resources.
- ii. The lack of innate empathy between government and organisations dealing with it has contributed to the rise of professional lobbying.<sup>122</sup> Those individuals able to link government and business became indispensable. The decline of the 'Establishment' and of lobbying by social affiliation in the last thirty years has also allowed for the emergence of the lobbyist.
- iii. Business reacted to the activity of environmentalists and consumer protection groups, which were successful in the 1970s, by

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<sup>120</sup> Mazey, S., and Richardson, J., (1992)

<sup>121</sup> "Old political foes team up to lobby in new parliament", *Scotland on Sunday*, 5 July 1998; John, S., (1998), "Devolution encourages new Business-Politics links", *Public Affairs Newsletter*, Vol 5, No 2, October; "Scottish public affairs firm calls for strict new Code of Conduct", *Public Affairs Newsletter*, Vol 5, No 1, September 1998; "GJW launches new Scottish political consultancy", *Public Affairs Newsletter*, Vol 4, No 9, June 1998

<sup>122</sup> Miller, C., (1988)

establishing trade associations to represent their interests. Companies also hired professional lobbyists.<sup>123</sup>

## Parliamentary Factors

- i. The increased workload of ministers and MPs means the old style personal contact lobbying is less effective. MPs may lack the opportunity, because they are too busy and not expert enough, to act as an interface between interest-groups and government. Therefore interest-groups turn to lobbyists.
- ii. The complexity and length of parliamentary decision-making processes encouraged the growth of lobbying. Similarly, the behavioural changes of parliament have witnessed more independent voting, making the legislature a more relevant target – before 1970 lobbyists rarely troubled MPs. There has been a “significant and observable change in parliamentary lobbying” argues Norton.<sup>124</sup> The select committee system has also given groups a platform and encouraged lobbying.
- iii. There was an increase in the willingness of MPs to engage in such work.<sup>125</sup> During the 1980s many MPs were directors of lobbying companies. Doig identified 39 MPs who were part-owners or employees of consultancies.<sup>126</sup>

## Supply-driven Factors

- i. Modern communications technology allowed the identification of new coalitions around relatively narrow issues.<sup>127</sup> These new issues have altered the role of the political party. “The communications revolution has helped lobbyists in almost every aspect of their work, but

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<sup>123</sup> Wilson, G., (1991)

<sup>124</sup> Norton, P., (1991), p62

<sup>125</sup> Doig, A., (1986a, 1990a)

<sup>126</sup> Doig, A., (1986a), p524

<sup>127</sup> Post, G., (1991)



particularly in their ability to present technical arguments to individual members and how to activate the grass roots."<sup>128</sup>

- ii. Professional lobbyists are political entrepreneurs similar to those noted by Kavanagh.<sup>129</sup> Though he concentrates on 'think-tanks', lobbyists also enter this category. Growth may be supply-led as entrepreneurs exploited a market opportunity. There is a saloon door mentality in professional lobbying; many move on to become political players.
- iii. There is a 'me too' philosophy: one must hire a professional lobbyist if ones competitors have done so.<sup>130</sup> Foreign firms may drive the growth. An American journalist argued "American companies and their money are pushing the UK lobbying industry to provide the same sort of service they would expect in Washington."<sup>131</sup> They demand "the same levels of access and political intelligence to which they have become accustomed at home."<sup>132</sup>

## Focus of Professional Lobbying

To understand the circumstances under which lobbyists tend to be effective it is necessary to understand the circumstances in which they operate. There are two principal foci of professional lobbying: parliament and the civil service.

Lobbyists focused increasingly on parliament. Norton writes "since 1979, the government has been perceived as more resistant to interest group influence, and so groups were turning increasingly to Parliament for a hearing..."<sup>133</sup> There is substantial debate on the appropriate focus of professional lobbying. Some practitioners argue those representatives who direct their activities at select committees and MPs in general are 'professionally bankrupt'. They argue for a professional lobbyist to direct

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<sup>128</sup> Malbin, M., (1984), p250

<sup>129</sup> Kavanagh, D., (1992)

<sup>130</sup> Jordan, G., (1991a)

<sup>131</sup> Palast, G., (1998), "The American Way of Influence", *The Observer*, 19 July 1998

<sup>132</sup> *ibid*

<sup>133</sup> Philip Norton, (1995) contribution to a seminar on "Ethical and Effective Lobbying" organised by Bruce Naughton Wade (public affairs counsellors) 21 March 1995.

“clients down the parliamentary road because he knows no better, is to turn what is often an administrative or technical matter into a political one.”<sup>134</sup> Miller claims it is a misdirection of effort caused by an exaggerated media interest in parliament because it is easy to report.<sup>135</sup> He argues they are profile-raising techniques which are essentially ineffective.

It may be that failure to persuade key actors in Whitehall will lead professional lobbyists to target Westminster. However, insider groups tend to be more active in virtually every form of parliamentary contact. Professional lobbyists will operate on ‘all-fronts’. Though parliament sometimes contributes to policy-making, it more often acts as a representative body, which confers legitimacy on policy. Parliament can be an important route of access to ministers, for example through the medium of the PPS.

## **Lobbying parliament**

Arguably the concentration of interest-groups on parliament is out of proportion with the legislature’s influence. This imbalance may be the consequence of an inaccurate perception held by outside interests of parliament’s influence or a reliance on parliament when other channels have failed.<sup>136</sup> Some practitioners argue the reactions to professional lobbying have over-emphasised the significance of parliament in the decision-making process,<sup>137</sup> and the role of lobbyists is to disabuse clients of the misapprehension that parliament is the key to influencing policy.

However, other lobbyists argue parliament is important and is part of the policy-cycle, which needs cultivation.<sup>138</sup> As a ‘policy influencing’ chamber the House of Commons is a relevant target for lobbyists. To be effective in parliament the lobbyist requires knowledge of parliamentarians and procedure. Similarly, Rush et al refute the notion of

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<sup>134</sup> cited in Jordan, G., (1989).

<sup>135</sup> Miller, C., (1991)

<sup>136</sup> Rush, M., (1990a), p143

<sup>137</sup> Berry, S., (1993)

<sup>138</sup> Greer, I., (1991)

the UK as a post-parliamentary democracy and argue parliament makes a difference and is relevant to influencing policy.<sup>139</sup>

The focus of professional lobbyists on parliament can be both cosmetic and substantive.<sup>140</sup> It is cosmetic, because dining in the Palace of Westminster and meeting MPs is ineffective but impresses clients. But parliament is substantive because it influences some important decisions, such as moral issues. Although Miller reduces parliament to the “gift-wrapping of Government”, he is forced to concede that parliament is important when government majorities are low.<sup>141</sup> The events of the late 1970s and the Major governments in the 1990s justified lobbyists’ attention to parliament.

Various types of MPs are targeted by lobbyists. Policy advocates can be ideologues, generalists or specialists. Specialist policy advocates are the most professional, seeking to influence policy ‘carefully... persistently and effectively in narrow policy areas.’<sup>142</sup> Such specialists rely on outside contacts for advice, and work with lobbyists. MPs who are ministerial aspirants are concerned with power, whereas policy advocates seek influence. Ministerial aspirants would be prepared to work with professional lobbyists on policy issues if they foresee political advantage. Members who are primarily concerned about their constituents will usually work with professional lobbyists when they realise the lobbyist’s cause will benefit their constituents. ‘Parliament men’ notes Searing include ‘spectators’ (those who want to be at the centre of things), and ‘club men’ who more active than spectators but absorb themselves in the atmosphere and collegiality of the Commons.<sup>143</sup>

To some the Conservative reforms of the 1980s encouraged lobbyists to focus on parliament. The reforms of the Thatcher governments divested central government of its operational involvement and embraced the private-sector. Because of the speed of the reforms lobbyists targeted parliamentarians rather than civil servants.<sup>144</sup>

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<sup>139</sup> See Rush, M., (1990b), especially David Judge’s chapter 2 and Michael Rush’s conclusion.

<sup>140</sup> Grantham, C., (1989), p505

<sup>141</sup> Miller, C., (1987), p38

<sup>142</sup> Searing, D., (1993)

<sup>143</sup> Searing, D., (1993)

<sup>144</sup> Doig, A., (1990a)

### Standing and Select Committees

Lobbying of members of standing committees is now extensive. Interest-groups 'circularise' all or some members of Standing Committees, and many ask MPs to table amendments. Only a few Bills each session are highly political, therefore the bulk of business is routine, and briefing material allows MPs to participate in deliberations. Norton argues lobbying improves the knowledge of standing committee members, and reduces the ability of the government to rely on the party majority automatically to approve its policy. Lobbying at committee stage, argues Norton, renders the Bill more acceptable. He suggests those interest-groups hiring professional lobbyists are more effective, since they can monitor committee proceedings and are "better placed to have some influence than those who cannot afford such assistance."<sup>145</sup>

The select committee system is organised around departmental business and encourages a specialised focus on public-policy issues. Lobbyists are adept at exploiting this platform and use it as a route to departmental policy-making. They train clients on how to represent their case in front of adversarial questioning from MPs anxious to portray themselves in televised select committee hearings as robust defenders of the public-interest.

Miller claims whilst the committees have increased parliamentary scrutiny of ministerial and official actions they have not been a complete success because their reports are rarely debated and are too late to affect policy.<sup>146</sup> However, since many witnesses are representatives from outside groups, the process of giving evidence provides them with the opportunity to influence the recommendations of the select committee and to gain the attention of ministers and civil servants who have to note and reply.<sup>147</sup> Agriculture, Education, Energy, Social Services and Trade and Industry committees obtain over half their evidence from outside groups.<sup>148</sup> Some select committees would not be able to operate were it not for interest-group involvement. Several scholars have shown select committees provide interest-groups with valuable information about how

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<sup>145</sup> Norton, P., (1991), p72

<sup>146</sup> Miller, C., (1987), p42.

<sup>147</sup> Rush, M., (1990a), p143. 44% of written and oral evidence comes from outside groups

<sup>148</sup> Judge, D., (1992b)

departments are thinking.<sup>149</sup> Consequently select committees have acted as a magnet for outside interests and lobbyists. Rush has also suggested that backbench party committees and all-party groups play some part in setting the policy agenda.

Select committees are able to place issues on the House's agenda or to increase their standing in Whitehall. Committee reports usually filter down to debate and questions in the chamber of the Commons. Sir Clifford Boulton notes 25% of select committee reports were the subject of debate in the House, but only a small proportion had been the subject of a substantive motion or an adjournment motion.<sup>150</sup> There have been many requests for extra parliamentary time to be set aside for debate of select committee reports.

Select committees are used to attract the attention of players outside the legislature. Although Whitehall is the key arena for most policy, select committees force ministers and civil servants to listen or to respond to committee reports containing the group's evidence.

## **Lobbying the Civil Service**

For every policy decision government is forced to change as a consequence of high-profile pressure there are likely to be "several hundred where decisions are made or influenced purely through the undramatic submission of a well-researched, well-argued and representative case."<sup>151</sup> The word 'pressure' does not adequately describe the professional lobbyist-civil servant relationship: "'pressure' implies that some kind of sanction will be applied if a demand is refused, and most groups, most of the time, simply make requests or put up a case; they reason and they argue."<sup>152</sup>

The civil service has undergone massive change since 1979. A central theme to the reform of the civil service has been the devolution of managerial authority and responsibility. Managerial devolution implies discretionary judgment by officials, opening the way for different solutions

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<sup>149</sup> Rush, M., (1990b); Marsh, I., (1986); and Judge, D., (1990)

<sup>150</sup> Judge, D., (1992b)

<sup>151</sup> Miller, C., (1988)

<sup>152</sup> Finer, S., (1958), cited in Jordan, G., (1991a)

to similar problems.<sup>153</sup> Junior officials have enhanced autonomy and are increasingly important targets for lobbyists.

The quiet approach is the most effective when dealing with civil servants. "The safest solution for the corporate lobbyist is to fix his [client], and then to watch his [client] fix the civil service. For once the deal is done, the honour of the civil service is engaged. If it fails to deliver its Ministers bound hand and foot, it hangs its head in shame. Whereas the lobby which [only] converts the politicians is inevitably confronted by the resistance of the civil service."<sup>154</sup> Similarly Miller argues there are "few civil servants at principal grade and above who do not spend some of every day giving advice to, engaging in consultations or professional negotiations with, or simply meeting representatives of their sponsoring area of responsibility."<sup>155</sup>

#### Guidance on Contact with Lobbyists

Following newspaper allegations about the effect of lobbyists on policy the Prime Minister instructed the Cabinet Secretary to investigate. He produced informal guidance for civil servants about their contact with lobbyists. The report amplified the Civil Service Code and reminded officials of the high levels of integrity and honesty demanded of them.

Some years earlier the Committee on Standards in Public Life rejected the arguments for regulating lobbyists and placed the burden on the institutions of government to "develop ways of controlling the reaction to approaches from professional lobbyists in such a way as to give due weight and attention to their case while always taking care to consider the public interest."<sup>156</sup> The pivotal role of lobbyists in policy-making was accepted and the 1998 paper dismissed a ban on dealings with lobbyists.

The report identified gradients of severity. The most serious offences were for civil servants to leak confidential or market-sensitive information to a lobbyist, and to help a lobbyist attract business by giving privileged access to ministers or undue influence over policy.<sup>157</sup>

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<sup>153</sup> Quinlan, M., (1994)

<sup>154</sup> cited in Jordan, G., (1991a)

<sup>155</sup> Miller, C., (1987), p97

<sup>156</sup> First Report of the Committee on Standards in Public Life, Vol 1, Report, *Standards in Public Life*, p 35.

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<sup>157</sup> Cabinet Office, (1998)

In essence the advice was for officials to exercise their common sense. Civil servants were instructed not to:

- do or say anything that could be seen as granting lobbyists preferential or premature access to information;
- accept gifts or hospitality that could lead to an obligation to the donor;
- give the impression that the idea of a lobbyist's client would be decisive;
- do anything to breach parliamentary privilege;
- use insider knowledge to impress lobbyists;
- use insider status to get lobbyists an undeserved benefit;
- offer or give the impression of offering preferential access to lobbyists.

Civil servants should:

- declare all personal or family business interests;
- take care when accepting hospitality from lobbyists;
- consider when meeting one group, their views should be balanced by other groups.

The Cabinet Secretary noted sardonically if civil servants “have a friend who is a lobbyist you do not have to sever your friendship and stop meeting them socially. If you are married to one you do not have to get divorced!”<sup>158</sup> He urged that common sense prevail. Officials with concerns about their relations with lobbyists should be cautious, consult a line manager and make a note on the file noting they had considered issues of propriety. Most important was the ‘*Private Eye* test’. Officials should do nothing about which they would feel embarrassed were it to become public knowledge.

The burden of fairness and transparency was placed on the public servant. Because many lobbyists have other roles (local councillors, journalists, consultants) civil servants could not “expect the lobbyists to keep their different roles in watertight compartments.”<sup>159</sup> Since lobbyists are shameless self-publicists who talk up their own influence, Sir Richard Wilson concluded “It is the job of all civil servants to make sure that they conduct their dealings with lobbyists in a manner which is proper and not open to misinterpretation.”<sup>160</sup>

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<sup>158</sup> *ibid*

<sup>159</sup> *ibid*

<sup>160</sup> *ibid*

Even critics of lobbying recognise professional lobbying is now an entrenched part of policy-making.<sup>161</sup> It is considered less an unbecoming political activity imported from the US and increasingly a legitimate part of the policy process. Sir Richard's tone indicated his acceptance of professional lobbying and his reliance on the integrity of the civil service to prevent misbehaviour. A former Cabinet Secretary has also written professional lobbying plays a valuable role in policy-making and there was nothing intrinsically wrong in it.<sup>162</sup> In many respects the lobbying industry has emerged from its various crises as an accepted and integral part of the policy-making landscape.

## Conclusions

The number and activity of professional lobbyists have grown rapidly since Finer's examination of interest-groups. Lobbyists pervade many areas of government's domestic policy-making, and their activity has caused concern. The two schools of thought on the effect of lobbyists (the communications school and the interest-group dominance thesis) have clouded the debate on effectiveness. Clarity can be brought to the subject by recognising that the two schools are variations that can be explained by attention to context and circumstances. Four policy areas (from high to low profile) are examined and the contextual variables that impinge on decision-makers are identified in each case, as well as the variables within the control of lobbyists and their clients. This approach enables researchers to assess which contexts are most amenable to effective lobbying. It allows the study to identify which internal variables (those within the lobbyists' control like skill and resources) are important, and when and why they are important.

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<sup>161</sup> Doig, A., (1990a)

<sup>162</sup> Purnell, N., and Armstrong, R., (1998)



## **2. Effectiveness**

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This chapter examines the concept of effectiveness. It provides a working definition of what effective lobbying is. It investigates different perceptions of effectiveness and the difficulties of judging effectiveness. The chapter reviews the literature on practical attempts to measure and improve effectiveness, before presenting a method to assess effectiveness.

Although effectiveness is a fuzzy concept, this chapter suggests attention to effectiveness is important and worthy of investigation. To help assess effectiveness the chapter closes by identifying two sets of variables that effect influence: contextual / external independent variables and internal independent variables. These two variable types are the building blocks of the hypotheses presented in the subsequent chapter. Sensitivity to context is key. External variables are, by and large, beyond the control of the lobbyist and the client, operating at the macro and meso-levels. The lobbyist and client generally affect only internal variables. Therefore, other things (a favourable external context) being equal, a lobbyist tends to be effective if he possesses the internal independent variables in greater number (contacts, knowledge of rules, resources, client-lobbyist relationship, a dependency relationship, long-term relationships and credibility).

### **What is effectiveness?**

There is no consensus on what effectiveness means for lobbying. Effectiveness could be based on having an effect on votes in the legislature,<sup>1</sup> gaining access to decision-makers,<sup>2</sup> customer satisfaction, or

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<sup>1</sup> Rothenberg, L., (1992) especially chapter 8; Fritschler, A., (1975)

<sup>2</sup> Schlozman, K., and Tierney, J., (1986); and Hansen, J., (1991)

having an effect on policy outcome.<sup>3</sup> An effective lobbying campaign may simply be routine monitoring and agenda setting.<sup>4</sup>

Effectiveness depends on what the client wants. Since there is no one route to an effective campaign, effectiveness must mean different things to different people. Once a definition has been selected, effectiveness, say as meeting the client's objectives, may be achieved not because of the activity of the lobbyist but because of contextual factors. Therefore, when examining policy outcomes it is as important to assess the impact of a range of factors on policy as it is to examine the activity of the lobbyist. The lobbyist is just one of the independent variables that interact to produce the dependent variable – the policy outcome.

Government since 1979 has become more concerned with effectiveness, efficiency and economy. The advent of New Public Management, including the Rayner scrutinies, the Financial Management Initiative, contracting-out, the Private Finance Initiative and Value-For-Money audits, has increased the profile of effectiveness. The term effectiveness, when applied to policy-making, is challenging to conceptualise.<sup>5</sup> There are several definitions of effectiveness.<sup>6</sup> The most appropriate is

Effectiveness is concerned with the relationship between the intended and the actual results of projects, programmes or other activities. How successfully do outputs of goods, services or other results achieve policy objectives, operational goals and other intended effects?<sup>7</sup>

The common theme to the definitions is that effectiveness refers to the value given to the relationship between activity and its effects. This relationship causes conceptual problems.<sup>8</sup> There exists a loose consensus on what the effects of activity are. Outputs are the direct products of certain processes: for example in a lobbying campaign briefs will be circulated, meetings held and information gathered. Outcomes are the measurable consequences of a policy or strategy. These effects can

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<sup>3</sup> Maass, A., (1951)

<sup>4</sup> Heinz, J., et al (1993) , p313

<sup>5</sup> Glynn, J., Gray, A., and Jenkins, B., (1992)

<sup>6</sup> "The extent to which the objectives of a policy are achieved. The most effective policy is one which achieves all its objectives" Treasury HM (1988), p28. "Effectiveness means providing the right services to enable the Local Authority to implement its policies and objectives" Audit Commission, (1986), p8. "Ensuring the output from any given activity is achieving the desired result" Price Waterhouse, (1990), p4. "The value which society desires from given inputs and outputs of a particular service" Tomkins, (1987), p49

<sup>7</sup> National Audit Office (no date), p5

<sup>8</sup> Glynn, J., Gray, A., and Jenkins, B., (1992)

be external to the activity itself; lobbying by one interest may spur an opposing group into activity. Impacts are the ultimate effects of a policy, representing the change in gross and net values.

The motive behind lobbying is to influence governmental decisions.<sup>9</sup> But other factors influence the policy process, and one must distinguish between intended and unintended effects. It is essential to demonstrate a causal link between outcomes and the intended actions of a lobbyist. Functionality is the relationship between an activity's underlying purpose and its effects, and is at the heart of the concept of effectiveness. Effectiveness can be restricted to intended effects; if a policy does not meet its intended effects it is not 'effective', however valuable the actual outcome. Definitions limiting effectiveness to the extent to which effects are desired do not capture the essence of effectiveness. Effectiveness is a measure of the functionality of activities and effects and, only secondarily, the extent to which they are intended and desirable.<sup>10</sup>

There should be a distinction between substantive effectiveness and evaluative effectiveness. *Substantive effectiveness* is the contribution of activities and their effects to designated purposes. It is concerned with the direct relationship between an activity and its effects. Substantive effectiveness has two sub-divisions, managerial effectiveness and policy effectiveness. Managerial effectiveness is the extent to which management style can bring about functional outputs. It is concerned with direct outputs and is expressed as output effectiveness. For inputs to be transformed into outputs requires funds, labour, skill and expertise. Policy effectiveness relates to whether inputs produce outputs/outcomes that are consistent with the underlying aims. Policy effectiveness is concerned with outcome effectiveness.

*Evaluative effectiveness* is the capability of strategies and policies to measure their own substantive effectiveness and improve it. The inability of a lobbyist to evaluate his own activity lessens his learning potential and thus reduces his substantive effectiveness.

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<sup>9</sup> Milbrath, L., (1963)

<sup>10</sup> Unintended effects can be beneficial and intended effects can be undesirable.

Evaluative effectiveness depends on an ability to examine ones technical capability, such as the possession of data bases and information systems, and an expertise in quantitative and qualitative methodologies necessary to undertake evaluation. An ability to judge the organisational structures of a campaign, such as reporting links, lines of responsibility and decision-making functions is necessary to improve substantive effectiveness.

Attempts to measure the effectiveness of lobbying activity are likely to be politically-sensitive. Economists use cost-benefit analysis, and statisticians measure effectiveness by means of causal models and simulations, but these methodologies are of little use to the political scientist. Methodology strategies can improve measurement of effectiveness by asking three types of question: descriptive, explanatory and normative. Descriptive questions require information about specific conditions. Explanatory questions seek to establish causes and effects of activities, i.e. did lobbying lead a civil servant to change his mind? Normative questions ask whether goals were achieved; for example, while a civil servant may have altered his position, policy may not have changed. This thesis seeks to answer these three questions.

A particular effectiveness study may explore simultaneously different forms of effectiveness, leading to a number of differing questions that, in turn, demand differing measurement approaches. There are several methods employed in judging effectiveness. First, a case study approach describes and analyses the relationships within and surrounding a complex event. Second, survey research analyses a structured collection of data from a sample of those affected by policy. Survey research is primarily descriptive, but it allows actors scope to offer subjective evaluations of effectiveness. Unstructured interviews, structured interviews and questionnaires are used to assess effectiveness by seeking the subjective opinions of the political actors involved.

The issue of effectiveness has been addressed by Milbrath and Berry using surveys, but they asked lobbyists what strategies they considered most effective; they did not analyse effectiveness in specific

policy cases.<sup>11</sup> A subsequent, more comprehensive, survey asked what attributes helped lobbyists be effective, and showed that the lobbyist's years in government, contacts and client were associated with effectiveness.<sup>12</sup> They asked lobbyists if they believed they had been effective. The team of researchers then sought to confirm or refute self-assessment reports by interviewing government officials and politicians.

Third, performance indicators are quantitative expressions of various characteristics or consequences of an activity. Indicators focus on levels of performance. Absolute indicators report volume or incidence, and indices report relative achievement. Their function is primarily descriptive and they are unlikely to provide explanations.

## The Problems of Judging Effectiveness

Because policy influence is awkward to operationalise, political science is unclear over how to assess the influence of lobbyists.<sup>13</sup> Methodological problems prevent an accurate judgment of effectiveness.<sup>14</sup> There exists no methodological or quantitative framework to judge the effectiveness of one lobbyist against another.<sup>15</sup>

Berry says

Whilst Washington lobbyists express a high degree of certainty in their evaluating lobbying success, political scientists are considerably more cautious, finding it very difficult to evaluate the effectiveness of interest groups' advocacy campaigns. In carrying out such analyses, political scientists face formidable obstacles in developing scientifically valid measures of influence.<sup>16</sup>

- i. The most obvious problem is there are too many variables. There are usually other interests and other lobbyists involved on any one issue. Berry argues "If all the individual relationships among the numerous variables were drawn in with appropriate lines and arrows, one fears that all would be obscured in a hopelessly tangled

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<sup>11</sup> Milbrath, L., (1963); Berry, J., (1977). The studies prove certain types of strategies are more effective than others, for example face-to-face contact is regarded as more effective than letter-writing campaigns.

<sup>12</sup> Heinz, J., et al (1993)

<sup>13</sup> For a useful book which assesses influence and tries to predict when groups will attempt influence see Gamson, W., (1968) chapters 4, 5, 7 and 8.

<sup>14</sup> Grant, W., (1995)

<sup>15</sup> Wooton, G., (1970) noted it is "a real Irish bog of a subject that has claimed many victims" p73; and Wilson, G., (1990), has concluded it was impossible to measure p34, in Moloney, K., (1996)

<sup>16</sup> Berry, J., (1989a), p162

maze.”<sup>17</sup> There is no obvious way to isolate and measure adequately the causality of the activities and advice of lobbyists on policy outcomes: this task is made more difficult in larger campaigns which have more variables.<sup>18</sup> Berry says “any attempt at evaluation, however, is limited by the methodological difficulties to be encountered in trying to operationalize the concept of influence. The problems of distinguishing the influence of interest groups upon policy makers, as distinct from other influences such as the press, general public opinion, and other political elites, remain rather substantial.”<sup>19</sup>

- ii. Correlation does not prove causation.<sup>20</sup> A statistical relationship may exist between lobbying and policy because unobserved or omitted variables may determine the outcome.<sup>21</sup> Salisbury has argued “it is exceedingly difficult to identify when influence has occurred and when there is really only a parallelism of purpose and action between the lobbyist and government official.”<sup>22</sup> Berry comments “the crux of the issue, therefore, is actually ‘proving’ that the interest group *caused* government officials to change their behavior in some manner. How is one actually to know that it was an interest group that caused an observed change in behavior on the part of a governmental policy maker?”<sup>23</sup> Similarly, Grant says “there is never a tangible end-product which can be attributed to the efforts of the lobbyist; if the campaign is successful, it may have nothing to do with the lobbyist’s efforts.”<sup>24</sup>
- iii. Assumptions and assertions about the effect of lobbying are flawed because studies have been unable to establish convincing counterfactuals (ie what effect an organisation would have on policy if lobbyists’ activities were not performed). The qualitative studies, which consist of anecdotes and interviews, and quantitative

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<sup>17</sup> Berry, J., (1977), p271

<sup>18</sup> Johnson attempts to measure the effectiveness of various independent variables (concentrating on Political Action Committee contributions) on Congressional voting patterns by using a simultaneous equation model. She reaches few firm conclusions, but says PACs are “minimally successful in influencing... voting patterns.” In Johnson, L., (1985)

<sup>19</sup> Berry, J., (1977), p285.

<sup>20</sup> Grantham, C., (1989)

<sup>21</sup> Chappell, H., (1981)

<sup>22</sup> Salisbury, R., (1975), p207

<sup>23</sup> Berry, J., (1977), p274

<sup>24</sup> Grant, W., (1995), p75

correlation studies, arguably fail to prove a link between lobbying activity and policy outcome.<sup>25</sup> However, establishing a counterfactual is impossible.

- iv. Self-reports on influence by lobbyists are, by their very nature unreliable, but have been used in US studies.<sup>26</sup> Lobbyists probably exaggerate their impact. There is an element of 'Emperor's clothes' to the work of consultants.<sup>27</sup> They view a successful outcome as testimony to their effectiveness even though that outcome may have been the consequence of contextual factors.<sup>28</sup>
- v. "[R]eliable conclusions about the true influence of one political actor over another requires knowledge of the initial sincere preferences of both actors uncontaminated by considerations of anticipated reactions which may influence what one actually tries to achieve."<sup>29</sup> Actual influence may be less than potential influence because of a deficiency in consciousness.<sup>30</sup> Similarly policy-makers may be unwilling to admit they have been swayed by lobbyists. Civil servants are unlikely to acknowledge the true impact of lobbyists, though it may be "not so much a case of officials wanting to hide something as it is the selective perception that leads them to believe that their decisions were based on other factors."<sup>31</sup> Officials are unlikely to admit to having been influenced by 'pressure'.
- vi. Policy-making is often hidden and transient. Much lobbying is specific and short-lived in duration; or "like the dog that Sherlock Holmes realized had not barked in the night, effective representation may entail doing nothing."<sup>32</sup> Much of what lobbyists do is not on public record. Client lists have only recently been made public by the voluntary APPC. It is also difficult to uncover the government's true intention. "Sometimes government may toughen up a Green Paper or a White Paper so that it has something to give away to

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<sup>25</sup> Smith, R., (1995)

<sup>26</sup> Schattschneider noted that interest-groups and lobbyists sought to exaggerate their importance.

Schattschneider, E., (1935a), p225. Heinz et al were aware of the risks of inflation in self-reports of success but stated confidently "there does not appear too much bias of that kind in these kind of data." Heinz, J., et al (1993), p346

<sup>27</sup> Although lobbying companies are sophisticated and professional there is rarely a tangible end product attributable to their actions, see Grant, W., (1995)

<sup>28</sup> Berry, J., (1989a) p163

<sup>29</sup> Evans, D., (1996), p291

<sup>30</sup> Dahl, R., (1991)

<sup>31</sup> Berry, J., (1977), p274

<sup>32</sup> Salisbury, R., (1984), p71

pressure groups at a later stage without compromising its core position.”<sup>33</sup> Lobbyists may appear to have been effective, but the concession may have been an inexpensive loss-leader for government. The government keeps intact its over-riding objectives.

- vii. The scale of the change and the importance of an issue to an interest-group make judging effectiveness problematic. Grant asks “how does one compare a substantial impact on a policy which is basically unfavourable to a group with some small adjustments to a policy which is more in line with a group’s thinking.”<sup>34</sup> With this point in mind, it would be inaccurate to treat the policy outcome as a dichotomous variable.<sup>35</sup> To judge success on whether or not a policy changed or a vote was won would misrepresent the lobbying process.<sup>36</sup> The winner-loser dichotomy is also misleading. The policy process is not a simple game.
- viii. It can be difficult to separate the closely entwined functions of different professionals who will have a similar brief from the client firm. Some interest-groups employ more than one lobbying consultancy.<sup>37</sup> On take-over battles, for example, participating companies hire lawyers, merchant bankers, accountants, financial public-relations consultants as well as lobbyists. Outcomes are usually an amalgam of various factors. It is also difficult to distinguish between where monitoring or contact-building ends and where ‘lobbying’ begins [see pages 16-18]. Precise assessment is difficult because some clients, having no discernible policy goal, require only profile-raising. The objectives of clients often differ too.<sup>38</sup> Some will want to change law or regulations, whilst others want less tangible services such as contact-building. Clients also often have multiple objectives.
- ix. Effectiveness or success is a function of expectation.<sup>39</sup> The political consultant may persuade the client to scale-down its objectives so

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<sup>33</sup> Grant, W., (1995), p129

<sup>34</sup> Grant, W., (1995), p129

<sup>35</sup> Studies using probit analyses treat policy outcome as a dichotomous variable assigning 1 to successful and 0 to unsuccessful. For example Evans, D., (1996) and Wiggins, C., Hamm, K., and Bell, C., (1992)

<sup>36</sup> Baumgartner, F., and Leech, B., (1998), p135

<sup>37</sup> British Gas hired many of the leading consultancies to lobby for the liberalisation of the gas market. Its rationale was to prevent competitors from hiring the highest calibre advisers.

<sup>38</sup> Grant, W., (1995)

<sup>39</sup> Heinz, J., et al (1993), p352



they become a 'placebo'. In the end what the client 'wants' may be so limited and unnecessary as not to be worthwhile. But, by achieving those circumscribed goals, the client perceives the lobbyist effective. Otherwise, a compromise with government may be forced. Whilst falling short of the client's ultimate objective, the compromise may be favourable to the client.

In essence "there is no clear methodology which can enable a clear assessment of group effectiveness. One has to look at policy outcomes... and then try to assess how far those policies have been influenced by [one group] as distinct from other actors. It is possible to fall back on perceptions of effectiveness, but if a group is perceived to be effective, this may itself be a cause of effectiveness rather than a way of measuring the dependent variable."<sup>40</sup>

The principal problem when assessing "the effectiveness of the lobbying techniques used, whether by organisations or their consultants, is that it is impossible to tell whether the tactics adopted make any difference."<sup>41</sup> Customers often find it difficult to show any definite benefit from their services. "Given the difficulty that political scientists have in measuring influence, it could be expected that there are no standards or criteria for effectiveness accepted by the lobbyists themselves."<sup>42</sup> Therefore the judgment has to be subjective.

As such, the interview material used in this thesis, and the subsequent conclusions, are based on actors' perceptions of influence not *actual* influence. However, "if groups act on this perceived reality then the perception is just as important as an objective assessment."<sup>43</sup> Whilst it may be impossible to be precise about the effects of actions, we may draw general conclusions about the attributes which might help towards effectiveness. Given the pitfalls, the best one can offer is generalisations and illustrations drawn from a period of participant-observation.<sup>44</sup> Whilst the effects of lobbyists' actions may, strictly speaking, be unmeasurable interviewing relevant actors and obtaining

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<sup>40</sup> Grant, W., (1995), p152

<sup>41</sup> Miller, C., (1991), p63

<sup>42</sup> Berry, J., (1977), p274.

<sup>43</sup> Furlong, S., (1997), p341

<sup>44</sup> Richardson, J., and Jordan, G., (1979)

their subjective assessment is the most appropriate means of judging effectiveness.

## Measuring Effectiveness

Several attempts to assess effectiveness have included surveys of MPs by polling companies, client surveys and attempts to establish a causal link between lobbying and legislative votes.

The trade association sector has undertaken research to improve its political effectiveness. The DTI Secretary of State, Michael Heseltine, attacked the complacency of trade associations that “believe they are effective, when it is all too brutally clear they are not.”<sup>45</sup> In 1996 DTI, launching a Trade Association Initiative, published a best-practice guide and funded a study into effectiveness.<sup>46</sup>

To be effective a trade association should externally: represent the whole industry; be aware of changing policy; form coalitions; maintain contact with key officials and politicians; respond to formal consultation; be regarded as credible by decision-makers; maintain an active media-relations programme; maintain contact with academics, think tanks and other opinion formers. To be effective it is necessary internally to have resources; provide quality services; satisfy members and clients; have a long-term strategy; and have a high-calibre secretariat and management team.

In a survey in 1996 MPs were asked their impression of the “overall effectiveness of various lobby consultancies in *providing advice* to their clients.” For about 60% of companies the majority of MPs felt unable to express an opinion. In those 40% of leading companies where the majority of MPs did express an opinion 53% of MPs felt the consultancies in general were ‘very’ or ‘quite effective’.<sup>47</sup> The survey did not ask MPs if they felt lobbying consultancies were effective in helping their clients meet their objectives. A further reason for viewing these data with scepticism is that one can argue MPs rated firms effective if they

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<sup>45</sup> Michael Heseltine cited in Boléat, M., (1996), p136

<sup>46</sup> Compass Partnership, (1996)

<sup>47</sup> Harris Research Centre, (1996)

'liked' them – so the firms rated most effective may be those run by the most amiable people.

Some consultancies, for example Shandwick Consultants, employ polling agencies to survey their clients to see whether they believe they are obtaining an effective service. Other methods of self-assessment are used. Shandwick argue if press coverage shifts from describing an outcome from 'being possible' to 'being probable' it might be considered successful repositioning. Similarly, "positive mentions... in the House of Commons could be another measure of success."<sup>48</sup>

However, these assessment criteria are dubious. Press comment is often imprecise, especially on mergers and take-overs. Second, unless the *raison d'être* of the client is to be mentioned in Hansard then this measure is futile. For example, Hansard references are irrelevant to a manufacturing company with a solid customer base; whilst to a public utility company avoiding negative parliamentary comment may be crucial to prevent local newspapers running with hostile stories.

Grant Butler Coomber, a London public affairs consultancy specialising in technology policy, leads the assessment of performance and effectiveness. Between five and ten per cent of its fees are set aside for the measurement of effectiveness. The measurement of performance has been client-driven. GBC's business philosophy is to seek to prove to clients that they receive a clear return on investment. GBC charges clients according to whether targets, which are set and agreed to in advance by the client and consultancy, have been achieved. Assessment is undertaken by focus groups, surveys and interviews.

Further efforts to improve lobbying effectiveness draw on American management consultancy techniques.<sup>49</sup> Advocates of benchmarking argue effectiveness demands lobbyists quantify and qualify their goals.<sup>50</sup> Benchmarking concentrates on internal process not external independent variables, though it may improve an organisation's ability to react to external shocks. Miller suggests those who deal with

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<sup>48</sup> *CrossRail Contract – A proposal submitted by Shandwick Consultants Ltd*, London, December 1994

<sup>49</sup> Benchmarking has become increasingly fashionable in public affairs in the 1990s. There has been a spate of articles in public affairs journals, see *ImPACT* published by the American Public Affairs Council; *Public Affairs*, published by the Public Affairs Association of Canada; *Communication World* published by the International Association of Business Communication; *Corporate Public Affairs* published by the Australian Centre for Public Affairs; and the *Public Affairs Newsletter* in the UK.

<sup>50</sup> Fleisher, C., (1995), p20

government “should be regarded not as an overhead but as a profit centre.”<sup>51</sup> However, it is often difficult for lobbyists to link their activities to those issues deemed most important by their clients’ senior officers.<sup>52</sup>

Benchmarking involves comparing the actions of one organisation to a high-performing neighbour. It encourages quantum rather than incremental learning. Benchmarking forces a lobbyist to define a client’s objective and requirements and set achievable goals. Its principal utility is as a check against complacency built on past successes.

Other tools that are used to measure or improve effectiveness are quantification (applies a monetary value to lobbying – i.e. the value of legislation adopted or defeated); client surveys; broader opinion-former surveys; process maps (diagrams that identify unnecessary steps in procedures); and measuring results against objectives.<sup>53</sup>

## How to Judge Effectiveness

Given all the difficulties in measuring the influence of lobbyists, the design presented here cannot resolve all the aforementioned problems. The best it can hope for is to suggest options to mitigate some of the pitfalls.

Analysing the direct observable attempts by lobbyists and their clients to influence policy is sensible. Whiteley and Winyard argue the most appropriate way to assess effectiveness is to interview policy-makers and other actors to obtain their perceptions.<sup>54</sup> Different respondents see the process from different perspectives and have different conceptions of ‘effectiveness’. Therefore, it is important to gain the perceptions of as many players from as many angles as possible, lobbyists, their clients, their opponents, the administrative and political executive and legislators to obtain some form of balance.

This thesis examines policy outcomes. Its methodology looks backwards from the outcome to examine the inputs of various actors and the impact of contextual variables. Policy outcomes, not lobbyists, will be the focus of analysis. It uses self-reports of lobbying activity by lobbyists

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<sup>51</sup> Miller, C., (1997)

<sup>52</sup> Fleisher, C., (1997)

<sup>53</sup> Hawkinson, B., (1997)

<sup>54</sup> Whiteley, P., and Winyard, S., (1987) in Grant, W., (1995), p129

to assess their own perceptions, but will limit the risks inherent in such a methodology by interviewing lobbying opponents and other key actors. A shift of emphasis allows the question to be broadened to include other factors that impact on policy. A question asking what circumstances allow for effectiveness enables the research to pay closer attention to the independent variables.<sup>55</sup>

In examining effectiveness the thesis identifies the key decision-points in the policy-making process. It investigates what lobbyists did, what they wrote and said to whom and when, whether lobbyists influenced a decision or helped create an environment in which the decision could be made.

The study must clarify the objectives of the client to establish whether or not its aims were achieved. Researchers should interview clients to discover what strategy the lobbyist advised (which the client had not envisaged). The study distinguishes between the publicly-expressed objectives and the private objectives of the client, and assesses whether the lobbyist down-graded the initial objectives. Only once this framework is clear is it possible to judge what influence lobbyists had. The thesis measures effectiveness by how successfully lobbyists meet their clients' targets. The salient task is to judge what effect lobbyists' techniques or services had on achieving the goals of the client whilst accounting for external factors.

*Therefore, this thesis assumes lobbyists to have been effective if they have had some effect on a policy outcome that can be traced to their input into the policy process whilst controlling for external factors.*

Effectiveness depends on a combination of factors, which can be split in two – factors beyond the control of the lobbyist and factors within his control. Measuring effectiveness can realistically be undertaken only in the context of those factors within the lobbyist's control.

However, as the diagram overleaf shows, all the internal variables may be operating efficiently, but they may have little impact on policy because of the intervention of external variables. So, assessment of effectiveness will need to be subtle. On occasions, the failure to achieve

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<sup>55</sup> Such as the ideology of state actors and government institutions, economic constraints, electoral politics, prior policies or the constraints imposed by supra-national treaties.

a desired policy outcome might not mean the lobbying was ineffective. It may at times be important to disentangle effectiveness from the policy outcome and activity of the lobbyist. Survival may often be the key to success. "The outcome of any particular issue will be less important than that the group lives to fight again. Given the surrounding circumstances, therefore, success might be defined in any number of ways. It will not necessarily mean that the group 'won'."<sup>56</sup>

Lobbyists can set an objective, run an effective campaign, fail to achieve that objective, but achieve an acceptable subsidiary outcome such as inducing decision-makers to think again about an issue. Even if the policy outcome was not the one desired, it may be possible to conclude the lobbyist performed effectively if the contextual variables were hostile and obstructive.

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<sup>56</sup> Heinz, J., et al (1993), p351

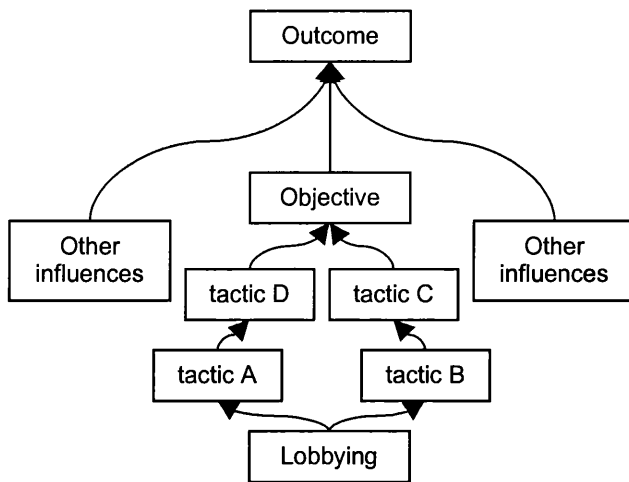


Figure no: 2.1 – Determinants of policy outcome

It is possible to assess effectiveness at steps along a campaign as well as assessing the impact of lobbying on the outcome, as is shown diagrammatically above.

## Variables influencing Effectiveness

Lobbyists can be effective, but their influence has limits. With sensitivity to context acknowledged as an essential requirement to studying effectiveness, this chapter examines the existing literature and draws out the external variables and the internal variables that act as determinants of effectiveness.

## External Variables

### 1 Sensitivity to Context

Interests are shaped by context – social, economic and governmental.<sup>57</sup> An important gap in group literature is the lack of attention to contextual factors like economic growth, government subsidy and political conflict.<sup>58</sup> A broad range of factors affects decisions.<sup>59</sup> External factors and government officials are significant contextual

<sup>57</sup> Salisbury, R., (1984); Walker, J., (1991); Gray, V., and Lowery, D., (1996b) in Baumgartner, F., and Leech, B., (1998), p7

<sup>58</sup> Baumgartner, F., and Leech, B., (1998), p12

<sup>59</sup> McFarland, A., (1987)

variables.<sup>60</sup> Heinz et al conclude that whilst “Groups and their representatives are often influential... so are other actors including government officials, academicians [sic], and journalists.”<sup>61</sup>

Political science has suffered because effectiveness and influence have been portrayed as a game that produces winners and losers. Salisbury suggests the process is continuous and there is no clear resolution, and recommends closer attention to context.<sup>62</sup> Some academics have advocated a population-ecology perspective that places emphasis on the environmental, social and political factors rather than on internal factors.<sup>63</sup> Biologists would not explain the population and behaviour of an animal species “without taking into consideration environmental factors such as the amount of food available, the climate or the presence of competitors.”<sup>64</sup>

Researchers must seek to demonstrate the effectiveness of a lobbyist when controlling for rival factors that may have influenced the decision. The conventional approach is to “estimate a baseline of expected behaviors using a set of measured variables such as ideological predisposition, direct interest, committee assignments, and party, then to ascribe any deviation in voting patterns to whatever lobbying activities might have been measured.”<sup>65</sup> However, attempts to measure effectiveness depend on all the other influential variables having been identified – to try to do so would be based on the “chimeral promise of measuring the unmeasurable.”<sup>66</sup>

It is necessary to pay attention to the exogenous variables that could provide other explanations for a similar policy outcome. Exogenous forces may affect a community by opening or closing a ‘policy window’ of opportunity. The ability of lobbyists to exploit a policy window depends on the willingness of government officials to modify their behaviour. Because to a large extent policy outcomes depend on exogenously-

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<sup>60</sup> Gray, V., and Lowery, D., (1996a and b). It has also been shown that contextual factors affect decisions to join groups. See Baumgartner, F., and Leech, B., (1998), p79

<sup>61</sup> Heinz, J., et al (1993), p57

<sup>62</sup> Salisbury, R., (1984) in Baumgartner, F., and Leech, B., (1998), p14

<sup>63</sup> Gray, V., and Lowery, D., (1993a, 1993b, 1994, 1995, 1996b); Walker, J., (1991)

<sup>64</sup> Baumgartner, F., and Leech, B., (1998), p104

<sup>65</sup> *ibid*, p36-37

<sup>66</sup> *ibid*, p37



determined factors rather than the explicit behaviour of actors, successful lobbying is dependent upon contextual variables.<sup>67</sup>

Some commentators recognise the importance of evaluating the activity of lobbyists in a wider political context. Eckstein notes the pattern of policy is an important determinant of effectiveness because "it is one of the situational elements which selects among the objective attributes of the group those which are of special account."<sup>68</sup> In discussing the problems of studying lobbying Baumgartner and Leech quote various scholars:<sup>69</sup>

The fact that scholars have tended to debate how important lobbying is might not be because one person is right and another is wrong but, rather, that *influence is conditional*...<sup>70</sup>

The most important point, however is that so much of the variance in success is not explained by these analyses. This suggests that the determinants of success are usually situation specific... on much more particular factors that vary from issue to issue.<sup>71</sup>

The kinds of issues that become salient, how they are defined in policy debates, and the different institutional arrangements for making policy choices all have a powerful impact on group fortunes.<sup>72</sup>

Macro-political events and high political actors influence effectiveness.<sup>73</sup> Berry recognises that "[r]egardless of how hard lobbyists work, policy outcomes will often be determined by factors out of their control."<sup>74</sup> These external variables are the cause of the discrepancy in effectiveness studies. Issues of effectiveness can be explained only in the context of policy issues.

## 2 Profile of the Case

An important contextual variable is the salience or profile of an issue. The type of issue will usually determine its profile and the campaign style, although the profile of some issues can be raised by campaign techniques. A technical issue can be made high-profile by lobbyists.

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<sup>67</sup> Kingdon, J., (1995)

<sup>68</sup> Eckstein, H., (1960), p36-38

<sup>69</sup> Baumgartner, F., and Leech, B., (1996c), p25

<sup>70</sup> Rothenberg, L., (1992), p254

<sup>71</sup> Heinz, J., et al (1993) p351

<sup>72</sup> Mucciaroni, G., (1995), p26

<sup>73</sup> McFarland, A., (1991)

<sup>74</sup> Berry, J., (1989a), p81

Lobbyists maybe more effective if the issue they are concerned with is low-profile, non-political and technical. Jordan recognises “the less open the lobbying the less complaints there will be.”<sup>75</sup> Baumgartner and Leech argue “Focusing only on those cases with little or no public controversy is incomplete and can be misleading, just as would be a focus on highly salient issues.”<sup>76</sup> This thesis examines four issues at different levels of salience.

The lower the profile the less likely government is to have a fixed view. Lobbyists dealing with low-profile non-controversial issues are likely to deal with the bureaucracy whilst those dealing with controversial issues concentrate on the legislature.<sup>77</sup> The task of lobbyists is more difficult on high-profile issues.<sup>78</sup> The more important the issue, the more likely both sides of the argument will mobilise, which may cancel one another out.

The higher the profile, the broader the issue network and players begin to lose control. Government can lose control. Lobbyists lose control too. The presence of more groups complicates issues and presents a wider range of choices. The more players in the game, the more restricted lobbyists’ effectiveness.<sup>79</sup> Lobbyists have to work harder on higher-profile issues. It is also more difficult for commentators to establish a causal link in high-profile issues because there are more variables.

### 3 Quality of the Case

Arguably the most effective technique has remained unchanged: a well-founded case that pre-empts all counter arguments.<sup>80</sup> Miller suggests in an average decision the merit of the case accounts for 70% of influence factors.<sup>81</sup> The case must be accurate, reasonable and politically attractive. Miller’s assertion could imply an over-confident assumption that there are both objective criteria of evidence and of policy

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<sup>75</sup> See Jordan, G., (1991b), p182

<sup>76</sup> Baumgartner, F., and Leech, B., (1998), p40

<sup>77</sup> Bacheller, J., (1977)

<sup>78</sup> Grantham, C., (1989), p514

<sup>79</sup> Smith, M., (1993), ch. 9

<sup>80</sup> Miller, C., (1988)

<sup>81</sup> Miller, C., (1997). Political concerns account for 15%, pressure 5%, big battalions 15%, media 10% and the courts 1%.

choice, and that all fully informed and intelligent people would agree with one another once all the facts were available. In fact Lord Tebbit has argued that whilst it may be necessary to have a strong case, it is not necessarily sufficient.<sup>82</sup> One person's well-founded argument is another's dogmatic nonsense. The ideological, doctrinal, or policy culture may be receptive to some arguments and not to others. The quality of the case cannot be divorced from political circumstances.

Lobbyists can mould the case put to decision-makers. They can emphasise themes that connect with politicians. Briefs sent to Whitehall policy officials need to be well-researched. If there are evidently negative consequences the civil service would prefer lobbyists to state them openly. Lobbyists should anticipate arguments and deal with them: "do not try to sweep inconvenient information under the carpet: assume that officials will find out, so get your rebuttal in before they draw the wrong conclusion."<sup>83</sup>

Whilst some groups are treated seriously and acted upon, others will be 'politely received, but mainly ignored'. When a minister, Joel Barnett found it difficult to treat representations seriously when they made an unbalanced case.<sup>84</sup> So, how the case is presented, as well as its objective merits, is important. Baumgartner and Jones propose that effectiveness depends on whether the client's objectives destabilise or reinforce the existing policy communities and whether the issue is on or off the political agenda.<sup>85</sup> The decision to lobby will depend on perceptions of the chances of success.<sup>86</sup> Miller says lobbyists should ask themselves "is this a 'yes-able' proposition; and if not, can we make it so?"<sup>87</sup>

## 4 Government

Democratic government is a key explanatory variable in its own right. Lobbyists tend to be effective only if their client's case is in line with government thinking. Government can ignore a lobbyist if contextual

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<sup>82</sup> Norman Tebbit, *The House Magazine*, 29 November 1985

<sup>83</sup> Miller, C., (1997), p14

<sup>84</sup> Barnett, J., (1982)

<sup>85</sup> Baumgartner, F., and Jones, B., (1993)

<sup>86</sup> Baumgartner, F., and Leech, B., (1998), p140

<sup>87</sup> Miller, C., (1997), p10

factors are hostile. Similarly the strength of politicians or officials affects policy actors.<sup>88</sup>

To leading practitioners the autonomy of government is central. Government officials do not see themselves as a part of a wider audience – they are part of a self-contained system with its own rules and sensitivities. Miller says:<sup>89</sup>

- the cart rarely pushes the horse: the system expects you to know which institution to deal with and who to approach
- the system is the boss: it hates people who crow about their successes... it checks everything and suspects all arguments / views from outside the system
- politicians want themselves and their institutions to be appreciated and respected
- the system is more important than those on whose behalf it is run (it decides what it wants to do and then asks us if it is ok)
- the system's daily / weekly / annual rhythm will not change for you. It expects you to work within the timetables for MPs, assembling EU Presidency priorities and bids for UK legislative slots
- lobbying should be focused because the system has limited patience. Unnecessary contact is disadvantageous

Not only can a change of parties in government influence effectiveness, but also changes in personalities at the top of parties. There were substantial differences in the way the Heath and Thatcher governments approached some interest-groups.<sup>90</sup> Wilson surmises "circumstances change, and as circumstances change, interests find it necessary to form groups or to adopt different tactics. An interest protected by a favourable ideological climate may not find that it is so protected for ever."<sup>91</sup> Ministers matter. Government actors have autonomy. These factors have unintended effects that can benefit or injure the client.

Lobbyists' effectiveness can be determined by government structure.<sup>92</sup> Eckstein notes three factors. First, whether power is

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<sup>88</sup> Hall, R., and Wayman, F., (1990); Hall, R., (1996)

<sup>89</sup> Miller, C., (1997), p7

<sup>90</sup> Grant, W., (1995), p145. Aaron Wildavsky's book on the American budgetary process notes the House Appropriation Committee was governed by a Treasury norm. However, an influx of Liberal Democrats rejected the existing norms and changed the character of the institution. See Wildavsky, A., (1964), pp47-62

<sup>91</sup> Wilson, G., (1981), p13

<sup>92</sup> Eckstein, H., (1960), p36-38

concentrated or dispersed. Where power is widely dispersed groups are given multiple entrées into the system. Second, effectiveness may depend on the electoral system. For clients the ability to mobilise sheer weight of numbers is more important under PR, whereas breadth of support is important under the plurality model. Third, the administrative structure may be a determinant of effectiveness: "Administrative systems are not merely tools for executing policy, but are themselves structures of power; they influence (often make) policy, and within them different departments carry different degrees of weight depending on the political position of their heads, the broadness and significance of their functions and their traditions."<sup>93</sup>

Another important contextual factor is government officials' concept of the public-interest. Because the public-interest is not codified it is a nebulous and indistinct notion.<sup>94</sup> A working definition often used by officials is that policy is in the public-interest if it is likely to be approved by parliament. However, most officials tend to balance the client/consumer interest against supplier/producer interests. Officials will subject submissions to a range of questions: Can the ideas work? What is wrong with their case? Is the case in line with government policy? Will government look negligent if it ignores the submission? Is the case built on sound data? Where did the data come from? Will their case be attacked by other lobbies? Have they acknowledged the weaknesses in their own case?<sup>95</sup>

## 5 Scope of Change

Effectiveness depends on the scope of change. Jordan suggests lobbyists are more likely to be effective if they are attempting to change existing legislation. He has termed this factor the 'piggy-back' approach.<sup>96</sup> He notes a campaign will be more effective if influencing an existing Bill rather than attempting to raise new interest. However it is

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<sup>93</sup> Eckstein, H., (1960), p36-38

<sup>94</sup> Eckstein said "I for one have no idea how to determine an objective general interest." He suggests three questions deal with the question. Does the policy adopted seem to be what most people want? Would the policy have been more effective if the lobbyists and interest groups had been less effective and less involved? Does a policy, because of special interest pressure, withdraw too large a share from total national wealth relative to other services? (Has the group encroached unduly on the generalisable resources of society?)

Eckstein, H., (1960), p160

<sup>95</sup> Miller, C., (1997)

<sup>96</sup> Jordan, G., (1991a)

unclear if Jordan is correct, and it may often be easier to introduce change before issues become legislation.

Many issues are delegated to civil servants thereby allowing politicians to avoid choosing between conflicting interests.<sup>97</sup> Lowi recognised the importance of the scope of change by noting the difference between substantive legislation and legislative evasion (decisions made by administrators).<sup>98</sup> Lobbyists tend to be more effective on policy developed by administrators. Hayes argues the scope of policy change – whether it is discretionary policy (symbolic and structural) or explicit policy (material and allocative) influences the effect of lobbyists.<sup>99</sup>

## 6 Type of Change

The type of policy change required may determine the effectiveness of the lobby. Issues may be at the margins of the legislation, but central to the client's concerns. Minor changes to legislation are more likely to be effective than objections to manifesto commitments – for example the Utilities' opposition to Labour's windfall tax.<sup>100</sup> BAA was initially included in the tax – its strategy was not to oppose the tax, but to seek to prove to government that BAA did not fit its own criteria, leading to BAA being taxed less than other utilities.

Hayes draws on the typology of Salisbury and Heinz to distinguish between structural and allocative policy.<sup>101</sup> Structural policy changes establish rules for future allocation. Allocative policy confers direct material or symbolic benefits. Clients of lobbyists may seek to obtain tangible benefits rather than just changing the rules. It is possible that the nature of a policy change – allocative or structural – may affect the likelihood of success.

## 7 Extent of Lobbying

There might be an occasion when organisational lobbying is diluted through over-use.<sup>102</sup> As a consequence of the growth of public

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<sup>97</sup> Hayes, M., (1978), p144

<sup>98</sup> See Lowi, T., (1969, 1971)

<sup>99</sup> Hayes, M., (1978)

<sup>100</sup> Jordan, G., (1991a)

<sup>101</sup> Hayes, M., (1978)

<sup>102</sup> Miller, C., (1991)

relations in the 1970s professional lobbying became synonymous with its intellectually inferior neighbour. Miller suggests business has concentrated too much on providing information rather than building a well-constructed case, warning it is mistaken to equate power of delivery with the strength of the argument.

Too much lobbying can be ineffective. Lobbyists should do less, but do it better by concentrating on fewer activities with greater care.<sup>103</sup> It has been argued that the British Airways parliamentary lobby was so big that decision-makers expected it and discounted accordingly.<sup>104</sup>

There may be occasions where different lobbyists work for different clients within the same sector, for example telecommunications. The agendas of the various lobbyists may not be in direct competition, but a degree of overlap would reflect the different competitive pressures and may lead to decision-makers receiving confused signals from a sector. A policy area lobbied from all sides by lobbyists may create more freedom for the politician or official to act.

The presence or absence of active opposition is significant.<sup>105</sup> Opposition may be more important than a range of broad supportive and co-operative interests. Interest-groups and lobbyists will be more effective if opposition is absent.<sup>106</sup> Lack of opposition means the demand pattern is consensual. Opponents shift the demand pattern so it becomes conflictual. If the issue is conflictual, groups may still be effective but their influence is harder to recognise.

## 8 Public Opinion

The electoral consequence of policy is an important factor for politicians. Effectiveness can depend on “the ‘attractiveness’ of the client group in terms of its electoral influence and the degree to which it was seen as deserving.”<sup>107</sup> Ainsworth’s model states that lobbyists provide politicians with intelligence about constituent preferences; “the lobbyist signals electoral salience.”<sup>108</sup> Though lobbyists may seek to campaign to

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<sup>103</sup> Miller, C., (1997)

<sup>104</sup> Miller, C., (1991), p59

<sup>105</sup> Salisbury, R., and Heinz, J., (1970)

<sup>106</sup> Hayes, M., (1978)

<sup>107</sup> Grant, W., (1995), p131

<sup>108</sup> Ainsworth, S., (1993), p41

change public opinion, they are more likely to be effective if public opinion is already favourable. Public opinion depends on how the client's case chimes with cultural values and emotions.<sup>109</sup>

Six relationships between public opinion and the objectives of interest-groups have been listed by Rose.<sup>110</sup> They are:

- Harmony between pressure group demands and general cultural norms
- A gradual increase in the acceptability of political values supporting pressure group demands
- Bargaining with fluctuating support from cultural norms
- Advocacy in the face of cultural indifference
- Advocacy in opposition to long-term cultural trends
- Conflict between cultural values and pressure group goals.

Public opinion is an important contextual variable that can either help or hinder a lobbyist. If the structure of the issue at hand allows it, lobbyists tend to be more effective if they can keep the issue out of the public domain and deal with it in the confines of Whitehall.

## 9 Economic Circumstances

Economic factors affect the likelihood of success. Grant notes “[a]gainst a background of continued pressure on public expenditure, demands for increases in service provision – or other changes in policy requiring more expenditure – are unlikely to be met.”<sup>111</sup>

## Internal Variables

Several academics have examined the influence of internal variables and techniques.<sup>112</sup> Although they used different methods most of their findings have proved cogent. One American author, Jeffrey Berry, lists five internal factors that can impact on a lobbyist's effectiveness; credibility, quality research, retaining friends, compromise and dependency.<sup>113</sup> Grant, suggests the following internal factors

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<sup>109</sup> Rose, R., (1974), p253 in Grant, W., (1995), p143

<sup>110</sup> Rose, R., (1974), p254-55

<sup>111</sup> Grant, W., (1995), p147

<sup>112</sup> Grant, W., (1995); Berry, J., (1977); Walker, J., (1983, 1991); Schlozman, K., and Tierney, J., (1984, 1986)

<sup>113</sup> Berry, J., (1989a), pp81-85



influence effectiveness: internal organisational structure, marketing skills, membership mobilisation capacity, financial and staff resources, sanctioning capacity and choice of strategy.<sup>114</sup>

In some occasions the “capacity of lobbyists to shape policy [can] be explained by their particular characteristics.”<sup>115</sup> Although Heinz et al found evidence of influence of a ‘general sort’ they were largely unable to explain self-reports of policy success and concluded that success on particular events was not well explained by individual characteristics. The organisation type, career path, and political ideology and activism did not explain success; although a long-term track record and contacts improve reputation, but it is unclear which comes first.<sup>116</sup> It proved possible to identify effective lobbyists, but “the characteristics of these elites, and the occasions on which their influence is effective, vary by domain, by issue and by historical period” – in other words external variables.<sup>117</sup>

## 1 Credibility

Lobbyists need to be credible. The analogy of a village community is applied as easily to Capitol Hill as to Whitehall. Reputation is important because a lobbyist’s task is to convince decision-makers of another party’s case. Effective lobbyists tend not to lie or mislead politicians.

The emergence of a professional status along with the requisite snobbery was charted by Jordan and Moloney. They attempt to debunk the myth that lobbyists can be effective only if they have experience of working in the system and conclude effective lobbying is something that can be learnt.<sup>118</sup> Whilst experience is important the most important attribute is credibility.

Credibility is principally a function of other attributes – knowledge, insider status and honesty. Lobbyists should cultivate a relationship of trust with decision-makers. Miller terms this relationship, the ‘call back factor’ (based on credibility and amiability) – the ability of a lobbyist to

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<sup>114</sup> Grant, W., (1995), pp130-143

<sup>115</sup> Heinz, J., et al (1993), p405

<sup>116</sup> *ibid*, p407

<sup>117</sup> *ibid*, p408

<sup>118</sup> Jordan, G., and Moloney, K., (1993)

have politicians or officials return his call.<sup>119</sup> Trust is essential in maintaining good professional relationships with decision-makers.<sup>120</sup>

To be perceived as honest seems to be regarded as an essential attribute.<sup>121</sup> It may be important for lobbyists to establish a consultative relationship with government departments, because some issues may be the subject of subordinate legislation. The literature suggests effective lobbyists tend not to spring surprises on government.

In addition to being trustworthy, there are other characteristics an effective lobbyist should possess. According to Milbrath they are “extrovertness, gregariousness, confidence, sincerity, enthusiasm, energy, forthrightness, thick skin, slowness to frustration and anger, patience, persistence, determination and physical attractiveness.”<sup>122</sup> Jordan and Moloney argue lobbyists manufacture an empowering and legitimising discourse to mask the private dealings with politicians and officials.<sup>123</sup>

Some lobbyists revel in their public profile and enjoy promoting what they perceive as their glory and successes. However, revelling in victory harms reputation. Lobbyists tend to be effective if they are reserved and cautious. It is incumbent on lobbyists to be discreet. Indiscreet lobbyists are ineffective because decision-makers perceive them to be exercising their influence improperly and exploiting friendships. Because the ‘system’ lobbyists operate within is founded on discretion, judicious behaviour by lobbyists is indispensable.

## 2 Available Tactics and Avoidance of Politics

Most lobbyists use a wide range of tactics. Reliance on a single strategy is uncommon. The characteristics of the issue often determine what tactics will be used, but the effective lobbyist knows which tactics to deploy from his armoury.<sup>124</sup>

If the issue is low-profile, effective lobbyists tend to target actors and institutions inside government. If the issue is high-profile, effective

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<sup>119</sup> Miller, C., (1997)

<sup>120</sup> Holbech, B., (1991)

<sup>121</sup> Cates, P., (1988)

<sup>122</sup> Milbrath, L., (1963), p141

<sup>123</sup> Jordan, G., and Moloney, K., (1993)

<sup>124</sup> It is also likely that internal variables, as well as external context, will determine what mixture of tactics (strategy) will be used. For example, tactics are likely to depend on financial, time and human resources.

lobbyists tend to target parliament, the media, the general public as well as ministers and civil servants. However, choice of tactics is also a function of internal variables.

The most effective lobbyists “may not be those that are best at a given strategy but rather those that have the greatest repertory of strategies available to them and who are most skilful at choosing the right strategy for the issue at hand.”<sup>125</sup> Tactic choice depends on a host of internal factors like human and financial resources, contacts and knowledge of procedure.

This thesis pays attention to visible and invisible tactics. Visible tactics include face-to-face meetings with policy-makers, correspondence and submissions. Invisible tactics incorporate agenda setting, ‘shadow lobbying’ and recruiting ‘parliamentary pushers’.<sup>126</sup> The process is amorphous, and “some of the most effective strategies of policymaking may involve much more general efforts at issue definition.”<sup>127</sup>

Lobbyists can be effective if they de-politicise a policy issue to avoid it being dealt with as a matter of party political principle.<sup>128</sup>

### 3 Burned Bridges

Long-term relationships are important. Lobbyists can be more effective if they maintain regular contact with decision-makers and cultivate politicians and officials over time.<sup>129</sup> Lobbyists must be non-threatening and avoid the ‘public exposure and humiliation’ techniques employed by some pressure groups.

Because lobbyists are long-term players they cannot afford to vent their anger at their failure to achieve their client’s objective.<sup>130</sup> It is also important to retain a sense of proportion. They need to keep relationships friendly. The minister or official who refuses to help on one occasion will probably be of help in the future. The effective lobbyist puts his collective clients’ interests above any one policy failure and tends to

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<sup>125</sup> Baumgartner, F., and Leech, B., (1998), p148

<sup>126</sup> Shadow lobbying describes how professional lobbyists no longer engage in direct advocacy with decision-makers, but remain in the shadows and advise their clients how to deal with politicians and officials.

<sup>127</sup> Baumgartner, F., and Leech, B., (1998), p155

<sup>128</sup> Jordan, G., (1991a), p185

<sup>129</sup> Contrary to this assertion, Heinz *et al* note the more time lobbyists spend in a policy domain and have established themselves, the more likely they were to name adversaries and enemies, in Heinz, J., et al (1993)

<sup>130</sup> Key, V., (1964)

be 'non-emotional'.<sup>131</sup> Legislators and their staff "prefer dealing with contract lobbyists, believing that the penalties for misleading information are so great as to deter the contract lobbyist from telling untruths or half truths."<sup>132</sup>

Professional lobbyists lack any sanction to punish opponents in government. Contacts would disintegrate in the face of threatening behaviour or unreliable information. Therefore lobbying tends to be persuasive rather than coercive. Effectiveness depends on the actions of others whom lobbyists cannot offend. Some public-interest lobbyists do not care much for those in the system they see as 'sinners and backsliders'.<sup>133</sup> Lobbyists are unlikely to have these moral objections because they represent others in return for a fee.

## 4 Threats and Intimidation

At times it may be necessary to sacrifice future co-operation for an immediate return. But to threaten or intimidate is especially high-risk because lobbyists are long-term players. However, there is no reason why a lobbyist cannot pursue a quiet insider strategy and a *low-profile* outsider strategy simultaneously. A lobbyist can offer a velvet-gloved hand to decision-makers, whilst holding a flick knife concealed in the other.

## 5 Compromise

Effective lobbyists tend to be able to persuade their clients of the advantage of compromise or to persuade clients to limit their objectives in the first place. Berry says "the difference between success and failure is achieving an acceptable compromise."<sup>134</sup> The effective lobbyist is constantly seeking acceptable compromises and is searching for solutions. Within the policy-game lobbyists will seek to bargain with those elements of the client's demands that are least important. The client's case can shift from being 'special interest' to 'public interest'.<sup>135</sup> They

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<sup>131</sup> Berry, J., (1989a), p83

<sup>132</sup> Wilson, G., (1991), p68

<sup>133</sup> Berry, J., (1989a), p83

<sup>134</sup> Berry, J., (1989a), p83

<sup>135</sup> Jordan, G., (1989), p186

look for 'sweeteners'. Effective lobbyists cut deals. They can judge positions because they know personalities and backgrounds of other players.

The concept of Allison's bargaining game has been extended by Jordan.<sup>136</sup> Bargaining enters discussions between lobbyists and decision-makers, when terms such as 'trade-off', 'fall-back' and 'sticking point' are used.<sup>137</sup> The concept of bargaining (log rolling etc.) seems to contradict the view that lobbyists have no ultimate sanction since to bargain both sides must have a degree of power. The literature may be skewed because groups in America are arguably in a stronger position than UK groups where the power-relationship favours government.

It is also important to take care when incorporating 'compromise' into measurements of effectiveness. As defined earlier, effectiveness is the ability of lobbyists to achieve clients' objectives. It may be easier for a lobbyist to scale-down a client's wishes than by seeking to influence government. It may be that the most intelligent (or 'effective') lobbyists encourage clients to pick 'winnable' targets as opposed to accepting the client's initial brief. So, in certain circumstances, achieving the 'client's' objectives can mean little.

## 6 Dependency

Lobbyists have greater potential to deliver clients' objectives if policy-makers depend upon them for credible information. Effective lobbyists drop the right information into the process at the right time. They build up relationships. "This familiarity in time gives lobbyists the advantage of repeated opportunities to interact with policy-makers to display their expertise."<sup>138</sup> The restructuring of the civil service means officials have less time to undertake original research and are more dependent on outside information and more open to dialogue.<sup>139</sup> It is possible that lobbyists, like professionals, possess knowledge allowing them to play a part in policy-making.<sup>140</sup>

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<sup>136</sup> Jordan, G., (1989), p193

<sup>137</sup> Smith, M., (1986)

<sup>138</sup> Berry, J., (1989a), p84

<sup>139</sup> Pryor, A., (1997)

<sup>140</sup> Parsons, W., (1996), pp153-68

Smith claims the National Consumer Council produces reports of high quality: without such experience and independence the Council's lobbying would be less effective.<sup>141</sup> "Lobbyists increase their effectiveness as they increase their knowledge of their policy area."<sup>142</sup> As civil servants move, and companies enter and leave the policy process as issues change, the lobbyist often holds a wealth of knowledge. What appears technical to others becomes routine for the lobbyist. Some lobbyists are hired to be industry-representatives and manage trade associations. Their expertise makes them valuable to those in government.

## 7 The Pre-Legislative Stage

The key to effective lobbying is monitoring. Passive monitoring of Hansard is not enough. Effective lobbyists tend to monitor actively. They obtain the views of officials about policy development and feedback on representations.<sup>143</sup> Those organisations that hire lobbyists receive advance warning of policy-thinking and are therefore advantaged. 'Potential' and less-organised groups lack this basic monitoring resource and are less effective.<sup>144</sup>

The most effective lobbying is done at the pre-legislative stage when policy is germinating in Whitehall offices.<sup>145</sup> Berry suggests "influence is achieved through continuous work in the trenches."<sup>146</sup> Miller notes "the great proportion of administrative judgements ... are made by officials" early in the legislative process.<sup>147</sup> He suggests officials become disposed against lobbyists who concentrate on parliament. By the time legislation reaches the House of Commons it has been months in drafting. Interest-groups must invest time and resources early on, otherwise the campaign is likely to be considered opportunistic or even lazy. Parliamentary fire-fighting tends to be less effective than pre-emptive lobbying.

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<sup>141</sup> Smith, Martin, (1991), p125

<sup>142</sup> Berry, J., (1989a), p83

<sup>143</sup> Miller, C., (1997)

<sup>144</sup> Baumgartner, F., and Leech, B., (1998), p97

<sup>145</sup> Jordan, G., (1991a)

<sup>146</sup> Berry, J., (1989a), p199

<sup>147</sup> Miller, C., (1987), p99

## 8 Client-Lobbyist Relationship

Effectiveness can be judged only if a client's lobbying strategy has a clear focus. Lobbyists might help secure a favourable operating environment for their client.<sup>148</sup> How the client is perceived by decision-makers is an important factor. It is important to understand whether the client takes the lobbyist's advice. If the client acts contrary to the advice of consultants, it is difficult to judge effectiveness. The brief of the client and the services required and provided are important factors to understand when examining success. The effective lobbyist is not forced by the client to react to developments, but plans in advance of the political agenda.

Effective lobbying is dependent upon the understanding and support of top executives in the client organisation. Support for the lobbyist must be consistent. Understanding of the lobbyist's strategy must be realistic.<sup>149</sup> Eckstein suggests organisational cohesiveness is important for effectiveness and is a function of other variables notably degree of client commitment.<sup>150</sup> Effective lobbying requires the involvement of key employees of the client organisation. The point Grant makes about membership mobilisation by pressure groups is relevant to lobbyists since a lobbyist must be able to mobilise his client – the actions, whilst possibly intrusive and time-consuming to the businessman, are inclined to be low-cost politically, such as attending meetings and preparing research.<sup>151</sup>

Effectiveness depends on how 'open' or honest the client can be with the lobbyist and whether the client will share with the lobbyist the construction of the case. If the lobbyist is asked simply to 'communicate' an organisation's policy the lobbyist's impact may be restrained. Researchers should be aware that much of the lobbyist's work is advisory. If lobbyists' advice is not taken commentators cannot judge effectiveness.

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<sup>148</sup> Boléat, M., (1996) p238

<sup>149</sup> Cates, P., (1988), p243

<sup>150</sup> Eckstein, H., (1960), p36-38

<sup>151</sup> Grant, W., (1995) p137-38

## 9 Timing

Timing is a factor in any political campaign. Timing a campaign or an approach effectively can be the consequence of luck. It may also be down to skill. More effective lobbying may occur in the later stages of government. Greer argues that a government's parliamentary agenda is crammed with manifesto commitments in the first 2-3 years of its life, so for big issues it is wise to wait until later in the parliament.<sup>152</sup> However, it is also possible to argue that the bigger, more controversial issues need to be grasped in the first years of a new government – the honeymoon – when government's popularity can carry issues forward.

## 10 Quid Pro Quo

'Mutual aid' implies lobbyists should be able to offer decision-makers something positive or at least neutral (certainly not negative) in return for being granted insider status. Rhodes argues "all actors in a particular policy area need one another."<sup>153</sup>

Even if a deal is not self-evident an effective lobbyist tends to recognise that government will more likely deliver policy change in exchange for concessions. Concessions may involve making a policy change more in-line with the government's conception of the public-interest.

## 11 Coalitions

More groups usually mean increased conflict.<sup>154</sup> Effective lobbyists mobilise other interests, so the messages politicians receive from their constituencies or centrally are supportive. As there is more diversity and interests active in policy-making, the potential for coalition-building increases. Lobbyists can help form connections with other organisations based on shared interests.

As technology and the nature of a competitive market ensure increased conflict within the business community, the nature of divisions and shared objectives changes constantly. For example, the changing

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<sup>152</sup> Greer, I., (1985)

<sup>153</sup> Rhodes, R., (1996b), p657

<sup>154</sup> Berry, J., (1989b)



nature of telecoms business has transformed group relations and the policy community.<sup>155</sup> Coalitions form and break-down constantly. The perceived benefits to potential coalition members may be distributed unequally, making coalition less likely.

If there is conflict within the business community there is the possibility of vicarious representation. Collective groups are often unorganised. An issue that leads to powerful actors on both sides of an issue offers collective groups the opportunity of representation by one of the active interest-groups.<sup>156</sup>

Coalitions allow lobbyists and their clients to share resources and improve effectiveness. Coalitions enhance credibility.<sup>157</sup> Grant argues to be effective interest-groups must reduce external competition. Any coalition and interest-group improves its effectiveness by constructing an internal structure that involves a variety of viewpoints in the decision-making process. The risk of tensions breaking apart a coalition or group is real and breakaways are damaging.<sup>158</sup> The coalition must take account of its members' views and be flexible to contextual factors.

If consensus proves impossible, then Miller suggests lobbyists get their retaliation in first by pre-empting the points the opposition might make.<sup>159</sup>

## 12 Contacts

The 'unique selling point' of the professional lobbyist is his access to parts of the decision-making system that an in-house lobbyist cannot reach.<sup>160</sup> Lobbyists tend to be effective if they are well connected. Contacts bring intelligence and inside information which in turn bring status and policy expertise.<sup>161</sup> Contacts facilitate access, deliver intelligence and amplify advocacy. Kooiman has suggested that no actor has the over-view necessary to dominate or be successful.<sup>162</sup> It is

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<sup>155</sup> Berry, J., (1997)

<sup>156</sup> Baumgartner, F., and Leech, B., (1998), p114

<sup>157</sup> See Berry, J., (1989a), p194

<sup>158</sup> See Grant, W., (1995), p134-136

<sup>159</sup> Miller, C., (1997)

<sup>160</sup> Wilson, G., (1991)

<sup>161</sup> See Berry, J., (1989a), p79 and 185

<sup>162</sup> Kooiman, J., (1993) cited in Rhodes, R., (1996b)

possible that the lobbyist has the best vantage-point. He can weave between the players, talk to all sides and take an objective standpoint.

Various scholars have pointed to the importance of contacts for effectiveness.<sup>163</sup> The American literature shows that contributions to politicians buy access to representatives rather than their votes.<sup>164</sup> Lobbyists could be the 'highly knowledgeable policy-watchers' that Helco wrote about.<sup>165</sup>

Though 'perceived political neutrality' can be essential to effective lobbying,<sup>166</sup> circumstantial evidence suggests ties with parties are important. Most political consultants are party-political, helping the lobbyist gain access to closed political circles and the information that circulates within them.

## 13 Procedure

Lobbyists are effective if they understand the procedures of Whitehall and parliament. Procedure is how the system ought to operate. However, knowledge of the process is as valuable: not just the formal rules, but the informal rules and understandings that govern everyday procedure. They can be as simple as an appreciation of how the working days of officials and politicians are structured. Lobbyists understand the 'language' of Whitehall. The similar characteristics displayed by civil servants and interest-group leaders (and lobbyists) is striking. They are similar in "their official personalities, modes of operation, language and perception of the policy process [...] Such skills have to be developed... if they want to be effective."<sup>167</sup>

## 14 Resources

Resources are important because they allow interest-groups to buy the goodwill of influential persons, to advertise, to hire prestigious lobbyist and buy in technical expertise.<sup>168</sup> [Resources are discussed in more detail on pages 107-109]

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<sup>163</sup> Schlozman, K., and Tierney, J., (1986); Heinz, J., et al (1993)

<sup>164</sup> Berry, J., (1997); Gopioian, D., (1984); Schlozman, K., and Tierney, J., (1986)

<sup>165</sup> Helco, H., (1978)

<sup>166</sup> Smith, Martin, (1991), p125

<sup>167</sup> Grant, W., (1995), pp138-39

<sup>168</sup> Eckstein, H., (1960), p36-38

## Conclusions

Important contextual variables have been often omitted from analyses of effectiveness. Many independent variables influence policy outcomes. The interests of government actors and the wider political, social and environmental context impact on effectiveness. Government will demand public-interest requirements. If the external factors are held constant (Eckstein leaves them out altogether, including the pressure of events and conditions, social values, political attitudes, government mandates and autonomous government departments), then it is possible to show that interest-groups (the BMA in his example) and lobbyists have an impact.<sup>169</sup> If the external environment is friendly then internal variables become important.

Internal variables, within the control of lobbyists, explain their effectiveness. The effective lobbyist understands the operating procedures and how to 'play' the 'policy game' within the pre-established rules. In the informal negotiations and bargaining process lobbyists are likely to be more effective if they monitor developments and establish contact at an early stage before ideas begin to set. Effective lobbyists tend to be able to spot and construct coalitions. The relationship with the client should be close and supportive. Long-term relationships or contacts in Whitehall or Westminster make for enhanced effectiveness. A quid pro quo is helpful, as is the ability to compromise. A range of tactics to choose from is helpful. Effective lobbyists deploy their resources in a skilful manner likely to realise their goals.

Following the unwritten rules on internal variables does not guarantee effectiveness or influence. Lobbyists are constrained, and their effectiveness is in large part determined by contextual variables. But when the context is favourable these norms enhance effectiveness.<sup>170</sup>

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<sup>169</sup> Eckstein, H., (1960), postscript

<sup>170</sup> Berry, J., (1989a), p85

# 3. Analytical Framework

This chapter builds a conceptual framework for analysing the effectiveness of lobbying. It reviews the theoretical literature and deduces eight hypotheses within the context of a multi-level framework.<sup>1</sup> It examines the macro-level, an overall view of the policy process; the meso-level, which concentrates on networks; and the micro-level, concerned with personal interactions. It discusses the hypotheses, built on the external and internal variables explored in chapter two. The chapter is structured in the following manner. At the macro level there are three hypotheses:

Level	Hypothesis	Explanatory Variable
Macro	Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues	External
Macro	Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.	External
Macro	Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.	External

The effectiveness of professional lobbyists can best be understood if their activity is set in the wider context of 'theories of the state'. Whilst there are several grand theories of the state, this thesis operates within two – pluralism and government autonomy – and develops them. It contends that pluralism and government autonomy are indistinguishable.

Effectiveness is variable, relative, and depends on context. Smith argues "when considering the decision-making process in the core executive, many causes and interactions will affect outcomes. [...] The

<sup>1</sup> Similar to the framework used in Parsons, W., (1996), p82-83

power of various actors and institutions will vary according to the policy, the context and the tactics of those involved.”<sup>2</sup> This macro-level perspective proposes that in certain arenas government agencies or actors can act autonomously. The effectiveness of the lobbyist is also constrained by external contextual factors, such as economic factors and the salience of ‘public-interest’ issues.

At the meso-level the following hypotheses are relevant:

Meso	Lobbyists tend to be effective if they can include their client in the policy community and manage their client’s activity within that network.	External / Internal
Meso	Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.	External / Internal

Following Marsh and Rhodes, at the meso-level the policy network approach is best applied.<sup>3</sup> Lobbyists can be facilitators and managers, but also actors in their own right.

Three hypotheses apply at the micro level:

Micro	Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.	Internal
Micro	Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.	Internal
Micro	Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.	Internal

At the micro-level the chapter examines Allison’s governmental politics and organisational models and Rhodes’ work on resources. Lobbyists must be aware of the dominant games being played. The effective lobbyist will know the procedures and rules of government, and how to deploy the resources of the client.

<sup>2</sup> Smith, M., (1999), p36

<sup>3</sup> Marsh, D., and Rhodes, R., (1992)

## Macro-level

### Profile, technicality and politicality: Hypothesis

#### One

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

There is evidence that contradicts this hypothesis: Furlong's results suggest that policy type does not make a difference in terms of influence. In other words, interest groups are just as likely (or unlikely) to influence policy tightening a clean air standard as they would attempting to increase social security benefits.<sup>4</sup> It also is contradicted by the conclusion of Whiteley and Winyard. They argue a "quiet insider strategy does not pay off any better than an open promotional strategy. Since the era of consensus politics described by Beer and Eckstein, policy making has become more conflictual, but also more fragmented."<sup>5</sup>

This hypothesis synthesises three variables into one: visibility; technicality and politicality<sup>6</sup> and is a variation on Eckstein's conclusion that "the influence of groups certainly is enhanced by the lack of any wide public interest in an area of policy, simply because such lack of interest, apart from minimizing group competition tends to neutralize some of the more important centres of influence which compete with private groups as such."<sup>7</sup> Stewart notes that "the situation faced by groups is in part reflected in the general nature of their aims."<sup>8</sup> As such, low-profile issues means lobbyists will deal with government actors (officials and ministers) rather than with the political process as a whole, increasing their chances of being effective.

Though not directly applicable to the UK, American studies examining the impact of contributions by interest-groups on votes of

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<sup>4</sup> Furlong, S., (1997), p340

<sup>5</sup> Whiteley, P., and Winyard, S., (1987), p136, in Grant, W., (1995), p141

<sup>6</sup> Smith in his review of surveys notes researchers' conclusions on the circumstances under which lobbyists are more likely to be effective. Smith, R., (1995), p94

<sup>7</sup> Eckstein, H., (1960), p155. Eckstein suggests that in the simplest terms "group influence is enlarged by anything which restricts the influence on policy-making of anything else. This either is or comes close to being a tautology, but is none the less worth stating."

<sup>8</sup> Stewart, J., (1958), p4

legislators are relevant because they seek to assess the effectiveness of pressure. The literature pays close attention to external factors as key explanatory variables. Various groups of researchers have claimed groups were more effective when issue visibility was low,<sup>9</sup> when the issue was technical<sup>10</sup> or when the issue was politically neutral.<sup>11</sup>

### Visibility

The influence of lobbyists increases when there is less publicity. This statement echoes the 'distributive' policy noted by Lowi.<sup>12</sup> Various scholars have hypothesised interest-groups will be more effective when the issue is low-profile. High-profile issues are more likely to be controversial, forcing external factors into play.<sup>13</sup> Politicians are more likely to be forced to vote in line with their party, with their constituency interests or with their ideology on high-profile matters.

Lobbying is traditionally most successful when it is least overt, and largely unnoticed by the public.<sup>14</sup> This conclusion is supported by Schlozman's and Tierney's identification of the most effective tactics being low-profile: including testifying at hearings, contacting officials directly and engaging in informal contact with officials.<sup>15</sup> The least effective tactics are public endorsements of candidates and contributing to electoral campaigns.

Contributions count for less on high-visibility issues, whilst on such issues the party background of legislators is an important determinant of policy-outcome.<sup>16</sup> High-profile issues "require a greater adherence to party and constituent desires. Low-visibility issues allow greater

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<sup>9</sup> Schlozman, K., and Tierney, J., (1986); Jones, W., and Keiser, R., (1987); Sabato, L., (1989b); Magleby, D., and Nelson, C., (1990); Grenzke, J., (1990); Neustadt, A., (1990); Conway, M., (1991); and Sorauf, F., (1992) cited in Smith, R., (1995)

<sup>10</sup> Welch, W., (1982); Sabato, L., (1985); Frensdreis, J., and Waterman, R., (1985) cited in Smith, R., (1995)

<sup>11</sup> Malbin, M., (1984); Wright, J., (1985b); Frensdreis, J., and Waterman, R., (1985); Schlozman, K., and Tierney, J., (1986); Magleby, D., and Nelson, C., (1990); Conway, M., (1991) cited in Smith, R., (1995)

<sup>12</sup> In his review of Bauer, Pool and Dexter's *American Business and Public Policy* Lowi noted three types of policy issue – distributive (narrow), regulative (middle) and redistributive (broad) – when discussing group-government interaction. Lowi suggested the salience of the issue affected campaign and legislative behaviour. Lowi, T., (1964, 1972)

<sup>13</sup> Bacheller argues the 'controversiality' of an issue is an important variable determining the effect of legislative lobbying. See Bacheller, J., (1977)

<sup>14</sup> Schlozman, K., and Tierney, J., (1983)

<sup>15</sup> Schlozman, K., and Tierney, J., (1986)

<sup>16</sup> Neustadt, A., (1990)

freedom...” and “more behind-the-scene maneuvering [is] possible...”<sup>17</sup> As one would expect Neustadtl found that the effect of party is greater on high-profile than on low-visibility issues. On less visible issues contributions made the strongest impact.<sup>18</sup> Malbin, who is equivocal about an association between votes and campaign funds, suggests they may be more effective on low-profile issues.<sup>19</sup>

The less publicity there is on an issue, the less likely there will be organised opposition. It follows that officials and politicians will have more freedom of movement.<sup>20</sup> Therefore the impact of lobbying varies inversely with the visibility of the issue; similarly on legislative lobbying the influence of constituents and the media varies with visibility.<sup>21</sup>

In addition, low-profile *issues* are often dealt with in low-profile *settings* – arenas in which lobbyists are more likely to be effective. Lobbying is more likely to be effective at the agenda-setting stage of policy-making. As Sabato argues, “Press, public, and even ‘watchdog’ groups are not nearly as attentive to initial legislative proceedings.”<sup>22</sup>

### Technicality

The nature of the issue is a significant variable in explaining effectiveness.<sup>23</sup> Welch suggests research concentrate on comparing the impact of variables on both obscure technical amendments and highly visible issues.

Frendreis and Waterman also looked at the impact of contributions on technical issues. They found that constituency pressure, party and ideology displayed variable relationships with policy outcome, depending on the nature of the issue under consideration.<sup>24</sup> However, they did report a relationship between contributions and legislative votes. Sabato

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<sup>17</sup> Neustadtl, A., (1990), p550

<sup>18</sup> Jones, W., and Keiser, R., (1987); and Souraf, F., (1992), p171. Schroedel examined the impact of lobbyists and contributions on financial policy issues at committee level rather than in the chamber. He found “contributions appear to have the greatest predictive power when there is low public visibility.” Schroedel, J., (1986), p387

<sup>19</sup> Malbin, M., (1984). Chappell’s conclusions are also ambiguous – he suggests his results do not show contributions have a significant effect on votes, but neither would be appropriate to conclude they had no effect. Chappell, H., (1981)

<sup>20</sup> Grenzke, J., (1990)

<sup>21</sup> Welch, W., (1982)

<sup>22</sup> Sabato, L., (1990), p135

<sup>23</sup> Welch, W., (1982)

<sup>24</sup> Frendreis, J., and Waterman, R., (1985), p402



also lists technicality as a variable that can affect the dependent variable, arguing contributions have more of an effect on narrow and specialised issues.<sup>25</sup> The “[t]echnicality of issues inherently limits the scope of conflict.”<sup>26</sup>

### Politicality

Interest-groups may be most influential on issues that do not arouse controversy within or between the parties.<sup>27</sup> If an issue is non-partisan it may influence the effectiveness of contributions.<sup>28</sup> The same may be argued for lobbying. Therefore “the interest group concerns it represents may prevail only on the less visible issues where the influence of party ideology, or constituency are not important.”<sup>29</sup> Malbin also reports that groups can be more effective on non-partisan issues.<sup>30</sup>

Ideology and party also display a variable relationship with voting; the dominant variable depends on the issue, for example on high-profile matters constituency concerns were important.<sup>31</sup> When an issue is non-partisan Frendreis and Waterman discovered that legislators found it difficult to assess the issue’s relevance to their constituents so other variables like lobbying could tip the balance.<sup>32</sup> Wright agrees that many variables impact on policy outcome, and argues that cues like party are important.<sup>33</sup>

However, the more fragmented the process the more likely there is to be an array of access channels into the policy process available to a range of actors. The wider an issue the more interest-groups are able to hunt for other supporters if one policy-maker is hostile.<sup>34</sup>

Lobbyists can be more effective if the policy community is closed, dominated by civil servants, unconstrained by political involvement, and

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<sup>25</sup> Sabato, L., (1990), p136

<sup>26</sup> Parsons, W., (1996), p134

<sup>27</sup> Stewart, J., (1958), p19

<sup>28</sup> Conway, M., (1991)

<sup>29</sup> Conway, M., (1991), p211-12

<sup>30</sup> Malbin, M., (1984)

<sup>31</sup> Frendreis, J., and Waterman, R., (1985), p412

<sup>32</sup> Frendreis, J., and Waterman, R., (1985), pp401-12

<sup>33</sup> Wright, J., (1985). Wright says that contributions have an effect only when party influence is weak. In another paper Wright argues lobbying contacts, not contributions, shape and reinforce the decisions of policy-makers. Wright, J., (1990)

<sup>34</sup> Krasner, S., (1978)

rarely considered by the national press. The lobbyist can be more effective if the issue does not become 'political'. Subdued pressure is more effective than forceful pressure.<sup>35</sup> New players are attracted to an issue when it is redefined, and both lobbyists and government actors are less able to control events if issues are broadened. They cannot direct actors on political and controversial policy, and the likelihood of coordinated opposition increases. Lobbyists are more effective on 'consultation politics' than on 'electoral politics'. If an issue is shielded from public and media scrutiny and does not arouse "deeply felt convictions, lines of party cleavage, or particularistic constituency needs", lobbyists can be more effective.<sup>36</sup>

Finer argued interest-groups are most influential on 'official legislation'.<sup>37</sup> Technical legislation developed by civil servants and interest-groups is often a continuation of earlier legislation. "By interview, deputation, letter or telephone the affected groups keep continuous contact with the administering department... And out of such two-way consultation on administration new policy often emerges."<sup>38</sup>

There is often a 'search for predictability' whereby both parties encourage a symbiotic relationship.<sup>39</sup> This search is more evident on small, technical issues. Lobbyists help their clients enter these policy niches. The lobbyist knows the participants in technical communities, and the lobbyist is better able to influence the client's activity in a smaller community. On high-policy issues the public, the media, the courts and senior politicians become involved. The autonomy of all players, including government, is eroded and control over the game is lost.

The salience of an issue can determine how far lobbyists can be effective and whether government actors can act with autonomy. On most issues the salience, technicality and its political nature will determine the type of campaign and the impact of the lobbyist.

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<sup>35</sup> Stewart, J., (1958), p34

<sup>36</sup> Schlozman, K., and Tierney, J., (1986), p314

<sup>37</sup> Finer, S., (1958)

<sup>38</sup> Finer, S., (1958), p20

<sup>39</sup> Jordan, G., Maloney, W., and McLaughlin, A. (1992b)

## External and contextual factors: Hypothesis Two

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

Hypothesis two looks at how government is structured by a range of political and economic constraints, including financial markets, the EU, judicial decisions and the world economy, which are beyond its control. The compatibility of an interest-group's objectives with society's traditional values make success likely.<sup>40</sup> Skocpol et al, recognising the importance of contextual factors, suggest that the degree of industrialisation, urbanisation, workforce composition and level of economic development may have been important determinants of pensions reform in the USA.<sup>41</sup>

Thus, changing social, political and institutional environments affect policy-making.<sup>42</sup> Policy change can be "strongly influenced by the economic, political and ideological context within which the network operates."<sup>43</sup> "Public policy now takes place in a world system as well as in national political systems" and many domestic issues are interlocked with global issues.<sup>44</sup> The government's power and the influence of lobbyists can be restricted by exogenous and contextual structural factors. The international economic environment, supra-national bodies, technological changes and fiscal constraints can limit the autonomy of government actors and affect groups. Factors such as economic hazards may undermine a policy community.<sup>45</sup>

So lobbying may be peripheral to 'other' significant influencing factors.<sup>46</sup> Smith notes the following contextual factors: "economic conditions, policy success/failure, world events, level of popular support

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<sup>40</sup> Furlong, S., (1997). Also see Keefe, W., (1988)

<sup>41</sup> Skocpol, T., Abend-Wein, M., Howard, C., and Goodrich-Lehmann, (1993)

<sup>42</sup> Baumgartner, F., and Jones, B., (1993), p54 & 243

<sup>43</sup> Marsh, D., (1995a), p3

<sup>44</sup> Parsons, W., (1996), p234

<sup>45</sup> Dudley and Richardson note ministers are in a unique position in the policy process affording them certain powers and the ability to effect change unavailable to others. They argue ministers exhibit promiscuity in their relations with interest groups and have the power to take decisions independently of the policy community. Ministers are mobile policy actors. Dudley, G., and Richardson, J., (1996a)

<sup>46</sup> Berry, S., (1991), p21

and parliamentary support.”<sup>47</sup> Contextual factors can constrain and facilitate players. Lobbyists cannot be effective if the broader context is antagonistic.

Hypothesis two shows that policy can be structurally determined. Structure identifies winners and losers. External factors may open or close avenues of opportunity.

## **Pre-existing policy and experience of government players: Hypothesis Three**

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist’s objective.

There are several constraints within government’s, but outside the lobbyist’s control. They are often political constraints, including political beliefs, perceptions about limits to government action or acceptable behaviour. The government has autonomy. If this constraint is favourable, lobbyists are likely to be effective – they can rely on events and ministerial commitment. But, as Stewart writes, when a campaign “runs contrary to the main policies of the political party in power it is almost bound to fail.”<sup>48</sup>

This hypothesis reflects a move away from examining interest-group demands to recognising the capacity of government to follow its own objectives. Bennett suggests campaigners tend to be effective when “the lobbyist is most closely meeting the needs of those that are being lobbied.”<sup>49</sup> Previous policy choices and past political bargains partly determine current policy.<sup>50</sup> Skocpol et al conclude “pre-existing policies, the institutional arrangements of governments, and the organizational

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<sup>47</sup> Smith, M., (1995a), p111

<sup>48</sup> Stewart, J., (1958), p111

<sup>49</sup> Bennett, R., (1997), p62. The author suggests the problem with a voluntary business association sector is that it promotes fragmentation, therefore he suggests “a level of state organisation or ‘support’ is required to assure association effectiveness from a *public policy perspective*.”

<sup>50</sup> Quinn, D., and Shapiro, R., (1991), p856

characteristics of political parties may also influence the goals, access, and alliances of officials and social groups active in politics."<sup>51</sup>

### Pluralism

This thesis places group-government interaction in a pluralistic framework. However, to understand the effect of lobbyists, a recognition of government autonomy would be helpful. Pluralism is a resilient policy perspective which concentrates on the interactions of groups with government.<sup>52</sup> Pluralists adopt a behaviouralist methodology and recognise that groups can mobilise political pressure to their advantage.

The pluralist perspective has been criticised by various scholars and has been modified over the years.<sup>53</sup> A stereotype of the pluralist perspective has been attacked as being simplistic and holding a benign view of power distribution.<sup>54</sup> Baumgartner and Leech suggest in classical pluralism "The role of the state was not to dictate outcomes, but rather to arbitrate among various interests."<sup>55</sup>

Classical pluralism model I has evolved into model II (neo) and model III (reformed) pluralism. Neo-pluralists accept business is the most powerful group and can dominate a policy arena.<sup>56</sup> Lindblom argued business inducements are necessary for a healthy economy, and in a market economy government-business collaboration is needed to make the system work.<sup>57</sup> One flaw in neo-pluralism is it understates government's ability to act autonomously.<sup>58</sup>

More useful in explaining why and how lobbyists can be effective is reformed pluralism because it recognises the autonomy of government actors. Smith notes the model

Overcomes one of the problems of traditional pluralism by analysing the differences between policy areas and it also

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<sup>51</sup> Skocpol, T., Abend-Wein, M., Howard, C., and Goodrich-Lehmann, (1993), p692

<sup>52</sup> Jordan, G., (1990c)

<sup>53</sup> Various scholars critiqued pluralism as an inaccurate description of policy systems, including Maass, A., (1951); Cater, D., (1964); McConnell, G., (1966); Lowi, T., (1969); Fritschler, A., (1975) in Baumgartner and Leech, (1998), p57

<sup>54</sup> Some authors argue pluralism sees the state as neutral, that policy-making is accessible to all, and that outside groups are equal to government in their influence. See Jessop, B., (1983); and Dearlove, J., and Saunders, P., (1991)

<sup>55</sup> Baumgartner, F., and Leech, B., (1998), p48

<sup>56</sup> Various scholars have noted bias in favour of the business community, notably, Schattschneider, E., (1935); Walker, J., (1983, 1991); Scholzman, K., and Tierney, J., (1983, 1986); Heinz, J., et al (1993).

<sup>57</sup> Lindblom, C., (1977), p 175

<sup>58</sup> See Smith, M., (1990); and Manley, J., (1983)

overcomes the limitation of Marxism [or neo-pluralism] by rejecting the view that one economic group will always be dominant.<sup>59</sup>

Groups can be excluded. Perfect competition between groups does not exist in practice.<sup>60</sup> Reformed pluralists recognise that certain policy arenas are open, whilst others are institutionalised and closed. Since usually only a limited number of groups are either interested or have access, government actors may depend on them for information.<sup>61</sup> Reformed pluralism manages to account for both institutionalised relationships and the exclusion of some groups.

Recognising the autonomy of government actors suggests in some circumstances lobbyists will be ineffective because their client's objectives and those of government clash. Lobbyists, to be effective, depend on government autonomy pre-disposed in their favour. On routine technical issues government autonomy is potentially high because changes usually have a narrow impact, but it is more common that government has no fixed views and is open to persuasion. The more high-profile the issue, the less autonomy government has.<sup>62</sup> If the issue becomes highly political, government autonomy can be curbed by a coalition of the majority of affected interests and public and political pressure

### Government Autonomy

'State theorists' argue the pluralist-functionalist approach views government as a dependent variable: an arena within which interest-groups contend or ally with one another to shape policy decisions.<sup>63</sup> Jordan commenting on Polsby notes "there is an unspoken notion in pluralist research that at bottom nobody dominates."<sup>64</sup> So government is allegedly no more than a weather vane. Pluralism, it is said, does not take government seriously as an independent actor and neo-statists

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<sup>59</sup> Smith, M., (1990), p315

<sup>60</sup> Richardson, J., and Jordan, G., (1979)

<sup>61</sup> Smith, M., (1990)

<sup>62</sup> Andrew McFarland argues on high-profile issues the autonomy of the government agency is likely to be strong because of countervailing groups. McFarland, A., (1991)

<sup>63</sup> Skocpol, T., (1982, 1980); Krasner, S., (1984); Evans, P., Rueschemeyer, D., and Skocpol, T., (1985)

<sup>64</sup> Jordan, G., (1981) p101, citing Polsby, N., (1963). Similarly Helco notes it is difficult to identify the dominant actors. Helco, H., (1978)

criticise pluralism for expounding society-centred reductionism. This section examines government autonomy in more detail before discussing the similarity with reformed pluralism.

Government is the group of elected and appointed officials endowed with decision-making power.<sup>65</sup> The government autonomy thesis is founded on four blocks. Public officials can form their own policy preferences depending on the government's internal variations. The government may act on its preferences despite the opposition of powerful societal interests. Governmental institutional contours and procedures can affect government-group relations. Finally, government can use its autonomy to identify important interest-groups.

Nordlinger's work – which is empirical, positivist and arguably pluralist – asserts the autonomy of government but does not exclude the power of societal factors.<sup>66</sup> He defends pluralism, but urges researchers to recognise the ability of government players to assert their independence. His focus is on emphasis. He argues policy can be determined by government actors who have ideas and preferences.

Nordlinger defines different degrees of government autonomy.<sup>67</sup> The preferences of government actors condition policy outcomes. The 'strong state' thesis sees societal-state preferences diverge. The government deters opponents from exploiting their resources, sanctions interest-groups or uses its coercive powers to threaten opponents. In the 'medium state' preferences initially diverge but then align once society's preferences alter. When government autonomy is weak government subtly guides policy because its and society's preferences align.<sup>68</sup>

The government autonomy and reformed pluralism perspectives recognise that access is not always open and that relationships change over policy areas. Lobbyists may be effective because the government's and client's objectives coincide. Government actors can decide on policy

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<sup>65</sup> Easton, D., (1960)

<sup>66</sup> Nordlinger, E., (1981, 1987). McFarland also notes the autonomy of US state institutions, using the term 'elite pluralism' to describe a triadic theory of power where policy can be dominated by groups, but opposing groups also emerge. He recognises government agencies are assumed to have some autonomy. See McFarland, A., (1987)

<sup>67</sup> Nordlinger, E., (1981)

<sup>68</sup> Christiansen, L., and Dowding, K., (1994)

which, in their view, best fits their objectives.<sup>69</sup> Similarly policy options are often constricted by institutional possibilities. The system decides when and whom to consult, and what questions to ask.

Various factors suggest that government actors can act autonomously. These factors include: turnover of government actors, centralisation, autonomous policy leadership, unconscious application of rules and the content of ideas. Jordan argues that the initiative is with the groups because civil service turnover means “the new civil servant relies on the group for policy history.”<sup>70</sup> However, he argues elsewhere “not all parties are equal: the governmental department is an actor with special resources (legitimacy, prior knowledge, staff) not available to other actors.”<sup>71</sup> His earlier work is congruent with this thesis. In fact ministerial and civil service turnover endows advantages on government. It allows government to change its stance as personalities change and bring issues to a close and others to the front. Government agencies can be more autonomous if they have a clear conception of their role, distance between themselves and client groups, clear regulations defining responsibilities of social groups and an ability to generate their own information.<sup>72</sup>

Second, the centralisation of decision-making authority is another variable that affects lobbying.<sup>73</sup> Centralisation precludes other bodies, by formal procedure, from influencing policy. In Cortel’s example centralisation allowed lobbyists and groups to be more effective because it reduced the number of competing government interests and concentrated authority in units sharing the industry’s preferences.<sup>74</sup> Changes in the structure of government altered the capacity of government officials, allowing them to achieve their preferences.

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<sup>69</sup> Government interests are diverse. For elected politicians they could be electoral, career-related, ideological or a wish to appease sectional groups. For civil servants they could be career-related, to enhance their power, to expand their department and promotion of the ‘national interest’. These interests sometimes clash, but often over-lap.

<sup>70</sup> Jordan, G., (1990b), p332

<sup>71</sup> Jordan, G., (1981), p106

<sup>72</sup> Atkinson, M., and Coleman, W., (1989a), p52

<sup>73</sup> Cortel, A., (1997)

<sup>74</sup> Cortel, A., (1997) p 269 says “an interest group’s influence can increase when an institutional network links the group’s representatives to a centralized decisionmaking structure.”



Third, it is argued 'autonomous policy leaders' (APL) are able to "overcome a range of social, governmental, economic and secular factors which tend to structure policy choice in order to introduce important policy innovations..."<sup>75</sup> For the APL electoral considerations come second to a policy quest: to do the 'right thing'. Again context is important. Wallis and Dollery conclude it would be wrong to study APLs outside the social context that makes it possible for them to exercise their style of leadership.

Fourth, government can make policy without groups, but the cost of developing some policies without the involvement of certain groups will almost certainly be higher. Although in practice there is a functional need for civil servants to consult,<sup>76</sup> groups may be excluded without conscious decision by the institutionalised nature of relationships.<sup>77</sup> The influence of government actors may be exercised in an unconscious manner through the application of operating procedures, repertoires and 'routine behaviour'.<sup>78</sup> Government has a steering capacity. McFarland notes

Government decision-makers enter politics with their own preferences, which they then promote... Lindblom implies that, more often than not, it is government decision-makers who start a policy process. Interest groups react to governmental measures, but do not control government policy-making, which is continually redefined by policy-makers, and perhaps taken in new directions in response to group reactions.<sup>79</sup>

Finally, it is important to take account of the content of ideas – the quality of the case.<sup>80</sup> Lobbyists help frame the idea within a broader framework.<sup>81</sup> They help clients weave their objectives into government plans. Government may redefine specifics of policy to pacify lobbyists, but the general drift of policy usually remains in line with government objectives. Effective lobbyists identify political and ideological trends and 'surf' the 'waves of enthusiasm'.<sup>82</sup>

<sup>75</sup> Wallis, J., and Dollery, B., (1997), p2

<sup>76</sup> Jordan, G., Maloney, W., and McLaughlin, A., (1992a)

<sup>77</sup> Smith, M., (1993), p 72

<sup>78</sup> Giddens, A., (1986)

<sup>79</sup> McFarland, A., (1987), p138

<sup>80</sup> Kingdon, J., (1995), p125

<sup>81</sup> The term 'policy discourse' was used to describe the interactions of individuals and institutions in policy-making. Within this discourse, the concept of 'framing' was used to set the idea in context – to explain its underlying rationale. See Merin, M., and Schon, D., (1991)

<sup>82</sup> Baumgartner, F., and Jones, B., (1993), p5

### Fragmentation

It would be wrong to suggest that government as a whole has a single set of objectives. Departments and units have their own goals, which are loosely tied to the general political drift of the government.<sup>83</sup> Because of this fragmented agenda Jordan argues policy communities “and other types of comparatively closed and stable networks [are] not compatible with a state autonomy view of politics...” because no single state view exists.<sup>84</sup> However, since Jordan accepts subgovernmental autonomy, it follows that the disparate nature of the core means different government actors can act autonomously.

Government is an ensemble of multi-functional institutions which often conflict.<sup>85</sup> It is impossible to identify the ‘governmental interest’ because it has no *single* set of interests. Sub-governments have diverse concerns. Government actors have their own interests that they derive from conflict between branches of the government or organisational culture. The government’s interests can be contradictory and might clash. Different government organisations can take autonomous action within their policy communities.

Because of the complexity of ‘organisational ecology’ the degree of government autonomy varies across policy arenas.<sup>86</sup> Because of this disaggregation it is essential to take a disaggregated view of the government, looking at different levels - micro, meso, macro.

### Government Constraints

Whilst government actors can act autonomously, and departments can have goals that are rarely revealed formally, government is unlikely independently to always spot problems and identify answers. It might react to lobbyists and interest-group pressure, but in responding advance

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<sup>83</sup> Departmental autonomy is increased when the political head and official torso of a department work together; when they are founded on a functional mandate rather than around a clientele; when their actions involve applying fixed regulations and laws; and if civil servants are able to generate information and data internally. See Atkinson, M., and Coleman, W., (1989a)

<sup>84</sup> Jordan, G., and Maloney, W., (1997), p565

<sup>85</sup> Laumann, E., and Knoke, D., (1987); also see Allison later in this chapter.

<sup>86</sup> Atkinson, M., and Coleman, W., (1989a)

its own goals.<sup>87</sup> Salisbury argues in the US some lobbyists “have become dependent on and are sometimes exploited by government officials rather than the other way around...”<sup>88</sup>

Government does not act as a ‘cash register’ balancing inputs, and the majority of pluralists have not portrayed it as such.<sup>89</sup> Pluralism does not see the government as neutral: government procedures often “handicap some efforts and favour others.”<sup>90</sup> Modern commentators such as Jordan and Richardson are close to Dahl and Truman in this respect.<sup>91</sup> Although critics of pluralism have been ‘more right’ in some of their comments than others, much of their criticism is misdirected.<sup>92</sup> In the 1960s’ pluralist literature “autonomous government agencies were frequently part of the pluralist descriptions of politics.”<sup>93</sup>

Any perspective seeking to explain how and why lobbyists are effective must take account of the “frequency of autonomous actions by government agencies.”<sup>94</sup> The debate on the distinction between the two approaches seems tautological rather than substantive.<sup>95</sup> In some arenas lobbyists will be effective because government actors are open to persuasion, whilst in others they will be ineffective because government has fixed objectives.<sup>96</sup> Policy-making should be seen as set in systems of ‘structured inequality.’ Analyses of lobbying have to recognise the context within which government actors and lobbyists operate and the partial autonomy that government actors exercise.<sup>97</sup> Eckstein argues “governmental institutions do not simply ring up the outcome of group

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<sup>87</sup> Cortel, A., (1997), p264

<sup>88</sup> Salisbury, R., (1990), p340

<sup>89</sup> Schlozman argues “government is no mere punching bag registering the relative strength of the pressure group blows to which it is subjected.” Schlozman, K., (1984)

<sup>90</sup> Truman, D., (1951), p322

<sup>91</sup> Richardson, J., and Jordan, G., (1979); Jordan, G., and Richardson, J., (1987a, 1987b)

<sup>92</sup> Jordan, G., (1990c)

<sup>93</sup> McFarland, A., (1987), p139

<sup>94</sup> McFarland, A., (1987), p136

<sup>95</sup> David Marsh notes “contemporary pluralism recognises an increased role for the state. This is particularly clear in the work of Nordlinger who emphasises the autonomy of the democratic state and views pluralism as much in terms of conflict between the different interests of sections within government as in terms of conflict between interest groups within civil society.” See Marsh, D., (1995a). Jordan argues “those wishing to bring the state back in also want to decompose the state. The weak state is fashionable. There is no longer a homogeneous state.” Jordan, G., (1990a), p484

<sup>96</sup> Atkinson and Coleman are correct to call for a more nuanced approach to autonomy at the macro-level. Atkinson, M., and Coleman, W., (1989a, 1989b)

<sup>97</sup> The importance of the state has been emphasised by: Nordlinger, E., (1981); Evans, P., Rueschmeyer, D., Skocpol, T., (1986); Lowi, T., (1988); Fabrini, S., (1988)

conflicts like mere cash registers but themselves make decisions...”<sup>98</sup> McFarland terms this approach ‘critical pluralism’, which “admits that government agencies often act autonomously and do not simply reflect the group balance of power within an issue area.”<sup>99</sup> Nordlinger’s argument has been paraphrased thus: “it is just as reasonable to maintain that the state guides policy outcomes as for pluralists to claim that groups do so.”<sup>100</sup>

Almond argues about pluralism: “Autonomous government agencies are present and important throughout this literature. The pluralist ‘paradigm’ is not the one-sided one of Skocpol, Krasner, and others but rather a two-directional one with the ‘state’ influencing society, as well as the society influencing the state.”<sup>101</sup> Almond says “The policeman can stop traffic; drivers cannot stop the policeman.”<sup>102</sup> The effectiveness of lobbying depended on the structure and objectives of government.<sup>103</sup>

Governments have the power to act unilaterally even if political costs of arbitrariness make it unlikely.<sup>104</sup> Richardson and Jordan recognise implicitly the autonomy of government by defining legitimacy as “acceptance by government departments that the group is making ‘reasonable’ demands which deserve attention.”<sup>105</sup> Such a definition, as Dowding notes, makes the government the source of legitimacy. The government “allow[s] only those groups with which it sympathises institutional access” to policy spheres.<sup>106</sup>

Government officials “have their hands directly on the policy levers.”<sup>107</sup> Because Britain has strong parties and a powerful executive,

<sup>98</sup> Eckstein, H., (1960), p153. He says earlier that “it is always the interplay of governmental structure, activity and attitudes which determine the form of pressure group politics.” (p17)

<sup>99</sup> McFarland, A., (1991), p270

<sup>100</sup> Christiansen, L., and Dowding, K., (1994)

<sup>101</sup> Almond, G., (1988), p866

<sup>102</sup> Almond, G., (1988), Almond later concludes that “overwhelmingly the pluralist literature has been shown to be one in which governmental autonomy is recognised.”

<sup>103</sup> Eckstein, H., (1960). Also Herring, P., (1936), recognises the autonomy of government actors and their pursuit of the public interest in the face of competing group demands.

<sup>104</sup> Jordan, G., (1990a), p472

<sup>105</sup> Jordan, G., and Richardson, J., (1987b), p29

<sup>106</sup> Christiansen, L., and Dowding, K., (1994)

<sup>107</sup> Nordlinger, E., (1981), p79

the autonomy of government institutions and players are key contextual explanatory variables.<sup>108</sup>

## **Meso-Level**

To account for the difference of sectoral policy-making this section examines two meso-level hypotheses that include both external and internal variables. Parsons notes “meso analysis is a middle-range or bridging level of analysis which is focused on the linkage between the definition of problems, the setting of agendas and the decision-making and implementation processes.”<sup>109</sup>

### **Involvement in the policy-making process:**

#### **Hypothesis Four**

Lobbyists tend to be effective if they can include their client in the policy community and manage their client’s activity within that network.

Policy networks concentrate on the informal policy process rather than on conventional institutions.<sup>110</sup> This thesis examines policy networks peculiar to policy issues at the sub-sectoral level. Policy communities are networks “characterised by: stability of relationships; continuity of a restrictive membership; vertical interdependence based on shared delivery responsibilities; and insulation from both other networks and, invariably, the public (including parliament).”<sup>111</sup> Networks stretch across a spectrum from wide issue-networks to narrow and controlled policy communities.<sup>112</sup> Because the form of network relationship differs, policy networks can also explain and account for more corporatist associations.<sup>113</sup> Marsh and Rhodes are mistaken when they assume issue networks are more likely to exist when the policy area is relatively

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<sup>108</sup> Baumgartner notes that European single state agencies are more likely to act independently or to be at the centre of power relations than in the US where many agencies, levels of government and legislative actors are likely to be involved. Baumgartner, F., (1996)

<sup>109</sup> Parsons, W., (1996), p85

<sup>110</sup> Jordan, G., (1990b)

<sup>111</sup> Rhodes, R., (1997), p38

<sup>112</sup> Heclco suggests that issue networks are broad communication networks of interested parties including business, government, academics, journalists and MPs. Helco, H., (1978)

<sup>113</sup> Jordan, G., (1981)

unimportant for macro-policy.<sup>114</sup> In fact, the technical micro-policy issues are more likely to have a small homogeneous and stable community.<sup>115</sup>

The policy community approach of co-option and a consensual style accounts better for policy outcomes than do examinations of party stances, of manifestos or parliamentary influence.<sup>116</sup> The model assumes policy-making is complex. Focusing on parliament alone does not explain outcomes because many important decisions are made with little or no party political involvement. However, the policy network approach has been criticised for failing to explain policy change.<sup>117</sup>

Policy networks can be centred around and directed by a government agency, person or central department, or around specific problems, policy issues and legislation. A core assumption of the network concept is that institutionalised relations develop between governmental and non-governmental organisations to facilitate policy-making.<sup>118</sup> Influence is based on dependence. This thesis looks at policy communities focused around specific policy. Jordan notes in a policy community "a specific item of business is transacted in a context where the participants already have mutual needs, expectations and experiences."<sup>119</sup> Policy communities are dynamic; they change as policy progresses.

All central departments hold databases of 'interested parties' associated with specific issues. This list may be characterised as the policy network. On particular policy issues a select few will be 'involved and relevant' and asked for their views. Those who return substantive comments are likely to be members of the policy community. Thus, whilst networks may be forces of stability, communities are usually transient because they emerge to deal with policy issues and dissolve once the issue is finished.<sup>120</sup> Nevertheless, the interests continue their close 'policy network' relationship with the departments.

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<sup>114</sup> Marsh, D., and Rhodes, R., (1992)

<sup>115</sup> Similar to epistemic communities at the European level.

<sup>116</sup> Richardson, J., and Jordan, G., (1979), p73-74

<sup>117</sup> Dowding, K., (1995a); Rhodes, R., and Marsh, D., (1992b); Kassim, H., (1995); Dudley, G., and Richardson, J., (1998)

<sup>118</sup> Jordan, G., Maloney, W., and McLaughlin, A., (1992a)

<sup>119</sup> Jordan, G., (1990b), p326

<sup>120</sup> See Jordan, G., and Maloney, W., (1997), p574

The network approach re-conceptualises government-group relations. Jordan and Richardson see 'state autonomy' and policy networks as mutually exclusive.<sup>121</sup> However, government actors and agencies have the potential to act autonomously, and the policy network model fits neatly into the government autonomy/reformed pluralism paradigm.

Since there is no single governmental view, different players have their own perspectives, departments have their own styles, units within departments have 'lines', civil servants have personal preferences and ministerial styles differ.<sup>122</sup> Relations between government actors and interest-groups vary in a fragmented process. Salisbury argues the "use of multiple representatives, each concentrating on a specialized set of policy concerns, surely must intensify the fragmenting, disaggregating tendencies in public policy."<sup>123</sup> Consistent with government autonomy, access may be denied to groups not in clientelistic relationships.<sup>124</sup> Lobbyists help manage clients' involvement in decision-making relationships.

Policy communities take civil servants to be key decision-makers. Policy is made at low levels – political actors often accept the broad thrust of policy.<sup>125</sup> Many policy areas will be attended to by only a handful of civil servants (possibly an under secretary, a principal and an assistant secretary) reflecting the complexity and specialisation of policy. This 'linoleum' level is cultivated assiduously by lobbyists because they have a predominance of influence.

The model assumes trust between participants. The lobbyist must develop a reputation as a discreet and reliable source, using a common (expert) language. Since the Whitehall village is small and professional lobbying is concentrated in a few sectors of government, to be effective in influencing policy, interest-groups should build long-term relationships through which they should supply reliable information.<sup>126</sup> Professional

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<sup>121</sup> Richardson, J., and Jordan, G., (1979)

<sup>122</sup> Jordan, G., Maloney, W., and McLaughlin, A., (1992b)

<sup>123</sup> Salisbury, R., (1984)

<sup>124</sup> Jordan, G., (1990c)

<sup>125</sup> Smith, M., (1990)

<sup>126</sup> Mackenzie, W., (1955) cited in Jordan, G., Maloney, W., and McLaughlin, A., (1992b)

lobbyists act as channels between clients and officials. Given this information exchange, the civil service might become dependent on, or even obligated to, the lobbyist.

Civil servants usually have stable relationships with outsiders, but a minister may wish to destabilise the community by introducing new actors. Lobbyists can help by pushing clients forward. Communities exist often because government wills it so; and by locking groups in the autonomy of government actors can be enhanced. But Rhodes cautions that dependence remains reciprocal even if it appears that one side dominates.<sup>127</sup>

Civil servants can freeze groups out, but lobbyists can help by suggesting other routes to overcome or avoid obstructive officials or ministers. They can prise open established relationships. New players can enter as the agenda shifts. The type of network and its permeability vary depending upon the macro-political institutions and the policy issue. Some groups will be outsiders by virtue of their objectives: either way insiders and outsiders are consulted. Consultation, discussed next, can be unimportant, and interest-groups that are consulted can be ineffective.

### Insiders and Outsiders

Grant has explored the notion of insiders and outsiders in Britain.<sup>128</sup> Lobbyists might be effective because they are of a similar 'political culture' to civil servants and politicians. They have worked in parties, parliament and Whitehall. Lobbyists learn to "exploit shared cultural, social and educational backgrounds as well as to play by the Whitehall mores of trust, responsible behaviour, secrecy, compromise and gradualism."<sup>129</sup> Lobbyists are effective because they "understand the mentality and processes at the heart of the machine."<sup>130</sup> They are the ultimate insiders.

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<sup>127</sup> Rhodes in Jordan, G., (1990c)

<sup>128</sup> Grant, W., (1995, 1978); also see Jones, B., (1995)

<sup>129</sup> Doig, A., (1991), p149

<sup>130</sup> Miller, C., (1991), p58



There are three types of insider group: prisoners, low-profile and high-profile.<sup>131</sup> Outsider groups can be divided into 'potential insiders', 'outsiders by necessity' and 'ideological outsiders'. Professional lobbyists may provide outsider groups with the requisite degree of political sophistication to gain access to the policy community.<sup>132</sup> They can advise them how to act in a manner acceptable to civil servants and government.

Jordan et al reformulate Grant's insider-outsider model.<sup>133</sup> They argue insider groups should be divided into 'core participants' including groups seen as relevant sources of policy, such as the NFU or BMA. 'Niche participants' have a specific interest and are a reliable and authoritative source of information. Such groups will respond in detail to policy proposals in their niche area, whereas outside their niche they may have little influence. 'Peripheral insider groups' are seen by officials as legitimate because they do not use high-cost actions, but their relevance to a policy issue may be marginal. Outsider groups are left outside the process by ideological convictions. The views of such groups cannot be incorporated in the policy-making process. 'Outsider groups by choice' are those which make a conscious decision not to become involved in a cosy arrangement with government. 'Failed insiders' are possible insiders, but their inexperience denies them such a status.<sup>134</sup>

Consultation is an everyday part of the policy process. However, the implication in the literature is that consultation and insider status imply influence. But consultation is not influence. Government now engages in pre-consultation with a select group, so that formal consultation has less impact on policy. Government actors have their own preferred options. Dudley and Richardson note that long and drawn out consultation rarely overturns the main lines of public policy.<sup>135</sup> Being on a consultation list

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<sup>131</sup> Grant, W., (1978, 1989)

<sup>132</sup> Grant, W., (1989)

<sup>133</sup> Jordan, G., Maloney, W., and McLaughlin, A., (1992b)

<sup>134</sup> 'Issue publics' are also said to exist. For example in Sunday Trading various sides were interested in the policy but did not agree on the solution. The preferences of the actors had to be taken into account by the other participants. See Laumann, E., and Knoke, D., (1987). Jordan argues opposition are excluded from key policy circles. The empirical evidence in this thesis refutes his hypothesis. All sides can agree on the rules of the game and behavioural norms. Opponents are met by ministers, have regular contact with officials and submit policy papers. They are very much included. That is not to say, however, they are influential, because government can act autonomously. See Jordan, G., (1990b)

<sup>135</sup> Dudley, G., and Richardson, J., (1998)

does not secure clout. Government decides whom to consult and topics of consultation. It decides what action to take. Although issues of access have implications for power, it is important not to be too concerned with ostensible behaviour because to do so would be to conclude that consultation equals access, which equals influence. The relationship is unlikely to be causal.<sup>136</sup>

The British government sees the majority of interests as legitimate. All are invited to participate in consultation. Even opponent groups often enjoy warm relations with civil servants and MPs. They meet with officials, are consulted regularly, are suppliers of data and are informed of policy thinking. Despite this access these group have little effect on policy.

The notion that insider status is conferred on a few has been found by some to be a myth.<sup>137</sup> Page assumes regular contact with departments and group-government policy coincidence is commensurate with the prestige of insider status. However, the survey on which his findings are based focused on Statutory Instruments. It was undertaken during a 'honeymoon' period, and relied heavily on the perceptions groups held about their own influence. This example illustrates how important it is to break the chain that links 'insider' with 'influence'.

Christiansen and Dowding consider Amnesty International has 'insider-status' with the Foreign and Commonwealth Office because Amnesty provides information, attends meetings and maintains formal and informal contact with officials.<sup>138</sup> However, it is doubtful whether Amnesty affected policy. It was simply an easy source of information. The reformed pluralism framework portrays the relationship as one in which the FCO used the group for its own ends as a source of quality information.

Interest-groups may have insider status in one arena but outsider status in another and be ignored in both. Amnesty is both included in and excluded from different policy communities, but in both its interests

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<sup>136</sup> Smith, M., (1995b)

<sup>137</sup> Page, E., (1998)

<sup>138</sup> Christiansen, L., and Dowding, K., (1994)

diverge from the departments'. Dowding fails to convince that insider status leads to influence.<sup>139</sup> A group can be an insider, and yet have little if any impact on policy. In contradistinction, interests excluded from the policy community, by selecting the right arena and message, can have an impact on policy.<sup>140</sup>

Lobbyists know how to enter the 'inner arena' where policy is made. They can introduce their clients and their new ideas and knowledge to challenge a prevailing process. Groups without professional advice might find access difficult, but the real advantage of the lobbyist is that he manages activity within the community.

## Multi-faceted lobbying: Hypothesis Five

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

Evidence presented by Furlong challenges this hypothesis. His results "suggest that organizations may prove more effective in influencing regulatory policy by focusing their efforts on one form of access."<sup>141</sup> However, many forms of lobbying activity are positively associated with effectiveness, and "the general pattern is that doing more of anything produces greater success than doing less, regardless of strategy."<sup>142</sup> Truman noted groups' effectiveness required access to one or more points of decision in government.<sup>143</sup>

A multi-faceted approach is a product of both internal and external factors. Externally the salience and the political and technical nature of the case, and the stance of government may determine whether a variety of approaches are exploited. However, if external factors allow a multi-faceted approach its effectiveness is determined by the lobbyist's internal characteristics, like skill and contacts.

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<sup>139</sup> Access does not equal influence. In contradistinction to the argument in Schlozman, K., and Tierney, J., (1986)

<sup>140</sup> Dudley, G., and Richardson, J., (1996b)

<sup>141</sup> Furlong, S., (1997), p340

<sup>142</sup> Heinz, J., et al (1993), p348

<sup>143</sup> Truman, D., (1951), p437

One reason for believing effective lobbying is difficult to measure is that lobbyists may concentrate on those who are already convinced.<sup>144</sup> However, more recent research has challenged earlier conclusions by finding that lobbyists target a range of players, including friendly and unfriendly legislators.<sup>145</sup>

Access may be a key objective, but it is rarely the ultimate goal of the lobbyist. Access is the 'facilitating intermediate objective' of lobbyists.<sup>146</sup> Access "structures the success or failure of the lobbyist, all of which come[s] after the access is achieved."<sup>147</sup> Lobbyists practise low-cost political actions such as involvement in day-to-day discussions, responding to consultation, commissioning research and meeting government.<sup>148</sup> Hansen suggests that lobbyists and their clients can gain access if they have a competitive advantage over rivals in helping the re-election of politicians, and if the issue is likely to recur.<sup>149</sup>

Jordan quotes a civil servant "the average outsider tends to regard an Under Secretary as a fount of wisdom but anyone who has been in the [Civil] Service will want more than the fingers of both hands to count the number of stupid, silly or perverse Under Secretaries of his acquaintance."<sup>150</sup> Whilst lobbyists deal at the lower levels of the Whitehall civil service, effective lobbyists tend to use all available entry points not only into the sponsoring department but also into other departments with an interest, parliament and the media.

An important resource available to groups is their degree of acceptance by government, and whether this acceptance allows for an informal and friendly relationship. "[G]roups which do not gain legitimacy remain outside the policy-making process and hence are 'effectively' mute."<sup>151</sup> It may be that if access to policy communities is restricted, groups will adopt a high-profile campaign strategy. They will certainly be forced to pursue a multi-faceted approach. Lobbyists provide technical

<sup>144</sup> Bauer, R., Pool, I., and Dexter, L., (1963)

<sup>145</sup> Austen-Smith, D., and Wright, J., (1994, 1996)

<sup>146</sup> Truman, D., (1951)

<sup>147</sup> Ainsworth, S., (1993), p43; Christiansen, L., and Dowding, K., (1994)

<sup>148</sup> Dunleavy, P., (1991)

<sup>149</sup> Hansen, J., (1991)

<sup>150</sup> Jordan, G., Maloney, W., and McLaughlin, A., (1992b)

<sup>151</sup> Christiansen, L., and Dowding, K., (1994)

guidance about the most effective manner to approach decision-makers. Even for groups with good relations with government, a multi-faceted approach is more likely to be effective.

## **Micro-level**

Following the discussion of networks, it is important to recognise the significance of different layers, spheres, individuals and rules and their impact on policy outcomes.<sup>152</sup> Institutions, organisations, rules and procedures have profound effects on lobbyists and provide a partial explanation of effectiveness.<sup>153</sup> The impact of lobbyists depends on the interests of government actors because they make rules and have the potential to act autonomously.<sup>154</sup> Different agencies have different standard operating procedures (SOPs) and structures that configure relations with interest-groups. The effectiveness of lobbyists depends on those structures.

## **Routines and Standard Operating Procedures: Hypothesis Six**

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

### Organisational Process

In regarding government actors as an independent variable, analysts invariably focus on recurring directives, procedures and institutional features. Rules and procedures are of key importance.<sup>155</sup> Statute, conventions, executive orders and culture determine rules. In some networks rules will be explicit, in others implicit; some are stable, others change regularly. But rules define the game. The procedural and

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<sup>152</sup> See Parsons, W., (1996), p246

<sup>153</sup> See Baumgartner, F., (1996)

<sup>154</sup> Smith, M., (1993)

<sup>155</sup> Political actors follow rules and procedure if they can. See Searing, D., (1991)

cultural aspects of the relationship between the formal and informal rules and the actors impact on whether lobbyists can be effective.

Government administrators are socialised by their experiences, procedures and programmes. There are established rules for resolving disputes and gaining information and advice.<sup>156</sup> Sub-governmental organisations have their own preferences [pages 86-92]. Officials with narrow responsibilities develop predictable routines and practices when they formulate policy.<sup>157</sup> Organisational needs and rivalries, policy frameworks, decisional criteria and policy options' ramifications mould preferences.<sup>158</sup>

Institutions enjoy double-barrelled explanatory power because the resources of officials are institutionally derived, and institutional norms and procedures mediate their effective use and impact. A government agency is able to alter interest-group preferences by "fragmenting, neutralizing and countering the deployment of private resources."<sup>159</sup>

The government's "recurring directives and activities, internal processes, structural arrangements, and symbolic accoutrements help shape political beliefs and norms; levels and strategies of participation and opposition; the political crystallisation and alignments of ethnic segments, classes and interest groups; and the latter's organisational contours, inclusiveness and specialisation."<sup>160</sup> Without undermining pluralism government actors can be accorded an analytical distinctiveness.

Complex problems are fragmented into component parts and explanations of policy outcomes must account for government's sub-units.<sup>161</sup>

Government is a disparate set of administrative agencies, which are often governed by their own organising principles. Interaction with groups is conducted within the constraints and opportunities defined by

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<sup>156</sup> Cortel suggests that changes in the structure of a government agency can empower a well-placed lobbyist.  
Cortel, A., (1997)

<sup>157</sup> March, J., and Olsen, J., (1996)

<sup>158</sup> Nordlinger, E., (1988)

<sup>159</sup> Nordlinger, E., (1988), p883-884

<sup>160</sup> Nordlinger, E., (1988), p884

<sup>161</sup> Steinbruner, J., (1974)

procedures. The government has regulatory and selective functions to define interests and to select legitimate interests. March and Olsen suggested the organisation of political life makes a difference.<sup>162</sup> Actors behave in structured contexts that influence outcomes. To judge the effectiveness of lobbyists it is important to recognise the organisation of the policy process.

Government and departments are a conglomerate “of semi-feudal, loosely allied organisations, each with a substantial life of its own.”<sup>163</sup> Each department and sub-governmental unit has responsibility for particular tasks and acts in a quasi-autonomous manner. Because boundaries are blurred, several bodies, co-ordinated by a minister or senior civil servant, will frequently have input into important problems. However, these political leaders impact on, but do not control, the behaviour of organisations. Problems are resolved by SOPs largely because of time-pressure and workload. The behaviour of organisations is determined in large part by established routines.

Games and routines explain how decisions are made. Institutional arrangements, pre-existing policies and organisations of parties can affect the influence of lobbyists.<sup>164</sup> The key to effective lobbying is knowledge of the rules of the game and how best to play the game within those rules. Rules differ in each network. Effective lobbyists are knowledgeable about the rules of the dominant games played in each policy arena. In different policy settings there will be different clusters of game players with their own rules and operating procedures. A lobbyist must know the rules of the game in each network.

Events rarely arise from purposive choices.<sup>165</sup> Most theories of organisational decision-making use the concept of rationality.<sup>166</sup> However, the limits to human capacity suggest bounded rationality is more appropriate.<sup>167</sup> Perfect information does not exist in practice. Complex

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<sup>162</sup> March, J., and Olsen, J., (1984)

<sup>163</sup> Allison, G., (1971), p 67

<sup>164</sup> Amata, E., and Zylan, Y., (1991)

<sup>165</sup> Few neo-statists have worked with rational choice theory. Skocpol, T., (1979); Krasner, S., (1978)

<sup>166</sup> Steinbruner argues the concept of rational behaviour is drenched with normative connotations. See Steinbruner, J., (1974), p27

<sup>167</sup> Comprehensive rationality involves organisations choosing the best option taking account of consequences, their probabilities and utilities. Bounded rationality recognises the physical and psychological limits of man's

problems are disaggregated and passed to different units. Each option and its consequences are not considered by decision-makers – the action considered ‘good enough’ is often applied. Under comprehensive rationality the search for all available choices is unimportant because all are considered, while under bounded rationality the order of search is crucial because the first ‘good-enough’ option is accepted.<sup>168</sup>

Organisations do not consider broad consequences of all possible actions. They have certain procedures with short-run feedback mechanisms to ensure prompt corrective action and prevent crystal-ball gazing. Organisations have SOPs that constrain effective choice in recurring issues. Responses are often steps learned by previous experience.<sup>169</sup> Decision-makers have to deal with the problem of uncertainty. To control uncertainty actors are sensitive only to information processed by focused channels.<sup>170</sup>

Allison presents a paradigm of ‘organisational process’ that can be applied to lobbyists’ activity.<sup>171</sup> The basic unit of analysis is governmental action not as deliberate choice, but as organisational *output*. Whilst actual occurrences are organisational outputs, some of which may be altered by government actors, most behaviour is determined by previously-established procedures.

Organisational procedures constitute a range of choices open to decision-makers. Cybernetic theory rests on a decision-maker having “a repertory of operations which he performs in sequence while monitoring a few feedback variables.”<sup>172</sup> Organisational outputs structure issues within constraints within which leaders must decide – they rarely write on a clean slate.<sup>173</sup> Peculiar to central government is that each department

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capacity as option generator, information processor and problem solver. These limits require simplified models to extract the main features of the problem without capturing all its complexity. Allison, G., (1971), p 71

<sup>168</sup> Steinbruner says in reality the decision process “proceeds sequentially to examine a set of alternative actions until one with an outcome valued as acceptable is found.” p62. He says the “cybernetic theorist doubts that decisionmakers engage in sophisticated outcome calculations with any degree of regularity or consistency” Steinbruner, J., (1974), p66. Dowding argues the contrary. He suggests rational choice provides the mechanisms to explain policy development within policy networks. See Dowding, K., (1995a)

<sup>169</sup> Steinbruner mimics Cyert and March who term the application to a problem of an option currently in use elsewhere ‘mating’. Cyert, R., and March, J., (1963) in Steinbruner, J., (1974), p75

<sup>170</sup> Steinbruner, J., (1974), p67

<sup>171</sup> Allison, G., (1969, 1971); Allison, G., and Halperin, M., (1972); Allison, G., and Szanton, P., (1976)

<sup>172</sup> Steinbruner, J., (1974), p55

<sup>173</sup> Incremental decision-making was defended against the rational comprehensive model. See Lindblom, C., (1959) and Wildavsky, A., (1964)



runs its policy in a quasi-independent way – ‘factoring’ permits specialisation.<sup>174</sup> Since factoring encourages parochialism, lobbyists can be effective because they range across institutions. They hold information about the stance of institutional players. They understand that the structure of the issue is determined by organisational output. The lobbyist can be well co-ordinated on issues. Because established groups and government sometimes galvanise parochialism, thereby ensuring high-entry barriers to policy-making, lobbyists can be useful facilitators as well as players in their own right.

Organisational activity is often the enactment of pre-established routines. Such activity is characterised by:

1. goals emerging as a set of constraints defining acceptable performance;
2. sequential attention to problems as they arise;
3. standard operating procedures making responses to problems formalised and often sluggish;
4. established repertoires of rehearsed procedures which once triggered cannot be substantially changed;
5. the establishment of a negotiated environment to regularise the actions of other actors in the game;
6. the search for solutions to problems being largely determined by existing routines;
7. learning and change, which evolve from established procedures.

SOPs and repertoires of organisations may be affected by the intervention of senior government actors, but complete control is not possible. Lobbyists can encourage ministers to break procedure. If senior politicians are unable to force changes in standard operating procedures they may still be able to decide which organisations are involved in which games and at what level. Lobbyists may also introduce new issues to certain organisations.

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<sup>174</sup> Allison, G., (1969), p700

The descriptive power of this model for lobbyists is based on their understanding of organisational routines that produce outputs. Reaction to problems is rarely the consequence of far-sighted and flexible analysis. It is determined chiefly by operating procedures. Procedures and routines allow bureaucrats to deal with similar policy matters day after day with little thought. To business, procedures seem complex and formal, but they are the lobbyists' stock in trade. Effective lobbyists are familiar with those routines. They know when and how to intervene.

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### Governmental-politics model

The model is principally dependent upon internal factors such as the lobbyist's contacts and knowledge. However the behaviour of other players also affects the ability to form coalitions; therefore external factors are present. Graham Allison developed the governmental-politics model,<sup>175</sup> building on the work of Richard Neustadt.<sup>176</sup> Although Allison applied the model to policy crises, it can be used to explain routine policy development. The model understands events as neither choices nor outputs but as *outcomes*. What happens is the consequence of various bargaining games, compromises, coalitions and competition. Allison poses the question: "which results of what kind of bargaining among which players yielded the critical decisions and actions?"<sup>177</sup> This model concentrates on perceptions, motivations, positions, power and manoeuvres of the actors. The model has been little applied since Allison's seminal study.<sup>178</sup>

Policy analysis should consider personal interactions.<sup>179</sup> Viewing an action at the micro-level as the product of bargaining between actors

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<sup>175</sup> Allison, G., (1969, 1971)

<sup>176</sup> Neustadt witnessed first hand the bargaining games entered into by the US President. Holding power was not enough to achieve objectives. Neustadt, R., (1963, 1964, 1970)

<sup>177</sup> Allison, G., (1971), p7

<sup>178</sup> See Rhodes, E., (1994); Dunleavy, P., (1995b); Parsons, W., (1996)

<sup>179</sup> See Parsons, W., (1996), pp 336-342

in the game helps understanding of how lobbyists can be effective. Events can be explained when it is discovered who did what to whom and when. The governmental-politics model denies players plan their moves rationally and accepts players have imperfect information. Lobbyists tend to be effective because they know the personalities. Heinz et al suggest that lobbying representatives “who have frequent contact with influential representatives [decision-makers] are themselves likely to be influential.”<sup>180</sup> This ‘knowledge’ allows them to understand the history and personal preferences of actors. Their contacts allow them to devise effective tactics. Lobbyists are detached players who can stand back and plan strategy.

The Allison model has pluralist roots. Since he recognised government organisations are not monolithic, the model is compatible with reformed pluralism where different sub-units of government can have different preferences. Government actors are the more powerful actors and provide strategic direction.<sup>181</sup> The governmental-politics model argues that policy is an *outcome* of bargaining between actors within bureaucratic procedures.

Governmental politics is messy. Actors do not make decisions by a single rational choice; rather they negotiate and bargain. Different actors have different preferences. Government actors have one set of preferences and interest-groups another. Lobbyists act as a bridge – they bring the players closer together by identifying common ground. The need to secure effective representation “is a motivating force in the formation of alliances and the recognition of a common interest.”<sup>182</sup> Lobbyists spot connections with potential coalition partners to present a ‘broad front’ to government.<sup>183</sup> To be effective lobbyists rely on coalitional lobbying.<sup>184</sup>

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<sup>180</sup> Heinz, J., et al (1993), p350

<sup>181</sup> Allison, G., (1971), p144

<sup>182</sup> Stewart, J., (1958), p46

<sup>183</sup> The ability to present a broad coalition improves effectiveness. See Herring, P., (1929); Wilson, J., (1973); Salisbury, R., Heinz, J., Laumann, E., and Nelson, R., (1987); Berry, J., (1989b); Furlong, S., (1997)

<sup>184</sup> Schlozman, K., and Tierney, J., (1986), p278

Constructing coalitions is an important determinant of effectiveness.<sup>185</sup> The ability and willingness to form coalitions influences the ability of lobbyists and interest-groups to influence policy.<sup>186</sup> Similarly both Schlozman and Tierney and Knoke give examples of interest-groups forming coalitions to achieve their objectives.<sup>187</sup> In addition to the importance of personal contacts “the more coalitions that an organization builds with other groups, the greater its success at influencing public-policy decisions.”<sup>188</sup> Coalition building is depicted as a cause of policy effectiveness.

To explain why a certain decision was made or why a certain pattern of activity emerged it is necessary to identify the games, the players, the coalitions, and the operating procedures. Effective lobbyists can be the locus of initiative; elevating ideas and identifying links and connections. As substantive problems make disagreement likely,<sup>189</sup> consensus-building becomes more important, lobbyists are more valuable because they can spot themes in their client’s case on which it can play with a reasonable chance of success.<sup>190</sup>

To improve the analysis of policy decisions it is useful to “distinguish among governmental actions that are: agglomerations of relatively independent decisions and actions by individuals and groups of players; formal governmental decisions or actions that represent a combination of the preferences and relative influence of central players in the game; or formal governmental decisions and actions that represent a combination of the preferences and relative influence of a special subset of players in the game.”<sup>191</sup>

The ‘governmental actor’ can be visualised as a host of individual players. Only issues of supreme importance attract the attention of the busiest players. Individuals are players because of their occupation – their position often defines their impact. The resolution of problems also

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<sup>185</sup> Sabato, L., (1990), p136

<sup>186</sup> Furlong, S., (1997)

<sup>187</sup> Schlozman, K., and Tierney, J., (1986); and Knoke, D., (1990)

<sup>188</sup> Knoke, D., (1990), p208-9

<sup>189</sup> Allison, G., (1971), p157. A bargaining advantage may be important and comes from formal authority, control over resources necessary for implementation, responsibility for implementation, control over information and persuasiveness. See Allison, G., and Halperin, M., (1972)

<sup>190</sup> Allison, G., (1969)

<sup>191</sup> Allison, G., (1971), p164

depends on personalities. Many lobbyists have worked in government and the parties: they know the personalities within government. This information cannot be gleaned in any other way. Knowledge of the stance, mannerisms, beliefs and convictions of key players endows privilege.

A definition of the issue will differ by the position from which the policy is considered. The organisation's orientation will determine its involvement and priorities. Decisions and actions advance and impede each player's conception of the organisational, the personal and the national interest. Action can be necessitated by deadlines, speeches by key political actors or crises. Players will approach the issue from different viewpoints. However the power – the effective influence on government decisions – of actors depends on bargaining advantages, skill in using those advantages and other players' perceptions of advantages and skill.

Effective lobbyists help knit actors into action-channels, which structure the game by pre-selecting major players.<sup>192</sup> Lobbyists, because they have navigated these channels countless times before, confer advantage on their clients.<sup>193</sup> Each player will 'pull and haul' with the power at his discretion for outcomes that advance his interest. Effective lobbyists tend to know at what point to play to avoid being over-powered by others. Lobbyists help clients find other options and arguments to put to decision-makers.

The explanatory power of the governmental-politics model opens up to scrutiny the game that yielded the action – the players and their preferences, their positions and action channels. Lobbyists are at the centre of planning the client's strategy, policy and location. Lobbyists are neither 'of government' nor 'of the client'; they can take a detached view of the game.

Allison identifies several relevant factors.<sup>194</sup>

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<sup>192</sup> Allison, G., (1971), p171

<sup>193</sup> Karl Deutsch refers to these channels of communication as the nerves of government. Whilst other political scientists are concerned with the muscles (power) or skeleton (institutions), Deutsch examined the nerves. He suggested government is a problem of steering, and that steering is about communication. Deutsch, K., (1963)

<sup>194</sup> Allison, G., (1971), pp167-180

1. The stance of actors has a significant effect on governmental action. The advantages of each player will differ depending on the action-channel, the mix of players.
2. Action does not presuppose government intention. Players with different intentions will contribute to a policy action. Policy emerges from games where players perceive different faces of an issue.
3. Players do not focus on the grand strategic problem but on immediate decisions that must be taken. Lobbyists apply knowledge of previous experience.
4. Diverse demands on players shape perceptions, priorities and issues.
5. Vertical and horizontal demands on actors are distinct. Problems are framed and options specified by lowly actors. They compete to attract the attention of senior actors.
6. The rules of the game affect the strategy of the players.
7. There is not perfect information in games; misperception is a part of bargaining and allows co-operation among people who, had they full knowledge, would not co-operate. Miscommunication between players is also likely in fast-moving games.
8. Multiple games allow limited attention to individual games.
9. Involvement in multiple games means reticence is advantageous. Reticence reduces the likelihood of harmful leaks and gives opponents an ill-focused target of attack.
10. Players have different styles. Officials will adopt a code of conformity to withstand a change of administration. Political actors and lobbyists are more interested in policy.

Information about perceptions, priorities and personalities is not available through documents. Indeed, documents obscure such information. Because lobbyists know actors they can gather intelligence and disentangle preferences. Their contacts are crucial. Their clients enter the game with an advantage.

Policy choices emerge not from rational choice but from negotiations undertaken within SOPs. Allison's work helps the understanding of lobbyists' effectiveness because he presents the organisational process model (which sees policy as an *output* largely determined by SOPs) and the governmental politics model (policy is the *outcome* of bargaining between players) as frameworks explaining and predicting. The models complement one another. The organisational model analyses the routines of bureaucracy and highlights the aggregate

behaviour of organisations, whereas the governmental-politics model emphasises the actions of individual players and the politics between them.<sup>195</sup>

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

The significance of resources is widely recognised.<sup>196</sup> Clients can affect policy only to the extent they can afford to.<sup>197</sup> Resources influence group strength. The size of the membership, internal discipline, financial support, the potential for mobilisation and how seriously they are viewed by officials are important resources influencing client effectiveness. Political resources are not limited to one group: their distribution takes the form of 'dispersed inequalities'. "[N]o group of more than a few individuals is entirely lacking in some influence resources."<sup>198</sup> However, the larger, better-organised and well-financed groups are likely to succeed at the expense of smaller less well-resourced groups.

The level of resources can be an ingredient of successful lobbying.<sup>199</sup> Smith argued "the availability of the requisite resources for the acquisition of information about the consequences of various positions on a proposal and the presence of creative, experienced people who can transform information about consequences into interpretations that are appealing."<sup>200</sup> Similarly, Schlozman and Tierney note the importance of finance as a variable that affects an interest-groups' ability to participate in, and influence policy-making.<sup>201</sup> Low-profile lobbies require resources because of the need to undertake research, hire skilled staff, and to build up expertise. Langbein and Lotwis suggest resources are a determinant of effectiveness, pointing out "that relative wealth does

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<sup>195</sup> Allison, G., (1971), p275

<sup>196</sup> Dahl, R., (1961); Truman, D., (1951); Lindblom, C., (1977)

<sup>197</sup> Salisbury, R., (1984), p68

<sup>198</sup> Dahl, R., (1961)

<sup>199</sup> Smith, R., (1984)

<sup>200</sup> Smith, R., (1984), p49

<sup>201</sup> Schlozman, K., and Tierney, J., (1986)

not determine overall effectiveness but rather affects how groups chose to exercise influence.”<sup>202</sup>

However, the amount of time available to the lobbyist is another variable, and the transformation of resource advantage into policy effectiveness is conditional upon the time for lobbying. “Because of the lack of time available to develop advocacy efforts, the advocate will find it difficult to use its resource advantage effectively...”<sup>203</sup> Lobbyists need time to turn their resource advantage into policy effectiveness.

Skill in deploying resources and knowledge might be more important than the quantity of resources. This conclusion may explain why some well-resourced groups are defeated by interest-groups with limited resources. Groups with small resources can have a greater impact on events than those with large resources: “The use of resources depends on context and strategy.”<sup>204</sup> So “looking at these resources is not enough to measure their [actors’] capacities, for those resources will only allow actors to bring about outcomes under certain conditions.”<sup>205</sup> Although Rush expresses concern that money secures the expertise necessary to win the argument he recognises the quality of the expertise is not in direct ratio to its cost.<sup>206</sup> Some interest-groups have developed a degree of expertise in lobbying equal to if not greater than the expertise of professional lobbyists. It is not always that the more wealthy groups are the most effective.

The skill of players in deploying resources influences policy outcomes. A client with limited resources might be disproportionately effective because its lobbyist uses resources in an adroit manner. Rhodes’ work on policy-making and bargaining concentrates on resources. His model of resources available to actors in a game can be merged with Allison’s models and set in the context of reformed pluralism.

Rhodes suggests five resources are central to effective bargaining and negotiation. They are constitutional and legal, hierarchical, financial,

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<sup>202</sup> Langbein, L., and Lotwis, M., (1990), p434

<sup>203</sup> Smith, R., (1984), p51

<sup>204</sup> Smith, M., (1999), p53

<sup>205</sup> Dowding, K., (1991), p5

<sup>206</sup> Rush, M., (1990b)



political and informational.<sup>207</sup> The definition of resources is subjective because resources are variable, depend on actors' perceptions and their value is relative over time.<sup>208</sup> The impact of resources depends on the rules governing the exchange relationship and the skill with which they are deployed. Power dependency means the lobbyist depends on the resource commitment of his client. He seems to support the concept of government autonomy when he argues that one body (government) can be dependent on another (group) for information and services, yet still have power over that organisation.<sup>209</sup> But his theory of power-dependence does not adequately recognise that certain resources decide others. Legal powers determine finance, access to information and hierarchical relations. Although Rhodes declares the primacy of policy networks over relationships between institutions, Loughlin suggests policy network and institutional analysis are mutually reinforcing forms of investigation.<sup>210</sup> Rhodes' concentration on informal rules seems to be at the expense of formal rules. However, informal rules require formal rules and authority to sustain them. Both are equally important.

Therefore resources do not guarantee success, but neither do deficiencies spell doom.

## Conclusions

The risk of a multi-theoretic approach is it becomes "descriptively comprehensive but theoretically incoherent, and incapable of being generalised to apply to different issues and decisions."<sup>211</sup> However, because politics is a "multi-level, multi-arena game"<sup>212</sup>, a macro, meso and micro-level is an appropriate framework to understand the effectiveness of lobbyists. The organisation of this thesis reflects the framework outlined in this chapter.

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<sup>207</sup> Rhodes, R., (1992a)

<sup>208</sup> Rhodes, R., (1992a)

<sup>209</sup> Rhodes, R., (1980)

<sup>210</sup> Loughlin, M., (1996)

<sup>211</sup> Dunleavy, P., (1995b)

<sup>212</sup> Dudley, G., and Richardson, J., (1998)

This chapter has shown the importance of attention to context. To explain the context within which lobbyists can be effective it is valuable to utilise a macro-level concept (recognising external constraints on government, factors internal to government, and government autonomy), a meso-level concept (policy networks) and a micro-level analysis (the merged Allison and Rhodes models examining rules, actors and resources). This framework recognises the complexity of decision-making.

Both government action and social context are important in explaining how, why and when lobbyists are effective. If the external context (i.e. constraints outside and within government's control) is favourable, then lobbyists have the opportunity to be effective. Effectiveness then depends on internal factors, such as tactics, contacts, knowledge of rules, and the amount and deployment of resources.

At the macro-level this framework presents the wider context and government autonomy as key external factors. Both lobbyists and government can be restricted by external constraints. Merging reformed pluralism and weak government autonomy presents a more sophisticated approach.<sup>213</sup> Government players with their own objectives can steer groups, develop their own policy and mould their environment.<sup>214</sup> There is no over-arching single government interest; the interests of government actors do not develop in isolation from groups, and it may even be that government initially responds to groups.

But effectiveness is curbed if the aim of the lobbyist is to achieve change which 'goes against the grain' of current political, ideological, societal or organisational trends. The reformed pluralism model allows influence to be conceptualised in the policy-network model.<sup>215</sup> Policy communities are a source of influence for officials because they limit the options for change. The thesis will test whether within the policy community lobbyists use their resources to manage their client's

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<sup>213</sup> See Smith, M., (1993), p47

<sup>214</sup> Terminology taken from Rhodes, R., (1996b)

<sup>215</sup> Smith, M., (1990)

performance to improve its effectiveness. Effective lobbyists also adopt a multi-faceted approach.

Within the policy community options are limited by standard operating procedures, which for government actors are more important than rational assessment. Organisational activity is, more often than not, the execution of pre-established routines. Effective lobbyists understand and empathise with the organisational tendencies and standard scenarios used by policy-makers – they know, and can anticipate how, the ‘official machine’ works.

Lobbyists are effective if they ascertain who the key players are, their motivations, their public position and their private objectives and their relative influence. The effective lobbyist comprehends the power relations (how ‘the process’ works informally within the formal routines) and can predict how the games will be played. They have this information because they are ‘close to the ground’ and know the players, often because they are associated with parties and consequently trusted by politicians. The lobbyist seeks out connections and affiliations with third parties.

During the game the level and the deployment of resources might prove decisive. Lobbyists know how to use resources effectively. An effective lobbyist uses his skill and experience to ‘punch above his weight’.

## **4. Sunday Trading**

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Sundays are special. Sunday trading was a high-profile issue fought over the long-term at many different levels by two main interest-groups – one lobbying for deregulation of trading laws, the other campaigning for a day of rest and religion. This chapter examines the effectiveness of lobbyists campaigning for both sides. Before 1994, Sunday trading laws were embodied in the Sunday Fairs Act of 1448 and the Sunday Observance Acts of 1627 and 1677. These Acts were updated by the Shops Act of 1911, 1928 and 1936<sup>1</sup>, which in turn were consolidated as a ‘temporary measure’ in the Shops Act 1950.<sup>2</sup>

The Act was riddled with anomalies and complications leading to inconsistencies. It was subject to many attempts at reform, including three Departmental Committees<sup>3</sup> and nineteen Private Member’s Bills. Until the 1980s governments believed Sunday trading law should be changed by Private Member’s legislation. The Thatcher government favoured public legislation. However, ministers were shaken by the loss of the government’s Shops Bill (1985) at Second Reading, which disrupted its deregulatory agenda.

The subsequent inability of successive Home Secretaries to liberalise Sunday trading was embarrassing. This chapter examines the interest-group activity on the issue from the defeat in 1986 to the enactment of the Sunday Trading Bill in April 1994. There were two campaigns. The first began with an attempt to reintroduce immediately the Shops Bill, and involved lobbying government, which accepted the principle of the desirability of change, but lacked a parliamentary majority to pass this legislation. Government feared another defeat. The pro-liberalisation lobby was included in the real centre of policy-making whilst

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<sup>1</sup> Namely the Shops (Hours of Closing) Act 1928 and the Shops (Sunday Trading Restrictions) Act 1936.

<sup>2</sup> Brown, F., (1990)

<sup>3</sup> Diamond, P., (1991a)

the anti-liberalisation lobby was excluded. The latter was disproportionately weak. As a peripheral player it was consulted but had little impact on the policy outcome.

The second phase was the Lloydian period (1992-94 which coincided with Peter Lloyd MP's tenure as Parliamentary Under-Secretary of State at the Home Office). A government majority of twenty-one, continued interest-group intransigence, and a Sabbatarian rump of Tory MPs forced inventive thinking by officials. Consequently policy-making was devolved to key interest-groups to produce an options Bill. The process was made transparent to an unprecedented degree. Parliament was presented a choice of different regimes. Government's power was limited. Lobbying focused on parliament as the ultimate arbiter. The final outcome was close. The regulatory option was defeated by 304 votes to 286; a majority of only 18. The partial deregulation option was later approved by 333 votes to 258, a majority of 75.<sup>4</sup>

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<sup>4</sup> Total deregulation was defeated by 404 votes to 174, a majority of 230. "MPs pass six-hour Sunday shopping for stores", *Financial Times*, 9 December 1993

## Interest-groups and lobbyists

Conflict between the groups was intense and sharply defined. Two groups dominated the campaign. The Keep Sunday Special Campaign (KSSC), was opposed by the Shopping Hours Reform Council (SHRC). Three satellite groups circled on the fringes: Outlets Providing Everyday Needs (OPEN), Retailers for Shops Act Reform (RSAR) and Sort Out Sunday (SOS).

### Keep Sunday Special Campaign

The Jubilee Trust, a charitable organisation, housed KSSC.<sup>5</sup> It pursued collective objectives. Its priority was to ensure the Shops Act was enforced without creating a backlash, which would deliver liberalisation by default. It had no reforming intentions – it wanted to keep shops shut. Later it was forced to create an alternative to deregulation, and the REST proposals (Recreation, Emergencies, Social Gatherings, and Travel) were launched in May 1987.<sup>6</sup>

The Daily Telegraph described KSSC's bizarre nature: an "alliance of Seventh Day Separatists: Labour MPs for the shop-workers, Tories for the family unit and churchgoers from all quarters."<sup>7</sup> It portrayed itself as the voice of middle England.<sup>8</sup> KSSC was not solely religious. It represented national retailers, trades unions and trade associations.

KSSC's intellectual and religious elements were torn between an anti-liberal socio-economic analysis on the left, and conservative moral commitments pulling to the right. KSSC tried to keep these two themes in parallel, but it continued to be perceived as Sabbatarian. Subsequently, as employment rights became important, KSSC's tradition of one-nation conservatism, which developed into communitarianism,

<sup>5</sup> The Jubilee Trust was registered as a charity on 5th March 1984, Reg. No. 288783. Its stated aims were to carry out research into biblical teaching on politics and economics

<sup>6</sup> The REST proposals were based on exempt shops rather than exempt goods, unlike the Shops Act 1950 which forbid the sale of specific goods. Outlets offering services covered by the acronym REST were to be allowed to open. *Recreation* "sports, outings visits and fun. Certain goods might be allowed which help the main activity, such as fishing bait, tennis balls and ice-cream"; *Emergencies* "Emergencies can happen at any time, and to anybody. Legislation must make allowances for situation where pain or hardship occurs. Goods such as medicines, petrol and vital car parts need to be available"; *Social Gatherings* "Sunday is a day for people to relax, to meet with family and friends, to talk and share a meal or a drink, to spend time together. Goods such as restaurant meals obviously enhance special gatherings"; and *Travel* "We all have to travel some time on Sundays, for recreation, in emergencies or to attend social gatherings. It seems sensible that goods which aid a journey should be made available." See KSSC "Consensus on New Sunday Principles" 20 May 1987

<sup>7</sup> "Commons Sketch: Rumbo buys time in shopping row", *Daily Telegraph*, 28 November 1991

<sup>8</sup> William Oddie, "Never Ever on a Sunday", *The Spectator*, 14 December 1991

meant Christians and Socialists found a common denominator in dislike of exploitation.

KSSC used a political adviser. Though most work was done in-house, he contributed strategic guidance, political intelligence, drafted documents, and advised on resource prioritisation. The adviser undertook no advocacy. KSSC “made a conscious decision not to employ professional lobbyists... because the image of the campaign was grass roots up.” KSSC did not want to “come over as a bunch of smart-arsed lobbyists... [and] cherished its homely, amateur approach.”<sup>9</sup>

### Shopping Hours Reform Council

Following the defeat of the Shops Bill, the Sunday trading lobby disintegrated. In 1987 the DIY groups and the garden centres reconstituted.<sup>10</sup> Although initially a splinter from die-hard retailers, SHRC became the main pro-deregulation group lobbying for the right for all shops to trade for limited-hours on Sundays.<sup>11</sup> DIY businesses and peak associations supported SHRC. Food retailers joined later, when a loophole in the law allowed them to trade on a Sunday.

GJW and Burson-Marsteller were SHRC’s lead lobbyists. GJW was described by the SHRC as “our eyes and ears wherever they went.”<sup>12</sup> GJW’s forte was lobbying national politicians and civil servants.<sup>13</sup> The campaign was also advised by Lowe Bell Communications, Des Wilson who later joined Burson-Marsteller, and a Labour consultant.

SHRC harmonised the lobbying of its member companies. Ian Greer Associates worked for Kingfisher.<sup>14</sup> Political Profile worked for WH Smith and Charles Barker worked for Tesco. Lowe Bell provided public relations and strategic advice to SHRC.<sup>15</sup> The lack of progress between 1986-90 and Lowe Bell’s high cost meant it was removed whilst GJW was retained.<sup>16</sup> SHRC’s believed “it was like having a Rolls Royce sitting

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<sup>9</sup> KSSC director, interview, 17/3/1997

<sup>10</sup> B&Q, Wickes and Homebase. B&Q estimated sales of £168 million (23% of turnover) were carried out on Sundays. Because companies costed themselves on a six day basis the marginal turnover of 23% accounted, arguably for the whole of the company’s profit.

<sup>11</sup> SHRC, (1991)

<sup>12</sup> Principal of SHRC, interview, 5/5/1997

<sup>13</sup> Chairman of SHRC, interview, 22/7/1997

<sup>14</sup> Jon Craig, “Poll boosts campaign for opening shops on Sundays”, *The Sunday Times*, 12 February 1989

<sup>15</sup> A senior retailer commented “people thought Tim Bell was so good, had such good contacts with the Tories that he was the man to go for.” Senior Retailer, interview, 4/6/1997

<sup>16</sup> Principal of SHRC, interview, 5/5/1997

in the garage. You didn't need it. All you needed was a good Mini Cooper."<sup>17</sup>

Burson-Marsteller was hired in 1993.<sup>18</sup> Wilson continued the public communications brief and focused third-party support by adding a strategic overview, pooling resources of SHRC members, and orchestrating a grassroots campaign.<sup>19</sup>

### Outlets Providing Everyday Needs

OPEN sought to protect the interests of the small store sector. It wanted the law to allow small retailers to open, but to keep the large traders shut. OPEN's aim was to "minimise the damage that would accrue if SHRC [won] on one hand or KSSC kept us closed on the other. Both were disaster scenarios."<sup>20</sup> OPEN represented small retail outlets, including over 10,000 small shops, occupying the 'middle-ground'. The group was a "very minor player."<sup>21</sup>

Burson-Marsteller was hired in 1986, but OPEN changed to Rowland Sallingbury Casey (RSC) in 1990 supported by a public relations team. Two lobbyists ran the OPEN secretariat.<sup>22</sup> There was no permanent staff.<sup>23</sup> The executive council agreed general policy and funding. A lobbyist said "All the campaigning was done by us, including drafting letters, meeting MPs, meeting civil servants, putting out press releases, and talking to the trade press. We did everything. We ran it."<sup>24</sup>

### Retailers for Shops Act Reform

RSAR was a late entrant into the debate. It wanted to prevent large out-of-town stores from opening and campaigned to stop SHRC because of the potential damage to its members' town-centre businesses.<sup>25</sup> RSAR was a cover for Marks & Spencer.<sup>26</sup>

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<sup>17</sup> *ibid*

<sup>18</sup> The £150,00 account was won on a non-competitive pitch

<sup>19</sup> "B-M is called up in Sunday trading war", *PR Week*, 3/6/1993 and "Diary", *The Spectator*, 6 May 1989

<sup>20</sup> OPEN Chairman, interview, 24/3/1997

<sup>21</sup> OPEN lobbyist, interview, 17/3/1997

<sup>22</sup> The chairman was impressed that the senior lobbyist "worked in Conservative Central Office and was well connected - speech writing for various top ministers."

<sup>23</sup> The chairman used colleagues from member businesses for meetings with ministers.

<sup>24</sup> OPEN lobbyist, interview, 17/3/1997

<sup>25</sup> Most M&S and House of Fraser stores are in town centres, but SHRC retailers were based mainly in out-of-town complexes.

<sup>26</sup> It also included *Budgen*, *Burton Group*, *Iceland*, *Next*, *Gateway*, *House of Fraser*, *Aldi*, *Sears*, and *WM Morrison* amongst others.



RSAR used Market Access for political research and intelligence. The lobbyist “did not lobby on [RSAR’s] behalf, because we do our own representations and our lobbying.”<sup>27</sup> The consultancy provided “strategic advice on campaign management and advice and guidance on who the key players were.”<sup>28</sup> Shandwick, a PR firm, undertook media work because RSAR “needed to get our stories into the newspapers at every opportunity.”<sup>29</sup>

### Sort Out Sunday

SOS advocated total deregulation. Chaired by Lord Boyd-Carpenter, it was the political vehicle of the DIY, garden-centre and video industries.<sup>30</sup> It shared members with SHRC. SOS “did not run a whole-hearted campaign because... there was a risk of upsetting the apple cart of the SHRC.”<sup>31</sup> SOS’s strategy was to “appear to be wanting to change the law, but in fact to render the current law unenforceable.”<sup>32</sup>

SOS remained a fringe group – its natural constituency being the Conservative Party. SOS hired the Public Policy Unit. The lobbyist’s “feeling was to lie low. Government was not going to do anything for quite a while.”<sup>33</sup> SOS lawyers stimulated test cases. The PPU lobbyist said SOS “decided it was going to do everything but lobby government.”<sup>34</sup>

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<sup>27</sup> RSAR Co-ordinator, interview, 3/6/1997

<sup>28</sup> *ibid*

<sup>29</sup> *ibid*

<sup>30</sup> Sort Out Sunday Co-ordinator, interview, 1/7/1997

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

<sup>33</sup> PPU lobbyist, interview, 7/3/1997

<sup>34</sup> *ibid*

## **Macro-level**

### **Profile, technicality and politicality: Hypothesis One**

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

Sunday trading was a big policy issue. Public-interest was great. There were thousands of written representations to the Home Office and MPs, acres of press coverage and hundreds of interest-groups agitated. Between 1986-92 campaigning was directed at government. After 1992 more high-profile lobbying was directed at parliament, based on letter writing, petitions, demonstrations and using the media. As the Sunday trading campaign evolved, its profile increased. Government lost control of group politics. Policy was contracted-out to interest-groups. The government's role was passive. It put the options together and let parliament decide.

Dozens of lobbyists were active on Sunday trading. By and large they remained in the shadows and were a minor influence on the debate.<sup>35</sup> They briefed MPs, the press and helped mobilise constituency support. But this issue was decided on conscience and other factors like ideology, morality, constituency, and the views of peers. Lobbyists had no direct effect, though they had some indirect influence. The lobbyists' strategic approach was valuable, but their contribution to the campaign was limited.

Decisions on non-controversial issues tend to be made within small groups which lobbyists can permeate, but in Sunday trading lobbyists lacked control over events. The game was big and control over players and knowledge of personalities was difficult. This case study was about ideological conflict between the two main groups. Although SHRC possessed financial and organisational advantages enabling it to 'shape' public opinion, and had media support, it still could not win quickly. These advantages made little difference because the context was hostile.

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<sup>35</sup> However, both former Home Office Ministers recall holding meetings with two most prominent SHRC professional lobbyists. Former Home Office Minister 2, interview, 10/6/1997

A former minister claimed the most effective lobbying was parliamentary assistance – providing MPs with intelligence, briefs, speeches and lists of people for MPs to contact.<sup>36</sup> “Lobbyists knew how to put the information into palatable and consumable packages for Members of Parliament.”<sup>37</sup>

Lobbyists were cautious when assessing their effectiveness. They qualified their ‘successes’. When the OPEN lobbyist was asked whether he was effective, he answered “No, not totally. We had a partial success. We got the best we could out of the final deal... We got a concession.”<sup>38</sup> Contextual variables were important: “it’s arguable whether we did that or whether it would have happened anyway.”<sup>39</sup> The lobbyists were effective in providing the small-store sector with a voice louder than it would otherwise have had.

The deregulation lobbyists perceived themselves to have been effective. The GJW lobbyist claimed effectiveness because of client satisfaction, arguing “we were working with hard-headed commercial people and if they had not thought we were doing a reasonable job they would have had us out in no time.”<sup>40</sup> His colleague was forthright: the SHRC “would never have got it without us. We started it. We educated them politically – they were terribly naive.”<sup>41</sup>

GJW provided contacts, knowledge of parliamentary procedure, advocacy services and strategic advice to SHRC and lobbied MPs directly to confront KSSC. The risk of an intense parliamentary campaign is over-kill. A former Home Office Minister argued lobbyists were

regarded by many Members of Parliament as a nuisance, constantly ringing them up to ask them to commit themselves to one side or the other, which would then produce letters from supporters of the other side complaining about the position they took.<sup>42</sup>

A former minister argued KSSC was “remarkably effective... [in] representing the inchoate fears of a large number of people.”<sup>43</sup> However, one lobbyist from another group considered KSSC to have been

<sup>36</sup> Former Home Office Minister 2, interview, 10/6/1997

<sup>37</sup> *ibid*

<sup>38</sup> OPEN lobbyist, interview, 17/3/1997

<sup>39</sup> *ibid*. The lobbyist argued he was successful by giving OPEN “a role and an influence far in excess of their actual importance, because we were lobbying on their behalf.”

<sup>40</sup> GJW lobbyist, interview, 9/5/1997

<sup>41</sup> GJW Labour lobbyist, interview, 9/7/1997

<sup>42</sup> Former Home Office Minister 2, interview, 10/6/1997

<sup>43</sup> Former Home Office Minister 1, interview, 26/6/1997

“extraordinarily ineffective”, arguing its ‘all or nothing approach’ meant it was unable to compromise.<sup>44</sup>

### Conclusion

This issue was high-profile, general, and political in the first phase. A civil servant suggested “the whole point about the Shops Bill – the absolute agony – was that everyone is their own Home Secretary.”<sup>45</sup> The Home Office dealt with a range of views, from the Lord’s Day Observance Society to Sort Out Sunday. Everyone had an opinion, and no one felt obliged to justify their views. There was little to be gained from attempting reform because it encouraged protest and won little support for government. The issue was non-political after 1992 because of contextual changes.

Lobbyists were relatively unimportant and were minor players. They did not influence policy directly. Nevertheless, lobbyists were valuable in the communication of policy and internally within the coalitions. They helped explain policy to parliament and the media and helped groups refine their objectives. The evidence supports the hypothesis

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<sup>44</sup> OPEN lobbyist, interview, 17/3/1997

<sup>45</sup> Former senior civil servant 8, interview, 22/04/98

## External and contextual factors: Hypothesis Two

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

External factors affected lobbying. Advice and action were influenced by external circumstances. A good example is SHRC's view that it got "no value for money whatsoever" from Lowe Bell because lobbyists "cannot make government do things government does not want to."<sup>46</sup>

There are several important factors:

- Retailers
- A changing society
- Business profile
- Parliamentary change and ministerial turnover
- Labour modernisation

### Retailers

Consumers increasingly shopped on Sundays. Change to the law was easier following societal changes. The Conservative government aimed to decriminalise Sunday shopping and leave regulation to the market. The SHRC argued 29% of shops opened on a Sunday in England and Wales compared to 25% in Scotland (In Scotland shops could open legally).<sup>47</sup> The majority of shops trading every Sunday were small shops. The four leading supermarkets served 3.5 million customers each Sunday.<sup>48</sup>

There was cross-ownership between the different retail sectors.<sup>49</sup> A key moment came in winter 1991 when food retailers opened, thereby undermining the 'regulation' groups. One participant argued "once people got used to shopping on a Sunday the battle was almost over."<sup>50</sup> The retailers' illegality changed the status quo. In 1986 KSSC had defended the status quo, but by the early 1990s the status quo had

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<sup>46</sup> Former SHRC Research Director, interview, 28/10/1996

<sup>47</sup> SHRC Sunday Shopping Update, *The Case for Change*, nd, SHRC archives

<sup>48</sup> *ibid*

<sup>49</sup> Between DIY chains and food retailers. Sainsburys owned Homebase, whilst Woolworth and B&Q were part of Kingfisher.

<sup>50</sup> OPEN lobbyist, interview, 17/3/1997

changed. SHRC was portrayed as defending people's right to shop, whilst KSSC wanted to turn the clock back.

### A Changing Society

The workforce was changing.<sup>51</sup> The 1975 Labour Force Survey found 3.4 million people worked regularly on Sundays (15% of the workforce). By 1987 the figure was 5.6 million working at some time on Saturday and Sunday or on Sunday.<sup>52</sup> In 1950 26% of married women worked, by 1986 the figure had risen to 61%. Catering, leisure and transport sectors had worked on Sundays for decades.

Consumers had a different set of priorities from those in the 1950s. In 1950 only 26% of married women worked outside the home. The figure in the early 1990s was 70%.<sup>53</sup> 73% of unmarried women worked full-time. By the 1980s the UK was the most irreligious country in Europe. Church attendance was 20%.

"The reason SHRC was more successful is that the tenor of its campaign and the message it preached was more in-line with reality."<sup>54</sup> The SHRC's messages were closer to people's material instincts. KSSC tried to save a society that no longer existed. Public support gave government the credibility to back Sunday trading since it could argue it was not going against the grain.

The UK's business profile had also changed. The Auld Report noted that in the 1970s small businesses closed at a rate of forty-five a day.<sup>55</sup> Multiples increased their market share. Five big retailers controlled the food market.<sup>56</sup> The consequence of the 1990s recession was fierce competition between larger retailers for diminishing consumer disposable income, and some retail chains opened on Sundays to increase turnover.

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<sup>51</sup> *Reforming the Law on Sunday Trading: A Guide to the Options for Reform*, HMSO, July 1993

<sup>52</sup> Lord Caithness, Committee Stage of Sunday Sports Bill, House of Lords, 5 November 1987

<sup>53</sup> SHRC Sunday Shopping Update, *The Case for Change*, nd, SHRC archives

<sup>54</sup> Deputy General Secretary of USDAW, interview, 9/6/1997

<sup>55</sup> The Shops Acts. Late-Night and Sunday Opening. Report of the Committee of Inquiry into proposals to amend the Shops Acts (The Auld Committee), Cmd 9376, November 1984, para 291. The committee was established by the Home Secretary in 1983, chaired by Robert Auld QC, to consider what changes were needed to the Shops Act.

<sup>56</sup> Verdict Research 1986, cited in Diamond, P., (1991a)

### Parliamentary change and ministerial turnover

The 1992 General Election delivered John Major a parliamentary majority of only twenty-one, and with many Conservative MPs actively supporting both sides, Sunday trading could not be resolved by a whipped Bill. Therefore government devolved the process to the groups, which benefited SHRC. SHRC was able to shift its campaign to parliament and broaden its coalition. KSSC remained stuck in an 'opposition mindset' and failed to hold its allies together or widen its appeal.

Ministerial turnover irritated interest-groups because they were forced to begin again from 'square one'. Following a new ministerial appointment meetings took 3-4 months to arrange. A reshuffle propelled David Waddington (Secretary of State) and David Mellor (Minister of State) into the Home Office. SHRC hoped the Waddington-Mellor team would be dynamic.<sup>57</sup> But, despite having 'friendly' ministers, SHRC was ineffective because ministers were restricted by parliament. Government acted when circumstances changed. A civil servant argued "Peter Lloyd was not more effective than his predecessors. In a sense he was lucky. Circumstances were more favourable."<sup>58</sup>

### Labour Modernisation

KSSC was the natural home for Labour MPs of the old style, but Labour's internal reform, modernisation and ideological realignment drove it to attract the southern, middle-class voter and business, more likely to sympathise with SHRC.<sup>59</sup>

KSSC lobbied the sympathetic parliamentary body, whilst SHRC concentrated on the head. SHRC companies learned their way around the networks of party-modernising apparatchiks. "KSSC concentrated on backbench people who were individually sympathetic, rather than working out who were the coming people."<sup>60</sup> Labour was "lobbied

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<sup>57</sup> Evidence of the new approach was witnessed by Mellor's refusal to condemn *B&Q* for trading illegally. HC Deb Vol. 163 col 453, 7 December 1989

<sup>58</sup> Former senior civil servant 8, interview, 22/04/98

<sup>59</sup> Radice, G., and Pollard, S., (1992, 1993, 1994)

<sup>60</sup> KSSC adviser, interview, 17/3/1997

tremendously by SHRC, they were taken for meals... and functions were held. They got a barrage of propaganda from SHRC.”<sup>61</sup>

In 1989 Labour and USDAW opposed deregulation.<sup>62</sup> But as modernisation progressed, Shadow Cabinet members no longer defended existing law.<sup>63</sup> Labour MPs aired their support for Sunday trading.<sup>64</sup> SHRC hired a consultant to lobby Labour because “the traditional lobbying companies had expertise dealing with technical issues, civil servants and government ministers, but were less developed on Labour lobbying.”<sup>65</sup>

Former KSSC president, Lord Graham, broke ranks in 1992, arguing out-of-town stores should be allowed to open.<sup>66</sup> When Roy Hattersley retired from the Home Office brief he publicly supported Sunday trading.<sup>67</sup> If retailers backed the European Social Charter protecting workers’ rights, Labour argued it could support liberalisation.<sup>68</sup> SHRC policy was tweaked to accommodate Labour concerns.<sup>69</sup> Following the 1992 Election Labour offered to “co-operate positively with the government to get legislation through the House.”<sup>70</sup>

Blair’s appointment as Shadow Home Secretary moved Labour further towards liberalisation, with Blair showing himself as a moderniser and consumer-friendly. Whilst Blair was “assiduous in not hitting a lobby [KSSC] which had Church support,”<sup>71</sup> his Home Office team refused to support Ray Powell’s KSSC-drafted Bill.<sup>72</sup>

SHRC meetings between Blair and Baroness Jay, SHRC president, produced indications of support. SHRC acted as an informal channel of communication between Blair and Home Secretary, Kenneth Clarke. In preparation for a Labour government SHRC sought a Labour

<sup>61</sup> Deputy General Secretary of USDAW, interview, 9/6/1997

<sup>62</sup> There was an USDAW-inspired NEC proposition

<sup>63</sup> See Martin Jacques, “Labour and the Sabbath”, *The Times*, 26 December 1990

<sup>64</sup> “Labour Shifts on Sunday Law”, *Retail Week*, 5 May 1991.

<sup>65</sup> Labour Public Affairs Consultant, interview, 19/3/1997. He talked directly to Labour MPs “to present arguments in a way that would appeal to Labour MPs.”

<sup>66</sup> Lord Graham was formerly KSSC’s lead Labour supporter. “Sunday switch by Graham”, *Retail Week*, 21 February 1992

<sup>67</sup> “Hattersley’s trading places”, *Sunday Express*, 12 July 1992

<sup>68</sup> “Toughening of the Law”, *Retail Week*, 12 April 1991

<sup>69</sup> “New Tories back Major on Sunday trading”, *Daily Telegraph*, 25 June 1992.

<sup>70</sup> Offers of co-operation were made before and after the 1992 Election; Labour was keen to forge an agreement between retailers and shopworkers. “Labour Shifts on Sunday Law”, *Retail Week*, 5 May 1991.

“Labour moves towards deal on Sunday trade”, *Retail Week*, 3 July 1992

<sup>71</sup> OPEN Chairman, interview, 24/3/1997

<sup>72</sup> “Labour can update policies without losing its roots”, *USDAW Today*, June 1993



figurehead.<sup>73</sup> Jay was ideal: she was at the heart of the Labour party, Lord Callaghan's daughter, a key moderniser, close to Blair and a working woman.<sup>74</sup>

GJW was also acceptable to Labour because its lobbyist, a former adviser to Callaghan when Prime Minister, was close to John Smith, Labour leader, and "knew all the people well. She was well liked and well respected."<sup>75</sup> SHRC attached itself to the right-wing, modernising, feminist element which included the Emily's list network.<sup>76</sup> The PLP's shift, driven by modernisers, Scottish MPs, and a wish not to have to deal with Sunday trading in government, was confirmed by a survey in 1992.<sup>77</sup> Supporting deregulation was arguably the first act of 'New' Labour.

KSSC hoped the Conservative Sabbatarians would ally with old-Labour to hold the conservative retailers to their alliance. "If the old-Labour majority had stayed solid, the aspirant payroll vote had not implicitly been directed to the modernising agenda and modernisers hadn't been dominant, KSSC could have had a re-run of the first case."<sup>78</sup> Short-term concessions to the SHRC business alliance, however, were a politically-astute long-term strategy to re-position Labour.

The shift in Labour ideology was critical. Modernisation split the Labour vote. Elements of the Labour party were managed effectively by SHRC. Lobbyists used the modernisers to exploit the party's desire to be perceived as pro-business and pro-consumer. They understood how the elite teams operated.

Labour broke from the top-down, not bottom-up. KSSC believed "nothing, at that point in political history, could have over-turned this balance of forces."<sup>79</sup>

## Conclusion

Despite SHRC lobbying, government could not introduce legislation in the 1987-92 parliament because the context was

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<sup>73</sup> Principal of SHRC, interview, 5/5/1997

<sup>74</sup> GJW lobbyist, interview, 9/5/1997

<sup>75</sup> Principal of SHRC, interview, 5/5/1997

<sup>76</sup> Emily's List was an informal network of female Labour MPs. Chairman of SHRC, interview, 22/7/1997

<sup>77</sup> "Sunday trading", *Retail Week*, 11 September 1992. "Scot MPs have vital role in shopping vote", *The Herald*, 1 November 1993

<sup>78</sup> KSSC adviser, interview, 17/3/1997

<sup>79</sup> KSSC adviser, correspondence, 27/2/1998

inappropriate. Failed lobbyists admitted ineffectiveness was the consequence of factors beyond their control. The PPU lobbyist said “I wish we had been able to do more, but in the end you can only do as much as circumstances and your client allow you to.”<sup>80</sup> The EuroShop lobbyist said “one can never be sure... one has done a brilliant job. Whether you were effective or not depends on so many other factors.”<sup>81</sup> The KSSC adviser was “relatively ineffective when faced by the external circumstances with which we had to contend.”<sup>82</sup>

By the early 1990s regulationists were hampered and the deregulationists aided by social and economic factors. The deregulationists were with the ‘spirit of the times’. SHRC lobbyists were effective because of contextual factors. Although KSSC’s post-modern call for a break in the weekly rhythm was powerful, it was ineffective because of broader changes beyond its control. Retailers opening, changing society, changing business profile, the government’s majority and the modernisation of Labour all undermined KSSC. A civil servant argued “developments could only weaken KSSC.”<sup>83</sup>

The evidence shows the importance of contextual factors and supports the hypothesis.

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<sup>80</sup> PPU lobbyist, interview, 7/3/1997

<sup>81</sup> Chairman of EuroShop, interview, 14/5/1997

<sup>82</sup> KSSC adviser, correspondence, 27/2/1998

<sup>83</sup> Former senior civil servant 8, interview, 22/04/98

## **Pre-existing policy and experience of government players: Hypothesis Three**

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

### Group Objectives

KSSC launched the REST proposals to challenge the Conservative party to clarify its manifesto pledge, and to attract broader support.<sup>84</sup> However, the proposals to restrict Sunday trading to a limited range of shops were as complicated and irrational as the 1950 Shops Act.

The SHRC agenda amounted to the privatisation of the government's electoral programme.<sup>85</sup> The central theme was to distinguish between small and large traders. Retail units over 3,000 sq. ft could open between 10am-4pm. Shops of less than 3,000 sq. ft were to be allowed to open all day and workers would be protected.<sup>86</sup>

OPEN wanted its retail sector to be allowed to trade longer than others by restricting trading to shops under 3,000 sq. ft. Independent retailers made profits when the multiples were shut. Competition on Sundays would destroy them.

RSAR's objectives were more liberal than those of KSSC. The size of retailer allowed to open was 3,000 sq. ft and the conditions small shops had to satisfy in order to open were more vague than KSSC's proposals. Large shops, with some exemptions, would remain closed.

SOS favoured total deregulation.

### Government Objectives

The Conservative government was divided. It failed to overcome the paradox of supporting a deregulationist free-trade agenda, whilst supporting the family and church. The 1987 campaign guide read "The Government remains committed to the principle of liberalising Sunday shop opening hours, but sees little purpose in introducing a Bill until clear

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<sup>84</sup> REST - Keep Sunday Special Press Conference on 20 May 1987 at Charing Cross Hotel transcript.

<sup>85</sup> Diamond, P., (1991a)

support for change can be guaranteed in the House of Commons.”<sup>87</sup> Under Margaret Thatcher free trade generally triumphed over family and religion, except over the 1985 Shops Bill.

The Conservative government’s third term was characterised by a commitment dating back to before 1986, which was entangled with memories of burned fingers. The loss of the Shops Bill at Second Reading made government wary of reintroducing reform. The late 1980s were spent hunting for a solution. By the 1990s the debate shifted to the need for compromise.

Deregulation was the fashion in the late 1980s and early 1990s. Michael Heseltine, President of the Board of Trade, launched a crusade against red tape in 1992. Deregulation of Sunday trading hours fitted this policy backdrop. A civil servant suggested the SHRC was the “strongest deregulatory group at a time when the initiative was a deregulatory one.”<sup>88</sup>

## Conclusion

Given the ideology and pre-existing policy commitments of government, it was more difficult for KSSC to achieve its objectives than SHRC. In the pre-Lloydian period the government’s free-market ideology supported Sunday trading. Regulation and restriction were excluded from its agenda. Prime Minister, John Major, and Home Secretary, Michael Howard, like many of their parliamentary colleagues, supported total deregulation. The preferences of government and SHRC were non-divergent. They shared a similar ‘world view’.<sup>89</sup>

The government objected to KSSC policy. Ministers opposed the REST proposals. A former minister argued an effective lobbyist should have a case “within the thrust of government policy. If you’re going with the flow of government policy, you are alright.”<sup>90</sup> KSSC believed “by the time the issue was resolved, opposition to Sunday trading had become

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<sup>86</sup> Worker protection included a right to premium pay and protection against being forced to work on Sundays.

<sup>87</sup> Conservative Party, (1987), *General Election Campaign Guide 1987*, Conservative Party, London

<sup>88</sup> Former senior civil servant 8, interview, 22/04/98

<sup>89</sup> Smith, M., (1993)

<sup>90</sup> Former Home Office Minister 2, interview, 10/6/1997

so out-of-joint with the mood of the time that continued, assertive support for opposition was a barrier to political elite decision-making...<sup>91</sup>

KSSC swam against the political tide by “moving against a government machine that... had positively decided it wanted this [reform].”<sup>92</sup> OPEN’s case was disadvantageous. The argument was anti-competitive and anti-deregulation. OPEN’s lobbyist asked “why should small shops have concessions? We were starting on the back foot.”<sup>93</sup>

In most cases lobbyists tend to be effective if their case is congruent with government beliefs and pre-existing policy. SHRC was close to government in the pre-Lloydian period because of its access and intelligence. However, government lacked the power to deliver deregulation. Success is authorised by government players except when the government’s majority is small, or when the issue is a matter of conscience. The evidence supports the hypothesis.

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<sup>91</sup> KSSC adviser, correspondence, 27/2/1998

<sup>92</sup> KSSC adviser, interview, 17/3/1997

<sup>93</sup> OPEN lobbyist, interview, 17/3/1997

## Meso-level

### Involvement in the policy-making process:

#### Hypothesis Four

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

Lobbyists follow rules of the game to enter the policy network. There were two networks – a closed policy community and a secondary broader network which changed over time.<sup>94</sup>

After 1986 SHRC presented its strategy to the Home Office.<sup>95</sup> “The government made clear if a policy was going to be delivered it was up to [SHRC] to deliver it and sell it. They would have nothing to do with promoting it.”<sup>96</sup>

In the first phase ministers were the fulcrum of the small and tightly integrated primary community. Government restricted entry to those players who shared its views. KSSC and OPEN were overlooked whilst SHRC was authoritative. SHRC's relationship with government was institutionalised. Relations with the Home Office were “sometimes in conflict, often in agreement, but always in touch and operating within a shared framework.”<sup>97</sup> The relationship fits the Marsh-Rhodes typology of a policy community.<sup>98</sup>

Secondary groups had sufficient resources to be included in policy-making but their ideas were dissonant with government. KSSC was part of this sub-sectoral issue network that was neither cohesive nor integrated. Gaining access to this network was not difficult, but participants had limited influence on policy. There was little interdependence and often outright hostility between members.

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<sup>94</sup> Smith, M., (1993)

<sup>95</sup> Former SHRC Research Director, interview, 28/10/1996

<sup>96</sup> GJW lobbyist, interview, 9/5/1997. The Home Office minister, Tim Renton said “we have no intention of riding into the valley of Parliamentary death again” although he regarded Sunday trading as “important unfinished business.” “As you are on Sundays”, *East Grinstead Courier*, 24 November 1988.

<sup>97</sup> Helco, H., and Wildavsky, A., (1974), pXV

<sup>98</sup> Rhodes, R., and Marsh, D., (1992b)

KSSC was excluded from a Home Office working party looking for workable solutions.<sup>99</sup> KSSC lobbied for inclusion in the working group and argued the consensus sought by government was precluded by its exclusion. Though KSSC spent considerable time in the company of Home Office civil servants, in an attempt to win serious support for its proposals, it believed policy was established and consultation constituted procedural etiquette.<sup>100</sup>

Tim Renton, Home Office Minister, in February 1989 failed to convince a Cabinet committee that the SHRC option would command parliamentary support.<sup>101</sup> The Prime Minister accepted she had failed to reform Sunday trading and the immediate prospect was of shelving reform indefinitely.<sup>102</sup> The pre-1992 campaign effectively died when the government refused to put a Bill in the 1989 Queen's Speech. There was no prospect of reform between 1990-92 because of the proximity of an Election. Another 'palliative' consultation round was launched.<sup>103</sup>

After Mrs Thatcher's resignation the problem became less a matter of doctrine and more a problem of governance. Support for deregulation continued under John Major. He said "[e]xperience in Scotland does suggest that a suitable consensus is possible. I hope one can be found south of the border."<sup>104</sup> Yet another session of round-table talks with ministers began in Spring 1991.<sup>105</sup> Major pledged publicly that reform of Sunday trading would be included in the Conservative Party manifesto.<sup>106</sup> The pledge was not the consequence of effective lobbying – it was a rolling commitment.<sup>107</sup> Major continued the previous government's policy.

<sup>99</sup> Members of the working group included representatives lobbying for liberalisation: Sir Basil Feldman and Roger Boaden of SHRC, Dick Clark (Wickes), Alistair Grant (Argyll Group) and Geoff Mulcahy (Kingfisher). Trades unions and KSSC representatives were excluded.

<sup>100</sup> President of KSSC, interview, 25/2/1997. "Keeping Sunday Special", *Asian Trader*, 29 September 1989

<sup>101</sup> "Radical Cabinet defies jitters", *The Independent*, 7 March 1989

<sup>102</sup> "Ministers prepare burial of Sunday trade reforms", *Marketing Week*, 12/5/1989 and "Sunday Trading Issue is Dropped", *The Times*, 26/5/1989

<sup>103</sup> "No end likely for shop hours chaos", *Retail Week*, 24 February 1989. Between January 1988 and October 1990 there were forty-five meetings between the Home Office and interested parties. HC Deb 24 April 1991 col 1195

<sup>104</sup> HC Debs, PMQ, 7/5/1991, col 621

<sup>105</sup> ADC acted as an honest broker. "Rumbold in push for shops reform", *Local Government Chronicle*, 1 March 1991. KSSC; SHRC; SOS; OPEN; ADC; USDAW; GMB; British Retailers' Association; Retail Consortium; National Institute of Chambers of Commerce and Industry and many others were consulted by the Home Office

<sup>106</sup> "Sunday trade law reform planned", *Daily Telegraph*, 12 September 1991

<sup>107</sup> Former Home Office Minister 2, interview, 10/6/1997. The manifesto stated "The law on Sunday trading is not observed and not enforced and risks bringing the whole of the law into disrepute. We will therefore place measures before Parliament to provide reasonable opportunities for shopping on Sundays." Conservative Party Manifesto 1992. There was no mention of Sunday trading in the Liberal Democrat or Labour manifestos.

The second period of the campaign coincided with Peter Lloyd's tenure in the Home Office, after the 1992 General Election.<sup>108</sup> Lloyd was a respected parliamentarian and widely liked across the parties. He was less partisan than his predecessors. The Election result confirmed full deregulation was impossible.<sup>109</sup> Big business claimed influence. Dixons' chairman said he received a personal promise "from a politician higher than Kenneth Clarke" that government would introduce reform.<sup>110</sup>

Under Lloyd the policy community was broken apart. As external circumstances changed, government recognised it could not negotiate a settlement. A Shops Unit of six officials dealt with consultation, correspondence and legislation. The imperative of the Lloydian period was to create a policy to deliver a choice between effective workable, but wholly different, reform options.<sup>111</sup>

From the government's perspective the old insider-outsider distinction dissolved. Officials needed partners in interest-groups with whom they could talk formally and informally to construct choices. Government required parliament to make a positive choice rather than a negative one. "The object of the exercise was to make sure the Bill reflected what the groups required."<sup>112</sup> Civil servants did not question the views of groups or whether the options were workable. The Home Office found a willingness to negotiate in OPEN, RSAR and to some extent the SHRC, irrespective of the underpinning political differences. Lobbying ministers became irrelevant. Government had opened the door. Civil servants were "working for the main groups."<sup>113</sup> It was the first and last government bill where officials and parliamentary counsel were loaned to interest-groups to design law. Ministers wanted deregulation, but they wanted the issue settled even more.

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<sup>108</sup> Lloyd's official statement read "we have been given a mandate for reform by the country and we are keen to get that reform right and in place as speedily as we can." "Minister pledges to update Shops Act", *Sunday Express*, 19 April 1992

<sup>109</sup> "Clarke poised to ease the ban on Sunday trading", *The Independent*, 9 July 1992; "Sunday trade law change planned to end confusion", *Daily Telegraph*, 9 July 1992; "Tories to reform Sunday trading", *The Times*, 9 July 1992.

<sup>110</sup> "EC Court likely to back ban on Sunday trading", *Financial Times*, 9 July 1992

<sup>111</sup> The formula of mutually exclusive options had been used before on the Second Reading of the Human Fertilisation and Embryology Bill (HC Deb 2 April 1990 col 914-1005) offering a choice between 36, 38 or 40 weeks. The Sunday Trading Bill offered totally different regimes.

<sup>112</sup> Former senior civil servant 8, interview, 22/04/98

<sup>113</sup> *ibid*



KSSC lobbied government too long after the focus had shifted to parliament. It saw conspiracy everywhere. It did not believe the Home Office tried to put a workable regulatory option in the Bill. KSSC had become accustomed to opposing and wasted energy worrying about the politics being played by government when, in the second stage, there was none.

### Conclusion

Government provided SHRC with privileged access to the policy community in exchange for it leading the public campaign for liberalisation. There was an inner and an outer circle – a primary and a secondary community. The primary community was small. The secondary community often involved consultation, but little influence.<sup>114</sup> In the Lloydian period lobbyists were not necessary for access to the primary community because the government was open. Lobbyists cannot take credit for SHRC's position at the policy community core in phase one either, because SHRC was in league with government. In phase two the community was accessible to all groups.

The history of closeness and exclusion in the pre-Lloydian period conditioned players' expectations in the Lloydian period. SHRC and ministers formed a key network before 1992 because their goals converged and KSSC was actively excluded because of its aims in a way that was less true subsequently. After 1992 KSSC preferred to think of itself as the down-trodden victim of conspiracy. Its failure to compromise or develop a workable solution and its unwillingness to let anyone help was fatal.<sup>115</sup> Lobbyists played little role in helping their clients access the network but did manage their clients' activity effectively. Groups are more effective if they are in the policy community. The evidence supports the hypothesis.

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<sup>114</sup> Smith, M., (1992)

<sup>115</sup> One solution would have been for KSSC to stipulate all shops over 3,000 sq. ft could not open.

## Multi-faceted lobbying: Hypothesis Five

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

### Parliament

All sides targeted parliament in the Lloydian period. Sympathetic MPs initiated Early Day Motions (EDM), questions and debates. Up to 1992 SHRC concentrated on Tory MPs, whilst KSSC held together a coalition of Labour and Conservative MPs. SHRC's campaign to broaden its appeal led it to a multi-party lobbying strategy.

Labour MP Ray Powell tabled a Private Member's Bill in January 1993 which re-introduced an earlier KSSC-drafted Ten Minute Rule Bill.<sup>116</sup> The Bill presented a challenge to SHRC.<sup>117</sup> SHRC-friendly MPs tabled over one hundred technical amendments at report stage, some drafted by GJW.<sup>118</sup> Angela Rumbold MP led the campaign and co-ordinated SHRC's 'parliamentary pushers', which successfully defeated the Bill.<sup>119</sup> Lobbyists relied on procedural knowledge to defeat the Bill.<sup>120</sup> Retail concern that the campaign was too low-profile was unwarranted.<sup>121</sup> A public campaign would have unsettled the Home Office. Lobbyists knew parliamentary procedure provided them the opportunity to defeat the Bill without delivering KSSC publicity.

KSSC also lobbied MPs.<sup>122</sup> KSSC benefited from feedback from informal discussions between members and ministers. "An enormous number of MPs were willing to go to the wall" for KSSC.<sup>123</sup> Whilst it "did not lack 'heavy-weight' support. We could get members to speak for KSSC in the House," it did lack the support of party elites.<sup>124</sup>

<sup>116</sup> The Shops (Amendment) Bill (Bill 14) presented by Ray Powell was based on KSSC's proposals. A second, the Shops Bill (Bill 25), presented by James Couchman followed the policy of the SHRC.

<sup>117</sup> The Bill won a second reading by 173 votes. "Powell's progress", *Retail Week*, 29 January 1993

<sup>118</sup> SHRC "Sunday Shopping Update - Powell Bill - Report Stage" nd. Of the 135 amendments tabled, the majority was put down by former Home Office Minister, Dame Angela Rumbold MP (the former Home Office Minister, now returned to the backbenchers). The SHRC planned wrecking tactics. "Ban sex on Sundays", *Mail on Sunday*, 17 October 1993

<sup>119</sup> It can be important to get a legislative sponsor – a horse. Wittinberg, E., and Wittinberg, E., (1989)

<sup>120</sup> SHRC retained the bulk of amendments for the Third Reading because amendments introduced at Committee stage cannot be tabled during Third Reading.

<sup>121</sup> "Under the counter", *Retail Week*, 1 March 1993

<sup>122</sup> Principal of KSSC, interview, 4/2/1997

<sup>123</sup> OPEN Chairman, interview, 24/3/1997

<sup>124</sup> Alan Beith and David Alton from the Liberal Democrats, Conservative MPs Ivor Stanbrook and Michael Allison and Labour MPs Ray Powell, Audrey Wise and Derek Foster provided "quality, reliable, verifiable information..." KSSC director, interview, 17/3/1997

There was little lobbying of the upper chamber. KSSC “ignored the Lords completely until we lost in the Commons, so we had four weeks to do anything we could.”<sup>125</sup> A last-minute effort could not match the sustained lobbying by SHRC. SHRC briefed Peers assiduously and encouraged its allies to brief other Peers.

### Parties

KSSC held over 500 constituency meetings and supported the Christian Election Forum, which pressured candidates on religious issues like Sunday trading. Some vulnerable candidates committed themselves, if elected, to vote against Sunday trading.

Retailers had a strong presence at party conferences. A senior retailer argued “the purpose is not necessarily to influence MPs; you have dinners and lunches with MPs but you can do that easily in Westminster. It is to create the right climate amongst party members and local councillors.”<sup>126</sup>

Lobbyists questioned the value of attending party conferences. However, if one interest-group attended, the others felt obliged to. OPEN found attendance a “soul destroying experience” but being there was important because “if everyone else is there you have to be there.”<sup>127</sup> The GJW lobbyist argued “if you are involved in a campaign, a healthy presence at party conference shows you are on the map. We knew if we weren’t there KSSC would be.”<sup>128</sup> Attending conference seems worthwhile to raise profile and to influence party opinion.

### Media

Media enthusiasm for deregulation cannot be credited to SHRC lobbyists. Support dated back to Baroness Trumpington’s 1981 Bill and had been strong during the Shops Bill 1985. SHRC pushed at an open door. Many journalists supported liberalisation. Media support created a context in which it was easier for politicians to make SHRC-friendly decisions.

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<sup>125</sup> Principal of KSSC, interview, 4/2/1997

<sup>126</sup> Senior Retailer, interview, 4/6/1997

<sup>127</sup> He likened it to “pushing water uphill.” OPEN Chairman, interview, 24/3/1997

<sup>128</sup> GJW lobbyist, interview, 9/5/1997

Support may have been the consequence of journalistic work patterns, or pressure on editors from proprietors and retailers.<sup>129</sup> Newspapers supported liberalisation because it was popular with the public. The tabloid press supported Sunday trading. *The Sun* wrote “The government must immediately legalise Sunday opening. Religious fanatics and stropky unions preventing us from shopping when we want must be ignored.”<sup>130</sup> Similarly the *Sunday Mirror* published the names of all 144 MPs who voted against an SHRC-sponsored Private Member’s Bill and encouraged readers to complain.<sup>131</sup>

KSSC struggled to get its agenda adopted by the national media. Whilst the *Daily Telegraph* and *Evening Standard* were supportive, KSSC would have been helped by “an education campaign by professionals in the media. We felt that the media was biased against us... We were portrayed as a bunch of killjoys.”<sup>132</sup> “Professional lobbyists might have helped KSSC.”<sup>133</sup> KSSC found the local press more amenable because “a local newspaper struggles to find material... to fill the pages. If we prepared articles and sent them to the local newspapers, they were delighted to publish them.”<sup>134</sup>

Lobbyists’ contacts helped them place stories, but the media represented the ‘new-consumerism’ and reflected opinion polls showing the popularity of Sunday shopping. The press linked its agenda to societal trends and the shift of opinion within Labour.

### Public Opinion

Public opinion was the most valuable and difficult form of support to generate.<sup>135</sup> Lobbyists stirred up support in the constituencies. However, there were no ‘real’ grass roots organisations, despite the term being widely used. This campaign activity has been characterised by US

<sup>129</sup> “The Big DIY Divide”, *Marketing*, 9 May 1991. DIY and electrical and food retailers advertised heavily in the tabloid press. B&Q spent £16 million on advertising in the press, other DIY chains such as *Do It All* spent £3.2 million during the campaign.

<sup>130</sup> “Ring the Bells”, *The Sun*, 15 December 1990. The Sun established a Sunday Opening database and provided its readers with a telephone number to call for them to find out if stores in their area opened on Sundays.

<sup>131</sup> “144 MPs who defied public”, *Sunday Mirror*, 10 March 1991

<sup>132</sup> KSSC director, interview, 17/3/1997

<sup>133</sup> *ibid*

<sup>134</sup> John Lewis Partnership Representative, interview, 4/3/1997

<sup>135</sup> OPEN Chairman, interview, 24/3/1997

observers as 'astro-turf' lobbying. It is artificial and manufactured but looks like the real thing.<sup>136</sup>

SHRC established a variety of front bodies, including the All-Party Group on Sunday Trading; Council Leaders in Favour of Sunday Shopping;<sup>137</sup> and purported grass-roots organisations like Working Women for Sunday Trading, Consumers for Sunday Trading and the Sunday Shopping campaign.<sup>138</sup> These campaign groups exaggerated the issue's electoral salience.

SHRC was initially out-manoeuvred by KSSC. KSSC used its Church network, circulating draft sermons, parish newsletters, correspondence and signature campaigns. It leafleted customers of stores that broke the law. It wrote to clergymen to encourage their congregations to write to MPs, causing SHRC to mail Britain's 18,000 clergymen.<sup>139</sup>

SHRC established a network of regional organisers. GJW advised concentrating on constituencies to buttress the London-based campaign.<sup>140</sup> The regional campaigners, a group of amateur politicians, were assisted by over 400 local voluntary co-ordinators.<sup>141</sup> A 'Sunday Shopping Bus' toured the country. A 'sign-up' campaign collected one million signatures.<sup>142</sup> SHRC companies orchestrated their employees and customers to write to MPs.<sup>143</sup> Store managers helped staff write letters that looked "diverse and heart-felt."<sup>144</sup>

Retailers were advantaged by their closeness to the consumer. Retailers built an alliance with consumers. "There was an extensive programme of getting MPs in the stores."<sup>145</sup> GJW lobbied prospective candidates in key seats and invited them to local stores.<sup>146</sup> KSSC, RSAR

<sup>136</sup> see Jeffrey Birnbaum at <http://pathfinder.com/fortune/1997/971208/was1.html>

<sup>137</sup> "Cross-party backing for shopping on a Sunday", *Daily Telegraph*, 8 November 1993

<sup>138</sup> Working Women for Sunday Trading was headed by Mo Mowlam MP, Baroness Flather and Baroness Hamwee. "Sunday shop reformers moot pre-Bill ad burst", *Marketing Week*, 29 October 1993

<sup>139</sup> "Sunday Trading", *The Independent*, 21 January 1989

<sup>140</sup> GJW lobbyist, interview, 9/5/1997

<sup>141</sup> Chris Davies, elected Liberal Democrat MP for Littleborough and Saddleworth; Nick Harvey, elected Liberal Democrat MP for North Devon in 1992; Eleanor Laing elected Conservative MP for Epping Forest in 1997; and Janet Anderson, elected Labour MP for Rossendale and Darwen in 1992. "Retailers recruit Sunday shoppers", *Marketing*, 24 September 1992

<sup>142</sup> The petition was presented to the Home Office on 21 February 1992. "Petition on Sunday trading presented", *Financial Times*, 21 February 1992

<sup>143</sup> Principal of KSSC, interview, 4/2/1997

<sup>144</sup> A letter to branch managers from Boots HQ recommended giving staff "pens of assorted colours, a range of notepaper but not company headed notepaper and guidelines on writing letters." "Boots tells staff how to lobby for Sunday trading", *The Independent*, 6 November 1993

<sup>145</sup> GJW lobbyist, interview, 9/5/1997

<sup>146</sup> Principal of SHRC, interview, 5/5/1997

and OPEN wrote to MPs in whose constituencies they had a presence and invited them to members' stores.

SHRC commissioned 37 polls, and found consistent majorities of two-thirds favouring Sunday trading. In the run-up to the government Bill's second reading the media were bombarded with polls.<sup>147</sup> A final crescendo of lobbying culminated in National Sunday Shopping Day in September 1993.<sup>148</sup>

Lobbyists helped mobilise public opinion. "MPs are actually neurotically attentive" to opinion polls.<sup>149</sup> The tactical value of polls was not lost on the deregulation lobby. They provided SHRC a peg on which to hang news stories. Surveys helped form and lead public opinion and were mutually-reinforcing.

### Conclusion

Lobbyists were active on several fronts proving the hypothesis is valid. However, the concentration on the constituency campaign could require the hypothesis to be modified. Effective lobbying, especially on issues of conscience, seems built in the locality. KSSC used the church network and invited MPs into its retailers' stores, whilst SHRC used its stores to lobby MPs. SHRC also ran a media strategy based on opinion polls, the uneven application of the law, and consumer demand.

Parliament was the key target. Both main interest-groups attempted to introduce change from the back-benches. A multi-faceted approach was used by all groups in this campaign and seems a pre-requisite for effective lobbying. Whilst one route may be pre-eminent, like constituency lobbying, other avenues were pursued simultaneously. The evidence supports the hypothesis.

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<sup>147</sup> "Sunday laws still a load of tripe", *The Guardian*, 6 November 1993

<sup>148</sup> "Sunday lobbyists put pressure on", *Super-Marketing*, 3 September 1993

<sup>149</sup> Former Home Office Minister 1, interview, 26/6/1997

## Micro-level

### Routines and Standard Operating Procedures: Hypothesis Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

Rules and procedures are learned through experience. Lobbyists have often worked within the system. The informal rules and rhythm of policy-making are difficult to learn by simple observation. A premium was placed on those who had worked within government

After the 1986 defeat, and until 1992, knowledge of civil service and government procedures was important. Government had an established policy. Civil servants were involved in formal consultation with groups and drafting the legislation. Government was the focus of lobbying. After 1992 knowledge of parliamentary procedure became important as the focus shifted from government. A civil servant argued the lobbyists were not “heavily involved in dealing with ministers – more advising the client. I was not exposed to them.”<sup>150</sup>

Civil servants are “used to a situation where they advise the minister and they drive through legislation on a three-line whip. They’re not very good at understanding the mood of the House - what will work and what won’t.”<sup>151</sup> SHRC had the advantage in the first phase, because it hired advisers with knowledge and experience of the civil service procedure.

It is useful to distinguish between lobbying aiming to shape ‘political policy’ and that focussing on technical.<sup>152</sup> Different types of lobbying require different techniques. Officials “are amenable only to intellectual argument. It’s all about probability and exposure, especially exposure of their minister.”<sup>153</sup> Despite GJW and SHRC’s knowledge of rules, and their effectiveness in delivering the perception of widespread

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<sup>150</sup> Former senior civil servant 8, interview, 22/04/98

<sup>151</sup> Senior Retailer, interview, 4/6/1997

<sup>152</sup> PPU lobbyist, interview, 7/3/1997

<sup>153</sup> Senior Retailer, interview, 4/6/1997

support, the Home Office could not deliver legislation because it risked exposing the government. Because ministers needed support to get the policy through, civil servants worked with SHRC lobbyists and wanted to be aware of their activity to ensure their minister was not exposed.

For ministers to accept political risk in proposing Sunday trading they required lobbyists to 'deliver' – to lobby other ministers, MPs and others to build support. The minister should not be left exposed. Though GJW and SHRC knew their way around Whitehall, they could not deliver support.

SHRC's greater resources allowed it to buy a greater level of expertise than KSSC. Knowledge of procedure allowed SHRC lobbyists to operate with confidence. But there is little evidence to suggest the lobbyists' knowledge of rules helped their clients. The issue was so general and, later the process so transparent, that effective lobbying did not require knowledge of technical or complex procedures.

There was little arcane or mysterious to the work of officials. But understanding the internal mechanisms of organisations was important. Miller argues "friends in high places are no match for an understanding of the mechanics of the decision-making process" because government must justify its decisions and prove it has consulted widely.<sup>154</sup> SHRC's knowledge of procedure, rules and rhythm was essential during the first phase, allowing it to maintain pressure on ministers. These rules were either learned through insider-experience, or developed by lobbyists as they dealt with the system.<sup>155</sup>

Consultancies understood the rules because of the background of their staff. They had a mixture of people who ranged from ex-civil servants, ex-political people, advisers, researchers, and people from business and industry.

## Conclusion

SHRC lobbyists knew the personalities and the informal rules.<sup>156</sup> Many had worked within the system, which enhanced their effectiveness.

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<sup>154</sup> Miller, C., (1991)

<sup>155</sup> GJW lobbyist, interview, 9/5/1997

<sup>156</sup> PPU lobbyist, interview, 7/3/1997, Principal of SHRC, interview, 5/5/1997, GJW lobbyist, interview, 9/5/1997, GJW Labour lobbyist, interview, 9/7/1997, Senior Retailer, interview, 4/6/1997



KSSC lobbyists did not 'work the system' as effectively as their opponents. With some exceptions their staff and advisers had not worked in the civil service or the political arena – they were outsiders in experience and contacts. The evidence supports the hypothesis.

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### Contacts

Contacts are an additional research attribute for lobbyists – they deliver information. They are the lobbyists' unique selling point. Government contacts were valuable between 1986-92. Parliamentary contacts became more important over time. Contacts were insufficient to persuade decision-makers of the merits of a case, but they provided the intelligence necessary for effectiveness.

SHRC "had access to the people who were making the decisions within the political parties."<sup>157</sup> Lobbyists' contacts helped SHRC access Labour. Lobbyists organised contact-building programmes, acted as an introductory service, picked-off key individuals, built relationships and explained internal party politics. SHRC networked furiously: it "worked hard at developing a contact list. Everywhere we went, they appeared. It was like Hitchcock in his films."<sup>158</sup>

SHRC had a good relationship with the Conservative party, and looked like a Conservative club. Conservative insiders (the party's Treasurer and former Central Office employees), advised by Conservative strategists were managed by a steering committee of Conservative businessmen led by a chief executive claiming to be on first-name terms with two-thirds of the Cabinet.<sup>159</sup> Information rarely came from officials, but more often from ministers at social occasions. Intelligence was "good because there were quite a few ministers that

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<sup>157</sup> Chairman of SHRC, interview, 22/7/1997

<sup>158</sup> Deputy General Secretary of USDAW, interview, 9/6/1997

<sup>159</sup> "Open up Sunday", *Sunday Mercury Birmingham*, 19 February 1989. Principal of SHRC, interview, 5/5/1997

were sympathetic and they were helpful in keeping us in the picture.”<sup>160</sup> This Conservative bias became a liability after 1992, when SHRC donned a Labour cloak provided by Baroness Jay. GJW claimed front-bench Labour spokesmen contacted it. Party spokesmen would allegedly call and ask “‘I want to learn very quickly about ‘X’, have you got someone I can have a meeting with?’ If they trust you to do that, it proves you are effective.”<sup>161</sup>

However, access to ministers was not the consequence of effective lobbying. Ministers “never refused to see anybody.”<sup>162</sup> A civil servant suggested “Peter Lloyd was very available to the groups – he would see all of them.”<sup>163</sup> Similarly, the PPU lobbyist argued access to ministers was ‘easy’.<sup>164</sup> But KSSC’s relations with ministers remained frosty. KSSC described Home Office ministers as “Rotweilers being tamed.”<sup>165</sup>

Civil servants were anxious to know the internal politics of the different lobbies.<sup>166</sup> The civil service was active in dealing with interest-groups, therefore they did not fight for access. SHRC was locked into the civil service and had excellent intelligence. Civil servants briefed SHRC in off-the-record discussions away from the Home Office.<sup>167</sup> GJW knew and briefed members of the No 10 Policy Unit. When SHRC set up meetings with civil servants, it “always used to take [the GJW lobbyist] with us, or [he] would set up the meeting and he would go. He would be instrumental in setting them up.”<sup>168</sup> The relationship between SHRC and Home Office paralleled the relationship between MAFF and farmers. Producer interests, claiming to speak for the public-interest, were permitted easy access to policy formulation.

KSSC’s access to Whitehall varied. It was good during the Powell Bill. KSSC believed it was given a ‘fair hearing’ by civil servants, but never believed the civil service was neutral. KSSC argued “on balance it

<sup>160</sup> GJW lobbyist, interview, 9/5/1997

<sup>161</sup> GJW Labour lobbyist, interview, 9/7/1997

<sup>162</sup> Former Home Office Minister 1, interview, 26/6/1997

<sup>163</sup> Former senior civil servant 8, interview, 22/04/98

<sup>164</sup> PPU lobbyist, interview, 7/3/1997

<sup>165</sup> KSSC Barrister, interview, 23/5/1997

<sup>166</sup> GJW lobbyist, interview, 9/5/1997

<sup>167</sup> Principal of SHRC, interview, 5/5/1997

<sup>168</sup> *ibid*

was a question of being tolerated than [having] a real impact.”<sup>169</sup> A KSSC adviser argued meetings with civil servants “were always unpleasant. It was never an equal meeting of minds.”<sup>170</sup>

OPEN developed a more effective rapport with Home Office officials. Their lobbyist spoke “on a daily basis with the Home Office drafting team... [the official] felt he could have an impartial conversation with [the lobbyist] about the issues. There was a two-way flow of information.”<sup>171</sup>

Good contacts were essential. Closed networks were difficult to enter. SHRC’s Conservative contacts and GJW’s Labour contacts allowed access to the key party networks.

## Coalitions

The debate over whether lobbyists should focus on allies or adversaries continues.<sup>172</sup> SHRC lobbyists undermined KSSC by recruiting those initially opposed to SHRC – trades unions.

Groups manoeuvred to strengthen themselves, undermine their opponents and jockeyed to build alliances. For either side to emerge victorious it had to persuade a parliamentary majority it was representative of mainstream thought. That meant constructing a broad coalition. SHRC was more effective at portraying its option as a quintessential compromise.

## Trades Unions

SHRC split USDAW from KSSC. Whilst the Labour front-bench supported SHRC, backbench support was disparate. USDAW would deliver enough Labour support for SHRC to ignore the obstructive Sabbatarian Conservative MPs. SHRC turned USDAW by:

- portraying KSSC as religious extremists and separating the goals of KSSC and USDAW: the religious and the social case;<sup>173</sup>
- convincing USDAW leaders they could trust SHRC;

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<sup>169</sup> KSSC director, interview, 17/3/1997

<sup>170</sup> KSSC Barrister, interview, 23/5/1997

<sup>171</sup> OPEN Chairman, interview, 24/3/1997

<sup>172</sup> Austen-Smith, D., and Wright, J., (1994, 1996)

<sup>173</sup> SHRC Sunday Shopping Update, *Keep Sunday Special Threatening Jobs and Choice*, nd, SHRC archive

- exerting pressure on USDAW;
- mobilising the work force against the union;
- opening stores to 'prove' demand for Sunday trading.

First, USDAW was never comfortable with its association with KSSC's religious element.<sup>174</sup> KSSC needed USDAW to avoid perceptions of religious extremism. However, KSSC's separation of the biblical and labour elements, paid insufficient attention to employment issues opening a chink in KSSC's armour. In February 1992 KSSC abandoned employment provisions in the Powell Bill to broaden its parliamentary appeal and made overtures towards RSAR.<sup>175</sup> KSSC's move threatened USDAW's interests.<sup>176</sup>

Second, SHRC used GMB, T&GWU and MSF support to convince USDAW to leave KSSC.<sup>177</sup> SHRC opposed the Employment Bill to protect its coalition-building with USDAW. It feared Sunday trading could be seen as part of a strategy that left workers vulnerable.<sup>178</sup> The DoE refused employment concessions necessary to secure USDAW support.<sup>179</sup> To compensate, SHRC offered voluntary employment protection whilst KSSC ignored the issue.

Third, Tesco's role in USDAW's volte face was total. Tesco was asked to "to have a go at USDAW."<sup>180</sup> Tesco co-operated closely with USDAW and helped it recruit. In 1993 USDAW needed Tesco's support to conduct a re-authorisation exercise to guarantee its income.<sup>181</sup> Although there was no direct threat of non-co-operation USDAW came under indirect pressure. "It was said to us as a caution, there was never anything specific."<sup>182</sup> Because USDAW had a large percentage of its assets (union members) in one company the leadership was susceptible to pressure.

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<sup>174</sup> Deputy General Secretary of USDAW, interview, 9/6/1997

<sup>175</sup> Negotiations covered opening before Christmas, the relegation of employment issues, and allowing DIY shops and Garden Centres to open. USDAW EC Minutes October 1993

<sup>176</sup> The new KSSC policy meant the only retail chains that would remain shut on a Sunday would be those with USDAW members as employees.

<sup>177</sup> The MSF, T&GWU and GMB were not opposed to Sunday trading.

<sup>178</sup> "Sunday reform faces pay hitch", *Retail Week*, 31 July 1992

<sup>179</sup> "Clarke to resist call for Sunday safeguards", *The Independent*, 9 July 1992

<sup>180</sup> GJW Labour lobbyist, interview, 9/7/1997

<sup>181</sup> A reauthorisation exercise is an administrative exercise, whereby the trade union is obliged to re-authorise its members.

<sup>182</sup> Deputy General Secretary of USDAW, interview, 9/6/1997

Fourth, Tesco informed employees that USDAW was not representing their interests.<sup>183</sup> Staff petitions flooded the union. USDAW's leadership met ninety-six Tesco shop-stewards in mid-1993 and was told its policy was untenable.<sup>184</sup>

Finally, USDAW realised its policy of opposition to liberalisation would lead to total defeat. Workers were keen to work.<sup>185</sup> Consumer demand was evident and stores were trading. The leadership formalised its support for SHRC weeks before the government's bill appeared.<sup>186</sup>

Whilst the votes of USDAW-sponsored MPs were not affected by the union's new policy, the PLP more generally could support SHRC. A mixture of stick and carrot turned USDAW. The union's capture was a political coup for SHRC and holed KSSC. It was the most important development of the campaign.

### The Groups

SHRC made limited compromises by dropping full deregulation early on, then moving from eight to six hours. These compromises broadened the number of SHRC supporters, but did not allow for alliances with other groups. One interest-group described the SHRC as 'Mafia hitmen' arguing the principal "could have got people to do things to our business... He was just that sort of person."<sup>187</sup> In spite of these skirmishes, the key developments in inter-group politics took place within the 'regulation lobby'.

KSSC was forced onto weak ground by contradictions in the REST proposals, and at every stage KSSC acted too slowly to prevent its support haemorrhaging.<sup>188</sup> In December 1991, under commercial

<sup>183</sup> *ibid.* A rival candidate, centring his criticism on the "untenable" Sunday trading policy, challenged the General Secretary, Garfield Davies, for the leadership of the union. "USDAW Sunday line under attack", *Retail Week*, 9 July 1993

<sup>184</sup> "Biggest shop union makes a U-turn on Sunday trading", *Sunday Express*, 11 July 1993. Ninety-three voted in favour of Sunday trading.

<sup>185</sup> "Anti-Sunday trading groups plan enforcement action", *Local Government Chronicle*, 8 January 1993 and "Shops staff back Sunday opening", *Financial Times*, 11 January 1993

<sup>186</sup> The 1993 ADM granted the leadership the power to change Sunday trading policy without reference to the membership. (USDAW ADM 1993 (48), Report of Proceedings, pp 131-139). USDAW formalised its break with KSSC in October 1993, weeks before the vote on the Bill. The policy shift was approved by the ADM in April 1994. Union of Shop, Distributive and Allied Workers, ADM 1994 (49), Report of Proceedings, pp128-140. The critical proposition was defeated by 116,520 votes to 99,773.

<sup>187</sup> OPEN Chairman, interview, 24/3/1997

<sup>188</sup> KSSC finally abandoned its 500 sq. ft shop to coax OPEN. "Man about the House", *Retail Week*, 10 May 1991

pressure, KSSC retailers opened their stores on Sundays.<sup>189</sup> The coalition began to crack as KSSC retailers fled to RSAR.<sup>190</sup>

There was pressure on KSSC to compromise from government and its business supporters.<sup>191</sup> Aware of its diminishing support, KSSC began formal talks with RSAR in July 1993<sup>192</sup> and later abandoned its central policy by accepting pre-Christmas Sunday trading.<sup>193</sup> Despite these discussions, the Sunday Trading White Paper contained four options – deregulation, SHRC, RSAR and KSSC. Having danced and spat at one another for so long, only days before the government's Bill was published, KSSC, OPEN and RSAR merged. Their options would be presented as one.

OPEN and RSAR moderated KSSC by pulling it away from an extreme position. At the time the move was seen as a masterstroke, but it produced a fudged policy. By merging, the groups conceded their proposals could not individually secure a majority and they hoped an amalgam of their ideas could muster support to defeat deregulation. The late concessions destroyed the regulators' integrity.

### Conclusion

Contacts with MPs were important because there was a scramble for the last available vote. Personal friendships were used to gain access, to obtain information, and to ask questions. SHRC hired lobbyists that understood the parties' policy-making systems. The SHRC's Conservative bias, initially important, changed as it needed to influence opinion within Labour. KSSC's political contacts were less effective. Contacts with civil servants and government were less relevant.

Whilst coalitions were important, lobbyists played little role in building coalitions. Groups sought to attract the support of MPs who were predisposed to opposition. SHRC was more successful than KSSC

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<sup>189</sup> "Legal threat for Sunday traders", *Retail Week*, 6 December 1991

<sup>190</sup> Including C&A, Iceland, CWS. A key KSSC backer, C&A, turned in late 1993. "C&A in Sunday trading U-turn", *Retail Week*, 19 November 1993.

<sup>191</sup> Peter Lloyd said "The Government would prefer that instead of adding options the interested parties tried to reach agreement among themselves about what form the two options which fall short of total deregulation should take." "More options on Sunday trading", *Super-Marketing*, 1 February 1993

<sup>192</sup> "Opponents of Sunday trading seek merger", *The Times*, 13 July 1993

<sup>193</sup> "KSS agrees to Xmas Sunday shops spree", *Marketing*, 7 October 1993

at lobbying its opponents. KSSC was ineffective in protecting and broadening its constituency. The regulators' coalition came together too late and in desperation. The regulators' lack of will, expressed in their dilatoriness in coming to a deal, their lack of drive, and their reluctance to provide adequate resources, prophesied their defeat. Contacts and coalitions were important. The evidence supports the hypothesis.

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

Resources, whether financial, human or geographical, were important. *The Economist* noted “millions are being spent on lobbying. The alliances are waging fierce campaigns.”<sup>194</sup> The imbalance in financial resources between the two interest-groups was significant.

The John Lewis Partnership, USDAW and Milwards were the main funders of KSSC.<sup>195</sup> KSSC was a charity run on a shoe-string.<sup>196</sup> It “never had the resources or the management skills to construct the sort of lobbying campaign that might have had an effect.”<sup>197</sup> Though KSSC thought it could do without lobbyists, a more convincing reason for the lack of professional assistance was insufficient resources. KSSC “got reasonable funding from retailers and trade unions and more from the churches. But it takes a lot of £5 donations from members of churches to compare with the millions [of the SHRC].”<sup>198</sup>

KSSC relied on part-time volunteers who were not driven by the same motivations and management techniques of the corporate world. Because KSSC was based on charity, voluntarism and faith, inefficiency and mental rigidity were the price of these staff. Despite most staff working on a semi-volunteer basis, SHRC’s private investigators estimated KSSC staffing and occupancy costs for two offices exceeded £800,000 per annum.<sup>199</sup> The likely figure was a peak of £350,000 a year with a norm between £2-300,000.<sup>200</sup> Although high-calibre volunteers offset KSSC’s financial weakness, as the campaign moved into a war of attrition, the lack of funds undermined its effectiveness.<sup>201</sup>

Multiple retailers spent millions of pounds funding SHRC, hiring lobbyists, forming front organisations and sponsoring a legal challenge. GJW acknowledged high funding levels were important because “we

<sup>194</sup> “Sunday shopping – Day of unrest”, *The Economist*, 27 December 1993 - 3 January 1994

<sup>195</sup> John Lewis Partnership Representative, interview, 4/3/1997

<sup>196</sup> KSSC adviser, interview, 17/3/1997

<sup>197</sup> *ibid*

<sup>198</sup> KSSC director, interview, 17/3/1997

<sup>199</sup> Confidential briefing memo to SHRC on *Michael Schluter and Keep Sunday Special*, no date no author.

<sup>200</sup> Deputy General Secretary of USDAW, interview, 9/6/1997. Principal of KSSC, interview, 4/2/1997

<sup>201</sup> KSSC used the Church Estates Commissioners to lobby the leading food retailers. The Church used its position as the largest shareholder in some companies to attempt to influence retail policy. “Church presses big stores over Sunday trading”, *Financial Times*, 30 December 1991



needed to do a lot of polling to track attitudes... We needed to have campaigns in the stores and a high visibility because... the people in favour of doing something are the worst people at bothering to be counted."<sup>202</sup> Resources helped motivate people.

A senior retailer argued "an effective campaign means having an effective client."<sup>203</sup> SHRC lobbyists used the internal resources of the retailers and their managers. Their strategies depended on the resources of huge commercial organisations.<sup>204</sup>

The companies ran grassroots campaigns, devised by lobbyists in London. Store managers lobbied MPs locally.<sup>205</sup> "There was a sea change the moment they [the retailers] began to devote internal resources, both in terms of a campaign manager, funding for materials and a determination that they were going to involve people on the ground."<sup>206</sup>

SHRC's resources allowed it to raise its profile.<sup>207</sup> Its lavish campaign was downgraded at times to avoid offending Labour. KSSC estimated 25% of the time of retail branch managers was dedicated to promoting Sunday trading, which "adds up to millions of pounds worth of man hours. I have privately estimated that they spent at least £60 million on that campaign."<sup>208</sup> SHRC estimated it spent £6 million.<sup>209</sup> Even if SHRC accounts existed, they would not reflect the true cost of its campaign.

SHRC, unlike KSSC, could purchase professional specialists. OPEN retained close links with its members to ensure funding.<sup>210</sup> RSC charged a below-market-rate because the food-retail sector was an area they could exploit. They serviced OPEN as a 'loss leader' to win new business.<sup>211</sup>

RSAR resources were low compared to the SHRC. Marks & Spencer "made a contribution which would have been between £100,000

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<sup>202</sup> GJW lobbyist, interview, 9/5/1997

<sup>203</sup> Senior Retailer, interview, 4/6/1997

<sup>204</sup> GJW lobbyist, interview, 9/5/1997

<sup>205</sup> Senior Retailer, interview, 4/6/1997

<sup>206</sup> Principal of SHRC, interview, 5/5/1997

<sup>207</sup> Chairman of SHRC, interview, 22/7/1997

<sup>208</sup> Principal of KSSC, interview, 4/2/1997

<sup>209</sup> Principal of SHRC, interview, 5/5/1997

<sup>210</sup> OPEN Chairman, interview, 24/3/1997

<sup>211</sup> OPEN lobbyist, interview, 17/3/1997

and £200,000.”<sup>212</sup> But its campaign lasted only a few months. The RSAR co-ordinator argued “effectiveness does not depend on resources per se. Of each hour spent I would like to think lobbyists are as effective over one hour, as they are over 25 hours. But, you can do very little in one hour. If you have money you can buy more hours.”<sup>213</sup>

The economic power of the big retailers intimidated ministers. One minister said “Rick Greenbury was frightfully rude to me and... [asked] why I was being so stupid?”<sup>214</sup> Similarly Tesco’s Chief Executive “used bully-boy tactics of shouting.”<sup>215</sup> After their conversations with ministers, senior retailers “picked up the telephone and rang someone further up the line and said ‘that bloody person is getting in our way’. To what extent I was supported I have no idea. The big boys try and trample over government to get their own way. Does it work? Sometimes it does, yes.”<sup>216</sup>

### Conclusion

The financial resource disparity was significant, whilst the human resource disparity was less obvious. SHRC hired professional advisers whilst KSSC could not. SHRC’s strategy utilised the considerable resources of client companies, allowing it to fight on several different fronts. KSSC used the church’s support and the network of congregations to counter the SHRC’s regional campaign. Until 1993 USDAW also provided KSSC with a national reach.

KSSC’s ineffectiveness was caused by the lack of large-scale financial backing and ‘enforced’ and ‘purchased’ human resources. SHRC had far more resources than its opponents, which aided its effectiveness. The evidence supports the hypothesis.

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<sup>212</sup> RSAR Co-ordinator, interview, 3/6/1997

<sup>213</sup> *ibid*

<sup>214</sup> Sir Richard Greenbury was the Chairman of Marks & Spencer. Former Home Office Minister 2, interview, 10/6/1997

<sup>215</sup> Iain McLaurin is the former CEO of Tesco. Former Home Office Minister 2, interview, 10/6/1997

<sup>216</sup> Former Home Office Minister 2, interview, 10/6/1997

## Low-Profile Outsider Tactics: Hypothesis Nine

Lobbyists will tend to be effective if they pursue low-profile 'external' tactics.

Another hypothesis, not discussed in chapter three, presented itself for consideration. The existing literature fails to recognise the use of low-profile external tactics, but both the main groups pursued low-profile external strategies to increase pressure for action. The SHRC, frustrated at government impotence, supported its retail members in breaking the law. KSSC, enraged by its belief that it was excluded from the real centre of policy-making, turned to Europe.

### Legal Lobbying

SHRC retailers, as a corporate policy, co-ordinated opening times to orchestrate a legal challenge. They launched a comprehensive assault on the Shops Act 1950 based on spurious defences.<sup>217</sup> It was more economic for retailers to open and pay fines rather than obey the law.<sup>218</sup> Their disregard for the law made the Shops Act unenforceable.

Opponents saw the challenge as a sham.<sup>219</sup> It was, however, effective. Because the legal position was complex and fast-moving, large retailers manufactured a 'culture of normality'. SHRC hoped to reform the law by ensuring it was vigorously enforced, thereby mobilising the dormant public majority. But, there was no 'vigorous enforcement' of the Shops Act because legal challenges caused chaos allowing de facto deregulation and food retailers to enter the fray.<sup>220</sup>

From November 1991 the Sunday trader was effectively free from prosecution pending an ECJ ruling. The legal process was neutralised. There were various themes to the legal campaign.

First, retailers appealed to the ECJ alleging Section 47 of the Shops Act 1950 was a measure having an equivalent effect to a quantitative restriction on imports within the meaning of Article 30 of the

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<sup>217</sup> The motor accessory defence, used in 1987, was premised on the fact that most DIY items (such as paint, tools, tiles, carpets etc) could be used in Caravans. Motor accessories were exempt under Section 47 of the Shops Act.

<sup>218</sup> "Open defiance", *Local Government Chronicle*, 24 February 1989

<sup>219</sup> Diamond, P., (1991a), p78

<sup>220</sup> Ian McClaren, Tesco chairman, met the Home Secretary to inform him that the Tesco's board of directors could not be held together over the issue.

Treaty of Rome.<sup>221</sup> In three years there were two references to the ECJ on Sunday trading. The first judgement in November 1989 was unclear.<sup>222</sup> The ECJ passed the issue back to national courts to decide.<sup>223</sup>

Because UK courts reached conflicting judgements retailers found guilty were encouraged by uncertainty to appeal.<sup>224</sup> A Crown Court ruling in February 1990 stated local authorities had a duty to prosecute.<sup>225</sup> Only months later, however, companies successfully argued the Shops Act contravened the Treaty.<sup>226</sup> The final decision in the 'Euro-defence' confirmed the Act did not conflict with the Rome Treaty.<sup>227</sup>

Second, enforcement agencies, aware of the impotence of criminal law, resorted to civil injunctions.<sup>228</sup> However, because an ECJ ruling was pending, local authorities risked having to compensate retailers if the Shops Act were subsequently found to breach the Treaty of Rome. In January 1989 injunctions were rejected until the ECJ ruled on the Article 30 defence. Prosecution was effectively held in abeyance.<sup>229</sup> In July 1990 a permanent injunction was granted against B&Q,<sup>230</sup> which spurred a resumption of injunction applications.<sup>231</sup> However, retailers retrieved their principal weapon, cross-undertakings in damages, in April 1991. Thereafter, because local authorities were required to set aside funds for cross-undertakings, enforcement became financially hazardous.<sup>232</sup> One year later the House of Lords over-ruled

<sup>221</sup> Article 30 provides "quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between member states". The Article has direct effect and gives rights for individuals which national courts must protect and enforce.

<sup>222</sup> The Shops Act was within 'the rule of reason', but the question of proportionality was a problem. UK Sunday trading law was potentially a breach of Article 30 although technically the Shops Act 1950 did not breach the Treaty of Rome. *Torfaen BC v B&Q Plc* 145/88 [1990] 1 All ER 129, 158, para 17

<sup>223</sup> The eleven other references to the ECJ cases were then withdrawn from the court. SHRC Memorandum on the ECJ ruling on 2 June 1992

<sup>224</sup> "Sunday trading laws in turmoil", *Daily Telegraph*, 24 November 1989

<sup>225</sup> "Prosecute Sunday shops Councils told", *The Times*, 7 February 1990

<sup>226</sup> *Peterborough City Council v Do It All and Payless DIY*, [1990] 2 CMLR 577 QBD. The High Court concluded the Shops Act 1950 did conflict with Article 30 and was a trade rule capable of hindering trade and having the potential to act as a quantitative restriction. "Sunday trading and Europe", *New Law Journal*, 22 November 1991

<sup>227</sup> The ECJ ruled that while Sunday trading rules were "measures of equivalent effect to quantitative restrictions" that were relevant to Article 30, they did not make the sale of imported goods more difficult than the sale of domestic goods. The judgement was unexpectedly clear. Cases C-306/88 Rochdale Borough Council v Anders, C-304/90 Reading Borough Council v Payless DIY and others. "Sunday trade ruling fails to end open-and-shut case", *Financial Times*, 17 December 1992.

<sup>228</sup> The use of civil law was approved in Sunday trading cases in *Stoke City Council v B&Q (Retail) Ltd* [1984] 2 All ER 332. Diamond, P., (1991a)

<sup>229</sup> Courts adjourned cases pending the ECJ ruling. "Enforcement of the Shops Act", *Local Government Review*, 3 June 1989. "Trouble in Store", *Local Government Chronicle*, 24 February 1989.

<sup>230</sup> *Stoke-on-Trent City Council v B&Q plc* [1990] 3 CMLR 897

<sup>231</sup> "Sunday trading law decision goes to the High Court", *Financial Times*, 10 July 1990.

<sup>232</sup> *The Times*, Law Report, 1 May 1991. Dillon LJ said it was a universal practice to require cross-undertakings however over-whelmingly strong the plaintiff's case might appear to be, since it was the court's function when hearing an interlocutory injunction to not anticipate the outcome of a trial.

the Court of Appeal, ruling local authorities seeking injunctions would not be liable for compensation. The matter was referred back to Europe.<sup>233</sup>

Third, local authorities were pawns in the battle between the two main groups. Local authorities were under a duty to prosecute.<sup>234</sup> However, some were reluctant to prosecute because it was unpopular.<sup>235</sup> KSSC threatened local authorities with writs forcing prosecution, whilst SHRC criticised strict law enforcers for wasting public funds and threatening employment.<sup>236</sup> Local government had two concerns: first the legal costs. Retailers called for lengthy trials to hear evidence, knowing local authorities could ill afford expert witnesses. Local government spending was under ever closer scrutiny because of the Community Charge. Second, the risk of cross-undertakings. There was pressure not to seek temporary injunctions if they risked exposing the authority to damages for lost trade. By 1993 90% of local authorities had adopted a passive or inactive stance to enforcing the law.<sup>237</sup>

Despite undermining the law, SHRC lobbyists enjoyed good relations with Home Office ministers and officials even though they aided and abetted law breaking. The Euro-defence delayed the administration of justice, allowing traders to trade in breach of the criminal law.<sup>238</sup>

This low-profile external strategy produced a procedural quagmire disproportionate to the likelihood of its ultimate success. The tactic was effective: the legal chaos was deliberate, planned and resourced. Breaking the law was perceived to be more effective than lobbying.<sup>239</sup> Legal procedures were used to keep stores open to encourage latent demand. The tactic was a means to an end. It was never likely to succeed, but it created political pressure on government.

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<sup>233</sup> Diamond, P., (1993a)

<sup>234</sup> Under the Shops Act Section 71 and subsequent edicts. House of Commons Library, (1993)

<sup>235</sup> Report of the Committee of Inquiry into proposals to amend the Shops Acts (The Auld Committee), Cmd 9376, November 1984, para 52.

<sup>236</sup> They claimed "vast sums of public money and hours of valuable court time have been spent in argument on legislation that all agree is beyond its useful life in its current form..." SHRC, (1991), Parliamentary Brief, *Shopping Hours: Putting the Record Straight*, January 1991, SHRC archives.

<sup>237</sup> Institute of Public Finance report October 1993. "Councils support Sunday shopping", *Financial Times*, 15 October 1993

<sup>238</sup> Diamond, P., (1991a)

<sup>239</sup> PPU lobbyist, interview, 7/3/1997. Sort Out Sunday Co-ordinator, interview, 1/7/1997

### The European Agenda

KSSC wallowed in its 'outsider' status and liked being "an amazing irritant" to government.<sup>240</sup> As a consequence of its 'exclusion' KSSC turned to Europe where it found the "issue more in line with Brussels's thinking than Westminster's."<sup>241</sup> SHRC launched 'Euroshop' to "bring together retailers, consumers and other groups who wish to liberalise shop hours in Europe."<sup>242</sup>

The European Parliament harboured a supportive climate of opinion for KSSC, which with its European allies sought to outlaw Sunday working through an amendment to Article 4 in the Social Affairs Committee of the EP.<sup>243</sup> The Social Affairs Committee did not adopt the amendment but in December 1990 advocated member states adopt the necessary measures to ensure each worker was, 'in principle', entitled to a free weekend.<sup>244</sup>

The Commission published a draft Directive in October 1990 recommending a minimum one day off in every two weeks. The German delegation proposed the 'weekly day' be Sunday.<sup>245</sup> The compromise read "as a rule" the weekly day off should be a Sunday.<sup>246</sup>

The following year the Netherlands and Germany proposed that the mandatory thirty six-hour continuous rest period include Sunday. Though the proposal was included at German insistence, KSSC believed it was its doing: "we fought like tigers to get the Sunday issue in the working time directive and succeeded."<sup>247</sup>

The Employment Secretary, Gillian Shephard MP, argued "there was general acceptance that the proposal that Sunday should 'in principle' be the weekly day of rest but should not be obligatory."<sup>248</sup> The Ministers' meeting in May 1992 agreed Sunday need not be an obligatory day of rest as proposed initially in the Working Time Directive. The phrase 'in principle' allowed the UK leeway.<sup>249</sup> Therefore, despite supra-

<sup>240</sup> KSSC Barrister, interview, 23/5/1997

<sup>241</sup> KSSC director, interview, 17/3/1997

<sup>242</sup> "The man of many parts", *Retail Week*, 20 March 1992

<sup>243</sup> The amendment stated: "Member States will take the necessary steps to ensure that on Sundays and bank holidays no work shall be carried out."

<sup>244</sup> Except in sections where cultural, emergency, security or technical restraints exist and where weekly leave days must be subjected to negotiated agreements.

<sup>245</sup> "Battlelines drawn on Sunday Shopping", *The European*, 21 December 1990

<sup>246</sup> "Sunday row over workers' rights", *Men's Wear*, 6 December 1990

<sup>247</sup> KSSC director, interview, 17/3/1997

<sup>248</sup> "Shephard returns with EC delay on work hours ruling", *Financial Times*, 6 May 1992

<sup>249</sup> Chairman of EuroShop, interview, 14/5/1997

national lobbying and a broad-based coalition transcending national boundaries, the British government neutralised KSSC at the EU level.

KSSC's strategy did not have an adverse affect on its relations with the Home Office but weakened its parliamentary support because many Conservative Sabbatarians were Euro-sceptics. Europe was a weapon KSSC was 'forced' to use. Most participants believed the tactic was part of the 'game' to keep pressure on government.

KSSC's 'outsider' strategy did not exclude it from the policy process. The European strategy was to be expected and groups used Europe "whenever it suited their short-term advantage."<sup>250</sup> KSSC's tactic was a recognition of its failure. The strategy was only effective in opening another front against SHRC, forcing the retailers to react.

### Conclusion

A spectrum of tactics was employed by the interest-groups, ranging from insider to outsider. Insider techniques included negotiation and the provision of research data and services for officials. Outsider techniques included lobbying European institutions to bypass the government and the campaign to undermine an Act of Parliament.

Only one of these tactics was effective. It may be that low-profile external tactics are only effective if the interest-group enjoys good relations with government. The evidence partly supports the hypothesis. Low-profile external tactics are ineffective when deployed by outsider groups, but effective when employed by insider groups.

## **Conclusions**

Lobbying on Sunday trading was atypical. The issue was initially intensely political. The focus of lobbying shifted from government to parliament as circumstances changed. Government moved from searching helplessly for a solution in a web of interacting groups to a passive role where policy development was handed to interest-groups. Parliament was given a genuine choice.

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<sup>250</sup> Former Home Office Minister 1, interview, 26/6/1997

The issue was long-fought and high-profile. The Times' sketchwriter wrote

In the public galleries sat legions of professional lobbyists. Talk about shopworkers' rights, but what about lobbyists' rights? Any outcome to this debate doomed hundreds of these to unemployment.<sup>251</sup>

Because lobbyists were so active, this case study is a good test of their activity. The evidence suggests that lobbyists were not important. They were minor players. External variables determined the dependent variable, including social change, government majority, Labour party modernisation, and new unionism. Context was key. Internal variables including resource disparity, the ability to construct and maintain coalitions, the ability to mobilise wider opinion and the media, contacts, knowledge of procedure and low-profile external measures were all relevant, but operated within a wider environment in which contextual factors held sway.

Lobbyists over-estimated their impact. A civil servant believed "lobbyists will always claim success even if it was in the natural course of events. You can claim anything as a lobbying success."<sup>252</sup> In 1986 and in the 1987-92 parliament KSSC was successful in preventing change, but it failed in the long-term largely because it was politically naïve. Though it was tenacious and built up ferocious loyalty, KSSC could not extend its reach outside its minority parliamentary and public supporters. Because of its earlier exclusion, KSSC's lack of objectivity and its inflexibility infuriated potential allies. The rickety concordat, which existed for a brief moment in April 1986, could not be maintained over the longer-term. That government had to wait seven years to legislate, and then do so with an 'options bill' does not prove KSSC's influence, but rather shows that government and SHRC had to wait for the context to change.

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<sup>251</sup> "Democratic ideal crashed headlong into old buffer", *The Times*, 9 December 1993

<sup>252</sup> Former senior civil servant 8, interview, 22/04/98



After 1992 external factors favoured SHRC and disadvantaged KSSC. Changes within Labour, changing society and a narrow government majority helped SHRC. It negotiated with decision-makers, and was engaged in a partnership. Its policies were congruent with government objectives, so government readily accepted SHRC's use of external tactics. SHRC adapted to changing circumstances by compromising and broadening its appeal.

### **External variables**

A sense of history. SHRC was on the crest of the ideological wave: the 'spirit of the age' worked in its favour. There was a gradual erosion of KSSC's ideas.

Party ideology. SHRC did not have to lobby government for its case to be accepted. Deregulation was fashionable to Conservatives, and SHRC linked its policy to liberty and freedom. Whilst for Labour, SHRC promoted consumer sovereignty.

Government's confidence returned as memories of the 1986 defeat faded. A turnover in backbenchers gave government more confidence.

Government majority. After 1992 policy-making was devolved to the interest-groups, and government became a broker. Government was weak. Strength lay with the groups. SHRC effectively promoted its solution, whilst KSSC was more effective in its oppositional mode – it was ineffective in an inclusive process.

Labour. Eighty-nine Labour MPs helped pass the Sunday Trading Bill. Labour modernised itself and Blair as Shadow Home Secretary portrayed the party as consumer-friendly and 'modern', and supported SHRC. The high number of Scottish frontbenchers, and the 1992 intake of modernisers helped SHRC.

Social change. The workforce and society had changed. Millions of people worked on Sundays, the majority of married women worked and the UK was irreligious.

Quality of the Case. KSSC's ideas were old-fashioned and complicated. In the early 1990s the status quo changed, so that KSSC was seen to be negative, whilst SHRC was defending the new reality. SHRC's objectives were easy to understand and chimed with society.

### **Internal variables**

Within the interest-groups lobbyists were not dominant. Full-time officials ran the campaigns. Industry leaders were policy drivers. Lobbyists were strategic advisers. The following variables were within the control of the interest-groups and lobbyists. Those variables included:

Contacts. Lobbyists facilitated SHRC's access to Labour. GJW lobbied MPs directly and facilitated contact with MPs and provided intelligence. After 1992 government contacts became less relevant because the policy community was made transparent. Because SHRC consisted of staff who were also professional politicians and campaigners, it is difficult to separate their closely-entwined roles.

Knowledge of procedure. Lobbyists' understanding of procedure was somewhat important in parliament. However, civil servants were open and ready to help groups, so this resource became less important.

Coalitions. KSSC's inability to form a broad front was deleterious. It failed to maintain and expand its coalition. SHRC's success lay in compromise which, although appearing to be a concession to Sunday sensibilities, was congruent with what retailers suspected the market would tolerate.<sup>253</sup> USDAW's turn was a political coup. Top-down and bottom-up pressure co-ordinated by SHRC, Tesco directors and

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<sup>253</sup> "The Sunday trading trap that means shop till you drop", *The Guardian*, 7 December 1993

employees coincided with customers shopping. USDAW delivered SHRC Labour backbench support. SHRC deprived KSSC of middle-ground support from trade unionists, Labour MPs and shop-workers.

Multi-faceted lobbying. Lobbying was complex and multi-faceted, but in the Lloydian period it concentrated on the constituency link. Therefore though one approach was more effective and dominant, other tactics were used. The companies mobilised their staff and customers to contact MPs.<sup>254</sup> There was a campaign to get MPs into stores and use the media and opinion polls. The mail-bag was important on a free vote. The ability to simulate hand-written letters to MPs was potent.

Resources. The disparity between the resources of the groups was notable. Though KSSC had volunteer workers, the resources of SHRC clients enabled it to run an effective regional and national campaign, hire lobbyists, advertise, and fund ECJ cases.

Legal challenge. Opening stores whetted consumers' appetites. SHRC aided and abetted law-breaking by adopting a strategy designed to undermine the law, which spawned de facto deregulation, changing habits and expectations.<sup>255</sup> Once retailers had started trading, KSSC could not put the genie back into the bottle.

### An assessment of the hypotheses

The evidence suggests:

- 1) Lobbyists tend to be relatively unimportant on high-profile, general and political issues because of the number of other actors and external contexts.

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<sup>254</sup> GJW lobbyist, interview, 9/5/1997

<sup>255</sup> *Torfaen BC v B&Q plc* [1990] 145/88 1 All ER 129. Of references from Bodmin and Shrewbury Crown Courts; Woodbridge, Mansfield, Gateshead, Wakefield and Derry Magistrate's Court; and the High Court the ECJ chose Torfaen as a sample.

- 2) Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints – KSSC was ineffective and SHRC was made effective by contextual factors.
- 3) Lobbyists tend to be effective if the beliefs and previous experiences of political decision-makers and pre-existing policy are congruent with the lobbyist's objective – all these factors helped SHRC and hindered KSSC.
- 4) Interest-groups are more effective if they are involved in the policy community. Lobbyists played little role in involving their clients in the community. Lobbyists did however play a role in managing their clients' activity.
- 5) Lobbyists pursued a multi-faceted campaign, but one dominated by constituency-public-media led tactics. Whilst other tactics were used, lobbyists were effective by focusing on one.
- 6) Familiarity with routines and standard operating procedures was not very important. It was useful and did play a role at times, for example SHRC's work against the Powell Bill. Overall, knowledge of procedures is an important but not a significant determinant of effectiveness.
- 7) The contacts of lobbyists were useful in gaining access to MPs, but more effective was pressure placed on MPs through constituents. KSSC was unable to build a long-term coalition, whilst SHRC was effective in broadening its appeal.
- 8) The resource disparity had an effect. Resources allowed SHRC companies to fund an expensive legal challenge to the ECJ, hire specialised advisers, and manage an intense campaign.
- 9) Both groups pursued low-profile external tactics, but only the SHRC was successful. Perhaps low-profile external tactics are effective only when used by insider groups.

# 5. CrossRail

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This chapter examines a middle-profile policy issue. CrossRail was a proposed railway under central London linking Paddington and Liverpool Street stations.<sup>1</sup> After a tortured birth a CrossRail Bill was rejected by parliament. The chapter focuses on the initial decision to approve CrossRail and the subsequent battle to stop it. It examines the stop-start nature of CrossRail's progression, and explains that whilst on paper the government's policy did not change, in practice Treasury hostility, weak political commitment and ineffective lobbying undermined CrossRail.

To understand the policy-making process, it is necessary to set the period in context. London Regional Transport became a nationalised industry in 1984 when control was transferred from the Greater London Council to the Department of Transport (DTp).<sup>2</sup> DTp had grown rapidly, and faced intense pressure over transport infrastructure.<sup>3</sup> It was keen to prove itself.

After years of decline, the population of London unexpectedly began to grow in the 1980s. Public transport congestion became a policy problem.<sup>4</sup> There was a "dramatic mood for change."<sup>5</sup> DTp's answer was to instruct London Underground Limited (LUL) and British Rail (BR) planners to identify cost-effective improvements to relieve congestion.<sup>6</sup> So, panic, a need for information, and the desire to avoid spending money motivated the Central London Rail Study (CLRS). It was "an excuse for not being able to do something now, which is a common response in

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<sup>1</sup> DTp, (1996)

<sup>2</sup> House of Commons, (1986-87a); and House of Commons, (1986-87b), p259

<sup>3</sup> Parkinson, C., (1992), p 283

<sup>4</sup> The number of people crossing the Circle Line (commuting into central London) grew by nine per cent between 1984-89. "The Tube's Response to Over-crowding: Raise Fares - the trouble of over-crowding", *Financial Times*, 19 June 1989.

<sup>5</sup> Dr Tony Ridley, Chairman of LUL, in "Ticket to a 21<sup>st</sup> Century Tube", *Daily Telegraph*, 15 August 1988.

<sup>6</sup> LT, (1993)

government.”<sup>7</sup> CLRS bought short-term peace at the expense of increased medium-term pressure. CrossRail’s profile was heightened when ministers published the study.

CLRS articulated the case for transport improvement more effectively than either BR or LUL alone could have. “It helped their position because a reputable group had come up with these conclusions and this information was in the public domain.”<sup>8</sup> The study was a quasi-consultation paper and proposed an upgrading programme and three schemes to ease east-west axis congestion, one of which was CrossRail.<sup>9</sup>

## Lobbyists

Those promoting and opposing CrossRail used lobbyists. CrossRail used public money to employ a lobbyist to help it make its case in parliament and public and to get around Treasury. Ian Greer Associates (IGA) was hired to assist the in-house public affairs team. The parliamentary office accounted for half the entire project. It included petition managers, lawyers and draftsmen. Around seven staff lobbied MPs and local government.<sup>10</sup> Many were consultants working on a permanent basis.

The remit of the in-house PA team was unclear. One recalled “when I arrived they did not know what public affairs was. They wanted me to do reactive work.”<sup>11</sup> Their IGA lobbyist concurred: “public affairs people were brought in whenever there was a problem or a crisis and were told what needed to be done.”<sup>12</sup> There was, however, a need for assistance because of the lack of government support.<sup>13</sup> The minister recognised the value of the lobbyist

The professional lobbyist was there to advise an organisation which are (London Transport is an example) good at what they

<sup>7</sup> senior Treasury civil servant, interview, 23/01/98

<sup>8</sup> *ibid*

<sup>9</sup> CLRS proposed six single line schemes in total – two tubes, upgrading of an existing BR line and the CrossRail options. The most promising new lines with the highest benefit/cost ratios were: East-West CrossRail (EWC) and Chelsea-Hackney Line (CHL). “The Central London Rail Study: Transport Options Ruled Out by Cost”, *Financial Times*, 27 January 1989

<sup>10</sup> CrossRail lobbyist 2, interview, 06/04/98; CrossRail manager 1, interview, 30/03/98

<sup>11</sup> CrossRail lobbyist 1, interview, 15/01/98

<sup>12</sup> IGA lobbyist 3, interview, 27/05/98

<sup>13</sup> CrossRail parliamentary manager, interview, 29/01/98

do, but they are not necessarily adept at identifying which MPs would have an interest and who ought to be brought on.<sup>14</sup>

CrossRail's lobbyists were required to maintain a high-profile for the project<sup>15</sup> as well as provide basic services such as "intelligence gathering and monitoring at European, national, regional and local level as appropriate [and] advice on parliamentary procedure and convention."<sup>16</sup>

CrossRail demanded "a specialist consultancy with an understanding of major public service infrastructure projects and the empowering legislative procedure. This is targeted at the parliamentary field..."<sup>17</sup> Following a competitive pitch IGA was hired to

- Have CrossRail designated a scheme of 'national significance' by the Secretary of State for Transport<sup>18</sup>
- Minimise opposition to the project at both national and local levels
- Progress through the Transport & Works Act (TWA) process
- To build public and private support from HM Treasury for CrossRail
- To build confidence on the part of the potential financial backers that there was sufficient parliamentary and Government support<sup>19</sup>

IGA was hired because it "seemed to have good credentials, knowing the relative importance of people who needed to understand what the project offered."<sup>20</sup> Charles Barker provided public relations support. Burson-Marsteller ran the CrossRail Coalition. Shandwick advised the City of London Corporation – supporting CrossRail was part of its survival strategy.<sup>21</sup> Tower Hamlets, which opposed CrossRail, hired GJW and later Market Access.

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<sup>14</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>15</sup> Internal CrossRail Guidance notes, *Pitch Document*, nd

<sup>16</sup> *ibid*

<sup>17</sup> *ibid*

<sup>18</sup> The designation of the project as one of national significance is relevant to the Transport and Works Act process. Were the Secretary of State to designate the project one of national significance, legislation would have related to the detail, not the principle, of the Bill.

<sup>19</sup> IGA Proposal, (nd)

<sup>20</sup> former BR director 2, interview, 01/12/97

<sup>21</sup> former City of London Corporation lobbyist, interview, 09/03/98

## Macro-level

### Profile, technicality and politicality: Hypothesis One

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

The CrossRail concept had lain dormant in LT's archives for years, but was reactivated by the six-week CLRS. It was a technical proposal with wider political implications. It had low-profile and high-profile elements.

Overall lobbyists had little impact. Apart from undertaking a basic political audit of CrossRail's supporters<sup>22</sup> they were invisible to civil servants and ministers. A former minister said "I was not even aware of who was lobbying for London Transport. They certainly played no part in any of the machinations I was involved with."<sup>23</sup> He argued

Nobody in the department was interested in who was lobbying for what. We were all entirely consumed with what the economics were and what the logistics were.<sup>24</sup>

The minister argued IGA "failed to anticipate the dangers that I too failed to anticipate. I do not regard that as dreadfully culpable."<sup>25</sup> Lobbyists may have helped their client by advising them on parliamentary machinations, but had no impact on policy outcome. A senior Treasury official argued lobbyists had no impact on CrossRail.<sup>26</sup> Another official argued lobbyists were "utterly unimportant" and "did not impinge."<sup>27</sup> Lobbying DTp ministers and officials was 'froth' because they were convinced of the case. IGA pursued a parliamentary-based campaign, and failed to educate its client about the real influence of Treasury. An official closely involved with CrossRail concluded "IGA, because of its style, was unhelpful to London Underground. I don't think they did anything for them."<sup>28</sup> CrossRail was a clumsy campaign. It was unsubtle. "There were things that were said and done that grated with government.

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<sup>22</sup> IGA proposal, (nd)

<sup>23</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>24</sup> ibid

<sup>25</sup> ibid

<sup>26</sup> senior Treasury civil servant, interview, 23/01/98

<sup>27</sup> senior civil servant 2, interview, 28/01/98

<sup>28</sup> former senior civil servant 4, interview, 25/03/98



If you annoy the Treasury and the Department of Transport it is not the best way to get the result you want.”<sup>29</sup>

The CrossRail public affairs team was ineffective because “they had the wrong skills and were drawn from the wrong sources. They made the wrong contacts with decision-formers.”<sup>30</sup> Ministers perceived CrossRail as controversial and were not obligated morally, as they felt they were with JLE [see chapter six].

Whilst decision-makers questioned the value of lobbyists, the client was satisfied with IGA. CrossRail’s manager says “the lobbyists we used provided value for money.”<sup>31</sup> An in-house lobbyist argued IGA effectively monitored parliament. They helped CrossRail understand the mood of MPs and provided general advice.<sup>32</sup>

CrossRail believed IGA provided

eyes and ears and manpower. They were able to go out and talk to people. It is too grand a statement to say ‘they influenced public policy’. They helped us put our case.<sup>33</sup>

IGA’s remit was to “identify opinion formers and discreetly lobby them [...] their brief was to influence.”<sup>34</sup> When asked whether IGA achieved that brief the respondent replied “No I do not think they did. I am not sure they were the right firm. I was not particularly impressed. The project manager did not know enough to check whether they were really being effective.”<sup>35</sup> The lobbyist was ineffective, and the client incapable of judging its activity.

When asked whether he achieved his client’s objectives the IGA lobbyist answered “No. It was impossible to change Treasury’s mind.”<sup>36</sup> The lobbyist blamed his ineffectiveness on his client’s management structure and competing agendas. His advice was ignored. He produced

proposals for CrossRail all of which were read and very of little of which was enacted upon [...] It was the one account where we could never get to see the people at the top, never get to have a frank discussion and never get them to agree the forward strategy.<sup>37</sup>

<sup>29</sup> former senior civil servant 3, interview, 19/02/98

<sup>30</sup> Corporation of the City of London representative 2, interview, 09/03/98

<sup>31</sup> CrossRail manager 1, interview, 30/03/98

<sup>32</sup> CrossRail lobbyist 1, interview, 15/01/98

<sup>33</sup> *ibid*

<sup>34</sup> former BR director 1, interview, 31/03/98

<sup>35</sup> *ibid*

<sup>36</sup> IGA lobbyist 3, interview, 27/05/98

<sup>37</sup> *ibid*

The in-house public affairs team was ineffective. It was dysfunctional. Its position was complicated by prevarication by ministers and by their own managers.

### Conclusion

CrossRail was a technical, low-profile and non-political policy, but lobbying on that basis was ineffective. Lobbyists did not impinge on day-to-day policy-making. They were partly effective in organising limited media and third-party support to engineer short-term political support.

CrossRail was initially advantageous to government. The impetus for CrossRail came from within government. However, there was no organised and continuing high-level support for CrossRail.<sup>38</sup> DTp looked for outside assistance; it “wanted support for the Central London Rail Study and CrossRail. We wanted it very badly.”<sup>39</sup>

In sharp contrast to JLE, the lack of a real champion doomed CrossRail. To persuade Treasury to fund a project of this size, CrossRail lobbyists needed to show there was more at stake than the comfort of Essex commuters. Its technocratic approach crumbled when faced by fickle political fashion. CrossRail and IGA failed to raise CrossRail's profile within government. Its fortunes followed a familiar pattern: initial political enthusiasm, which waned as the focus of political attention moved to other priorities. The absence of a determined champion, and IGA's failure to link CrossRail to government's broader themes [see pages 171-177] and to raise its profile to broaden its appeal meant the weight of advocacy fell almost entirely on DTp ministers who lacked influence and, later, interest.

The evidence does not support the hypothesis. Furthermore it suggests the opposite is true. Lobbyists could have been effective had they taken the low-profile, technical and non-political proposals and made them high-profile, understandable to a wide audience and political.

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<sup>38</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>39</sup> former political adviser 2, interview, 11/02/98

## External and contextual factors: Hypothesis Two

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

### Economic Context

The squeeze on public expenditure, the battle against inflation and the recession of the early 1990s weakened the case for CrossRail. CLRS was undertaken against a background of financial deregulation and London's blossoming international status. It assumed the growth of the 1980s could be sustained.<sup>40</sup> However, the recession's impact in South-East England was severe. Over five years growth was 0.8% and rail commuting fell sharply.<sup>41</sup> CLRS's employment projection of 100,000 additional jobs in central London by 2000 was replaced by a 150,000 fall.<sup>42</sup> The economic context reduced the requirement for additional transport capacity. Despite the 1990 Autumn Statement providing for CrossRail,<sup>43</sup> Treasury hinted the plans would be delayed because of financial uncertainty.<sup>44</sup> In the post-General Election PES round the Chancellor admitted there was blood on the carpet because of the recession and to restrain the pre-Election spending boom. Although £200 million was earmarked for CrossRail, rail and LUL improvements were dropped.<sup>45</sup> BR's spending plans were cut by half and LT's budget was cut 10%.<sup>46</sup>

Transport expenditure was low-priority and an easy target. There was a preference to deflect pressure for spending cuts to capital projects.<sup>47</sup> "The PSBR was out of control" recalled one senior official; "the hunt was on to find money everywhere. We kept saying [to ministers] 'if

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<sup>40</sup> DTp, (1996)

<sup>41</sup> *ibid*

<sup>42</sup> Employment figures are from 1988 to 1992. O&Y briefing note to Westminster Council, (1992)

<sup>43</sup> "The settlement also provides for the cost of the proposed east-west CrossRail as announced by the Secretary of State for Transport on 5 October. This will connect Paddington and Liverpool Street with stations in between at a cost (in March 1990 prices) of £1.4bn over a number of years." Autumn Statement, (1990), pp16-17

<sup>44</sup> "Timing doubt clouds rail link go-ahead: Funding uncertainty after Parkinson announcement", *The Guardian*, 10 October 1990

<sup>45</sup> "'Back to work' plan by Lamont: Squeeze on public sector pay, interest cut and aid for industry cheer Tories", *Daily Telegraph*, 13 November 1992. In the 1992 Autumn Statement the Chancellor of the Exchequer authorised the JLE.

<sup>46</sup> "Autumn Statement: Road plans accelerate but BR feels the pinch", *Daily Telegraph*, 13 November 1992;

"Clarke cuts 'will cause rage'", *Daily Telegraph*, 4 October 1993

<sup>47</sup> senior Treasury civil servant, interview, 23/01/98; senior civil servant 3, interview, 10/02/98

you want to save money then stop this project.”<sup>48</sup> Whilst Treasury publicly extolled the project’s virtues it undermined it in private. The 1993 Budget Statement reflected this approach by reaffirming Treasury’s commitment to CrossRail, but announcing a review to determine private-sector finance potential.<sup>49</sup>

CrossRail lobbyists were impotent when faced with a slate of government reviews. A review of project cost and opportunities for private-sector involvement in 1993 concluded CrossRail had no ‘fatal flaw’ and was well-conceived, being an attractive project to the private-sector.<sup>50</sup> Simultaneously, SG Warburg examined options for privatising CrossRail, concluding around 40% of the capital cost could be privately financed.<sup>51</sup> Treasury bombarded the promoters with questions about cost and technical details.<sup>52</sup> A Railway Operators’ report concluded CrossRail “attains a range of benefits going beyond its stated purpose as a transport function” and validated the project for the third time in twelve months.<sup>53</sup> Nevertheless, weeks later Treasury demanded another study, which aimed to improve cost-effectiveness and reduce public-sector cost.<sup>54</sup> The report played into Treasury hands by noting CrossRail was “a visionary project which may be ahead of its time in view of the change in employment and commuting patterns...”<sup>55</sup> It argued CrossRail be delayed.

These reports should be seen as an attempt by Treasury to stop the policy. “No matter how good these consultants were, the idea that in 4-6 weeks they could work magic, and find truths that the Secretary of State’s agents would not have found in years, is unconvincing.”<sup>56</sup> Although DTp officials described the reports as ‘a bit of silliness’ they delayed the project long enough for circumstances to change.<sup>57</sup> Treasury ministers, although guilty, were left with no blood on their hands. For Treasury

<sup>48</sup> senior Treasury civil servant, interview, 23/01/98

<sup>49</sup> “Budget ’93: Tighter rein to be put on public spending – Red Book details”, *Financial Times*, 1 December 1993

<sup>50</sup> Scott Wilson Kirkpatrick, (1992). The Bechtel report was undertaken in 1993, (May 1993), p1

<sup>51</sup> SG Warburg, (May 1993), Part 2, p3 and pp 51-53

<sup>52</sup> LT, (1993)

<sup>53</sup> Railway Operators, (1993), p53

<sup>54</sup> Bovis et al, (1993)

<sup>55</sup> Bovis et al, (1993), p4

<sup>56</sup> senior civil servant 1, interview, 04/02/98

<sup>57</sup> *ibid*

it was hard to kill CrossRail cleanly when you had got public statements from John Major. Given what John Major had said to the CBI it was jolly hard to get a minister to stand up in public and say 'we have the authority to kill the CrossRail project.'<sup>58</sup>

The case for CrossRail, initially strong, weakened as the economy dipped into recession and congestion faded. There was inevitability in the argument against CrossRail: employment in London had been falling for decades; the 1980s were simply a blip.<sup>59</sup>

### Political Considerations and the Conservative Party

The 1990 local elections took place in remarkable circumstances, because "the poll tax fiasco was at its full intensity."<sup>60</sup> The poor state of London's transport system was a factor in the Conservative's unpopularity.<sup>61</sup>

In the 1990 London borough elections the Conservatives and Labour were roughly neck and neck. Major's intervention to secure CrossRail's Second Reading was made against a backdrop of government unpopularity. Senior ministers feared outright rejection would damage Conservative candidates in the May local and June European elections in 1994, and harm the City of London's reputation.<sup>62</sup> The decision enabled the Bill to enter its Committee stage in July 1993.<sup>63</sup> The government supported CrossRail up until the elections.<sup>64</sup>

Disarray in the Conservative parliamentary party caused by Europe, weak leadership and low morale threatened parliamentary business. Withdrawal from the ERM undermined popular and market trust in the government, and the coal-pit closure programme triggered media and popular opposition. The Prime Minister's determination to ratify the Maastricht Treaty convulsed the parliamentary party. Its right wing blamed the ERM for magnifying the recession. As the party

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<sup>58</sup> senior Treasury civil servant, interview, 23/1/98

<sup>59</sup> Employment in the 1960s and 70s had been falling as a consequence of government policy. Government had restricted new development in the central area by using DTI Industrial Development Certificates.

<sup>60</sup> Travers, T., (1994); Minors, M., and Grenham, D., (1990)

<sup>61</sup> Travers, T., (1994)

<sup>62</sup> "Why Tories fear they will lose London: From the capital to the coast, the Conservative's' election hopes are in turmoil", *Sunday Telegraph*, 24 April 1994

<sup>63</sup> "PM backs CrossRail despite Treasury opposition", *Financial Times* 22 January 1994

<sup>64</sup> "CrossRail hits buffers: £2bn London train link plan 'on verge of collapse'", *London Evening Standard*, 22 March 1994

splintered into factions, it grew increasingly nervous because falling unemployment and economic growth failed to deliver political rewards. John Major was wounded and his government vulnerable.

An early sign of Major's fight-back to reassert his authority over a divided Cabinet and party was the decision to reject the pleas of leading right-winger Michael Portillo, Chief Secretary, and to press ahead with CrossRail despite Treasury resistance.<sup>65</sup> The decision indicated a tougher stance in settling Whitehall disputes.

### Conclusion

This section has described how one part of government wanted CrossRail stopped, whilst others promoted it. Despite broad support and DTp advocacy, lobbying by CrossRail and other third parties was ineffective because of the recession. The context changed: the fall in employment undermined CrossRail's rationale. One external variable – concern about Conservative performance in local and European elections – reprieved CrossRail temporarily.

Lobbyists did "not have a lot of power up against the wheels of government...[and] the Treasury. They were on a hiding to nothing."<sup>66</sup> IGA was hamstrung. Lobbyists were ineffective because there were disadvantageous contextual constraints beyond government's control. The evidence supports the hypothesis.

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<sup>65</sup> "Major fights to reassert his authority", *Daily Telegraph*, 27 January 1994

<sup>66</sup> CrossRail lobbyist 2, interview, 06/04/98

## Pre-existing policy and experience of government players: Hypothesis Three

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

### Lobbying and the Choice of CrossRail

Before the Treasury rearguard action CrossRail was approved not because of effective lobbying but because of partisan advantage. In 1988 the Prime Minister chaired a meeting, attended by the Transport Secretary and civil servants, to decide on CLRS priorities. Several reasons explain CrossRail's prioritisation.

First, it was the least bad option because it gave both BR and LUL a 'pet project'. London Transport alone would have found it difficult to promote an additional scheme. BR could share the burden. However, CrossRail was the priority of neither: LUL favoured the Chelsea-Hackney line whilst BR favoured ThamesLink.<sup>67</sup>

Second, CrossRail was cheaper than CHL. CrossRail cost £870m, whilst CHL was estimated at £1bn.<sup>68</sup> Benefit-cost analysis established CrossRail as the stronger project.<sup>69</sup> CrossRail's benefit-cost ratio was 1.7:1.<sup>70</sup>

Third, party advantage is a convincing explanatory variable. A junior DTp official presented CrossRail to Thatcher. "She would have been interrupting Parkinson all the time. It would have been a barrage of complaints that he had not thought things through."<sup>71</sup> The discussion progressed

Margaret Thatcher just dismissed Chelsea-Hackney with one sweep of her hand, and said, 'Hackney! Hackney! Do you know what sort of people live out in Hackney? They are not Conservative voters! Who wants to go to Hackney? These are not our people! No! Tell me about CrossRail Cecil.' And that was it.<sup>72</sup>

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<sup>67</sup> CHL would be the sole responsibility of LUL, whilst BR would be solely responsible for ThamesLink

<sup>68</sup> DTp, (1989)

<sup>69</sup> DTp, (1996)

<sup>70</sup> DTp, (1996)

<sup>71</sup> former senior civil servant 4, interview, 25/03/98

<sup>72</sup> senior Treasury civil servant, interview, 23/01/98. Confirmed by two subsequent interviews – former Minister of State for Transport 2, interview, 05/02/98; former senior civil servant 4, interview, 25/03/98

LT believe CrossRail “was not imposed from politicians or the cabinet.”<sup>73</sup> However, the decision was taken at the highest political level. It was based on political calculations. An official commented “it is a classic example of where a year’s work boiled down to a ten second political prejudice.”<sup>74</sup> DTp announced CrossRail would be prioritised.

Once approved, CrossRail competed with the Jubilee Line. The 1980s dilemma of ‘which one first’, by the early 1990s became ‘which one’. The 1980s “was a happy time in the Department of Transport. We had an enormous roads programme and we had every conceivable railway as a candidate. In our naivety we thought CLRS was additional to Jubilee Line.”<sup>75</sup> Supporters hoped to build the two schemes sequentially.<sup>76</sup>

However, CrossRail was introduced only once the JLE Bill had completed its parliamentary stages. DTp then faced the challenge of progressing CrossRail, but the delay allowed Treasury to undermine CrossRail; it indicated one scheme would succeed.<sup>77</sup>

### Treasury

Understanding the interaction between Treasury and DTp is central in assessing the circumscribed effect of lobbyists. Several factors explain the Treasury’s role. First, the operating assumptions, that once a project or activity was approved the Treasury would find the required resources, changed. Previously the key objective for departments and lobbyists was to have projects approved. A Treasury official argued “once you get an announcement, come hell or high water, you are tied in.”<sup>78</sup> There was a belief in Whitehall that projects which “could not be afforded one year could be put in the budget in one or two years’ time.”<sup>79</sup> The reward system focused on approval and announcement, not on delivery. It

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<sup>73</sup> London Transport executive 3, interview, 25/03/98

<sup>74</sup> former senior civil servant 4, interview, 25/03/98

<sup>75</sup> Former Cabinet Minister 1, interview, 29/01/98

<sup>76</sup> former No 10 Policy Unit member, interview, 02/03/98

<sup>77</sup> senior civil servant 6, interview, 15/04/98

<sup>78</sup> senior Treasury civil servant, interview, 23/01/98

<sup>79</sup> senior civil servant 6, interview, 15/04/98



encouraged over-emphasis of benefits and under-emphasis of costs and risk.

Whilst there was a belief that announcements became self-fulfilling, departments could not claim success until a project was complete. Treasury can over-turn decisions. “Treasury knows, and have been proved right, that many things get announced but not everything that is announced happens. There is no reason why they should give up hope.”<sup>80</sup>

When CrossRail was approved there was no apparent fiscal crisis. Public-sector debt was being repaid.<sup>81</sup> Pressures for flexibility in the planning total, and for increased spending were accommodated within a growing GDP.<sup>82</sup> In the following months, Treasury, under intense pressure to control public expenditure, moved to block CrossRail. Treasury’s power deepened and widened after 1990. A new planning total was effective from 1989-90.<sup>83</sup> Top-down totals were made to stand. Additional departmental bids were ruled out. This new approach reflected the new personalities and priorities of government.<sup>84</sup> Major was the first ex-Chief Secretary, and one of the few ex-Chancellors, to become Prime Minister.<sup>85</sup> He worked with Treasury to exclude opportunities for ministers to appeal from one to the other.

The New Control Total meant PES became more sophisticated.<sup>86</sup> A new Cabinet committee, EDX, imposed decisions upon ministers.<sup>87</sup> When the Transport Secretary appeared at EDX, Treasury sent “briefings – not only for our ministers, but also for the other ministers – saying ‘if you want to save money, here is something to get rid of.’”<sup>88</sup> There was an institutional opposition within Treasury to mega-projects.<sup>89</sup>

<sup>80</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>81</sup> Thain, C., and Wright, M., (1995), p496

<sup>82</sup> Spending was consistent with medium-term objectives. Thain, C., and Wright, M., (1995), p489-91

<sup>83</sup> The new total included only Whitehall spending. HMT, (1988a). Chapman, R., (1997), pp81-86

<sup>84</sup> senior Treasury civil servant, interview, 23/01/98

<sup>85</sup> John Major was the first Prime Minister since Harold Macmillan who had recently become Chancellor. James Callaghan had a gap of ten years.

<sup>86</sup> It aimed to hold public spending at a level less than the trend growth of GDP over the economic cycle. Thain, C., and Wright, M., (1995), p289

<sup>87</sup> EDX members were from non-spending departments, or spending ministers who favoured restraining public expenditure: “it was a rigged jury”. senior Treasury civil servant, interview, 23/01/98

<sup>88</sup> senior Treasury civil servant, interview, 23/01/98

<sup>89</sup> former Cabinet Minister 1, interview, 29/01/98

Second, there was a clear ‘Treasury view’. Treasury was shielded from, and irritated by, lobbyists. It believed it assessed issues objectively and ministers decided the ‘incommensurables’. Officials saw this ‘institutional view’ as an aversion to ‘bad economics’.<sup>90</sup> Treasury believed it had no pressure groups, allowing it to act as a catalyst spurring on the spending departments, which resisted change because of special interests snapping at their ankles.

Treasury’s relationship with DTp was arms-length and mutually suspicious.<sup>91</sup> Treasury characterised DTp as producer-led, soft, and in its operators’ pockets. A Transport official commented “Treasury said to me ‘the problem is that Transport has been the voice of BR in government, as opposed to the voice of government in BR.’”<sup>92</sup> The affliction was diagnosed as the ‘Today Programme syndrome’, which Treasury officials defined as curing any problems with government policy “by a little bit more of the same and a little bit more money.”<sup>93</sup> Treasury deployed several counter-lobbying tactics. It pitted DTp projects against one another, by hinting competing schemes were more viable.<sup>94</sup> It tried to push DTp past the annual deadline for submitting Private Bills, to buy time to undermine the project. It used assessments as delaying mechanisms. [see pages 174-175]

Third, government wanted to involve the private-sector. In 1992 a private-public mix was proposed to fund CrossRail.<sup>95</sup> The Autumn Statement changed the rules about public-private co-operation. Lamont (Chancellor of the Exchequer) said

the Government will actively encourage joint ventures with the private sector, where these involve a sensible transfer of risk to the private sector. We may be prepared to consider such an approach, when the time arises, for projects such as east-west CrossRail...<sup>96</sup>

CrossRail became the centrepiece of a strategy to involve private money and expertise in major projects.<sup>97</sup> Although the Private Finance

<sup>90</sup> senior Treasury civil servant, interview, 23/01/98

<sup>91</sup> former senior civil servant 7, interview, 29/04/98

<sup>92</sup> senior civil servant 2, interview, 28/01/98

<sup>93</sup> senior Treasury civil servant, interview, 23/01/98

<sup>94</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>95</sup> “£2.5bn London rail project faxes the axe”, *The Guardian*, 4 March 1993

<sup>96</sup> HC Debs, Vol 213, 12/11/92, Col 993

<sup>97</sup> The desire to involve the private-sector can be traced back to the CLRS. DTp, (1989)

Initiative was floated by Treasury in 1988,<sup>98</sup> it was officially launched in 1992.<sup>99</sup> PFI abandoned the Ryrie Rules and sought new ways of financing worthwhile public investment outside PES.<sup>100</sup>

Whilst DTp projects were promising for PFI, they presented two difficulties. PFI undermined a strategic approach in the pursuit of private money, because private-sector cherry-picking weakened government's ability to shape coherent policies. Second, PFI allowed Treasury to "intervene on any significant capital project in the public sector..."<sup>101</sup>

Because capital projects were easier to postpone than current spending, political priorities dictated demand-led programmes took precedence.<sup>102</sup> Indeed, the 1992 policy of protecting capital projects 'in the pipeline' was abandoned in 1994.

### Departmental Agendas

By the early 1990s railway privatisation moved up the political agenda and became a higher priority for the deployment of political and financial resources. Privatisation disrupted CrossRail because it was conceived as a publicly-funded scheme; consequently it soon fell outside government's agenda.

The Railways Act (1993) vertically separated the BR network.<sup>103</sup> Following the 1992 White Paper BR's planning capability was wound down.<sup>104</sup> The privatised network did not provide a framework in which major projects such as CrossRail, could be identified, developed, planned, financed, implemented and managed. Privatisation prevented systematic consideration of new investment.<sup>105</sup> Thereafter no single railway authority was responsible for developing new projects.

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<sup>98</sup> HMT (1988b, 1991)

<sup>99</sup> HMT, (1992)

<sup>100</sup> The Ryrie rules required projects to be evaluated against a theoretical public-sector alternative; joint ventures led by the private-sector were encouraged subject to competition by private-sector bodies; and public bodies were encouraged to enter into operating leases. Treasury insisted commercial sponsors should not be allowed to make a return without risk. It was believed that government's "commercially-unpalatable rules and labyrinthine approvals procedures" had hamstrung private-sector participation. Newchurch & Co, (1994) and Heald, D., and Geaghan, N., (1997)

<sup>101</sup> Bailey, A., (1996)

<sup>102</sup> Terry, F., (1996)

<sup>103</sup> The decision to separate infrastructure from services had been decided in early 1992. DTp, (1992). See Harman, R., (1993)

<sup>104</sup> former BR director 2, interview, 01/12/97. As DTp's attention was devoted to selling the rail industry.

<sup>105</sup> Terry, F., (1994), p313

CrossRail complicated privatisation because it linked separate franchises and threatened Railtrack.<sup>106</sup> CrossRail jeopardised Railtrack's floatation because it would have cost more than the paper assets of Railtrack.<sup>107</sup> Because asset value affected track charges Railtrack was desperate to abandon CrossRail.<sup>108</sup> IGA's effectiveness was diminished because its advice "had to go through Railtrack's privatisation lawyers to be cleared. It would take days. There was no ability to react swiftly."<sup>109</sup>

Civil servants neglected new rail projects because the political priority was to produce a workable privatisation schedule. One senior official recalled

it was a busy time at the department. There was the biggest ever road building programme, railway privatisation under way, the Channel Tunnel was still not open, the CTRL as well as aviation and shipping issues. There was not the focus on one scheme as there perhaps would be now.<sup>110</sup>

"Departments shift not only numbers of people but also quality of people into sexy areas."<sup>111</sup> By the early 1990s privatisation was the 'sexy' area: the talent pool working on new projects was diluted. One former civil servant recalls

There was a colossal number of civil servants working on privatisation. The privatisation side was weighed down, and it was very light on new projects. Each was headed by a Deputy Secretary, but one had constant access to the Secretary of State and the other did not.<sup>112</sup>

The labour-intensive and politically-sensitive privatisation process ran to a tight parliamentary timetable and faced anti-privatisation publicity so that even Conservative MPs had to be dragged kicking and screaming into the lobby to support the Bill.

Privatisation coincided with John MacGregor replacing the public transport-friendly Secretary of State Malcolm Rifkind. MacGregor, from a Norfolk constituency where mobility meant roads and cars, was less willing to fight for CrossRail in the annual public expenditure rounds.

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<sup>106</sup> Linking 3 (Thames, Chiltern and Great Eastern) franchises needed complex letting contracts.

<sup>107</sup> "Report set to put London's £2.6bn CrossRail project back on track", *The Guardian*, 18 October 1995; "Rail Campaign", *Daily Telegraph*, 11 October 1995

<sup>108</sup> "CrossRail link puts Railtrack sell-off at risk", *Independent*, 22 November 1995.

<sup>109</sup> IGA lobbyist 3, interview, 27/05/98

<sup>110</sup> former senior civil servant 3, interview, 19/02/98

<sup>111</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>112</sup> former senior civil servant 3, interview, 19/02/98

## Conclusion

CrossRail began life congruent with government objectives and pre-existing policy. IGA failed to emphasise CrossRail's connections with the government's programme. It failed to provide the Prime Minister and DTp ministers with political arguments to allow them to challenge Treasury.

Treasury intransigence is a key determinant of the policy outcome. It "fought a war of attrition on CrossRail. We doggedly fought it all the way. We went for every opportunity to cutback CrossRail's resources. It was not glorious but I believe it was right."<sup>113</sup> Tension between DTp and Treasury increased because of informal and institutional changes in Treasury and conflict with political priorities. CrossRail lobbyists were ineffective partly because political considerations and previous experience impinged. The evidence supports the hypothesis.

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<sup>113</sup> senior Treasury civil servant, interview, 23/01/98

## Meso-level

### Involvement in the policy-making process:

#### Hypothesis Four

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

The 'client' and the 'policy community' were all government. This case exposes the fiction of a single government view. The CrossRail policy community, centred on DTp, numbered around twenty government actors. It included officials in grades 7, 5, 3, 1 and two ministers in DTp, Treasury and DoE, the Prime Minister and key advisers from the No 10 Policy Unit.<sup>114</sup>

Not all was well at DTp. Parkinson, rather like the old lady who witnessed road accidents when out driving, found in 1989 "a department that had felt under siege waiting nervously for the next disaster and the next bout of criticism."<sup>115</sup> The DTp was not a visionary department: "the vision came from ministers. Privatisation was their idea. The department was not really in favour of privatisation."<sup>116</sup> Nor was the department much interested in new railways. One former official argued

Transport has never been interested in new rail development or had a great role in it. DTp never really had a transport planning capability. They did on the highways because they are in charge of the national road system, but in terms of other infrastructure, it never had a transport planning capability.<sup>117</sup>

Big public transport projects were also politically unpalatable because they usually took over a decade to construct, were costly and the electoral rewards difficult to quantify. DTp also had two structural weaknesses: limited budgetary autonomy and less political influence. Its projects became second-best compromises – the outcome of battles with Treasury. Outsiders and lobbyists played little role in these machinations.

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<sup>114</sup> senior civil servant 1, interview, 04/02/98

<sup>115</sup> Parkinson, C., (1992), p 283

<sup>116</sup> former senior civil servant 3, interview, 19/02/98

<sup>117</sup> former senior civil servant 5, interview, 21/01/98

Although the CrossRail Bill was introduced in November 1991, it did not receive its Second Reading for another eighteen months.<sup>118</sup> Lobbying helped DTp deliver Second Reading, but failed to see the Bill through parliament.

CrossRail lobbyists worked to a tight deadline to mobilise the policy community. Private Bill legislation delayed after June 1993 would fall under the untested Transport and Works Act (1992). Lobbyists feared it would take five years to pass legislation.<sup>119</sup> The objective of the campaign was to discourage Treasury from opposing CrossRail, or persuade the Cabinet Committee to overrule it.

DTp relied on business and local authority support to keep CrossRail alive. MacGregor appealed directly to the PM.<sup>120</sup> Ministers discussed CrossRail in the London Cabinet sub-committee (EDL[L]), chaired by the Prime Minister.<sup>121</sup> An intense campaign, focused at the PM, guaranteed his support and, despite Treasury opposition, Major went directly from Downing Street to confirm that legislation would be resubmitted to parliament.<sup>122</sup> However a Treasury proviso required “the private-sector be fully involved.”<sup>123</sup> Whilst full Cabinet approved the decision,<sup>124</sup> victory was hollow because it left unanswered the question of funding.<sup>125</sup> Treasury had ensured CrossRail proceeded as a joint-venture, and DTp “did not at that stage realise was how perilous it was as a joint-venture.”<sup>126</sup>

Nevertheless, orchestrating the policy community to pressure Major to deliver his backing was “a triumph because it raised the political stakes and tied him in. Steven Norris (Minister for Transport in London) used it ruthlessly again and again and directly to John Major.”<sup>127</sup> CrossRail was

<sup>118</sup> 1992 was spent carrying out design work and detailed planning. “Ministers delay London rail plan”, *Financial Times*, 5 March 1993

<sup>119</sup> A letter to *The Times* from 13 business leaders on 19 May 1993 complained about the lack of progress

<sup>120</sup> “Cabinet ignores Major unity plea”, *Sunday Telegraph*, 16 May 1993

<sup>121</sup> “Major gives go-ahead for CrossRail”, *The Independent*, 19 May 1993

<sup>122</sup> “CrossRail wins pledge from PM”, *Financial Times*, 19 May 1993

<sup>123</sup> “CrossRail link wins pledge from PM”, *Financial Times*, 19 May 1993. The decision was reiterated in the Commons on 20 May 1993. Conservative backbenchers thanked the Prime Minister for his intervention. See HC Debs, OA, Vol 225, 20/05/93, Col 367.

<sup>124</sup> Cabinet approved the decision in May 1993. HC Debs, WA, Vol 225, 24/05/93, Col 405. The Bill proceeded to Second Reading, which it obtained with no division in June 1993.

<sup>125</sup> “CrossRail cost savings sought”, *The Times*, 25 March 1993

<sup>126</sup> senior civil servant 2, interview, 28/01/98

<sup>127</sup> *ibid*

approved in a Cabinet sub-committee.<sup>128</sup> An alliance of MacGregor, John Gummer (Environment Secretary), Tim Sainsbury (Industry Minister) and Steven Norris defeated Treasury.<sup>129</sup> “It was that committee which kept the commitment going and stopped CrossRail being pushed out. It was a battle between everyone on the sub-committee and the Treasury.”<sup>130</sup>

Among the personalities of the policy network LUL had few friends. Ministers and officials believed LUL demanded resources but delivered aggravation. One former minister felt LT “spent money like water, expected billions from taxpayers, and always gave you a cost over-run in return.”<sup>131</sup> There also was “a combined view that London Underground was run by a bunch of comedians” and “as individuals they are second rate.”<sup>132</sup> Even their own ministers lacked confidence in them, arguing “Whitehall was jaundiced about London Underground. With justification. They were hopeless.”<sup>133</sup> Treasury ministers in particular were irritated by LUL.<sup>134</sup> “Clarke believed London Underground were just a bloated bureaucracy full of lefty do-gooders. He was personally enormously hostile.”<sup>135</sup> A LUL executive believed that Conservative ministers thought his team was “a bunch of wankers who could not make it in the private-sector.”<sup>136</sup>

CrossRail did not lobby civil servants directly, and was reticent to encourage third-parties to lobby. In IGA’s 15-page strategy programme officials merited only two paragraphs. Those paragraphs refer to junior ministers and special advisers. At no point in the document are senior civil servants mentioned.<sup>137</sup> DTp officials dealt with only senior BR and LT managers.<sup>138</sup>

Finally, government distanced itself from LUL after the 1987 Kings’ Cross fire to clarify that operational responsibility lay with LUL. LUL

<sup>128</sup> “MacGregor in Treasury battle over London CrossRail plan”, *The Guardian*, 13 January 1994

<sup>129</sup> “Portillo at the centre of latest Tory infighting”, *Financial Times*, 26 January 1994

<sup>130</sup> former Cabinet Minister 2, interview, 24/02/98

<sup>131</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>132</sup> senior Treasury civil servant, interview, 23/01/98

<sup>133</sup> former Cabinet Minister 2, interview, 24/02/98

<sup>134</sup> former Minister of State for Transport 2, interview, 05/02/98

<sup>135</sup> former Minister of State for Transport 1, interview, 05/01/98; confirmed by former Cabinet Minister 2, interview, 24/02/98

<sup>136</sup> former managing director of London Underground, interview, 09/02/98

<sup>137</sup> IGA proposal, (nd)

<sup>138</sup> CrossRail lobbyist 1, interview, 15/01/98



recognised it was “not well liked. It took a long time to build ourselves up. We were the bad guys. We killed thirty-three people. Ministers were happy for us to be distanced on an organisational level.”<sup>139</sup> LUL was found to have been derelict for not bringing to the government’s attention its full requirements. Thereafter, LUL presented its case forcefully and publicly, which irritated government.

### Conclusion

Lobbyists played little role in policy-making. LT and BR had access to the policy community by virtue of their public-sector status, but their activity was circumscribed. They did not deal with Treasury officials or ministers. Only Transport officials dealt with Treasury. CrossRail was one-removed from the decisive policy arena. Its case was filtered through BR and LT, then through Transport officials to Treasury. IGA did nothing to help CrossRail in this environment and did not manage its activity or offer advice how to act. Whitehall networks were anathema to IGA. Its expertise lay in the personalities and politics of Westminster. The lobbyist was ineffective. It played no role in installing its client in the community, and failed to manage CrossRail’s activity in that network. The evidence supports the hypothesis.

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<sup>139</sup> London Transport executive 3, interview25/03/98

## Multi-faceted lobbying: Hypothesis Five

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

### Parliament

LT asked DTp to promote CrossRail as a Hybrid Bill, which implied government commitment; but government refused. Treasury's script was evident from Private Bill introduction in November 1991;<sup>140</sup> the Deputy Speaker framed the debate around an instruction so the Committee had

particular regard to the financial justification for CrossRail in the light of the proposals for the privatisation of British Rail, to the proposed method of financing CrossRail in the light of the Government's announcements that it should be substantially funded by the private sector, and to its interrelationship with other rail projects across London which have been put forward since the Central London Rail Study was completed[i.e. JLE].<sup>141</sup>

CrossRail targeted MPs on the route and classified them by "their ability to approach ministers and Opposition spokesmen as individuals with a legitimate interest in CrossRail's success."<sup>142</sup> Though the network of important Whitehall players was small, IGA recommended a superficial target audience of:

- Route MPs
- Greater London MPs
- Members of pertinent backbench and select committees: Transport, Environment, Trade and Industry and Treasury
- Other MPs with an appropriate interest: e.g. the M25 Group
- Parliamentary Private Secretaries to ministers in the four key departments, particularly Transport and Treasury; similarly, Special Advisers, including those to the Chief Whip in the House of Lords and the Leader of the House of Commons;
- Opposition spokesmen for the four key departments and their research teams
- Government and Opposition Spokesmen in the House of Lords
- 63 interested non-route MPs.<sup>143</sup>
- London-based Peers, as well as those with an interest in the four key issues
- Councillors on the route, and in London and the South East more generally

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<sup>140</sup> The petition period was from 27 November 1991 until 30 January 1992. The First Reading was on 22 January 1992. After January 1993 Transport and Works Act procedures applied to transport projects. The CrossRail Bill was introduced in time to qualify under the conventional Private Bill mechanism. Second Reading held in June 1993.

<sup>141</sup> HC Debs, Vol 226, 08/06/93, Col 201

<sup>142</sup> IGA proposal, (nd)

<sup>143</sup> HC Debs, Vol 224, 06/05/93, Col 296; Debs Vol 224, 13/05/93, Col 955; Debs, Vol 224, 13/05/93, Col 957; Debs, Vol 224, 13/05/93, Col 960. There was a co-ordinated series of questions in May 1993.

Parliamentary lobbying was amateur. The in-house team “dealt with letters and went to public meetings to talk about the project. The project director went to see MPs and other interested groups.”<sup>144</sup> A damning verdict of CrossRail’s lobbying was that it admitted most MPs remained “relatively ignorant” about the scheme and “did not know anything about it.”<sup>145</sup>

IGA briefings and presentations to backbench committees and interested Peers and MPs started late, after the Bill’s introduction.<sup>146</sup> IGA suggested after a formal lunch briefing most MPs would refuse to spend time being updated, so IGA urged CrossRail managers to make themselves available in the Commons for 20-30 minutes “to conduct informal conversations [...] on one of the Committee corridors.”<sup>147</sup> Following CrossRail’s briefings IGA verified the effectiveness of its client’s lobbying by speaking to MPs briefed by CrossRail to “identify shortcomings in the briefings...”<sup>148</sup>

CrossRail’s internal lobbying guidance recommended MPs be presented with a one-page written brief as an aide memoire.<sup>149</sup> When encouraging MPs to speak, IGA counselled “bullet points [need to be] provided, if not speeches written.”<sup>150</sup> IGA recommended CrossRail organise a reception at the Palace of Westminster.<sup>151</sup> Guests were vetted. Receptions allowed discreet selective lobbying of a targeted audience. IGA recommended “telephone canvassing to establish likely voting patterns.”<sup>152</sup> It later suggested CrossRail establish a parliamentary ‘hotline number’ to help MPs answer constituents’ problems.

During the Bill’s parliamentary stages IGA led an ineffective ‘War Cabinet’ to co-ordinate activity. The Bill Committee members were mavericks dissonant with the leadership of their respective parties.<sup>153</sup> [see

<sup>144</sup> London Transport executive 2, interview, 14/01/98

<sup>145</sup> CrossRail lobbyist 2, interview, 06/04/98

<sup>146</sup> CrossRail lobbyist 1, interview, 15/01/98

<sup>147</sup> IGA proposal, (nd)

<sup>148</sup> IGA proposal, (nd)

<sup>149</sup> Internal CrossRail Guidance notes, *Briefings*, nd

<sup>150</sup> IGA proposal, (nd)

<sup>151</sup> A reception was suggested to thank supporters; to mark CrossRail’s launch; to mark the start of the parliamentary processes; and to brief the press. IGA proposal, (nd)

<sup>152</sup> IGA proposal, (nd)

<sup>153</sup> CrossRail Private Bill Committee member 3, interview, 19/03/98

pages 188-190] The Committee concluded the preamble to the Bill not proved.<sup>154</sup> The MPs were unconvinced by the evidence, the minister's cavalier attitude, and the government's lack of commitment.<sup>155</sup> When it gave its judgement the committee provided no reasons for its decision.

Although there was a fierce parliamentary campaign to relaunch the project,<sup>156</sup> since government could not prove the Committee acted outside procedure or there had been a material change in circumstances, the Bill was killed on 5 July 1994.<sup>157</sup> MPs signed an EDM, tabled in support of CrossRail, because there was no associated political risk.<sup>158</sup> Cabinet decided soon after that CrossRail should proceed through the Transport and Works Act Order.<sup>159</sup> In January 1995 CrossRail was delayed indefinitely.<sup>160</sup>

### Public and Party

There were formal consultation exercises, but no attempt to build a strong coalition. There was no endeavour to fire public imagination or to build a groundswell of support. IGA believed mobilising public support was dangerous because of the project's nature, arguing "it was difficult for a nationalised organisation to prompt the public to write to government to get something for itself."<sup>161</sup>

IGA considered party conferences to be an opportunity to "consolidate the support... built up over the previous year and to generate post-Summer Recess enthusiasm..."<sup>162</sup> IGA advised MPs needed their

<sup>154</sup> On 10 May 1994 the Committee decided by three votes to one that CrossRail should not proceed to full parliamentary scrutiny.

<sup>155</sup> The minister comments "I was not able to give an absolutely unequivocal commitment to the money being there." former Minister of State for Transport 1, interview, 05/01/98. Confirmed by CrossRail Private Bill Committee member 2, interview, 18/02/98; CrossRail Private Bill Committee member 1, interview, 17/02/98; CrossRail Private Bill Committee member 3, interview, 19/03/98

<sup>156</sup> The Prime Minister said "I share the disappointment that the Select Committee has rejected the CrossRail Bill. We have consistently made clear our commitment to the project and I am pleased to tell the House that the commitment remains. The promoters are now urgently considering the position and we are in discussion with them on how to proceed." HC Debs, OA, Vol 243, 17/05/94, Col 669. "Loophole from 1836 could save CrossRail project", *Daily Telegraph*, 12 May 1994

<sup>157</sup> "CrossRail Bill fails in the Commons", *Financial Times*, 6 July 1994.

<sup>158</sup> By late June 1993 288 signatures had been collected. ("CrossRail revival backed by 130 MPs", *Financial Times* 18 June 1994). PPSs were given permission by Whips to sign the motion. ("Revival of CrossRail moves a step closer", *Financial Times*, 28 June 1994) Parliamentary Private Secretaries, as part of the Government 'payroll vote' do not normally get involved in signing Parliamentary motions.

<sup>159</sup> "Revived CrossRail project may take ten years to finish", *Financial Times*, 9 July 1997

<sup>160</sup> The Montagu Report raised the thorny issue of 'affordability'. DTp, (1996). Sir George Young, Transport Secretary, ordered the Promoters not to go ahead with plans "for the time being". "CrossRail project to be shelved", *Financial Times*, 30 March 1996

<sup>161</sup> IGA lobbyist 3, interview, 27/05/98

<sup>162</sup> IGA proposal, (nd)

memories refreshed and their resolve inured to support CrossRail. CrossRail had stalls and receptions at Labour and Conservative conferences. Its objectives were to raise its profile, foster high-level political contacts, reach 'target audience' MPs, maintain a position on the political agenda, and to meet new MPs and Peers.<sup>163</sup>

CrossRail attended local government conferences to meet local politicians. "Local councillors can be primed to approach their local Member and Peers [at national party conference] with a view to encouraging them to be supportive."<sup>164</sup>

IGA held its own reception at party conferences, where it showed off its contacts to clients. CrossRail was encouraged to attend, because the reception afforded "a useful opportunity to meet senior politicians in an informal setting."<sup>165</sup>

## Media

LUL's managing director was an ardent briefer of the *Evening Standard*.<sup>166</sup> The media campaign aimed to persuade the PM and ministers of the political advantages of the scheme. IGA's Media Unit claimed to 'assist' CrossRail by pre-empting ill-informed speculation and agreeing a 'line-to-take'.

A press conference was organised to campaign for Second Reading.<sup>167</sup> Material was distributed and journalists briefed in advance. Transport correspondents from national broadsheets were lobbied in writing and by telephone. 'Pegs' were found to hang stories on. Lobbyists and London First secured a promise of support from the *Evening Standard's* editor.<sup>168</sup>

The weekend before the Cabinet sub-committee met, IGA placed stories in Sunday broadsheets, setting the political agenda. London First leaders wrote to *The Times*. The CBI increased the pressure by publicly criticising government, accusing the Cabinet sub-committee of behaving

<sup>163</sup> Internal CrossRail Guidance notes, *Party Conferences*, nd

<sup>164</sup> IGA proposal, (nd)

<sup>165</sup> IGA proposal, (nd)

<sup>166</sup> Senior London Transport Manager, interview, 13/05/99

<sup>167</sup> In May 1993

<sup>168</sup> Wilson, D., and Andrews, L., (1993)

secretively.<sup>169</sup> It is unlikely, however, that positive media coverage was the consequence of effective lobbying. *The Evening Standard* particularly promoted London issues, and its Transport correspondent was a supporter in his own right.

*The Evening Standard* campaign may have been ineffective. It riled Treasury ministers and officials. A senior Treasury official said LT

conducted a lobbying campaign, not just on CrossRail but on all their activities, through *The Evening Standard*. Ministers took the view that we are not prepared to reinforce bad behaviour. If people think they can win by slagging us off in *The Evening Standard*, everyone will slag us off in *The Evening Standard*. We don't want that. We want to see people lose if they start slagging us off. If LUL think they can roll us over by hacking at us through newspapers they have got another thing coming.<sup>170</sup>

Though this 'Treasury view' appealed to non-Transport members of EDX, DTp informally approved of CrossRail's media campaign. One former political adviser argued:

If you were me in the Department of Transport wanting to do CrossRail you were thrilled there were people on the bandwagon. You could say in a note to the Prime Minister and copied to the Treasury 'Prime Minister, I am inundated. It is awful. The pressure is relentless.'<sup>171</sup>

LUL recognised it risked irritating officials and knew "it made the Treasury apoplectic."<sup>172</sup> But, it believed "ministers sought to minimise opposition. If you do not heap pain on them they do not notice. *The Standard* helped heap pain."<sup>173</sup> Ministers read their press cuttings and leaders every morning and were influenced by what they read. The campaign bought a stay of execution – Treasury was temporarily defeated and Second Reading assured. *The Evening Standard's* support raised CrossRail's profile, delivered public, local authority and elite political support and isolated Treasury.<sup>174</sup>

## Conclusion

IGA's strategy was simplistic and lazy. It was easy to tell the client to undertake high-profile low-influence activity like briefing MPs and party

<sup>169</sup> "CBI chief attacks London strategy", *Financial Times*, 19 June 1993

<sup>170</sup> senior Treasury civil servant, interview, 23/01/98

<sup>171</sup> former political adviser 2, interview, 11/02/98

<sup>172</sup> former managing director of London Underground, interview, 09/02/98

<sup>173</sup> senior LT manager, interview, 13/05/98

<sup>174</sup> CrossRail lobbyist 2, interview, 06/04/98

conference stalls, rather than face the unpleasant task of recommending difficult, low-profile and tedious, but potentially high-influence, activity such as research, case-building with Treasury officials and orchestrating senior political support. The important policy activity took place inside Whitehall – arenas inaccessible to IGA.

CrossRail lobbyists failed to pursue an effective multi-faceted campaign. However, at moments of crisis (second reading and before Committee Stage) DTp, CrossRail and London First built a coalition of interest-groups and media to pressure the Cabinet. At these times the strategy was multi-faceted, involving elite-centred lobbying, media, and third-party support.<sup>175</sup> But, IGA's role in the campaign was limited. The effective short-term activity was co-ordinated by London First under the umbrella 'CrossRail Coalition'.

Whilst Treasury never changed its mind, the CrossRail Coalition bought a stay of execution by effectively heightening the profile of the issue. Had it remained a technical matter confined to the policy community, Treasury would have won earlier. A multi-faceted campaign would have helped CrossRail. IGA's misdirected effort and poor advice meant the CrossRail lobby was ineffective. The evidence supports the hypothesis.

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<sup>175</sup> Wilson, D., and Andrews, L., (1993)

## Micro-level

### Routines and Standard Operating Procedures: Hypothesis Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

IGA failed to demystify the process. “Lobbyists can do an important job. Never underestimate their ability to say to an organisation that believes it wants to see the minister – ‘You do not want to see the minister – you want to see the grade 7 or grade 5.’”<sup>176</sup> Civil servants believed important lobbying targets are middle rank officials: “the thirty-somethings who are the basic policy analysts – get hold of them and persuade them.”<sup>177</sup> IGA failed to do that.

IGA’s advice was poor. CrossRail’s Bill Team planned to defend the Bill by preparing to negotiate minor amendments to passify objectors without increasing costs – a procedure that had worked successfully in the past. This approach depended on government support and a satisfactory committee chairman. Given IGA knew that elements of government were ambivalent, committee membership was crucial. The chairman, Tony Marlow MP, had his own maverick agenda and during the Committee stage became the first MP for fifty-four years to call from the floor of the House for his own leader and Prime Minister to resign.<sup>178</sup>

Transport ministers knew Marlow was risky, commenting “I tried to nobble him as hard as I could”<sup>179</sup> but no-one else was willing to take it on. If there was one point where IGA really failed CrossRail it was the selection of committee members. IGA, which prided itself on its behind-the-scenes contacts at Westminster, must have known there was a

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<sup>176</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>177</sup> senior Treasury civil servant, interview, 23/01/98. Grade E is formerly a Principal or Grade 7

<sup>178</sup> Confidence in the Prime Minister amongst some Conservative backbenchers was undermined by a compromise over EU voting arrangements. HC Debs, Vol 240, 29/03/94, Col 802. Mr Marlow said “my right hon. friend has no authority, credibility or identifiable policy in this vital area of policy, why does he not stand aside and make way for somebody else who can provide the party and the country with direction and leadership?”

<sup>179</sup> former Minister of State for Transport 1, interview, 05/01/98



problem. It had time to help as well as the support of DTp ministers. IGA either failed to recognise the danger, or failed to find a better candidate. Either way, it failed CrossRail at this key moment.

IGA suggested that following the defeat of the Private Bill MPs and Peers should be briefed on procedural and technical issues. IGA emphasised the importance of telling targets something new on each occasion. Because the Transport and Works Act was a new process, IGA argued “Members will not be familiar with its procedures and would welcome the opportunity to understand precisely how it operates.”<sup>180</sup>

A senior official argued knowing process is important – “meeting and greeting is counter-productive particularly post-Nolan.”<sup>181</sup> Civil servants were not explicit; they gave clues and because some lobbyists had worked in government they could “read the tea-leaves.”<sup>182</sup> CrossRail’s routine lobbying was ineffective because IGA was unfamiliar with routines and procedure and continued to advise ‘meeting and greeting’ MPs. Officials tend to be more comfortable with lobbyists who have experience of the system. They are more open if “they know they are not going to get embarrassed and are not going to be put into an awkward position by some ill-informed lobbyist asking questions.”<sup>183</sup>

Burson-Marsteller’s knowledge of informal rules and its experience, informed its management of the Coalition. It recognised it could not win by lobbying civil servants, and targeted senior government decision-makers: the PM, Cabinet, and the Chancellor.<sup>184</sup> The objective was to portray the strength of feeling in the City, CrossRail’s economic case and the potential damage to the government’s PFI scheme.<sup>185</sup>

There was an increase in ‘shadow lobbying’. Supportive MPs were used as ‘secondary lobbyists’, and the Bill’s promoter David Lidington was a conduit between ministers and promoters. IGA met MPs alone in addition to the client’s meetings. IGA proposed parliamentarians be briefed “in groups over lunch at 55 Broadway, within walking distance of

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<sup>180</sup> IGA proposal, (nd)

<sup>181</sup> former senior civil servant 4, interview, 25/03/98

<sup>182</sup> Tower Hamlets Adviser, interview, 25/03/98

<sup>183</sup> *ibid*

<sup>184</sup> Wilson, D., and Andrews, L., (1993)

<sup>185</sup> Wilson, D., and Andrews, L., (1993)

the Palace of Westminster.”<sup>186</sup> IGA advised some formal meetings: “Labour Members, in particular, tend to prefer this approach.”<sup>187</sup> They were less willing to be ‘wined and dined’ and IGA suggested CrossRail “play down references to Labour bugbears – tourism, the City, Canary Wharf, markets, stuffy economists’ terms, London’s status and prosperity.”<sup>188</sup>

IGA worked with parliamentarians to:

- raise CrossRail at relevant Questions and in debates and, informally with Ministers
- put down Parliamentary Questions, EDMs and seek an Adjournment Debate
- take a delegation to the Prime Minister and/or the Chief Secretary to the Treasury or Transport Secretary
- speak in support of the project in parliamentary debates as part of the TWA procedure

### Conclusion

All of IGA’s knowledge was directed at the processes and personalities of Westminster. CrossRail believed IGA had an excellent knowledge of parliamentary procedure.<sup>189</sup> IGA provided CrossRail with Hansard cuttings and spotted forthcoming relevant legislation.

However IGA did not understand the technicalities of its client’s policy. Nor did it understand civil service procedure. “IGA – all they ever did was wine and dine MPs. What is the point? It was mind bending in its simplicity.”<sup>190</sup> IGA’s lobbying was shallow.

IGA may have understood informal rules, like the need to tell MPs something new on each occasion and Labour MPs’ unwillingness to be wined and dined, but this ‘knowledge’ was irrelevant to the arena where CrossRail was really decided – Whitehall. IGA had weak links into Whitehall, and its lack of technical knowledge of both its client’s case and official procedure hampered its lobbying. The client was poorly served by IGA’s inability to operate in Whitehall. The evidence supports the hypothesis.

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<sup>186</sup> IGA proposal, (nd)

<sup>187</sup> *ibid*

<sup>188</sup> Internal CrossRail Guidance notes, *Briefings*, nd

<sup>189</sup> CrossRail lobbyist 2, interview, 06/04/98

<sup>190</sup> former senior civil servant 4, interview, 25/03/98

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### Contacts

The work of the CrossRail team depended on success at the political level, but they had neither the skills nor the personalities to contribute at that level. Its approach was technocratic.

IGA believed it had “an extremely effective network of contacts among Ministers, Opposition Spokesmen, Members of both Houses, Civil Servants and Party officials.”<sup>191</sup> This network supposedly provided clients with timely political intelligence and access to policy-makers. IGA was hired because of its contacts with Conservative ministers.<sup>192</sup> IGA portrayed itself as an insider with access. “Everybody knew who IGA were. You had to be able to be continually whispering in ministers’ ears at every function they went to, particularly the private ones.”<sup>193</sup>

IGA was cautious about burdening its contacts. A balance was needed between briefing MPs, which risked inducing CrossRail fatigue among those who felt they had already contributed, and pursuing a low-key campaign, calling on MPs as necessary, which threatened momentum.

To know the processes and people of Whitehall, lobbyists needed contacts.<sup>194</sup> Knowledge of process and procedure was a function of contacts. Contacts allow lobbyists to know “who are the right people to hit and when to hit them.”<sup>195</sup> IGA focused on MPs. Greer was able to get ‘names’ to attend meetings. But IGA ignored the civil service. An official recalls “I spoke to a number of official colleagues. IGA had never been anywhere near them. That is their brand of lobbying. But in that case it was wholly inappropriate.”<sup>196</sup> Their lack of contacts in Whitehall was crippling.

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<sup>191</sup> IGA proposal, (nd)

<sup>192</sup> CrossRail lobbyist 2, interview, 06/04/98

<sup>193</sup> CrossRail manager 1, interview, 30/03/98

<sup>194</sup> senior Treasury civil servant, interview, 23/01/98

<sup>195</sup> *ibid*

<sup>196</sup> former senior civil servant 4, interview, 25/03/98

IGA arranged for CrossRail directors to meet with “ministers and with route MPs that we normally would not have been able to get hold of.”<sup>197</sup> CrossRail was impressed by IGA’s access to MPs, its ability to arrange meetings, and its conduct at party conferences. One says

They were fantastic at party conferences. They got us into lots of events. They had a huge lunch and we would be put on a table with route MPs and council leaders and people from London First.<sup>198</sup>

It is unclear why CrossRail did not expect to achieve this level of access as a matter of course. CrossRail believed that “Greer in person had access to the Prime Minister. He used it only sparingly. There is no doubt whatsoever the fact that we were allowed to proceed into Committee was a result of Ian Greer seeing John Major.”<sup>199</sup> There is little evidence to support this contention. This chapter shows the stop-start progress of the Bill was the consequence of several variables – not least the PM’s determination to reassert his political authority. However, CrossRail directors believed

Ian Greer was seeing John Major on behalf of his clients at least once a week. It was amazing. He would ask if we felt that the time was right for him to speak to the Prime Minister. There is no doubt that man had tremendous access. Greer could move amongst virtually the whole of the Cabinet how he wished, and he did.<sup>200</sup>

There is no evidence to suggest IGA’s access influenced policy. Hints of privileged access, which were later to lead to Greer’s downfall, over-awed clients and were a valuable marketing tool. The evidence suggests they played no part in CrossRail’s fate.

## Coalitions

There was no initial coalition for CrossRail because it was unnecessary, since there was political support early on.<sup>201</sup> As political support waned a coalition would have helped, but outside the times of crisis no broad support existed. Whilst there was a sense of approval, the support was intangible.

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<sup>197</sup> CrossRail lobbyist 2, interview, 06/04/98

<sup>198</sup> *ibid*

<sup>199</sup> CrossRail manager 1, interview, 30/03/98

<sup>200</sup> *ibid*

<sup>201</sup> former BR director 1, interview, 31/03/98

There was a lack of Conservative MPs in London to support the scheme publicly. There was also no political consensus in London. Parties were beset by factionalism. CrossRail campaigners “could not get Tories and Labour to work together. You could not get Bromley Tories and Westminster Tories together and you could not get Labour in Hounslow and Labour in Camden together.”<sup>202</sup> “Labour versus Tory versus Liberal Democrat. We tried to get them together. It was hopeless. Even the Tory MPs split between inner and outer London.”<sup>203</sup>

The twenty-nine local authorities affected supported the project. The Labour Association of London Authorities and the Conservative London Boroughs’ Association issued a rare joint statement attacking government’s lack of commitment.<sup>204</sup> The commuter counties were supportive. Although IGA proposed liaison with local authorities there was poor communication. IGA admitted “nothing was being co-ordinated on a political level.”<sup>205</sup>

Tower Hamlets, the City of Westminster and the City of London Corporation were the most important local authorities because of tunnelling impact. Tower Hamlets opposed CrossRail. Westminster was supportive as was the City of London Corporation to protect the City against Docklands.<sup>206</sup> It lobbied for CrossRail because it owned land at each of the four proposed central stations, which presented redevelopment opportunities.<sup>207</sup>

The 1992 Conservative government magnified the voice of London. It instituted a Cabinet Sub-Committee for London and a London Transport Minister.<sup>208</sup> London First was formed to represent London business (made up of 59 companies), and chose CrossRail to cut its campaigning teeth.<sup>209</sup> These organisations had limited impact on policy. Whilst ministers “made a habit of lunching in the City and hearing what groups of people thought,

<sup>202</sup> former managing director of London Underground, interview, 09/02/98

<sup>203</sup> Corporation of the City of London representative 4, interview, 19/02/98

<sup>204</sup> “Cross-party plea on London’s transport”, *Financial Times*, 25 October 1989.

<sup>205</sup> IGA lobbyist 3, interview, 27/05/98

<sup>206</sup> Corporation of the City of London representative 4, interview, 19/02/98

<sup>207</sup> Bond Street, Tottenham Court Road, Farringdon and Liverpool Street/Moorgate. Confirmed in a telephone conversation with the Surveyors’ Office, Corporation of the City of London

<sup>208</sup> Norris, S., (1996), p187

<sup>209</sup> former BR director 1, interview, 31/03/98. “CrossRail link gets massive boost from London First”, *London Evening Standard* 25 March 1993

London First was not a particularly influential lobby in this case.”<sup>210</sup> An official recalled “the City was not particularly noisy.”<sup>211</sup>

When Treasury attempted to block the Second Reading a ‘CrossRail Coalition’ was organised to shore up DTp.<sup>212</sup> A broad front was presented to promote the scheme. Letters to decision-makers were followed by parliamentary questions about representations received.<sup>213</sup> DTp officials and ministers were provided with evidence and “would be offered every encouragement.”<sup>214</sup>

The CrossRail Coalition was “an attempt to persuade Londoners, London business, local authorities, pressure groups and government.”<sup>215</sup> It effectively amplified ‘third party noise’ to make it easier for key government ministers to over-rule Treasury. This said, apart from key moments of effective campaigning, broad external support for CrossRail drifted.

IGA identified some targets and advised on briefings. Groups that could endorse private-finance proposals were particularly important. However, the coalition was weak since members did not deliver anything in exchange for a favourable policy output. Officials believed coalition members did not bring ‘something to the table’. “Ministers always listened politely but the CrossRail Coalition was not particularly influential.”<sup>216</sup> A senior Treasury official argued “for lobbyists to say things which are demonstrably in their self-interest cuts little ice.”<sup>217</sup> Officials rejected the coalitions using a Whitehall colloquialism: the ‘Mandy Rice-Davies

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<sup>210</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>211</sup> former senior civil servant 7, interview, 29/04/98

<sup>212</sup> Amongst many others, the coalition included Network South East, London Regional Transport and Transport 2000, City of London Corporation, London Boroughs Association, Association of London Authorities, London Planning and Advisory Committee, Buckingham, Berkshire and Essex County Councils, City of Westminster, and district and borough councils, Land Securities, Regalian Properties, Grosvenor Estates Holdings, CBI, London Chamber of Commerce and Industry, CENTEC, West London Partnership, East London Partnership, Camden Leadership, London Enterprise Agency, Grand Metropolitan, Taylor Woodrow, John Mowlem, John Laing, Robert McAlpine, Wilmott Dixon, Scott Wilson Kirkpatrick, British Airports Authority, Eurotunnel, London Tourist Board, British Airways, AA, RAC, National Freight Consortium, TGWU and Friends of the Earth

<sup>213</sup> HC Debs, WA, Vol 225, 25/05/93, Cols 369 and 536. Wilson, D., and Andrews, L., (1993)

<sup>214</sup> Wilson, D., and Andrews, L., (1993)

<sup>215</sup> former BR director 2, interview, 01/12/97

<sup>216</sup> senior civil servant 6, interview, 15/04/98

<sup>217</sup> senior Treasury civil servant, interview, 23/01/98

dismissive'.<sup>218</sup> Officials, especially those at Treasury, were used to lobbies pursuing selfish objectives.

### Opponents

"There was an informal Mafia out to kill CrossRail. [Members] all stayed in touch with each other."<sup>219</sup> A collection of interest-groups opposed CrossRail. O&Y opposed CrossRail because it competed with Docklands-related spending.<sup>220</sup>

Perceptions about opposition made the scheme less attractive politically. Steinbruner labels this perception an "assumption of sensitivity to pertinent information."<sup>221</sup> Politicians' perceptions of construction 'horror stories' were deleterious.<sup>222</sup> A former Cabinet Minister argues "CrossRail floundered because of the weight of objection against it which made it unreasonable to proceed with."<sup>223</sup> A minister recalled "the idea of digging up Oxford Street was daunting. We had been badly scarred in Kent with the Channel Tunnel Rail Link."<sup>224</sup> A political adviser continued "I cannot begin to tell you the problems. You had people screaming, particularly all the posh folk in Belgravia and Mayfair."<sup>225</sup>

The route alignment took little account of political reality. The Opposition Transport spokesman said the alignment passed "the doors of just about every influential interest group in the country and, as everyone knows, many of them do not like it."<sup>226</sup> A former Cabinet minister says "CrossRail was ill-thought out. It went from nowhere to nowhere. No sane person has ever wanted to go to Shenfield."<sup>227</sup> It is evidence of CrossRail's lack of political savvy that when the congestion case weakened in the early 1990s, it resisted switching its case to emphasise

<sup>218</sup> "They would say that wouldn't they." Mandy Rice Davies was an acquaintance of Christine Keeler and, through the osteopath Stephen Ward, was introduced to influential London society. She was a witness at Ward's trial for living off the immoral earnings of Keeler and Rice-Davies. In reply to a suggestion that Lord Astor denied knowing her, she gave the celebrated retort: "He would, wouldn't he?"

<sup>219</sup> O&Y adviser, interview, 13/02/98

<sup>220</sup> *ibid*

<sup>221</sup> Steinbruner, J., (1974)

<sup>222</sup> former political adviser 2, interview, 11/02/98

<sup>223</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>224</sup> *ibid*

<sup>225</sup> former political adviser 2, interview, 11/02/98

<sup>226</sup> HC Debs, Vol 226, 08/06/93, Col 208

<sup>227</sup> former Cabinet Minister 2, interview, 24/02/98. Shenfield was where CrossRail terminated in the east.

connections to Heathrow, the Eurostar terminus at King's Cross and Docklands, which would have broadened its appeal.

Although 314 petitions were lodged against the Bill, there were two main opponents.<sup>228</sup> The Residents' Association of Mayfair was run by a retired businessman who devoted significant time to its campaign. RAM was supported and financed by local residents and business.<sup>229</sup> Public meetings were organised, a regular newsletter was published, and petitions and letters to MPs arranged. It placed stories in the local and national press, and met ministers, but with little effect.<sup>230</sup>

Tower Hamlets Council took a parochial stance towards CrossRail. LBTH's opposition was based on anticipated disruption; it felt "LT looked at east London and thought 'low value – good place for a work site'."<sup>231</sup> LBTH bordered the City and Docklands, but had gained from neither, and decided costs outweighed benefits. LBTH's policy was driven by its new devolved structure. Politicking between neighbourhoods and the pockets of minority communities complicated matters.<sup>232</sup> Experienced officers left as a consequence of reform and relations between government and councillors deteriorated.<sup>233</sup> A former Cabinet minister recollects the councillors "were appalling people. Dreadful. So bad as to be almost indescribable."<sup>234</sup>

Treasury allied with LBTH to promote the northern alignment through King's Cross – the former to reduce cost and disrupt progress and the latter to change the proposed tunnel alignment. LBTH's lobbyist dealt directly with officials and sought to "undermine the scheme with civil servants and the press."<sup>235</sup> LBTH's advisers persuaded Treasury to insist on a study comparing the costs and benefits of the northerly surface routing with CrossRail's preferred tunnel. But the lobbyist said "that

<sup>228</sup> "Moguls rattled by tunnel vision", *Daily Telegraph*, 16 August 1991

<sup>229</sup> Residents' Association of Mayfair organiser 2, interview, 28/01/98

<sup>230</sup> Residents' Association of Mayfair organiser 1, interview, 10/11/97; Residents' Association of Mayfair organiser 2, interview, 28/01/98

<sup>231</sup> transport consultant 2, interview, 02/04/98

<sup>232</sup> CrossRail manager 1, interview, 30/03/98

<sup>233</sup> former BR director 1, interview, 31/03/98

<sup>234</sup> former Cabinet Minister 2, interview, 24/02/98

<sup>235</sup> Tower Hamlets adviser, interview, 25/03/98



meeting' from Treasury's perspective never took place, they found the information incredibly helpful."<sup>236</sup>

### Conclusion

Whilst there is no evidence to suggest Ian Greer's supposed access to the Prime Minister was effective, it would be facile to suggest contacts were unimportant. IGA's contacts were one-dimensional – they were party based.

Some argue lobbyists may be effective for business, but they are not valuable to public bodies because

people like BR and LUL have good links into Whitehall and also into the Department which owns them and whose role in life is to take the ambitions of their nationalised industry and translate them in a way to win the day.<sup>237</sup>

However, public bodies may need lobbyists because their contacts in Whitehall are not sufficient to push a policy. Because Whitehall is often a mess of conflicting interests, lobbyists help their clients appeal to senior politicians. Had IGA really had influence and access to Major, it would have been useful in these circumstances.

The coalitions reflected the divisions within government – groups formed around both Treasury and Transport. Proving to decision-makers there existed support and consensus was not sufficient to secure success. Whilst coalition support is useful, campaigns can succeed without it provided there is political commitment. CrossRail believed opponents presented little threat. However, whilst they were small and poorly resourced they had a powerful ally in Treasury which used the flaws exposed by the groups to attack CrossRail.

CrossRail's support although broad was shallow and hazy. It failed to create a tight group of supporters. The CrossRail Coalition rescued the project twice: yet it was short-term and reactive. CrossRail needed a long-term proactive group of supporters. IGA and CrossRail were ineffective because they lacked a broad range of contacts and long-term allies. The evidence supports the hypothesis.

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<sup>236</sup> *ibid*

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

### Financial Resources

Financial resources are important for long-term campaigns. A minister argued “to indulge in a long-range ‘five-years-before-you-put-a-spade-in-the-ground’ type project you need deep pockets.”<sup>238</sup> CrossRail devoured money: by 1998 it had absorbed £123 million.<sup>239</sup> Given its stop-start nature it was sensible to spend eighty per cent of the total budget on external consultants.<sup>240</sup>

IGA charged CrossRail £5,000 per month for consultancy services. This figure fell as the campaign progressed to £4,000 then £2,500. The fee for monitoring, a separate activity, was £1,000 per month.

Although a former Transport minister argued “London Transport would have been better advised to put more resources into lobbying rather than less.”<sup>241</sup> CrossRail felt constrained from launching a comprehensive lobbying campaign. Indeed, *The Evening Standard* reported ministers were “livid that LT has spent £250,000 on professional lobbying through a public relations firm that they believe is designed to discredit the Government.”<sup>242</sup>

### Managerial Resources

The lack of a real champion had important consequences for the way CrossRail was managed. Management was weak, uncoordinated and divided. The BR and LT chairmen had agreed to promote CrossRail jointly, but they soon lost interest.<sup>243</sup> A committee managed CrossRail.

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<sup>237</sup> senior Treasury civil servant, interview, 23/01/98

<sup>238</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>239</sup> Investment Expenditure: CrossRail. (1997/98 prices, £m). London Transport, correspondence with author

<sup>240</sup> The Labour Opposition demanded a Public Accounts Committee investigation into the hiring of consultants.

“£120m paid for advice on shelved rail project”, *The Independent*, 18 June 1996

<sup>241</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>242</sup> “The Chairman now arriving... Peter Osborne on the intrigue and in-fighting in the hunt for a new head of London Transport”, *London Evening Standard*, 8 February 1994

<sup>243</sup> For LT, CrossRail ranked below JLE, preservation of LT as the regulator of London’s buses and the provision of resources for the existing network. For BR, CrossRail scarcely registered as a priority – in the London region a higher priority was the replacement of the old slam-door rolling stock.

Poor management “was debilitating. It lacked focus and it lacked agreement. There was no one person in charge.”<sup>244</sup> The two organisations soon lost control and CrossRail “became a mini empire in its own right.”<sup>245</sup>

CrossRail was not a natural team. There was no loyalty or commitment. Staff had diverse backgrounds and were often temporary secondees. There was no shared background or cohesion. The project manager said “the vast majority of people in the project team had no interest in it at all” because they were consultants.<sup>246</sup>

Poor management and a lack of client commitment undermined the effectiveness of the campaign. “If the client does not provide a full commitment to the project to respond to the advice and work their lobbyists are providing then it is doomed to failure.”<sup>247</sup> IGA said “it was hard because we did not know our client’s strategy. It was because CrossRail did not know themselves what the agendas of BR and LUL were.”<sup>248</sup> An internal paper warned of the

heavy constraints in the marketing of the scheme, i.e. it must be low-key and subject to the sensitivities of all three promoters, but the control of the information supporting the CrossRail case is also in the hands of the promoters. Where evidence emerges to support CrossRail but conflicts with existing interests it is not unreasonable to assume it will be suppressed. The project cannot bite the hand that feeds it...<sup>249</sup>

### Freedom to Operate

Even had CrossRail been well resourced and managed, its lobbying would have been cautious. An official said “it would have worried me if the CrossRail project team had been lobbying hard. Campaigning for a project when funded by departmental expenditure is extremely doubtful.”<sup>250</sup> The CrossRail account was atypical

because being a public-sector organisation they were not happy for IGA to be seen to be working on their behalf in the House. They were quite happy to be directed by us, but they did not want it done by us.<sup>251</sup>

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<sup>244</sup> CrossRail manager 1, interview, 30/03/98

<sup>245</sup> London Transport executive 3, interview 25/03/98

<sup>246</sup> CrossRail manager 1, interview, 30/03/98

<sup>247</sup> Tower Hamlets adviser, interview, 25/03/98

<sup>248</sup> IGA lobbyist 3, interview, 27/05/98

<sup>249</sup> CrossRail briefing paper, *Hurdles*, no date

<sup>250</sup> former senior civil servant 7, interview, 29/04/98

<sup>251</sup> IGA lobbyist 3, interview, 27/05/98

IGA sometimes stayed in the shadows. Project managers were advised by lobbyists and told what to say. It was mainly the client that delivered the message, although IGA lobbyists did deal directly with MPs with whom they were familiar.

Some CrossRail managers believed using lobbyists was improper. "We were not allowed to use lobbyists in the way we wanted to. We wanted them to be much more active than they were. They did provide advice, most of which we were not allowed to act on."<sup>252</sup> Therefore, in some respects, CrossRail prevented IGA from lobbying effectively.

### Conclusion

Despite the substantial financial resources possessed by the supporters of CrossRail, the campaign failed. Financial resources alone do not guarantee effectiveness. In two senses CrossRail was resource-poor. It had poor managerial resources and lacked a sense of ownership. Jealousies between the promoters were debilitating and injured CrossRail's policy and momentum. Lobbying was ignored or tolerated by management. Only too late did management recognise selling the project politically was more important than design or engineering. Second, CrossRail lacked autonomy. It was inflexible and could not deal with officials. The lobbyist's advice was ignored and it was fearful of encouraging third-party support. The evidence supports the hypothesis.

## **Low-Profile Outsider Tactics: Hypothesis Nine**

Lobbyists will tend to be effective if they pursue low-profile 'external' tactics.

There were no external measures used in the lobbying campaign for CrossRail. "You would not expect it where the promoters of the schemes were public corporations. It would be inconceivable."<sup>253</sup> The evidence neither supports nor rejects the hypothesis.

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<sup>252</sup> CrossRail manager 1, interview, 30/03/98

<sup>253</sup> former BR director 2, interview, 01/12/97

## Conclusions

External and internal factors affected the policy outcome. Whilst the context was disadvantageous to CrossRail, the client and lobbyist were ineffective. They failed to achieve their objectives. The most important variable was Treasury, not outside interest-groups.<sup>254</sup> The battle was “trench warfare between Treasury and Transport.”<sup>255</sup> The irony of this case is that IGA was employed by a branch of government to lobby government in support of government policy, and it still failed.

IGA was relatively unimportant. The best it can claim is partial credit for having helped engineer a stay of execution. But even then contextual variables explain the outcome. IGA was ineffective. It failed to achieve its objectives: it failed to have CrossRail designated a scheme of national significance by the Transport Secretary; it failed to minimise opposition to the project; it failed to see the project progress through the TWA process; it failed to gain Treasury support and failed to organise financial backers.

### External variables

Economy. CrossRail was conceived as the economy entered recession. By the early 1990s CrossRail’s imperative vanished. Tax revenue dried up. The dispassionate observer witnessed falling employment and congestion, and other projects increasing east-west capacity. The case, initially strong, weakened over time.

Treasury. The fingerprints of the Treasury’s ‘hidden hands’ are all over CrossRail’s defeat. The real campaign was one within government. Though the Bill Committee was the vehicle for CrossRail’s death, the real assassin, which killed the project by a thousand cuts, was Treasury. Lobbyists were unable to overcome Treasury.

Despite being over-ruled by the Prime Minister, Treasury damaged CrossRail at every opportunity. Major’s public statements were mood

<sup>254</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>255</sup> senior Treasury civil servant, interview, 23/01/98

music to disguise Treasury mischief. A senior DTp official argued “Treasury do not care about a Prime Ministerial commitment. If they think something is ill-founded they will gun first and worry about presentation later.”<sup>256</sup>

Spending departments became weaker and dependent on Treasury patronage.<sup>257</sup> DTp could not publicly blame Treasury for CrossRail’s demise. A civil servant argued “once there is a collective decision, you have to go with it. You cannot blame the Treasury, tempting though it is.”<sup>258</sup> However, there was no collective decision against CrossRail. In fact, the opposite was true. Cabinet Committee approved CrossRail. Treasury officials carried their public expenditure powers very far indeed.

London Politics. There was no political consensus in London – not only did different political parties in London disagree, but there was disagreement within parties. CrossRail also lacked heavy-weight advocates. There were no senior Conservative MPs in London to promote CrossRail.

Political Preferences. Ministers took a complacent view of the City of London, viewing it as successful and preferring to leave it alone.<sup>259</sup> Ministers felt no moral obligation to deliver CrossRail. Government ministers and Treasury officials held the nationalised industries in disdain. There was also a perception of broad opposition – making CrossRail politically unpalatable.

The project was conceived as a public-sector funded scheme just when the trend was in the opposite direction. The scheme clashed with railway privatisation and failed to find a private-sector partner.

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<sup>256</sup> senior civil servant 2, interview, 28/01/98

<sup>257</sup> Treasury is all-powerful. Its agreement is needed before A) a department enters into a new policy commitment with expenditure implications; B) any policy paper goes to Cabinet, Cabinet Committee, the Prime Minister, or an informal group chaired by the Prime Minister. Bailey, A., (1996)

<sup>258</sup> former senior civil servant 3, interview, 19/02/98

<sup>259</sup> so argued a Corporation of the City of London representative 4, interview, 19/02/98

## Internal variables

Whilst most ministers and officials interviewed discounted lobbyists, the client believed the lobbyist was effective. Indeed, IGA reborn as AS Biss & Co is still retained by the CrossRail project. IGA claimed to be

committed to achieving a satisfactory resolution to the campaigns that it conducts for its clients...[o]ur clients can be confident that by purchasing our services they are subscribing to the outcome rather than to a collection of individual actions.<sup>260</sup>

However, the evidence suggests that though IGA was working for a fragmented client, whose components had different agendas, it failed to understand its client's problems sufficiently to advise it sensibly. Its standard approach of briefing MPs over dinner and attending party conferences was inadequate. No serious effort was made to build wider support to counter Treasury's wholly negative influence. No major project would ever succeed were cyclical downturns used to argue against them. IGA deserved little credit. It targeted a limited range of opinion-formers who lacked influence. Though some events were held to broaden support, internal failings prevented effective lobbying.

Coalitions. Coalition support for CrossRail was weak and transient. The diffuse support for CrossRail was not transformed into political capital. This failure can be attributed in part to IGA.

Poor co-ordination. One lobbyist recalled the campaign "was not co-ordinated at all."<sup>261</sup> There was a lack of direction and enthusiasm. IGA's role should have been to direct and co-ordinate the campaign.

Contacts. At moments of drama IGA helped convey messages to the key people. Its access, through its existing client base, to the CBI and big business helped orchestrate letters to *The Times*, which kept alive political perceptions of the project. However, the strategy was superficial

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<sup>260</sup> IGA proposal, (nd). The consultancy also offered "a monthly review with each client at which the progress of any public affairs activity is measured against the objectives set at the previous month's meeting."

<sup>261</sup> CrossRail lobbyist 2, interview, 06/04/98

because it attended to the symptoms not the causes of the problem. The political commitments London First and IGA engineered were not durable.

Procedure. Though CrossRail believed IGA knew the process its knowledge was one-sided. It understood the working practices of MPs and parliamentary procedure, but not Whitehall. This weakness prevented the campaign from being active in the arena where the key decisions were taken.

Media Campaign. IGA understood a high-profile campaign would irritate Treasury. The choice was to upset Treasury and fail, or 'go around' Treasury by appealing to the Prime Minister. Though the CrossRail Coalition engineered media support, IGA and CrossRail failed to shore up media and public support behind key ministers to aid them in their battle with Treasury.

Poor Marketing. The scheme was not sold effectively to politicians. The project team was engineer-led and politically naïve. Lobbyists failed to emphasise CrossRail's structural and regional benefits and its general quality.

Managerial weakness. The promoter organisations had different corporate objectives and competing priorities. A multi-headed directorate made cohesive management difficult. CrossRail was the first priority for none of the clients. Joint advocacy weakened promotion. There was no institutional champion for the scheme.

Political Reality. The route alignment was politically naïve. The government affairs team was allotted a low status. LUL and BR lacked effective advocates in Whitehall.

Inability to act on advice. CrossRail chose to be restricted from lobbying actively because it was publicly-funded. The nationalised industries dealt with government through formal channels in the sponsor department. IGA and CrossRail failed to explore other avenues.



### An assessment of the hypotheses

The evidence suggests:

- 1) Lobbyists were generally unimportant. At times lobbyists helped raise the profile of the campaign to prevent Treasury blocking it, thereby challenging the original hypothesis.
- 2) Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints. CrossRail was undermined by the recession, and lobbyists were left powerless.
- 3) Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of are congruent with the lobbyist's objective. This case shows it is important to recognise the fragmented nature of government. Treasury obstruction was central.
- 4) Lobbyists did little to insert their client into the 'real' policy community. CrossRail did not deal directly with officials. Lobbyists failed to improve communication with Treasury officials or ministers. The lobbying of MPs was simplistic.
- 5) Lobbyists failed to pursue a multi-faceted campaign. They ignored Treasury officials and ministers. They briefed MPs and local authorities. A short-term media campaign was effective in achieving a stay of decision.
- 6) Familiarity with routines and standard operating procedures was important, and IGA's unfamiliarity with Whitehall procedure contributed to CrossRail's failure.
- 7) The contacts of lobbyists were useful in gaining access to MPs but not officials. IGA and CrossRail failed to construct an effective coalition, which was debilitating.

- 8) CrossRail's weak managerial resources did not allow effective lobbying.
- 9) CrossRail and other interest-groups did not pursue low-profile 'external' tactics.

## 6. Jubilee Line Extension

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One reason for the failure of CrossRail was the government's adoption of the Jubilee Line Extension (JLE). Government transport decisions in the late 1980s were based not on socio-economic benefits and costs but on political factors which over-ruled the Department of Transport's (DTp) own studies.

This chapter examines the JLE as a middle-profile issue with technical elements, which became political as its profile heightened. The influence of Olympia and York (O&Y), developers of Canary Wharf, and its lobbyists distorted policy. Their effective lobbying and political factors meant solving the central London transport crisis was postponed to build JLE. By the benefit-cost ratio JLE did "not meet the established criteria for approval."<sup>1</sup> The JLE outcome is testament to the effect of a well-researched and well-executed lobbying campaign. This case shows the defeat of the lead department and the success of O&Y and Lowe Bell.

This chapter challenges Fanstein's assumption that "government's reluctance to shoulder the full cost of the Jubilee Line extension and build it in advance of development reflected a half-hearted commitment to Canary Wharf..."<sup>2</sup> In fact once O&Y arrived, contrary to the popular myth, government did not respond tardily.<sup>3</sup> Whilst for CrossRail government studies were a delaying ploy, in JLE government-commissioned research legitimised O&Y's demands.

Lobbying by O&Y and its consultants sent shock waves through government. Lowe Bell was influential in planning and executing an elite-focused lobbying campaign, which over-ruled the policy community. O&Y

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<sup>1</sup> Steve Norris MP in "Sinking Link", *New Civil Engineer*, 21 May 1992

<sup>2</sup> Fanstein, S., (1994), pp 209-210

<sup>3</sup> Public investment in Docklands transport was massive. Around £4.615bn of public money was used to improve transport links to Docklands (compared with £780m private-sector). Investment Programme (in millions): Total Road Schemes: £1411; Total Rail Schemes: £3939. Other schemes, £45. Total of Docklands-related transport spending, £5395m. See LDDC, (1997)

executives were in regular contact with senior politicians and advisers, and ignored or sidelined unhelpful civil servants and public-sector bodies.

## History

In his role of inner-city saviour Michael Heseltine attempted to re-orient London's development to the east. Heseltine wanted to create an eastern corridor – echoing the M4 / Heathrow corridor – focused on the Isle of Dogs and the Thames Gateway.

The London Docklands Development Corporation (LDDC) was established to encourage private-sector and development-led regeneration.<sup>4</sup> Docklands was designated an enterprise zone, thereby removing local authority obduracy. Authorities had neither the wherewithal nor the political will to act.<sup>5</sup> A former cabinet minister argues "it was not the money that was the problem. It was the statist psychology of Tower Hamlets. Heseltine had given up any chance of working with these boroughs."<sup>6</sup>

Regeneration depended on transport. However, an inevitable consequence of market-led development was the absence of strategic transport planning. LDDC enhanced the local road network and built a light rail transit system: the Docklands Light Railway.<sup>7</sup>

Between 1981-85 LDDC's achievements were modest.<sup>8</sup> Olympia and York rescued it. O&Y's high employment predictions forced LDDC to re-evaluate transport provision.<sup>9</sup> O&Y first tied DLR into the transport network, contributing £69m to extend and upgrade the railway and £25m to Canary Wharf station. Second, it lobbied for an underground line. Canary Wharf's success depended on public transport. LUL's lack of interest forced O&Y to develop its own scheme. O&Y drafted and referenced a parliamentary Bill for a stand-alone line.<sup>10</sup> It offered to plan,

<sup>4</sup> UDCs were non-elected statutory bodies, established to focus on regeneration, provided with powers of planning permission, vesting rights and compulsory purchase.

<sup>5</sup> The Enterprise Zone, created on 26 April 1986 with a 10-year life, allowed looser planning regulations, no business rates and 100% deduction of capital expenditure on industrial and commercial construction from income tax and freedom from rates and a simplified planning process.

<sup>6</sup> former Cabinet Minister 2, interview, 24/02/98

<sup>7</sup> DLR was planned and was to be funded jointly by GLC and LDDC. Docklands Public Transport and Access Steering Group, (1982) and Willis, J., (1987)

<sup>8</sup> By 1985 only 1.8m sq. ft of low-density warehouse units had been constructed. LDDC, (1997)

<sup>9</sup> LDDC, (1986) and Steer Davies Gleave (nd – a)

<sup>10</sup> Steer Davies Gleave, (1988) O&Y proposed this line because the Waterloo and City line was effective in delivering commuters from a mainline station to the City; second, O&Y had completed the successful World

construct and pay for the entire railway, estimated at £700-800m.<sup>11</sup> Although, DTp rejected O&Y's offer, it bounced back with another policy – the Jubilee Line Extension.

## The Lobbyists

O&Y hired Lowe Bell Political to provide political strategy advice. O&Y required assistance handling the media. Given the policy implications of the development for London in general, O&Y had a broad requirement for access to politicians to promote not just Canary Wharf, but regeneration.

Although the DoE was responsible for Docklands the scale of the development implied more extensive political interest. One O&Y executive recalled "it seemed to us that the issues we faced stretched from Environment, to Transport, to Trade and Industry. We understood from the beginning there was the need to access politicians at the right level and as foreigners new to this country, it seemed sensible to work with people who had access already, rather than us trying to create them."<sup>12</sup>

O&Y described the brief for the lobbyist

It was none of this fancy business, 'can you?' It was 'How do we get it?' 'What do we need to do?' 'Who do we need to meet?' 'How do we go about it?' 'What is the strategy?' 'What are the tactics?' The objectives were clear.<sup>13</sup>

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Finance Center served by PATH (Port Authority Trans-Hudson Corporation) and a shuttle on the Pennsylvania Railway from New Jersey bringing professional, white-collar commuters from the New Jersey suburbs.

<sup>11</sup> O&Y adviser, interview, 13/02/98

<sup>12</sup> O&Y executive, interview, 07/03/97

<sup>13</sup> *ibid*

## Macro-level

### Profile, technicality and politicality: Hypothesis

#### One

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

Large infrastructure policies have both technical and public-interest elements. The cost of constructing new railways automatically increases the issue's profile. So too does construction impact.<sup>14</sup> The issue's importance was intensified by the status of London and later by the Millennium celebrations.

Because CLRS was based on employment projections which ignored Docklands, an East London Rail Study was commissioned. It legitimised the earlier political approval of JLE, and attempted to make a political issue technical. LT believed government was "saying to us 'You do not have a choice. Build the bloody railway and write a report that justifies it.'" <sup>15</sup> Because government rejected O&Y's earlier offer to build, finance and operate its own railway, O&Y needed the JLE 'approved' by government research.

ELRS was undertaken by the private-sector and was the consequence of pressure from O&Y.<sup>16</sup> O&Y shaped ELRS, so that the JLE alignment followed O&Y's recently-rejected line.<sup>17</sup> An O&Y adviser's job "through the winter of 1988/89 was to 'schmooze' the consultants and the government."<sup>18</sup>

ELRS sanctioned O&Y's proposals. The only difference from O&Y's earlier proposal was that civil servants had cost the public-sector £500m. The taxpayer would now pay for most of the scheme. O&Y lobbied furiously for Bill introduction and offered to pay government's costs for preparing a Bill. DTp rejected its advances. However, in 1989

<sup>14</sup> The JLE was the biggest project undertaken in London since the construction of the Victoria Line in 1969.

<sup>15</sup> senior London Transport Manager, interview, 13/05/98. The stated objective of the study was to identify "the best options for further improving rail access from central London to Docklands and east Thameside in order to accommodate the rapid pace of development in Docklands." DTp, (1989a)

<sup>16</sup> London Transport executive 1, interview, 11/12/97; senior businessman, interview, 30/01/98

<sup>17</sup> The ELRS extended the JLE and followed the precise alignment of the Waterloo and Greenwich Railway.

The benefit-cost ratio was assessed at 1.8:1. DTp, (1989a)

<sup>18</sup> O&Y adviser, interview, 13/02/98

“a joint O&Y/LRT/LUL team was set up to manage the further design and bill preparation.”<sup>19</sup>

O&Y recognised JLE competed against the CLRS CrossRail option favoured by LT and DTp. To O&Y “it was clear the chances of getting both funded were very low” for both budgetary and practical reasons.<sup>20</sup> The DTp recognised it had “a very limited pot of money.”<sup>21</sup> It was important for O&Y “to ensure ministers in the respective departments understood the strengths and weaknesses of both cases.”<sup>22</sup> The project approved first was more likely to succeed.

Consequently O&Y adopted ‘reverse tactics’ and raised JLE’s profile within government, from being a technical policy so it became high-profile, general, and political. O&Y recognised “government wanted it at top level. The Prime Minister wanted it and London Underground did not. This is where lobbyists came in. Tim Bell’s job was to keep it on the agenda and go to Margaret Thatcher.”<sup>23</sup> O&Y’s lobbyists targeted senior politicians.

O&Y recognised it had the DoE’s and Thatcher’s support. It overcame reticence and institutional inertia by harassing DTp officials. O&Y directors “would be on the telephone two, three, four times a day. They would not let go.”<sup>24</sup> A former political adviser argued moving high-profile to pressure politicians was effective: “If you are irritating you are winning. If you do not irritate, they are not listening and they will not do it.”<sup>25</sup> O&Y certainly irritated DTp officials.

It “irritated government and transport providers. [Its] only mode of operation was to be contentious. It works in North America – it does not work here.”<sup>26</sup> Officials complained about O&Y’s discourtesy. “They would come screaming to me saying ‘that man is so rude.’”<sup>27</sup> Lowe Bell helped smooth relations with officials and ministers.

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<sup>19</sup> Willis, J., (1997)

<sup>20</sup> O&Y adviser, interview, 13/02/98

<sup>21</sup> former political adviser 2, interview, 11/02/98

<sup>22</sup> O&Y executive, interview, 07/03/97

<sup>23</sup> O&Y adviser, interview, 13/02/98

<sup>24</sup> former political adviser 2, interview, 11/02/98

<sup>25</sup> ibid

<sup>26</sup> senior businessman, interview, 30/01/98

<sup>27</sup> former political adviser 2, interview, 11/02/98

Michael Portillo, Minister for Transport, announced government was minded to approve JLE, even before DTp received ELRS, but with full knowledge of CLRS.<sup>28</sup> Despite recognising central London congestion Portillo argued curing it was expensive, complicated and disruptive.<sup>29</sup> Government wanted to “see a new underground line to Docklands and east London” to help O&Y.<sup>30</sup> JLE was approved in principle before the Commons rose in 1989.

Parkinson was appointed Secretary of State for Transport in July 1989, and in a bilateral meeting the Prime Minister was convinced of the case for JLE.<sup>31</sup> It would be built only if “sufficient contributions are forthcoming from property developers and other landowners who would benefit.”<sup>32</sup> In principle negotiations over the contribution did not prevent legislative approval. In reality Treasury was dissatisfied with O&Y’s offer and tried to stall the process until after the November deadline. A former Cabinet minister recalled “the Treasury’s game was to try and spin it out beyond [Bill introduction] and there would be another year lost – another year for arguments for not having it.”<sup>33</sup>

Parkinson recollected an “argument had been under way for many months and little progress had been made, so I decided to invite Paul Reichmann, the head of Olympia and York, to meet me to see if we could negotiate an agreement.”<sup>34</sup> Reichmann made his offer. Treasury again rejected it.<sup>35</sup>

O&Y lobbied for introduction in 1989. Tim Bell, of Lowe Bell, through contacts learned that the Transport Secretary was attending a party at the Chancellor’s constituency home. There the Transport Secretary received

a dispatch rider carrying a House of Lords envelope from Keith Joseph saying Paul Reichmann was absolutely horrified at the cavalier treatment Treasury had given his final offer. Because it was a Friday evening (he is an orthodox Jew), he got another not orthodox Jew, Keith, to write in his place. It was a brilliant move. I read the letter, then showed it straight to John Major. So Reichmann got his point of view straight

<sup>28</sup> “Channon go-ahead for new London Tube line”, *The Times*, 20 June 1989

<sup>29</sup> HC Debs, Vol 155, 19/06/89, Col 45

<sup>30</sup> HC Debs, Vol 155, 19/06/89, Col 46

<sup>31</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>32</sup> “East London rail link unveiled”, *The Times*, 27 July 1989

<sup>33</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>34</sup> Parkinson, C., (1992), p290

<sup>35</sup> former political adviser 2, interview, 11/02/98



into the hands of the Transport Secretary and the Chancellor of the Exchequer in the same day.<sup>36</sup>

Reichmann refused to increase his offer during a meeting with the Transport Secretary the following week, although terms were relaxed.<sup>37</sup> The matter was finally settled on the day of the Autumn Statement. The Transport Secretary informed Treasury that no more private-sector money was available.<sup>38</sup> Predicting the Chief Secretary's rejection, the minister "arranged for both of us to see the Prime Minister at 8pm tonight."<sup>39</sup>

An attendee at the meeting recalled its progress

It was an amusing meeting. She started in a wonderful way. She said to Norman Lamont (Chief Secretary) 'You have never made any money have you Norman?' It was wonderful – you knew the result at that point. 'How much did *Paul* offer?' Note *Paul*. I said '£400m in cash.' And she said '£400m! Have you any idea Norman what a large sum of money £400m is. £400m of your own money! It is amazing.' Then she said 'you are not really rejecting this offer are you Norman?'<sup>40</sup>

Unlike in CrossRail, Treasury was over-ruled. "It was dragged kicking and screaming by a combination of the Prime Minister, Secretary of State for Transport and the Secretary of State for the Environment."<sup>41</sup> On 16 November Parkinson said "I welcome this contribution, which is of an unprecedented scale. This is a further example of public and private-sector contribution to the mutual benefit of both."<sup>42</sup>

*The Times* recognised the outcome was "the result of intense Whitehall lobbying by Olympia & York."<sup>43</sup> LDDC admitted O&Y's effect on governmental decision-making

without O&Y's initiative in campaigning for and part funding for the new line, there would not have been such strong government support for the proposal.<sup>44</sup>

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<sup>36</sup> Sir Keith Joseph was a non-executive director of Bovis, which was working with O&Y. former Cabinet Minister 3, interview, 19/05/98

<sup>37</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>38</sup> Parkinson, C., (1992), p291

<sup>39</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>40</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>41</sup> senior civil servant 1, interview, 04/02/98

<sup>42</sup> HC Debs, Vol 160, 16/11/89, Col 398.

<sup>43</sup> "Gone to the dogs", *The Times*, 12 May 1992

<sup>44</sup> LDDC, (1997)

A representative from the City Corporation argued “Tim Bell in those days had the ear of the Prime Minister and he was a hired gun for O&Y. He did his job successfully.”<sup>45</sup> Another player argued “at that time the lobbying market was new and it may have been particularly effective because it was novel.”<sup>46</sup>

DTP officials were sceptical about JLE. However, in hindsight some argued its choice was the “right decision for the wrong reasons”, noting “there may have been some serendipity.”<sup>47</sup> Other officials believed “O&Y and their lobbyists were pushing at an open door.”<sup>48</sup> One minister believed lobbyists had “no impact whatsoever” because JLE “did not require lobbying.”<sup>49</sup> Likewise a former political adviser says of the PM, lobbyists “did not have much impact on her. She had no hesitation about seeing Paul Reichmann or other major outside investors. I would only have had to say to her that Paul Reichmann wanted to see her for her to have agreed to it. I do not recall the request came from Tim Bell.”<sup>50</sup>

However, whilst some officials regarded lobbyists as over-rated, they believed that because they “were close to Margaret Thatcher they might have got the door of No 10 opened to Paul Reichmann.”<sup>51</sup> But it was Paul Reichmann who “was an effective and good lobbyist at all levels of government.”<sup>52</sup> O&Y drove the policy process. “Without O&Y and their advisers it would not have happened. It would not have come from Government.”<sup>53</sup>

A Cabinet Minister argued lobbyists “had a catalytic effect. They helped their client be more effective. If the client had not been impressive they could not have made the difference.”<sup>54</sup> Another Cabinet minister said that whilst “Tim Bell knew how the system worked – he could talk to people and soften people up and make sure a point of view was heard – there was a limit to what lobbyists could achieve. They were not decisive.

<sup>45</sup> Corporation of the City of London representative 4, interview, 19/02/98

<sup>46</sup> Corporation of the City of London representative 2, interview, 09/03/98

<sup>47</sup> former senior civil servant 1, interview, 13/03/98

<sup>48</sup> former senior civil servant 4, interview, 25/03/98

<sup>49</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>50</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>51</sup> former senior civil servant 5, interview, 21/01/98

<sup>52</sup> former senior civil servant 7, interview, 29/04/98

<sup>53</sup> former political adviser 2, interview, 11/02/98

<sup>54</sup> former Cabinet Minister 1, interview, 29/01/98

I do not think they would pretend to have too much influence. I do not recall Tim ever coming to see me about the Jubilee Line.”<sup>55</sup>

O&Y’s strategy was “direct lobbying – mainly by us with a little door opening by Lowe Bell – based on hard facts or researched opinion.”<sup>56</sup> O&Y “worked very hard. It was an example of where professional and informed lobbying made a difference.”<sup>57</sup> Lobbyists may have had an effect on the policy-making because they got the policy onto the political agenda.

Without lobbyists O&Y would never have been able to keep the Jubilee Line on the agenda until it got approved. Without professional lobbyists an outsider would not have been able to get it on the agenda. O&Y were outsiders.<sup>58</sup>

O&Y believed lobbyists were the key to achieving their objectives. A former O&Y executive argued the campaign “would not have been successful without them.”<sup>59</sup> Lowe Bell were “able to get us an audience with, and a hearing by, the key people at the right time. There is no merit in life being right too late.”<sup>60</sup> A colleague adds “I do not think we could have done it without them. They could not have done it without us. It was a great team.”<sup>61</sup>

O&Y had vision, it had money, it had a project close to the heart of government and dear to the leader of the party. It was a golden combination.

## Conclusion

Treasury fought the project, and DTp officials resisted JLE. They were over-ruled by the PM and Transport and Environment Secretaries.<sup>62</sup> The decision was a leap in the dark, which required political risk. One former official argued “the initial decisions on JLE were taken when there was not that much constructed. O&Y could have backed off and government been left with an embarrassing building site.”<sup>63</sup>

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<sup>55</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>56</sup> senior businessman, interview, 30/01/98

<sup>57</sup> ibid

<sup>58</sup> O&Y adviser, interview, 13/02/98

<sup>59</sup> O&Y executive, interview, 07/03/97

<sup>60</sup> ibid

<sup>61</sup> senior businessman, interview, 30/01/98

<sup>62</sup> former senior civil servant 5, interview, 21/01/98

<sup>63</sup> ibid

Therefore the issue was initially highly political. O&Y encouraged government to dampen the controversy by having JLE approved by an official study. JLE moved to become a technical, non-political issue because it was legitimised by experts. But JLE would have died at Treasury and DTp hands had it remained a decision for technocrats, which O&Y and Lowe Bell recognised. They took the technical recommendations and heightened the issue's profile and political nature within government by emphasising the project's political benefits and its connections with the government's programme.

Lobbyists may be effective if, when facing 'blocking players', they take a low-profile, technical and non-political issue and heighten its profile, and its general and political case *within* government. The evidence refutes the hypothesis.

## **External and contextual factors: Hypothesis Two**

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

There were disadvantageous factors affecting the approval of JLE, but effective lobbying and political commitment mitigated their impact. Other constraints disrupted its progress, most notably a recession which caused O&Y's collapse.

### From Canary to Albatross

O&Y entered London hoping to repeat its recent success at the World Financial Center. But Canary Wharf was completed at the depths of recession and, though it planned a cash cushion to survive through two recessions, the internationalisation of property investment meant the markets in London, New York and Toronto moved together. The recession's depth and length meant there was no counter-balance precipitating O&Y's collapse.<sup>64</sup>

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<sup>64</sup> O&Y first admitted its liquidity crisis on 22 March 1992. On 15 May, O&Y granted protection under Canadian bankruptcy laws and file for protection in US.

Despite DTp trying furiously to bring the deal to a close, when O&Y went into administration it had not completed a funding agreement.<sup>65</sup> Although government gave the impression of a public-private partnership, it had committed itself to build JLE without a binding contract. Treasury jumped at this window of opportunity to kill JLE.

Treasury, under pressure to cut public expenditure, “could not care less about JLE. It wanted to pull the plug. It was hundreds of millions ringfenced that could come back into the public expenditure programme.”<sup>66</sup> In the middle of the 1992 General Election campaign O&Y failed to deliver the seed-corn £40m payment. JLE was halted on 1 April 1992.<sup>67</sup>

Government and the banks played a game of poker. Government warned in stark terms that JLE would not go ahead unless the contribution were forthcoming. Transport Secretary John MacGregor said “I see no prospect of my authorising a start on construction until and unless the agreed contributions are assured.”<sup>68</sup> It would have been irresponsible for government not to require the £400m.<sup>69</sup> The Prime Minister reinforced the message: “our policy at the moment is to build the Jubilee Line when we have the contribution of a stated sum from the private-sector.”<sup>70</sup>

The banks remained unconvinced.<sup>71</sup> A former official said “the banks thought government was bluffing.”<sup>72</sup> There then followed a grotesque dance during which the banks realised their asset would either be the subject of a fire sale or they would have to find £400m. Government restated that public money would be released only when the private-sector contribution was guaranteed.<sup>73</sup>

<sup>65</sup> HC Debs, WA, Vol 209, 08/06/92, Col 24

<sup>66</sup> senior civil servant 2, interview, 28/01/98. The JLE was one of the biggest spending items in 1993-94.

<sup>67</sup> “Canary Wharf Tube plan is halted”, *The Guardian*, 1 April 1992

<sup>68</sup> “O&Y warned on Jubilee line cash”, *The Independent*, 19 May 1992

<sup>69</sup> HC Debs, OA, Vol 227, 28/06/93, Col 560

<sup>70</sup> HC Debs, Vol 208, 02/06/92, Col 707

<sup>71</sup> “Canary Wharf: Docklands Tube Link derailed”, *The Independent*, 29 May 1992

<sup>72</sup> former senior civil servant 1, interview, 13/03/98

<sup>73</sup> The 1992 Autumn Statement reserved funds (£1.4bn) for JLE’s construction; “The Government’s Expenditure Plans for Transport 1993-94 to 1995-96”, cm 2206. The Chancellor said “One major project for which we have expressly reserved provision is the Jubilee Line extension. Subject to satisfactory completion of negotiations, the line will be able to go ahead.” See Chancellor of the Exchequer, HC Debs, Vol 213, 12/11/92, Col 993

Treasury opposed any form of 'lame-duck' rescue.<sup>74</sup> A Treasury official said "we thought JLE was dotty. When Canary Wharf went down we were quite keen to pull the plug on it."<sup>75</sup> The contribution became the albatross that Treasury attempted to wring around the Department of Transport's neck. By this stage DTp was fully committed to JLE, and LT's chairman and director of HSBC (a major funder of Canary Wharf) was convinced of the importance of the scheme. Treasury pressed DTp "remorselessly in the hope that we might actually get rid of it."<sup>76</sup> The minister described the renegotiation as 'Kafkaesque'.<sup>77</sup> DTp officials recognised that "if the JLE were allowed to go down the plug hole no private-sector partner would ever come in with government again."<sup>78</sup> The DTp minister

outrageously stressed our commitment to the Jubilee line at every public opportunity. I had a right to do it because it was part of our manifesto commitment. I felt strongly that my job was to fight for the project and to move so far ahead that it would be inconceivable that I could have the ground cut from underneath me.<sup>79</sup>

MacGregor admitted a 'terrific battle' to keep the JLE on course.<sup>80</sup> Treasury came under pressure from 'general City interests' and Cabinet Office to rescue JLE. The Treasury's response was "Absolutely not. We had a deal. £400m or we are not shifting a bucket of sand.' That was difficult to sustain. Most ministers were saying we should give them it."<sup>81</sup>

In 1993, as tenants moved into Canary Wharf, the banks agreed to commit £400m.<sup>82</sup> The money depended on a £98m EIB loan to Canary Wharf.<sup>83</sup> EIB approved the payment and committed itself to lend a further ECU5bn by 1995.<sup>84</sup> However, one month later Transport, supported by Treasury, refused the 'drop dead' clause demanded by the banks, which would ensure the return of their contribution if the line were delayed.<sup>85</sup> As

<sup>74</sup> "Olympia & York: Government — Flagship failure would embarrass", *The Independent*, 16 May 1992

<sup>75</sup> senior Treasury civil servant, interview, 23/01/98

<sup>76</sup> *ibid*

<sup>77</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>78</sup> senior civil servant 2, interview, 28/01/98

<sup>79</sup> former Minister of State for Transport 1, interview, 05/01/98

<sup>80</sup> "Jubilee Line link gets the go-ahead at last", *Evening Standard*, 29 October 1993

<sup>81</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>82</sup> "Jubilee Line go-ahead as stalemate is broken", *Evening Standard*, 22 February 1993

<sup>83</sup> "Jubilee talks at critical phase", *Financial Times*, 22 February 1993. HC Debs, WA, Vol 223, 20/04/93, Col 70

<sup>84</sup> "£98m Euro loan for Jubilee line", *The Guardian*, 20 April 1993; "EIB agrees £98m funding for Jubilee Line extension", *Financial Times*, 20 April 1993

<sup>85</sup> "Bankers' demand puts Jubilee Line in crisis", *Evening Standard*, 21 May 1993

momentum sagged, Treasury threatened the banks that if they did not sign up to the deal it would withdraw its support.<sup>86</sup> Consequently, progress made in the summer of 1993 allowed MacGregor to approve JLE.<sup>87</sup> In September Canary Wharf was financially reconstructed and emerged from administration in October.<sup>88</sup> The existing arrangement with O&Y was accepted by the banks, which provided for £98m immediately, and a further £300m over twenty-five years. The Transport Secretary gave his

approval for London Underground Ltd to let contracts for the construction and equipment of the Jubilee Line extension. This reflects the fact that in anticipation of their release from administration, and with the permission of the Court, Olympia & York as the developers of Canary Wharf have entered into agreements to make a contribution of some £400 million towards the cost of the extension as previously envisaged.<sup>89</sup>

## Conclusion

This case study shows the divisions within government and the external constraints impacting on policy-making. Lowe Bell's effectiveness was hampered by the recession and O&Y's collapse. JLE's survival is testament to political commitment and effective lobbying in the face of external variables. When O&Y collapsed, LDDC hired Lowe Bell to ensure continuity. The political commitment in No 10 and DTp resisted Treasury. The presence of negative external factors did not prevent Lowe Bell and GJW from being effective. Though lobbyists are most likely to be effective when contextual factors are advantageous, they can be effective when there are disadvantageous contextual variables. The evidence does not support the hypothesis.

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<sup>86</sup> "Banks boost hope for Jubilee extension deal", *Evening Standard*, 9 July 1993

<sup>87</sup> "Jubilee Line extension set to go ahead in new deal", *Evening Standard*, 16 July 1993. HC Debs, WA, Vol 225, 27/05/93, Col 661

<sup>88</sup> "Jubilee Line extension looks set for go-ahead", *Financial Times*, 10 September 1993; "Canary Wharf deal breaks new ground" and "Canary Wharf banks in £1.1bn rescue plan", *Financial Times*, 11 September 1993

<sup>89</sup> HC Debs, WA, Vol 230, 20/10/93, Col 810

## **Pre-existing policy and experience of government players: Hypothesis Three**

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

### Redevelopment

Government in the early 1980s made a decision to promote Docklands rebuilding. Thatcher wanted redevelopment of London's Docklands to succeed to vindicate the notion that the private-sector would invest on the back of pump-priming by government, and that her government succeeded where Labour local authorities failed. The government and O&Y needed one another. O&Y's development was a monument to the vitality of Thatcher's free-market philosophy.

In 1990 the Minister for Transport wrote JLE "will assist regeneration of the area in line with our Inner Cities policy and improve the labour supply to Docklands further assisting regeneration there."<sup>90</sup> His successor argued "the case for the Jubilee Line extension depended not just on the measurable benefits but to a significant extent on the regeneration benefits which are not captured in the conventional cost benefit procedure."<sup>91</sup>

Ministers wanted Urban Development Corporations "to fly. They did not want it to be a failure. It had to succeed. O&Y was coming to make a Tory policy a success."<sup>92</sup> UDCs were an ornament to Thatcherism.<sup>93</sup> Mrs Thatcher began the 1987 General Election at Canary Wharf and hailed it as ensuring the future of London as a world financial centre.<sup>94</sup> When she officially launched its construction, she said it was a 'bold', 'ambitious' and 'far-sighted' scheme.<sup>95</sup>

Michael Portillo, Minister of Docklands Transport, was ordered personally by Thatcher, to resolve the problems of Canary Wharf and

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<sup>90</sup> Letter from Roger Freeman, Minister of State, to Norman Lamont, Chief Secretary to the Treasury, 27 September 1990, private archive

<sup>91</sup> HC Debs, Vol 208, 18/05/92, Col 126. Glaister, S., and Travers, T., (1993), p53

<sup>92</sup> former political adviser 2, interview, 11/02/98

<sup>93</sup> senior civil servant 3, interview, 10/02/98

<sup>94</sup> Brownhill, S., (1990)

<sup>95</sup> Mrs Thatcher's speech in response to Paul Reichmann at the Banqueting House, 11 May 1988



wanted to encourage Londoners “to focus on a new centre of population and business.”<sup>96</sup> The political commitment was obvious. He said “there must be more work per square mile being done on transport infrastructure in Docklands than in any other area in the country.”<sup>97</sup>

Ministers were under pressure to deliver because “what was happening there was a triumph of our policies. Right across the whole of government, we were keen on regeneration, business success and a strategy for east London.”<sup>98</sup> Michael Heseltine, re-appointed Environment Secretary in 1990, built on earlier programmes by launching a plan to regenerate the area east of London.<sup>99</sup> He said “there is no urban project in the world that should command more notice and imagination.”<sup>100</sup>

### Private-Sector Involvement

Ware Travelstead’s donation to the DLR extension established a precedent.<sup>101</sup> O&Y’s contribution added a new dimension to government’s efforts to involve the private-sector in public projects. Its agreement to provide £400m provided for a step-change in the government’s programme to involve private-sector expertise and finance.<sup>102</sup>

The contribution was an essential lever in delivering JLE, and though not the clinching argument, JLE would not have proceeded without it. The contribution made the benefit-cost ratio acceptable. There was also a belief within government that because it was “bending over backwards to make a success of Canary Wharf, the developers ought to cough up.”<sup>103</sup> The contribution was a “quasi-commercial deal in which both parties got something they wanted [...] At least O&Y put millions of pounds on the table. Reichmann put his entire business on the table.”<sup>104</sup>

<sup>96</sup> “Docklands boost: City Viewpoint”, *The Sunday Times*, 11 June 1989

<sup>97</sup> *ibid*

<sup>98</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>99</sup> “Heseltine spells out grand plan to revive London”, *The Sunday Times*, 24 November 1991

<sup>100</sup> The London Weekend Television lecture “Heseltine sees Euro-boost to eastern city dream”, *The Guardian*, 13 December 1991

<sup>101</sup> Ware-Travelstead headed a consortium to redevelop Docklands, but passed the project to O&Y

<sup>102</sup> Following the O&Y offer, developers of Bishopsgate offered £50m towards extending the East London Line.

“Developers offer £50m to help fund Underground line”, *Financial Times*, 6 September 1990.

<sup>103</sup> former senior civil servant 5, interview, 21/01/98

<sup>104</sup> senior Treasury civil servant, interview, 23/01/98

The contribution was good value for O&Y and a bad deal for government. O&Y may have been politically naïve, but it recognised JLE would be built for political reasons. Although forced to contribute, it avoided paying a significant proportion of costs.<sup>105</sup> “Government made it clear [to O&Y] that without it nothing would happen. We accepted that and reluctantly agreed.”<sup>106</sup> Whilst initially thought to be 40% of total cost, the net contribution is worth between £120-150m to the project, around 5% of the outturn costs.<sup>107</sup> It is possible that the costs incurred by the delay caused by the private-sector renegotiation were greater than the contribution and that the relatively small offer caused “a disproportionate diversion of public funds from projects which would be of more general benefit.”<sup>108</sup>

Officials rightly regarded the contribution as notional. It would have been harder “for government to justify the JLE had they not had the fig leaf of a private-sector contribution.”<sup>109</sup> Ministers talked of the contribution only in ‘cash’ terms. There was smoke and mirrors used in parliament. The contribution was helpful because it allowed ministers to “refute the suggestion that this was a private favour line being built for a bunch of Canadian Jewish millionaires.”<sup>110</sup> Treasury “felt the Department [of Transport] could have negotiated much more effectively with O&Y and got a lot more out of them.”<sup>111</sup> Transport ministers had also hoped for more. The minister responsible says “it was a good deal less than I had hoped. Originally I had hoped for a really large amount of money.”<sup>112</sup>

Despite being trumpeted as a *lassiez-faire* triumph, Canary Wharf represented central government intervention on a huge scale. Docklands was never a private-sector development. Developers were enticed by tax-breaks. LDDC consumed £1.37bn of the £1.8bn paid to UDCs

<sup>105</sup> Canary Wharf paid £98m in 1993-94, whilst government allocated £1,844m ringfenced over seven years.

See Transport Select Committee, (1997), p11

<sup>106</sup> senior businessman, interview, 30/01/98

<sup>107</sup> It was anticipated O&Y would pay £40m in March 1992 followed by £60m in March 1993. The remaining £300m would be paid over twenty years after completion. The penalty charges included in the re-negotiated private sector contribution meant that the private-sector would pay £2m less each month the JLE opening is delayed. London Transport executive 4, interview, 11/03/98

<sup>108</sup> Glaister, S., and Travers, T., (1993), p 53

<sup>109</sup> former senior civil servant 4, interview, 25/03/98

<sup>110</sup> senior civil servant 1, interview, 04/02/98

<sup>111</sup> former senior civil servant 4, interview, 25/03/98

<sup>112</sup> former Cabinet Minister 1, interview, 29/01/98

between 1981-92.<sup>113</sup> It received £3.5bn more in government grants to meet infrastructure costs, excluding JLE. Add the JLE, and the public-sector has paid approximately one third of the total £12bn investment.<sup>114</sup> Docklands was one of the most intensively subsidised 'private' developments in Western Europe.

### Symbolism

Although Harold Macmillan once said "if people want a sense of purpose they should get it from their archbishop. They should certainly not get it from their politicians" some politicians operate viscerally.<sup>115</sup> Margaret Thatcher and Michael Heseltine both operated on political emotion.

Government, embodied by the PM, believed Docklands would propel London into the 21st Century. She was personally committed.<sup>116</sup> She argued "where there is no vision, the people perish. And we started to provide the vision."<sup>117</sup> Ministers "recognised that we had potentially a success on our hands which if we were not careful we would convert into a disaster."<sup>118</sup>

The Prime Minister enthused about the "biggest commercial development in the world" and congratulated

Mr Reichmann and Olympia & York for their vision. We have to thank them for their faith in Britain. [...] And I hope that won't be the end; that this new spirit of enterprise, of adventure, will continue in this country, because I believe that with the renewal that we have seen in Britain, we should be in perhaps the best position to lead Europe.<sup>119</sup>

There was huge enthusiasm to demonstrate that the Docklands project could work. Canary Wharf was a flagship. "There is a point in politics I have come to recognise when all barriers break down. The sky's the limit – we will go for it. Forget the benefit-cost analysis. It becomes a political gesture."<sup>120</sup>

<sup>113</sup> "State poured millions into Docklands dream", *The Times*, 16 May 1992

<sup>114</sup> "Too big a gamble for Major to lose — the Government is bluffing when it says there will be no public rescue of Canary Wharf", *The Sunday Telegraph*, 17 May 1992

<sup>115</sup> Harold Macmillan in Fairlie, H., (1968)

<sup>116</sup> The Prime Minister's commitment was symbolised by her laying the foundation stone.

<sup>117</sup> Mrs Thatcher's speech in response to Paul Reichmann at the Banqueting House, 11 May 1988

<sup>118</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>119</sup> Mrs Thatcher's speech in response to Paul Reichmann at the Banqueting House, 11 May 1988

<sup>120</sup> former political adviser 1, interview, 14/11/97

Ministers and advisers recognised Reichmann offered government a vision. Political passion helped create a momentum for JLE. “Passion is very important. If politicians become passionate about a particular project, it does not matter what it is, they have the ability to talk directly to the people.”<sup>121</sup> O&Y gauged government’s mood successfully. The contribution was important psychologically and symbolically.<sup>122</sup> Government had much to play for. The appeal of the Reichmanns to governments everywhere was noted by Business Week

Perhaps the most distinctive Reichmann trademark is the brothers’ willingness to take huge gambles that only pay off way down the line. That’s what endears them to governments. In massive public-private partnerships like the World Financial Center, they put up the financing, the government provides cheap land, and together they create whole new urban centers.<sup>123</sup>

## Conclusion

Politicians “went with [the project] that delivered other parts of the government’s agenda.”<sup>124</sup> One civil servant argues, lobbyists must

try and present the case in such a way that whatever the position – government cannot lose. Tying it in to government policy is very very important. [...] You help the government to help themselves. I think O&Y were pretty effective at that.<sup>125</sup>

JLE was not, many at the time believed, justified by its objective merits, but succeeded because of its connections with the government’s programme and experience – redevelopment, private-sector involvement and symbolism. O&Y based its lobbying on how its *entire* development delivered broad policy objectives. Redevelopment was a long-standing objective of the Conservative governments. Ministers were eager to assist O&Y because it made their policy a success.

Private-sector involvement proved public-private projects could succeed. The contribution “made life easier with the Treasury. It made presentation easier. Also to some extent it ushered in a new dawn – the idea of public-private partnerships.”<sup>126</sup> Although ministers

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<sup>121</sup> former No 10 Policy Unit member, interview, 02/03/98

<sup>122</sup> *ibid*

<sup>123</sup> *Business Week*, 28 January 1990, p 99

<sup>124</sup> former political adviser 2, interview, 11/02/98

<sup>125</sup> former senior civil servant 4, interview, 25/03/98

<sup>126</sup> former Cabinet Minister 1, interview, 29/01/98

misrepresented the value of the contribution, JLE would not have been built were not private-sector money forthcoming.<sup>127</sup>

Finally O&Y's commitment to the UK was important symbolically. Rational decision-making was replaced by gesture-politics. Almost everything about O&Y fitted the government's agenda. The evidence supports the hypothesis.

## **Meso-level**

### **Involvement in the policy-making process:**

#### **Hypothesis Four**

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

In 1992 modifications to London's governance built a policy community around a Cabinet Committee,<sup>128</sup> below which was a policy community for London's transport, which revolved around the Minister for Transport in London.<sup>129</sup> For JLE a transient community of players was established, access to which was restricted. A formal network existed around the minister who chaired an "action committee of all the players."<sup>130</sup> Its membership included the LDDC, other affected London Boroughs, developers, contractors, statutory undertakings and representatives of local business.<sup>131</sup>

DTp blocked the O&Y proposal because it did not fit with the department's schemes and ran counter to the views of policy officials. A former adviser claims "the smart lobbyist moves immediately to the Treasury and often to the Policy Unit."<sup>132</sup> On CrossRail IGA was not

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<sup>127</sup> O&Y legal adviser, interview, 13/02/98

<sup>128</sup> Representatives from Transport, Environment, Home Office, DTI, Social Security, Health, Employment, National Heritage, OPS and Treasury attended a Cabinet sub-committee for London, chaired by the Secretary of State for the Environment. Glaister, S., and Travers, T., (1993), p10

<sup>129</sup> The Minister for Transport in London established the Transport Working Group that brought together representatives from LUL, LDDC, London Buses, NSE, the Traffic Commissioner, the Traffic Director, the LRPC, LCCI, LPAC, and the London Tourist Board.

<sup>130</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>131</sup> HC Debs, Vol 155, 19/06/89, Col 46

<sup>132</sup> former No 10 Policy Unit member, interview, 02/03/98

'smart'; whereas on JLE Lowe Bell and O&Y were. Lowe Bell recommended that, because of DTp's views, O&Y approach others.

There were three relevant political camps outside DTp – No 10, the Department of the Environment, and Treasury – all cultivated assiduously by O&Y and Lowe Bell. O&Y lobbyists did not focus on civil servants because they believed them to be immune to their arguments.<sup>133</sup> A former official argues "the most important thing was to make sure that ministers were getting access to alternative views that they would not normally have got from the traditional method of LUL briefing civil servants and civil servants briefing ministers."<sup>134</sup>

O&Y and Lowe Bell found these established networks impenetrable. Changing the officials' agendas proved impossible. This intransigence led Lowe Bell to contact politicians directly. For several months JLE occupied the attention of the Prime Minister intensely.<sup>135</sup> Even officials in ministers' private offices were unaware of some of the confidential briefings Transport ministers received from O&Y.

Lobbyists provided information to ministers that they were unable to obtain from civil servants. GJW lobbyists briefed special advisers. An official recalls

In the run up to the decision on JLE, [lobbyists] focused almost exclusively on politicians. I think they came to the conclusion that civil servants were not the right audience for the particular issue in question which was about getting political backing for a project that the system did not want and had not thought of. They had to get political commitment.<sup>136</sup>

Reichmann enjoyed a personal chemistry with Thatcher. There was empathy between the two because Reichmann was a risk-taker, self-made, an outsider and Jewish.<sup>137</sup> She afforded Reichmann greater access than the chairmen of nationalised industries. A political adviser recalled "Thatcher was pushing it like hell. She just loved the Reichmann brothers."<sup>138</sup>

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<sup>133</sup> former political adviser 2, interview, 11/02/98

<sup>134</sup> former senior civil servant 4, interview, 25/03/98

<sup>135</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>136</sup> former senior civil servant 4, interview, 25/03/98

<sup>137</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>138</sup> former political adviser 1, interview, 14/11/97

Reichmann circumvented the policy community, and at some stage obtained an informal oral commitment to improve transport infrastructure and to link the development to the Underground network personally from Thatcher.<sup>139</sup> Such a swift agreement to major public expenditure was uncharacteristic of the PM. She also expanded, as a consequence of meeting Reichmann, the Minister for Transport's brief to include responsibility for transport in London.<sup>140</sup> Her "authority was very much behind it and it lingered on into 1992. It was seen as a done deal."<sup>141</sup>

JLE was cemented into the government's programme. The conventional policy-making process was subverted. A former Cabinet minister says

it was part of the deal on Docklands, that they [O&Y] would contribute to the cost of the line, but Docklands and Canary Wharf would have access to the underground. That was agreed actually when the Reichmanns agreed to develop Canary Wharf.<sup>142</sup>

This informal understanding was not specific. The deal was a hook to catch O&Y.<sup>143</sup> Whilst the deal may not have been a "cast-iron copper-bottomed guarantee that a particular project would be finished by a particular date" Reichmann would have left "confident that he had engaged her attention and would regard it as a case of very successful lobbying."<sup>144</sup> O&Y recognised "Paul did rely on government commitment and it would have been a verbal commitment. He decided 'if the Prime Minister gives me that sort of assurance that is good enough.'"<sup>145</sup>

Treasury suspected a deal had been struck with Reichmann. One official thought "there probably was [a deal]. Reichmann would have been barmy to go ahead with Canary Wharf without it."<sup>146</sup> The deal was eventually formalised. In return for a developer contribution the government would build an Underground line. A 'heads of agreement'

<sup>139</sup> senior civil servant 6, interview, 15/04/98. O&Y executives insist when Reichmann signed the deal to develop Canary Wharf in July 1987 the only two formal transport conditions were a DLR contribution and the construction of the Limehouse Link.

<sup>140</sup> former adviser to the Prime Minister 1, interview, 30/04/98. Michael Portillo instantaneously became Minister for Docklands Transport.

<sup>141</sup> senior civil servant 2, interview, 28/01/98

<sup>142</sup> former Cabinet Minister 3, interview, 19/05/98

<sup>143</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>144</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>145</sup> senior businessman, interview, 30/01/98

<sup>146</sup> senior Treasury civil servant, interview, 23/01/98

letter was sent to ministers and “was then handed to lawyers and the half dozen sentences that were acceptable to Reichmann and ministers were subject to an amazing amount of work by lawyers.”<sup>147</sup> LUL was culpable for the delay, which meant that by 1992 O&Y had not signed a contract with DTp.<sup>148</sup>

### Department of Transport

Senior officials in the DTp disliked O&Y. LT’s reaction to O&Y constituted outright opposition.<sup>149</sup> DTp was wedged in CLRS’s furrow and did not wish to be forced onto other issues. Although CLRS was not an operational matter, officials relied on LT for analysis upon which subsequent policy decisions were made. DTp was reluctant to challenge the CLRS’s findings.

O&Y believed DTp “did not want to do anything that might involve them taking responsibility for the operators. There was a tendency to be palmed off to LT.”<sup>150</sup> O&Y recognised LT as the transport authority. “Government said you had better go and talk to London Transport. O&Y came to LT and they put quite a bit of pressure on us to look at their schemes.”<sup>151</sup> Senior LT managers loathed O&Y because it spoiled LT’s agenda and threatened its monopoly over London’s railway. An O&Y executive comments “LUL were opposed to JLE at the beginning. They fought it all the way. They fought it not because they did not want the Jubilee Line but because they had their preferred options.”<sup>152</sup>

Whilst the majority of civil servants were antagonistic, some welcomed O&Y, believing it to be a ‘breath of fresh air’ after having to deal with LT: “I was the policy official responsible and I had no respect for LT. They were incompetent.”<sup>153</sup> O&Y and its lobbyists benefited from the support of a handful of key officials and advisers in DTp. They acted as informal pushers of the O&Y case inside government. A former political

<sup>147</sup> former senior civil servant 1, interview, 13/03/98. See O&Y internal memo, subject *Funding Agreement*, 31 January 1990, private archive

<sup>148</sup> “Room at the Top in Tower of Mammon: Remember the Eighties optimism and expansion”, *Independent on Sunday*, 29 March 1992. LUL wanted O&Y to make its contribution without any assurances that a JLE would be built, that it would be on the agreed route or that train services would actually be provided.

<sup>149</sup> former senior civil servant 4, interview, 25/03/98

<sup>150</sup> senior businessman, interview, 30/01/98

<sup>151</sup> London Transport executive 1, interview, 11/12/97

<sup>152</sup> O&Y executive, interview, 07/03/97

<sup>153</sup> former senior civil servant 4, interview, 25/03/98



adviser argued “I would certainly help them in meetings [and advise O&Y] how they should approach meetings.”

The political adviser continued, O&Y provided

intelligence about what they were up to, which meant I could sit in meetings and I could contribute to those meetings, helping my boss. At the end of the day – it is your boss versus officials. Just my man and his juniors versus officialdom. The officials would line up in legions around the table.<sup>154</sup>

### Department of the Environment

DoE, as Docklands’ sponsor department, supported O&Y and was a lobbyist on its behalf inside government. A former cabinet minister says “in the Environment ministry we thought it was very important because it seemed to us that this was a restatement of the importance of London as a centre. London was beginning to have its day again and we were beginning to win the battle internationally. Docklands was crucial for that.”<sup>155</sup>

DoE had a different agenda from DTp. DoE had part-funded DLR to aid regeneration. DoE campaigned for JLE because it would not be funded from the DoE budget but from DTp’s. O&Y’s lobbyists ensured DoE officials were comfortable with the arguments, presentation and logic of its case. Having the DoE ‘on side’ was critical in the campaign with DTp officials.

When asked about the effectiveness of lobbying, a former Environment minister said “I did not need much representation. They recognised that we were determined to get the Jubilee Line.”<sup>156</sup>

### Treasury

Treasury often refused to examine new projects. Those improving existing services were more likely to receive attention. However, in the late 1980s Treasury was not hostile to DTp bids (for CrossRail nor JLE) because of pressure on the transport system. The Transport Secretary

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<sup>154</sup> former political adviser 2, interview, 11/02/98

<sup>155</sup> former Cabinet Minister 2, interview, 24/02/98

<sup>156</sup> *ibid*

submitted to Treasury an outline for a twenty-year programme of investment in LUL.<sup>157</sup>

By October 1989 the Treasury had told DTp to halve its £3.5bn bid for rail schemes and £12bn for road schemes, because they exceeded long-term spending targets.<sup>158</sup> Treasury refused to approve the rail Bills due for introduction in November 1989. To proceed with the JLE, DTp delayed the other schemes. *The Times* explained "The Department of Transport has been told to choose between the proposed Paddington to Liverpool Street rail link and the extension of the Jubilee Line from Green Park to Stratford, because the Treasury cannot afford both schemes."<sup>159</sup>

Treasury refused to fund both projects because of cost. Parkinson launched a counter-offensive following the 1989 Party Conference to protect JLE.<sup>160</sup> The JLE gained Treasury approval only because of the PM's involvement and the private-sector contribution.

### Conclusion

The number of influential government players was small: the PM, Secretaries of State and ministers in Departments of Transport, Environment and Treasury, and relevant Permanent Secretaries, Deputy Secretaries and Assistant Secretaries in each department.<sup>161</sup>

The DTp made it clear the JLE decision was not of its own. A *Times* editorial noted "The transport department has never denied that the Jubilee Line queue-jumped the London investment list on Margaret Thatcher's instructions, only to help make Canary Wharf viable."<sup>162</sup> O&Y and Lowe Bell were effective because they were not a member of the closed consensual network. They went around the policy community to the Prime Minister to force change.

Lobbyists can be more effective if they extract their client from the policy community. Lowe Bell was effective because it did not include its client in the policy community. O&Y ignored the London and transport policy communities, and took its campaign to a political level to over-rule

<sup>157</sup> "Ticket to a 21st century Tube", *The Daily Telegraph*, 15 August 1988

<sup>158</sup> "Cash brake on rail and road plans", *The Guardian*, 4 October 1989

<sup>159</sup> "Funds for only one rail link", *The Times*, 6 October 1989

<sup>160</sup> "Parkinson in fight for two Tube projects", *The Daily Telegraph*, 16 October 1989

<sup>161</sup> senior civil servant 6, interview, 15/04/98

<sup>162</sup> "No Canary rescue", *The Times*, 18 May 1992

the traditional policy-making streams and target the top political executive. The evidence refutes the hypothesis.

## Multi-faceted lobbying: Hypothesis Five

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

### Parliament

O&Y's tactics emphasised the wider political benefits of JLE and targeted the Prime Minister and some ministers. However, O&Y pursued a limited multi-faceted campaign and did lobby parliament. It targeted MPs on relevant committees, other advisers and decision-makers. When GJW briefed interested MPs on the Canary Wharf project it included in those discussions debate on JLE.<sup>163</sup>

O&Y brought MPs, decision-makers and journalists to the development to lobby them. O&Y seconded key personnel to the LUL Bill preparation team. The Bill received its first reading in January 1990.<sup>164</sup> The legislative process was made easier by O&Y's earlier lobbying, and its decisions about alignment.<sup>165</sup> In committee the Bill attracted 96 petitioners, and additional provisions deposited attracted a further 60: consolidation meant only 24 were presented to Committee.<sup>166</sup> In general parliament was not important. Most MPs were not interested in JLE. Lobbying concentrated the Bill's legislative stages to ease its passage. Even so, parliamentary approval was seen as a technicality.<sup>167</sup>

### The Media

O&Y invested time and effort in an attempt to improve the development's perception by City, financial and property journalists. There was a full-time long-term programme of taking journalists down to

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<sup>163</sup> GJW memo to O&Y, 28 September 1988, private archive

<sup>164</sup> "MPs line up a 'Nimby' alert", *Financial Times*, 31 January 1990

<sup>165</sup> The JLE designed to run underground under existing rail corridors, thereby limiting potential opposition.

<sup>166</sup> Sir Michael Neubert MP chaired the Bill Committee. The Bill completed its Commons stages on 24 June 1991. Lord Elibank chaired the Bill Committee in the Lords. The Bill passed with minor alteration and gained Royal Assent on 16 March 1992.

<sup>167</sup> senior civil servant 6, interview, 15/05/98

the development to show them the quality of design and construction to encourage them to write favourable pieces.

### Local Government

O&Y briefed affected local authorities to ensure “all relevant officials and councillors are aware of the implications and benefits of the rail line so that during the parliamentary passage they are able to provide informed support.”<sup>168</sup> The City of London Corporation opposed JLE because it threatened its interests. It preferred to see JLE re-routed or dead.<sup>169</sup> The City was split between those “delighted to see anything threaten Docklands and others who had decided to relocate to Docklands.”<sup>170</sup>

O&Y lobbied Tower Hamlets, and its regeneration, employment and training contributions helped ‘oil the wheels’ of support for the whole project. O&Y attempted to convince local people of its case. It financed a construction training college and established a £2m fund for local schools and colleges.<sup>171</sup> O&Y’s contractors were required to employ ten per cent of their workforce locally.<sup>172</sup> O&Y’s community programme and training commitments were in the original ‘master building agreement’ signed before JLE was conceived. O&Y believed detailed consultation with local authorities and community groups would help it “sort out who will be obstreperous and oppose the line under any circumstances, from those who have legitimate concerns...”<sup>173</sup> An LRT executive commented O&Y “did an enormous amount of work with community groups.”<sup>174</sup> LDDC was also an active lobbyist for JLE, arguing regeneration required the area be accessible by underground.<sup>175</sup>

<sup>168</sup> GJW memo to O&Y, 28 September 1988, private archive

<sup>169</sup> north of the Thames so it served the City

<sup>170</sup> senior civil servant 2, interview, 28/01/98

<sup>171</sup> *Independent on Sunday* “A High Risk Business”, 16 December 1990

<sup>172</sup> senior businessman, interview, 30/01/98

<sup>173</sup> O&Y memo, *Consultation with Local Authorities*, 25 November 1988, private archive

<sup>174</sup> London Transport executive 1, interview, 11/12/97

<sup>175</sup> letter from LDDC to Department of the Environment, *Jubilee Line: Docklands Transport Capacity and Developments*, 18 May 1992, private archive.

## Conclusion

Some politicians and advisers in Downing Street, DoE, DTp and Treasury believed JLE was the right policy. There was an informal grouping, constantly thinking “who else are we going to talk to? What meetings are we going to facilitate?”<sup>176</sup> These internal advocates worked closely with O&Y and their lobbyists. O&Y were effective because they dropped the idea in several different places in government. In addition to No 10, O&Y talked to DoE, Cabinet Office as well as DTp.<sup>177</sup>

Lobbyists targeted campaign elements carefully. A No 10 adviser argued the lobbyists

built the story on every point along the path as to why it was good for government. They built the story within the Treasury and said ‘we will give some cash’. They built the story in the PM’s mind in the sense that ‘this is helping create the vision’. All around they had a reinforcing vision. It almost became received wisdom.<sup>178</sup>

O&Y did not really run a multi-faceted campaign, though it did put effort into lobbying key MPs and sections of the media. JLE was really decided by senior ministers. O&Y lobbied MPs, journalists and local government not because it had to, but because it wanted to minimise opposition. Lowe Bell and its clients were effective because their campaign was multi-faceted, but it is possible to speculate that they would have ‘won’ without that extra effort. Though the evidence supports the hypothesis, a multi-faceted campaign may not always be necessary.

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<sup>176</sup> former No 10 Policy Unit member, interview, 02/03/98

<sup>177</sup> *ibid*

<sup>178</sup> *ibid*

## Micro-level

### Routines and Standard Operating Procedures: Hypothesis Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

A civil servant described O&Y as “peculiarly bloody-minded” with “little idea how to handle us. They believed a bit of North American ‘know how’ would fix it.”<sup>179</sup> To prevent this perception spreading O&Y hired lobbyists who understood the system.

Knowing informal rules was important. Lowe Bell helped O&Y avoid defeat at an early stage. Lobbyists had learned from DTp that LT were about to present its ‘priority list’ of ten schemes, which did not include JLE. Bell advised “you must accept that if you do not do something you will lose because they will have made the decision. You have to change it and stop it now.”<sup>180</sup> Bell recommended O&Y send a cash offer directly to the minister. He cautioned “if you send a letter to the department you may find it is not reviewed until after the meeting with ministers.”<sup>181</sup>

Reichmann agreed a letter offering a £100m contribution. O&Y in London “had it signed by Reichmann who was in Canada, and had it hand-delivered to the Transport Secretary at a dinner that night. I would never have done that myself because I would have thought I had time. But Tim advised we would have lost it.”<sup>182</sup> This intervention ensured JLE was discussed when LT and DTp briefed ministers. This bypassing of the civil service annoyed officials. The lobbyist’s understanding of individuals and policy-making in practice prevented O&Y from losing. “It was tactical nous, a knowledge of individuals, knowledge of process and knowledge of people, which kept us in the game.”<sup>183</sup>

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<sup>179</sup> former senior civil servant 1, interview, 13/03/98

<sup>180</sup> O&Y executive, interview, 07/03/97

<sup>181</sup> *ibid*

<sup>182</sup> *ibid*

<sup>183</sup> *ibid*

Lowe Bell took a foreign client, unfamiliar with British politics, and ensured it performed at the standard of its home environment. It was important for O&Y “not to commit gaffes. It is very important in order to make you look serious that you have a thorough understanding of the local environment including its politics.”<sup>184</sup> Lobbyists brought an understanding of how government worked and an understanding of government policy.

LUL remained obstructive after DTp approved JLE and the Bill was introduced.<sup>185</sup> DTp policy officials relied on LUL for information, but LUL was a “reluctant promoter of that Bill and that project.”<sup>186</sup> At Second Reading GJW briefed “MPs and made sure they understood what the issues were and how important the scheme was.”<sup>187</sup> O&Y and DTp made sure appropriate members were approached for the Bill Committee and appropriate “suggestions were made to [the Chairman of the Committee of Selection] about how important it was to get the selection right.”<sup>188</sup> O&Y says “On the Jubilee Line we fixed our Bill. We fixed it. You put a safe Tory MP in the chair, and if you do not your Bill may fail.”<sup>189</sup>

DTp felt LUL “dealt with petitioners badly and slowly. They were dragging their feet.”<sup>190</sup> O&Y also believed LUL were “not managing their Bills properly.”<sup>191</sup> GJW used its knowledge of parliamentary processes to act as a channel of information to inform DTp officials about what happened in Westminster. Whilst government remained technically neutral on Private Bills “clearly it was a Bill that ministers wanted to see pushed through.”<sup>192</sup> GJW advised officials about the Bill’s progress. A senior official recognised “if GJW had not been involved, and I had not known GJW well by that stage, I think government could have been seriously embarrassed on one or two occasions. We needed information to know what was going on. GJW were very effective.”<sup>193</sup>

<sup>184</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>185</sup> O&Y adviser, interview, 13/02/98

<sup>186</sup> former senior civil servant 4, interview, 25/03/98

<sup>187</sup> *ibid*

<sup>188</sup> *ibid*

<sup>189</sup> O&Y adviser, interview, 13/02/98

<sup>190</sup> former senior civil servant 4, interview, 25/03/98

<sup>191</sup> O&Y legal adviser, interview, 13/02/98

<sup>192</sup> former senior civil servant 4, interview, 25/03/98

<sup>193</sup> *ibid*

A senior official argued GJW made “an effort to understand the issues and therefore their lobbying was more effective, particularly in the way they recognised that the key person they needed to speak for the Jubilee Line project was myself.”<sup>194</sup>

### Conclusion

One former adviser argued “It is useful for lobbyists to know the system, but they can have someone to tell them how it works – someone from inside the system. Lobbyists do not have to be of the system.”<sup>195</sup>

One lobbyist argued “One has seen politics, so you understand what makes these people tick. There is nothing new there... [I] understand how the system operates, how to frame your arguments, how to prepare yourself, and how to communicate what you are trying to do.”<sup>196</sup>

Lowe Bell’s knowledge of informal rules and GJW’s knowledge of parliamentary process helped ensure JLE progressed through important stages. The evidence supports the hypothesis.

## **Contacts and Coalitions: Hypothesis Seven**

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### **Contacts**

Lowe Bell’s Conservative contacts were legendary. A former Cabinet minister recalls “A friend of mine [...] who is still working for Lowe Bell and was representing O&Y, said ‘would you mind coming to a presentation given by these two people?’”<sup>197</sup> The minister attended the meeting and recalled “I have never seen such a slick performance before – absolutely astonishing. These people had their act together. These people were like a tornado that arrived in town.”<sup>198</sup>

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<sup>194</sup> *ibid*

<sup>195</sup> former No 10 Policy Unit member, interview, 02/03/98

<sup>196</sup> lobbyist 1, interview, 11/02/98

<sup>197</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>198</sup> *ibid*



Lowe Bell “had contacts at every level. They believed in working at every level. That is something O&Y never could have done ourselves.”<sup>199</sup> Lowe Bell organised lunches to meet decision-makers.

#### A political adviser comments

Lowe Bell and the team was trusted by all of us. We knew they were good guys. When they said we must see these people we said ‘okay’. Because of the status of Tim Bell and the team it was a third-party endorsement that O&Y needed. Lowe Bell would not work for third-rate people so you felt you were safe.<sup>200</sup>

Minister and special advisers were comfortable working with Lowe Bell. Friendships delivered information. One lobbyist suggested “contacts were important to pick up intelligence about the way things were moving, which influenced strategy significantly.”<sup>201</sup> One lobbyist commented “a lot of people I was at the Department of Transport with are my chums. They are friends of mine.”<sup>202</sup> Having a network of friends allowed lobbyists to be in the information loop – “you come across it in the course of day to day events. You get a sense of it. You just pick it up... You keep in touch with people.”<sup>203</sup>

GJW knew decision-makers personally. An official recalls “the real trick GJW brought to the party was they knew people like Michael Portillo personally. They were very effective at lobbying Portillo and myself when I became the responsible official.”<sup>204</sup>

O&Y had substantial political influence. It was an outsider in two senses and an insider in another. First, it was a property developer not a developer of urban railways. Second, O&Y was Canadian – it was perceived as a “foreigner in a foreign land.”<sup>205</sup> But O&Y was an insider because it had high-level access to ministers and political support. Whilst executives in London had easy access to senior decision-makers with GJW’s help, much contact was undertaken personally by Paul Reichmann.<sup>206</sup> An O&Y adviser says of Reichmann’s access: “I have

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<sup>199</sup> senior businessman, interview, 30/01/98

<sup>200</sup> former political adviser 2, interview, 11/02/98

<sup>201</sup> lobbyist 1, interview, 11/02/98

<sup>202</sup> former political adviser 2, interview, 11/02/98

<sup>203</sup> lobbyist 1, interview, 11/02/98

<sup>204</sup> former senior civil servant 4, interview, 25/03/98

<sup>205</sup> London Transport executive 3, interview, 25/03/98

<sup>206</sup> former senior civil servant 4, interview, 25/03/98

never seen anything like it. He would ring up Thatcher from his portable phone driving around in his limo.”<sup>207</sup>

Civil servants thought O&Y believed “they could get in anywhere” and thought they could “bang the table then God help you.”<sup>208</sup> Officials had the Prime Ministerial deal ‘thrown’ at them by O&Y when obstacles arose.<sup>209</sup> “They had a great ‘card’ which they would play whenever there was a problem – ‘you and us have a deal and we should be pulling in the same direction.’”<sup>210</sup> The Reichmann-Thatcher deal gave O&Y credibility. An LT manager says of the Thatcher-Reichmann connection “I rather despised it all and I did not like Reichmann’s personal style.”<sup>211</sup> O&Y believed the reason DTp and LT talked to it “was that they knew that if they did not we would go straight to Downing Street.”<sup>212</sup>

## Coalitions

There was no broad coalition of supporters. O&Y’s campaign focused on three central departments (DTp, DoE and DTI), the Cabinet Office and No 10.

Some civil servants thought O&Y was ‘ghastly’ because “everything about them was alien.”<sup>213</sup> DTp officials were shocked by O&Y’s aggressive attitude. Relations between LT, DTp and O&Y remained tense after government had approved JLE. Ministers believed LT and DTp officials were “bloody-minded”<sup>214</sup> and became impatient at the bureaucracy and lack of vision.<sup>215</sup> O&Y “were given the minimum possible assistance” by DTp and LT.<sup>216</sup>

Some opponents of JLE lobbied government. Docklands threatened the City of London. The Corporation relaxed planning guidelines, allowing a further 20m sq. ft of office space within the City.<sup>217</sup>

<sup>207</sup> transport consultant 2, interview, 02/04/98

<sup>208</sup> former senior civil servant 1, interview, 13/03/98

<sup>209</sup> senior civil servant 6, interview, 15/04/98

<sup>210</sup> former senior civil servant 1, interview, 13/03/98

<sup>211</sup> senior London Transport manager, interview, 13/05/98

<sup>212</sup> senior businessman, interview, 30/01/98

<sup>213</sup> former political adviser 2, interview, 11/02/98

<sup>214</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>215</sup> former senior civil servant 4, interview, 25/03/98

<sup>216</sup> senior businessman, interview, 30/01/98

<sup>217</sup> “Canary comes home to roost: Olympia & York’s brave adventure developing Docklands has ended in tears”, *Independent on Sunday*, 29 March 1992

The Corporation believed “JLE was only built as a tax-break for Docklands.”<sup>218</sup>

### Conclusion

Effective lobbyists distinguish between those who decide and those who inform. Lower down the hierarchy are those with no power of assent, but significant power of dissent and the ability to block. “The Olympia & York philosophy was whatever barriers you come across you either go around them, under them, over them or finally, through them.”<sup>219</sup> O&Y had a reputation for success, which was shared by Lowe Bell. “Lowe Bell’s contacts in the Conservative world were superb” and they were hired because “they were deemed to be the best.”<sup>220</sup>

O&Y’s two lobbyists – Lowe Bell and GJW – complemented one another. O&Y recalls “Tim Bell did not know the process very well. GJW would give us papers on the process. Bell just knew how to get in to see people.”<sup>221</sup> Bell understood Thatcher: “He really understood her and what made her tick.”<sup>222</sup> His role was to introduce ideas and his clients to the system.

Conventionally third-party endorsement is regarded as essential to an effective lobbying campaign. This campaign was atypical: a quasi-commercial deal, senior political commitment and its centrality to the government’s political agenda cemented JLE. Coalitions were not important in O&Y’s lobbying.

One senior civil servant commented

Coalitions can be important but it depends on establishing links with the agenda. East London was a top priority at the time and it did not matter particularly that there was not a broad coalition of support. The most important thing was JLE fitted the government’s wider objectives.<sup>223</sup>

Contacts were important and lobbyists effectively spotted allies in government – allies outside government and broader coalitions were not important. The evidence partly supports the hypothesis.

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<sup>218</sup> Corporation of the City of London representative 2, interview, 09/03/98

<sup>219</sup> senior businessman, interview, 30/01/98

<sup>220</sup> ibid

<sup>221</sup> O&Y adviser, interview, 13/02/98

<sup>222</sup> former political adviser 2, interview, 11/02/98

<sup>223</sup> senior civil servant 6, interview, 15/04/98

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

### Economic Might of O&Y

O&Y was run with obsessive secrecy by three brothers.<sup>224</sup> It moved into property development in 1965, and developed Toronto's First Canadian Place in 1974. The project was massively profitable, and the family soon became the world's largest property developer and was listed amongst the ten richest in the world.<sup>225</sup> The company reputedly had assets worth \$25bn.<sup>226</sup>

The Reichmanns' reputation for trustworthiness enabled them to "consummate deals with a handshake and to obtain non-collateralized loans from usually wary bankers."<sup>227</sup> Bankers jockeyed to lend O&Y money, allowing the company to obtain funds whilst providing the minimal financial information. O&Y had an established record in speculative development, including the World Finance Center in Manhattan. It was the largest single office landlord in USA, owning 40m sq. foot of office space.<sup>228</sup> Canary Wharf was the largest development in Europe.

O&Y was not only the biggest; it was the best. It led new construction and financing techniques.<sup>229</sup> Its commitment to quality design and public amenities, innovative building techniques, encouraged good relations with host governments.<sup>230</sup> The company had the Midas touch.<sup>231</sup> Its economic might was awesome.<sup>232</sup> O&Y had invested more in Britain "than all the Japanese automobile manufacturers put together."<sup>233</sup>

<sup>224</sup> Albert, Paul and Ralph Reichmann

<sup>225</sup> "Bumpy ride to Canary Wharf", *The Sunday Times*, 8 September 1991

<sup>226</sup> *ibid*

<sup>227</sup> Fanstein, S., (1994)

<sup>228</sup> "Canary comes home to roost: Olympia & York's brave adventure developing Docklands has ended in tears", *Independent on Sunday*, 29 March 1992

<sup>229</sup> Fanstein, S., (1994)

<sup>230</sup> *ibid*

<sup>231</sup> "Gotham City, E14: A canary or a turkey?", *The Independent*, 13 July 1991

<sup>232</sup> O&Y Enterprises held stakes in the following companies: Abitibi-Price, 82%; Gulf Canada Resources, 74%; Trizec Corporation, 36%; Stanhope Properties, 33%; Landmark Land Company, 25%; Santa Fe Pacific, 19%; Trilon Financial, 14%; Campeau, 10.5%; Rosehaugh, 8.2%; and 89% of GW Utilities which had the following interests - Consumers' Gas Co 82%; Interhome Energy, 41%; and Allied Lyons, 10%. "Reichmann fights Canary gloom", *The Sunday Times*, 9 February 1992

<sup>233</sup> "Administrators move in at Canary Wharf", *The Times*, 29 May 1992

A former Cabinet Minister argues “unless a client is impressive, the lobby firm cannot rescue him. The lobby firm cannot make an unimpressive client impressive.”<sup>234</sup> The lobbyists were helpful, but the power and effectiveness of O&Y and Paul Reichmann’s prestige meant they had access to No 10 and ministers in their own right.

### The Cost of the Campaign

O&Y spent many millions of pounds developing and presenting their proposals.<sup>235</sup> A senior businessman argued the cost of services of lobbyists and specialised consultants over two years was “well into a seven figure sum.”<sup>236</sup> LT had never experienced “a scheme which had so much political lobbying and tactical meetings about who to lobby next. O&Y had a whole unit to influence government and decision-makers.”<sup>237</sup>

O&Y paid LT for technical advice and research and hired a transport consultancy to examine the available options. “[W]ork was largely funded by them. They paid LT to look at their schemes. It was positive lobbying. LT could not refuse to do it.”<sup>238</sup> O&Y

set up a project office to develop this free-standing scheme. They carried out engineering work. They put an enormous amount of money in. [...] It was tens of millions because they commissioned [technical plans and] environmental work, and of course there was a lot of lobbying work.<sup>239</sup>

A former Cabinet Minister noted “they were coming out with an idea a day. London Transport were running to catch up.”<sup>240</sup> It cost LUL over £100m to bring the Jubilee Line project to construction.<sup>241</sup>

### Managerial Resources

JLE was given top priority within O&Y.<sup>242</sup> A senior O&Y executive devoted his entire time to lobbying for a transport link. A political adviser cautioned “if you want a successful campaign, there has to be a massive investment of time from the top people in any organisation. You have to

<sup>234</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>235</sup> O&Y executive, interview, 07/03/97

<sup>236</sup> senior businessman, interview, 30/01/98

<sup>237</sup> London Transport executive 1, interview, 11/12/97

<sup>238</sup> *ibid*

<sup>239</sup> *ibid*

<sup>240</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>241</sup> LUL memo, *Jubilee Line Extension*, 1 June 1992, private archive

<sup>242</sup> O&Y legal adviser, interview, 13/02/98

do that for something of that size. Paul Reichmann was back and forth across the Atlantic like a yo-yo.”<sup>243</sup> The resources O&Y committed to the campaign were “very significant”; a former Cabinet Minister argued

There was such a lot of momentum and drive and vision, much of which depended on resources. Every day you saw that they had a new idea, that they had moved the debate forward. Personally I found it very impressive. It could not have been generated without resources and not without quality people.<sup>244</sup>

### Conclusion

To be effective clients must resource a lobbying campaign sufficiently. One lobbyist argues “if a client is committed to achieving a particular outcome on a particular project it has got to resource it properly. O&Y certainly did.”<sup>245</sup>

Lobbyists focused O&Y’s activities and made O&Y’s lobbying more effective. O&Y’s structure and devotion of substantial financial and managerial resources to the JLE campaign was an important factor in its success. The evidence supports the hypothesis.

## **Low-Profile Outsider Tactics: Hypothesis Nine**

Lobbyists will tend to be effective if they pursue low-profile ‘external’ tactics.

There were no external measures used in the lobbying campaign for JLE. The evidence neither supports nor rejects the hypothesis.

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<sup>243</sup> former political adviser 2, interview, 11/02/98

<sup>244</sup> former Cabinet Minister 1, interview, 29/01/98

<sup>245</sup> Tower Hamlets’ adviser, interview, 25/03/98

## Conclusions

Political and business pressures supporting JLE meant the routine policy system was over-ruled by ministers. ELRS's sole objective was to legitimise the political decision taken earlier to approve JLE. Ministers recognised JLE's transport case was weak, but approved JLE not because of its measurable benefits, but because of intense lobbying and political factors, especially prime-ministerial support.

JLE underwent formal appraisal processes, but conventional evaluation could not account for political and economic factors. Political pragmatism ruled. A former minister recognised "the government looked very silly having given the go-ahead to a scheme which even by my assessment had less of an immediate return than CrossRail."<sup>246</sup>

The case study shows the central role politicians played in setting departmental agendas, the defeat of Treasury, and the involvement of lobbyists. The civil service was over-ridden: "JLE was not something that would have got priority funding. It did not stack up in terms of being a number one priority."<sup>247</sup> It was forced upon DTp. Ministers and civil servants were subservient to a high-level political deal. JLE succeeded for political reasons.

### External Variables

A case in-line with government's agenda. There were other routes to senior politicians apart from Lowe Bell because O&Y were making the government's Docklands policy a success. JLE delivered other parts of the government's agenda: private-sector involvement in public projects and regeneration. Whilst JLE was not approved because of the contribution, it would not have gone ahead without it – the money was a tool to justify the decision. O&Y was astute enough to recognise JLE would be built for political reasons, and therefore was unwilling to contribute a substantial share of costs.

<sup>246</sup> former Minister for Transport 1, interview, 05/01/98

<sup>247</sup> former senior civil servant 3, interview, 19/02/98

The lobbyist fitted their client's policy into the wider political picture and was effective in harnessing the reinforcing supporters and arguments. DTp was averse to new ideas because it was comfortable in the CLRS agenda. This attitude foreordained O&Y's modus operandi to engage the political level. O&Y's lobbyists effectively forced the issue into the open and onto ministers' agendas. JLE had support at the highest level. The drive from ministers and the PM, who had invested substantial financial and political capital in Docklands, assured success.

Economic constraints. External factors were important and did impinge; however, despite the recession and the collapse of O&Y, the political commitment to JLE remained. Also, the lack of a political consensus in London allowed O&Y to 'divide and rule' by relying on top-level support.

### **Internal variables**

Whilst contextual variables were important in shaping the policy outcome, so were the internal variables within the control of the lobbyist and its client. One senior official said "those who wanted JLE built were extremely effective."<sup>248</sup> "They spent a lot of time and money on keeping the profile and making sure government did not lose sight."<sup>249</sup> The lobbyist helped build political confidence in a decision that required a leap of faith. Lowe Bell's lobbying was critical. It concentrated on the 'top' to deliver political support to navigate around 'blocking' civil servants and their public-sector clients. Lowe Bell's activity was largely hidden from officials and LT as the company lobbied No 10 and senior ministers.

Contacts. O&Y and Lowe Bell enjoyed top-level access, subverting the normal policy process. Lowe Bell was a catalyst. It introduced information into parts of the system, starting a chain reaction, which it reinforced. Lobbyists helped arrange meetings with appropriate ministers, civil servants and advisers. Lowe Bell helped Reichmann and O&Y gain access to the Prime Minister. JLE was the triumph of internal

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<sup>248</sup> senior civil servant 1, interview, 04/02/98

<sup>249</sup> CrossRail parliamentary manager, interview, 29/01/98



politics and Margaret Thatcher's cosiness with the Reichmanns. DTp officials and ministers preferred other policies, but the 'core executive' chose JLE. The oral commitment that Reichmann received from Thatcher echoed an earlier deal struck personally by the Prime Minister. The DTp Accounting Officer *did* express doubts to ministers about JLE, but his concerns were not as grave as to characterise the project a 'bad buy'.<sup>250</sup>

O&Y had pushers within government – special advisers and ministers. It had access to, and support from, the right of the Conservative party (the Bell-Thatcher connection) by emphasising O&Y's free market and risk-taking credentials, and the left of the party because of Heseltine's commitment to regeneration.

Rules and Procedure. Lowe Bell was effective in advising O&Y to 'go around' the DTp. They played the department skilfully. Whilst the issue was of interest to DTp, Lowe Bell engaged the Prime Minister's interest at moments when the process floundered. Bell helped O&Y understand the frailties of the individuals and the system, which if it did not ensure O&Y won at least ensured it did not lose at crucial moments in the process.

Policy Network. The number of influential policy-makers was limited. No 10, Environment, Transport and Treasury were the involved departments. The Prime Minister was the most important actor. A small and restricted group of senior politicians took the decision to promote JLE. The role of the civil service and parliament was limited. O&Y and its lobbyists rolled-over official intransigence and sidelined the wider policy community. They operated effectively within Whitehall to overcome DTp scepticism and Treasury hostility. Lowe Bell provided access to senior ministers, and reassurance to operate at a high-level, which allowed O&Y to adopt unconventional approaches.

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<sup>250</sup> former senior civil servant 7, interview, 29/04/98. The Overseas Development Administration concluded the Pergau hydroelectric dam project was a 'very bad buy'. A high-level understanding, amounting to an oral commitment, from Margaret Thatcher to the Malaysian Prime Minister, led ministers to over-rule the advice of their officials. The Accounting Officer advised the project should not proceed and required a direction from ministers to incur expenditure. The Foreign Secretary over-ruled the advice of the Accounting Officer leading him to submit a 'note of dissent'. Foreign Affairs Select Committee, (1993/94); National Audit Office, (1993/94); and Evidence of Sir Tim Lankester, Permanent Secretary, Overseas Development Administration, Public Accounts Select Committee, (1993/94).

Coalitions. O&Y did not seek to build third-party coalitions to progress JLE through the civil service. O&Y worked closely only with LDDC. A former special adviser recalls “LDDC worked hand in glove with O&Y.”<sup>251</sup> The JLE campaign’s success suggests a coalition is an unnecessary attribute for effective lobbying, once the PM and a leading Secretary of State is supportive.

Resources. The JLE campaign was well-resourced. In addition to considerable financial resources, which helped O&Y buy its way to success, it had less tangible resources like the triumphal mentality of the private-sector. It was used to winning. O&Y’s golden touch contrasted to the grey, mundane public-sector bodies.

O&Y also had significant managerial resources. JLE had a single advocate with one agenda. Because Canary Wharf’s success depended on it, O&Y devoted substantial time and resources to securing it. The management team were single-minded, committed, well-briefed and effective advocates. Contrary to CrossRail, government relations had a high priority within O&Y. O&Y was helped by strategic advice from their lobbyists, Lowe Bell and GJW.

Quality of the Case. JLE was planned with political factors in mind. Its alignment passed under existing rail corridors to minimise objection. Though initially weak, the case grew stronger as consultants showed it would relieve congestion.

Multi-faceted campaign. O&Y did not undertake a wide multi-faceted campaign, involving parliament, the media, or the public. It did however, deal at all levels and branches of government. Lobbying across Whitehall was concentrated, intense and bordered on saturation. O&Y recognised that complex decisions would not be made by DTp alone, and targeted other key players in government, especially actors who were likely to be

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<sup>251</sup> former political adviser 4, interview, 25/03/98

enthusiastic, such as No 10 and DoE. Support from other areas of government forced DTp to accept a new agenda.

### An assessment of the hypotheses

The evidence suggests:

- 1) Lobbyists were important. However, the lobbyists took an issue, had it authorised by a technical, low-profile, non-political study, then heightened its profile *within* government to engage senior ministers. The evidence refutes the hypothesis.
- 2) Lobbyists can still be effective if there are disadvantageous external or contextual constraints. JLE remained a priority despite the recession and the collapse of O&Y – because of, in part, effective lobbying.
- 3) Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience are congruent with the lobbyist's objective. JLE succeeded because it delivered parts of the government's programme.
- 4) Lobbyists were more effective because they removed their client from the policy community. The evidence refutes the hypothesis.
- 5) Lobbyists pursued a restricted multi-faceted campaign. It concentrated on senior ministers and special advisers. Although O&Y lobbied MPs, local authorities and the media, a multi-faceted campaign was not necessary.
- 6) Familiarity with routines and SOPs was important. Lowe Bell's and GJW's knowledge helped their client at key moments.
- 7) Lobbyists were significant in gaining access to ministers, special advisers and to some extent MPs. Officials were informed and involved, but not key targets. Constructing an effective coalition was unnecessary because of political commitment.
- 8) O&Y's economic might and its commitment of managerial and financial resources helped make its campaign more effective.
- 9) The evidence shows that neither O&Y nor other interest-groups pursued low-profile 'external' tactics.

# 7. Professional Liability

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This chapter examines the accountants' campaign to change the law on professional liability to reduce risks for both firms and partners. The issue was technical, non-political and had a low public profile. The campaign to limit professional liability began in 1978, but this chapter focuses on the big firms' involvement since the campaign's concerted yet inconspicuous re-launch in the early 1990s.<sup>1</sup>

Though liability was a most important issue for accountants, debate was restricted to journals and technical sections of national broadsheets.<sup>2</sup> The liability campaign has not previously received attention.<sup>3</sup> There were two strands to the accountants' campaign – **(A)** the risk to the firms and, **(B)** the risk to partners. Whilst the campaign failed to achieve its objectives on the former, it succeeded on the latter, principally because of external variables, rather than the activity of the lobbyist.

Auditors were allegedly exposed to unreasonable risk because various financial crises encouraged plaintiffs to target them.<sup>4</sup> The campaign's ultimate objective was to limit these risks by replacing the law of joint and several (J&S) with proportionate liability (**strand A**).<sup>5</sup>

A secondary goal was to protect the assets of partners (**strand B**). Currently partners are personally liable to the extent of their personal assets for the firms' liabilities and debts.<sup>6</sup> Limited Liability Partnerships (LLPs) would limit liability to the firm and the negligent partner.

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<sup>1</sup> The number of global accountancy firms is currently five. The merger between Price Waterhouse and Coopers & Lybrand reduced the number from 6 to 5.

<sup>2</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>3</sup> There is a small amount of literature on lobbying on accounting standards in the US and in the UK. York, S., and Larson, R. (1993); Deakin, D., (1989); Sutton, T., (1984); Tandy, P., and Wilburn, N., (1992)

<sup>4</sup> Because they are able to fund big claims. Most notably: Barlow Clowes, Guinness, Blue Arrow, British and Commonwealth, Maxwell Communication Corporation, Bank of Credit and Commerce International, Poly Peck, Barings, Lloyds of London, MTM, Queens Moat Houses, British and Commonwealth and Resort Hotels. See, Bunn, J., (1996) "Deep Pocket Syndrome", *Accountancy Age*, 31 October 1996, pp16-17. See Gwilliam, (1992); Hanson, D., (1985); Hardcastle, A., (1988); Singleton-Green, B., (1990)

<sup>5</sup> "Horrors of the clawback", *Financial Times*, 11 March 1997,

<sup>6</sup> Freedman, J., and Finch, V., (1997)

### Technical Concepts

Under current law a legally-blameless plaintiff does not carry the risk of a defendants' insolvency when another jointly liable defendant remains solvent.<sup>7</sup> The plaintiff's loss is regarded as indivisible if caused by the combined action or inaction of more than one party.<sup>8</sup> J&S applies only where all co-defendants are equally and fully liable.<sup>9</sup> There are several **strand A** reform options.

### Proportionate Liability

Proportionate liability would recognise the difference between legal causation and degree of blame. Reform would limit a concurrent wrongdoer's liability to its proportionate liability.<sup>10</sup> Each defendant would be responsible to the plaintiff only for part of the damage he caused.<sup>11</sup>

### Statutory Cap

A statutory cap on damages would limit liability, and protect against 'Armageddon claims'.<sup>12</sup> A cap is easy to operate, and a limit covering the majority of claims would retain the deterrent effect of tort damages.<sup>13</sup>

### Contractual Cap

Contractual exclusion clauses would require amending s310 of the Companies Act 1985,<sup>14</sup> the Unfair Contract Terms Act 1977 and the Unfair Terms in Consumer Contracts Regulations 1994.<sup>15</sup> Exclusion clauses would be enforceable against parties to the contract, and would not protect professional defendants against tort claims by third parties.<sup>16</sup>

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<sup>7</sup> ACCA, (1996)

<sup>8</sup> DoE, (1995)

<sup>9</sup> DTI Consultation Paper, (1996)

<sup>10</sup> The essence of proportional liability is that a defendant should not be forced to pay for harm they are able to prove has been caused by another party.

<sup>11</sup> GJW briefing note *Joint & Several Liability Defined*, nd.

<sup>12</sup> ICAEW, (1996)

<sup>13</sup> The logic of this argument is that "a potential exposure in millions of pounds up to the statutory cap is as good a deterrent as one of hundreds of millions of pounds which it is known cannot be met." in DTI Consultation Paper, (1996)

<sup>14</sup> Section 310 makes void any arrangements by a company to exempt or indemnify its auditors from liability. ICAEW, (1994)

<sup>15</sup> UCTA prevents a contracting party from excluding or restricting its liability. DTI Consultation Paper, (1996) p41; ACCA, (1996). Lawyers can contract to limit their professional liability, provided the cap is not below the compulsory minimum level of professional indemnity insurance.

<sup>16</sup> DTI Consultation Paper, (1996)

### Contributory Negligence

Contributory negligence is a form of proportionate liability permitting auditors to defend themselves by arguing others contributed to their negligence.<sup>17</sup> Under current law it is difficult for auditors to “argue contributory negligence in the shape of the company’s failure through its directors when the audit function involves just such an issue.”<sup>18</sup>

### Limited Liability Partnerships

LLPs apply to **strand B**. They are useful in ‘Armageddon’ claims because partners’ assets would be protected. The assets of the individual would be ring-fenced, but the assets of the firm and negligent partners would remain at risk.<sup>19</sup>

## **The Lobbyists**

Price Waterhouse Coopers (PWC) co-ordinated lobbying along with other Liability Reform Group (LRG) members; Ernst & Young (E&Y), Deloitte Touche, Arthur Andersen and KPMG. Ian Greer Associates (IGA) won the £120,000 lobbying contract, because according to *The Guardian*, it emphasised its ties with the Corporate Affairs Minister, Neil Hamilton. The lobbyists’ remit was

to achieve limited liability status for the accountancy profession. In order to meet that objective, primary legislation would need to be introduced in the 1995-96 Parliamentary Session, which would begin in November 1995. IGA would then have followed the legislation through parliament, which would have meant another year’s work.<sup>20</sup>

Leigh and Vulliamy claim IGA implied that soundings with the minister indicated he was ‘sympathetic’.<sup>21</sup> Andrew Smith, Managing Director, was a ‘former researcher to Neil Hamilton’.<sup>22</sup> Hamilton’s brief included company law, and IGA was hired “because of Andrew’s and Ian’s relationship with Neil Hamilton, on whose desk this lay.”<sup>23</sup>

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<sup>17</sup> Sikka, P., (1998). See Law Commission, (1993)

<sup>18</sup> Freedman, J., and Finch, V., (1997)

<sup>19</sup> Limited liability legislation exists but is framed only to protect the assets of sleeping partners.

<sup>20</sup> House of Commons, Standards and Privileges Committee First Report. Appendix 114, Statement by Andrew Smith to supplement statement dated 28 June 1995

<sup>21</sup> Leigh, D., and Vulliamy, E., (1997), p142

<sup>22</sup> *ibid*

<sup>23</sup> IGA lobbyist 1, interview, 10/3/98

Smith met Hamilton off-the-record to brief him, whilst senior partners met him formally months later. The firms also held a meeting with the Secretary of State. IGA undertook a political audit to help it understand how 'the system' perceived their clients.<sup>24</sup>

IGA was ineffective. Although well-connected, IGA was a parliamentary lobbyist and was ill-suited to technical issues. Its contract was terminated when IGA was the subject of *The Guardian's* investigation led by David Hencke. IGA's dismissal was described to the Select Committee on Standards and Privileges. IGA representatives

attended a meeting with Mr Brindle [of Price Waterhouse]. There was a copy of *The Guardian* of 20 October on the table in Mr Brindle's office. [...] Mr Brindle said that he had had discussions with the Senior Partners in the other major accounting firms and he informed Mr Sweeny and myself that the Big 8 had decided to bring IGA's contract with them to an end as a result of *The Guardian's* allegations, particularly because they involved Neil Hamilton MP, the Minister with responsibility for their profession.<sup>25</sup>

The minister argued "*The Guardian's* conspiracy theories about this matter are preposterous and could be seriously advocated only by individuals who have little experience or understanding of the workings of government – particularly in a technical area such as this. I was well able to evaluate the representations to me on technical issues and could identify special pleading without difficulty."<sup>26</sup>

GJW was invited to tender for the vacant role. A senior partner recalls "we had a beauty parade. GJW came along and within ten minutes of the presentation we knew he was the guy we wanted."<sup>27</sup> The ICAEW acted as a client façade. GJW had two tasks: project management and advising on campaign tactics. A civil servant argued "the firms are very clear with us that the political consultant is there to give advice, not to open doors and pull strings."<sup>28</sup> LRG informed GJW

You are not paid to open doors for us. We will open the doors. You are paid to tell us what we do when we get inside those doors. There is to be no direct contact between you and the government. We employ you to help us read politics.<sup>29</sup>

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<sup>24</sup> *ibid*

<sup>25</sup> HC, Standards and Privileges Committee First Report. Appendix 114, Statement by Andrew Smith to supplement statement dated 28 June 1995

<sup>26</sup> Former minister in correspondence with the author, 12/12/97

<sup>27</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>28</sup> senior civil servant 8, interview, 21/10/98

<sup>29</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

## Macro-level

### Profile, technicality and politicality: Hypothesis

#### One

lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

#### Strand A

Liability reform is technical and non-political. It is also perceived as low-profile, even though it has a wide impact. One official said “this is not front page of *The Sun* stuff. I have not seen a lot of comment or articles in the *FT*, *Observer* or *Sunday Times*. It may be because everyone thinks the bloody accountants are making enough money. Their campaign has not been successful.”<sup>30</sup> The nature of the issue dictated the type of campaign. “It was difficult to run a high-profile campaign on liability, because campaigners will not get tears shed for unfairness against lawyers and accountants.”<sup>31</sup>

The *FT* recognised government was “unlikely to see much public appeal in an issue that is barely understood within Britain’s boardrooms, let alone outside them.”<sup>32</sup> The LRG adopted a low-profile approach, shunning media coverage, as requested by DTI. However, the campaign was high-profile within a small community. DTI officials believe the style suggests since “no-one else has taken up their case, it indicates the accountants’ world is not the primary one.”<sup>33</sup> The large firms believed they ‘owned’ the reform agenda and thought government should have been accommodating.

The auditors were ineffective. One senior partner argued “in terms of success and our persuasive power, we have been disappointed.”<sup>34</sup> Following several requests by LRG for stays of decision, LRG finally faced the Company Law Review or outright defeat.<sup>35</sup> ICAEW “proposed

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<sup>30</sup> senior civil servant 10, interview, 18/09/98

<sup>31</sup> City Law firm representative 3, interview, 16/09/98

<sup>32</sup> “Limited horizons: Accountants are disappointed by moves to reform the law on liability”, *The Independent*, 13 November 1996

<sup>33</sup> senior civil servant 7, interview, 01/10/98

<sup>34</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>35</sup> senior civil servant 8, interview, 21/10/98



the Company Law Review as the long grass, because it stopped liability reform being completely shoved off.”<sup>36</sup> The review process was a defeat for LRG.<sup>37</sup>

### Strand B

Government saw LLPs as low-risk, non-partisan with broad support from interested parties.<sup>38</sup> In the new government’s “arrival pack was a note saying ‘This proposal is on the stocks. Are you happy with it?’ They were.”<sup>39</sup> Labour carried forward the Bill drafted under the Conservative government. LLPs succeeded because they were uncontroversial.<sup>40</sup>

Lobbyists were of some value. They acted as translators and brokers. Following the Bill’s approval in principle, lobbyists concentrated on finding legislative time. GJW cautioned its client to avoid making LLP legislation controversial. A senior partner recalled “The minister told us ‘if there is something wrong with the Bill I would rather you did not make a lot of noise in public. I would rather you went to see officials’.”<sup>41</sup> If the firms did make ‘noise’ in public, they risked losing the legislation.

### The Effect of Lobbyists

It is questionable whether IGA was professional, because it fell into the ‘Hencke problem’. “When I first joined IGA it had a brand value. Politicians and civil servants would trust you. When the Hencke story blew that changed, and that affected our effectiveness.”<sup>42</sup> IGA added “not much value. It is not very clear to me what they did for us.”<sup>43</sup> Another senior partner said “Greer was pretty useless. I do not think they were highly regarded by the then senior partners.”<sup>44</sup> An ICAEW

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<sup>36</sup> ICAEW representative 3, interview, 06/10/98

<sup>37</sup> DTI, (1998). In March 1998 the President of the Board of Trade announced a major review of company law and published a consultation document, with the aim of ensuring that the UK had a modern, effective and clear legal framework that is accessible and promotes competitiveness.

<sup>38</sup> senior civil servant 10, interview, 18/09/98

<sup>39</sup> senior civil servant 8, interview, 21/10/98; confirmed by senior civil servant 10, interview, 18/09/98

<sup>40</sup> ICAEW representative 3, interview, 06/10/98

<sup>41</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>42</sup> IGA lobbyist 1, interview, 10/3/98

<sup>43</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>44</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

representative argued “my view is that IGA added nothing and that the accountants were wasting their money.”<sup>45</sup>

GJW was more important to the campaign. GJW was inconspicuous, but a central player advising on interaction with decision-makers. The lobbyist “scripted things behind the scenes then pushed the client to go out and do it.”<sup>46</sup> GJW believed it was “crucially involved. We have a quite central role in all the documentation that goes out from the group. Nothing goes out without us looking at the substantial drafting.”<sup>47</sup>

Although GJW failed to achieve its clients’ policy objectives it added value by advising how civil servants worked, how the Cabinet machinery works, and provided an insight into ministerial priorities. GJW added a sense of cohesion by establishing a core. Another partner suggested GJW gave LRG “vigour and discipline. They have been very effective. They have a knowledge of what the papers should look like, and their timing. They understand how government works.”<sup>48</sup> GJW played the role of the ‘minister’ on the Clapham omnibus.<sup>49</sup>

Some LRG members argued GJW added little value. LRG knew how Whitehall worked: it did not need GJW to teach them ‘how to suck eggs’.<sup>50</sup> One partner argued “I cannot see GJW have added anything in this campaign.”<sup>51</sup> The ICAEW believed “GJW did not help us very much. They were not effective.”<sup>52</sup> One official argued “If you look at the quality of the campaign I would not have paid them very much. I think we know them, but I would expect them to be operating at a political level. I don’t trust many people, and I trust them least of all.”<sup>53</sup>

Civil servants believed the campaign in general was ineffective. One official argued “accountants in general and the audit profession in particular has been remarkably ineffective in its campaign.”<sup>54</sup> Another agreed, arguing “I do not think they have been very effective in dealing with government.”<sup>55</sup> A third contends “the fact that we have said we are

<sup>45</sup> ICAEW representative 1, interview, 13/08/98

<sup>46</sup> Lobbyist, interview 11/2/97

<sup>47</sup> *ibid*

<sup>48</sup> Senior Partner 1, Big Five Firm A, interview, 04/08/98

<sup>49</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>50</sup> ICAEW representative 1, interview, 13/08/98

<sup>51</sup> City Law Firm representative 2, interview, 28/08/98

<sup>52</sup> ICAEW representative 3, interview, 06/10/98

<sup>53</sup> senior civil servant 10, interview, 18/09/98

<sup>54</sup> *ibid*

<sup>55</sup> senior civil servant 9, interview, 19/10/98

not going to do it implies they have not been effective.”<sup>56</sup> Civil servants were suspicious about the auditors’ motives and concerned about ‘being taken for a ride’.<sup>57</sup>

### Conclusion

There was no ‘public’ element to the liability campaign. It focused exclusively on civil servants and ministers. The lobbyist provided management consultancy and tactical advice. A partner said “we do not blame GJW for the failure, we have all failed.”<sup>58</sup> One concluded

GJW has done everything we have asked of them. But in the sense of not having achieved our objective then they have not been effective. I do not think we would be more advanced if we had someone else working for us. I would not put the lack of progress down to GJW.<sup>59</sup>

The campaign for liability reform was ineffective. Although the issue is low-profile, technical and non-political in a partisan sense, the impact of change is wide, causing complications for autonomous policy actors with public-interest concerns. LRG and GJW would not use higher profile tactics to raise the profile within government because the low-profile, technical and non-political LLP objectives were achieved. The campaign which was more political failed, and lobbyists could do little. Lobbyists were more effective on the low-profile, technical and non-political issue. The evidence supports the hypothesis.

## **External and contextual factors: Hypothesis Two**

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

This section examines the impact of external constraints on **strand A** objectives. Some external factors beyond the control of players should have advantaged the campaigners. The profession suggested it was unfairly targeted, pointing to:

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<sup>56</sup> senior civil servant 7, interview, 01/10/98

<sup>57</sup> senior civil servant 10, interview, 18/09/98

<sup>58</sup> Senior Partner 2, Big Five Firm A, interview, 15/9/98

<sup>59</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

1. *Increased litigation from the late-1980s recession.*<sup>60</sup> The number of claims against the big firms rose from 3 in 1982-83 to 627 in 1992-93, and the average claims increased 12 times.<sup>61</sup>
2. *Defensive auditing as a consequence of risk.*<sup>62</sup> Interim reporting is given orally and not on paper or electronically.<sup>63</sup> Audit advice is hedged with caveats, becoming almost meaningless.<sup>64</sup>
3. *Client screening has an adverse effect on competitiveness because innovative sectors are too risky.* Client selection limits the availability of audit to particular classes of company.<sup>65</sup>
4. *Risk to the 'world-class status' British accountancy profession.*<sup>66</sup> US reform also increases pressure for the UK to act.
5. *High calibre personnel refusing to become partners.*<sup>67</sup> Potential partners prefer consultancy to audit.
6. *Increased costs to clients,* because the costs of defending and settling claims are passed to clients. The firms claim insurance premiums rose by a factor of thirty-seven between 1982-92.<sup>68</sup>

Despite these external constraints supporting the firms' cause, they have been ineffective. Other factors, such as the litigation cycle, a Law Commission study, and the lack of acceptable reform options doomed the liability campaign.

### Timing

One explanation of the lobby's ineffectiveness is bad timing. "The question why a minister should want to take forward legislation just before an election was never answered."<sup>69</sup> The ICAEW recognised the

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<sup>60</sup> Soden, J., (1994), p79. Also see Pressler, L., and Schieffer, K., (1988) for 'deep-pocket' issues.

<sup>61</sup> Freedman, J., and Finch, V., (1997); and Sikka, P., (1992)

<sup>62</sup> Morris, P., and Stevenson, J., (1997)

<sup>63</sup> London Economics, (1998)

<sup>64</sup> "Thinking the Unthinkable on Joint and Several", *Accountancy Age*, 30 May 1996, p 56

<sup>65</sup> Coopers & Lybrand dropped the computer games software company Eidos in 1997 because it failed to improve its corporate governance arrangements. Arthur Andersen no longer audits companies on the Alternative Investment Market. London Economics, (1998)

<sup>66</sup> ICAEW, (1996)

<sup>67</sup> Freedman, J., and Finch, V., (1997)

<sup>68</sup> "The Doomsday Risk", *Financial Times*, 4 February 1997

<sup>69</sup> senior civil servant 9, interview, 19/10/98

timing was 'appalling'.<sup>70</sup> The campaign geared up when litigation was at its lowest. An official argued "the problem with the campaign was they got themselves together and ginned up at the fag end of a government."<sup>71</sup>

Since litigation is cyclical, the increase in business failures in the early 1990s recession galvanised the big firms to seek reform. One senior partner argued

One problem we have is that in the current economic environment we cannot sustain the campaign effectively because the litigation against the firms is low. You need lots of cases of being sued. A few big claims around your neck doesn't half crystallise the mind to change.<sup>72</sup>

Another senior partner echoed these sentiments, noting the firms "tend to see solidarity when they are at the edge of a cliff. We are not quite at the edge of a cliff yet."<sup>73</sup>

### Official Studies

In 1989 an industry-DTI committee, led by Andrew Likierman examined professional liability for negligence.<sup>74</sup> The committee failed to reach firm conclusions, allowing the government to avoid making a decision. The Likierman study was followed by a Law Commission investigation.

Auditors claimed the Law Commission proved their effectiveness because ministers recognised "it was an issue worthy of proper examination."<sup>75</sup> However the Law Commission rejected proportionate liability in practice and principle for four reasons.<sup>76</sup> The Commission kicked the ball into the long grass. A senior partner continued: "when you found the ball it was the same ball."<sup>77</sup> It effectively removed liability from

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<sup>70</sup> ICAEW representative 3, interview, 06/10/98

<sup>71</sup> senior civil servant 10, interview, 18/09/98

<sup>72</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>73</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>74</sup> Professor Likierman was Head of Audit and is currently Director of Financial Management Reporting and Audit at the Treasury. DTI, (1989)

<sup>75</sup> ICAEW representative 1, interview, 13/08/98

<sup>76</sup> DTI Consultation Paper, (1996). First, under proportionate liability the risk of a defendant being insolvent would shift from fellow defendants to the plaintiff. Second, J&S liability already sets formidable hurdles for plaintiffs to prove causation: each defendant must be causally responsible for the whole of that loss – the damage caused is indivisible. Third, proportionate liability would mean a plaintiff would be less likely to recover full damages by being the victim of two wrongs than if he had been the victim of a single wrong. Finally, under proportionate liability, if another wrongdoer becomes insolvent a blameless plaintiff would bear the risk rather than the principal wrongdoer.

<sup>77</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

ministers' desks and effectively silenced the accountants. The outcome was seriously damaging to the auditors.

The Law Commission left the door ajar for the reform lobby by accepting a strong economic efficiency or public-interest case would justify sacrificing sound legal principle.<sup>78</sup> LRG tried to convince DTI that the Commission's conclusions were narrow and politically unrealistic, whilst also seeking to prove the economic and public-interest case for change.<sup>79</sup>

### Conclusion

A civil servant argued "given their case and the political context I think it highly unlikely that they could have got further than they have got on broader liability issues."<sup>80</sup> The ICAEW argued "GJW were not important at all. The success of LLPs and liability reform was determined by matters separate from them. The failure of joint and several was determined by political forces. The political realities were negative; GJW could not change those."<sup>81</sup> The external context seemed to support the firms, however government did not believe the firms. Its scepticism was not aided by the firms' truculent attitude. One significant constraint beyond the control of government actors was that, as the Law Commission noted, potential solutions were equally as bad. One senior official argued "if we had thought there was a really good case but they had not made it, we could have made it anyway. We were not convinced the problem was sufficiently serious that another bad solution was better. Proportionate liability is definitely bad."<sup>82</sup>

On LLPs (**strand B**) there were no contextual constraints affecting lobbying. Government was sceptical of the accountants' case on liability, unimpressed by its timing, and was restricted by the lack of acceptable options. The presence of disadvantageous external factors limited the effect of the lobbyist. The evidence supports the hypothesis.

<sup>78</sup> At the time the Law Commission believed "the policy objections to joint and several liability to be, at best, insufficiently convincing to merit a departure from principle." In DTI Consultation Paper, (1996), part VII, summary of conclusions.

<sup>79</sup> Lobbyist, interview 14/5/97

<sup>80</sup> senior civil servant 8, interview, 21/10/98

<sup>81</sup> ICAEW representative 3, interview, 06/10/98

<sup>82</sup> senior civil servant 9, interview, 19/10/98

## Pre-existing policy and experience of government players: Hypothesis Three

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

Because the case was technical and non-political, the views of government players were important. A civil servant noted "individuals responsible for policy advice have their own views. Government has a view. It is not simply a reactive body. On an issue like this, which is an important policy area but which is not political, there is a lot of leeway at the micro-level because government is a player in its own right since it stands for the public."<sup>83</sup>

### Linking the Case to Government Policy

The failure of LRG's **strand A** campaign was caused by its ineffectiveness in linking its demands into the government's key themes. GJW tried to establish a clear focus and shape LRG's political message. GJW were "close to the ground. They know what the themes of this government are, and what messages are likely to work."<sup>84</sup> GJW's role was to argue with their client, but were "inhibited about challenging LRG, although they are capable of doing it, because they have a diverse client which they want to keep together. A challenge would involve them siding with one client against the others."<sup>85</sup>

Ministers wanted the firms to construct a public-interest case.<sup>86</sup> The lobbyist said "we are providing ministers with a public-interest defence for when they finally legislate."<sup>87</sup> Herbert Smith (solicitors) compiled a study of case law and settlements, whilst GJW collected data on public-domain settlements.<sup>88</sup> The lobbyist also discussed with DTI the requirements of economic research undertaken by London Economics.<sup>89</sup>

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<sup>83</sup> senior civil servant 8, interview, 21/10/98

<sup>84</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>85</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>86</sup> Ministers said 'we need statistics, we need evidence if we are going to help you. If we are going to help you change the law, we basically need you to devise the arguments for parliament.' Lobbyist, interview, 26/11/97

<sup>87</sup> Lobbyist, interview, 30/4/98

<sup>88</sup> Lobbyist, interview, 30/4/98.

<sup>89</sup> The report concluded that although incentives would be weakened by a softer liability regime, the large

The report “addressed the new government’s agenda, because the previous solution had been tied to the Tory agenda.”<sup>90</sup>

However, the firms were “not able to look further than the confines of their own commercial desires.”<sup>91</sup> DTI believed the firms failed to provide conclusive evidence.<sup>92</sup> “They refused to submit evidence for what they had to settle claims for. They presented their case on what might happen.”<sup>93</sup> The firms failed to put themselves in the position of the government. They were slow in submitting papers and were bad at addressing government’s concerns. Civil servants “indicated several times the issues they had to address, but they never did.”<sup>94</sup>

The DTI was unimpressed when it discovered the firms had failed to limit liability in non-audit work where they were able to do so. DTI demanded the accountants limit their liability outside statutory audit, through contract and the adoption of aggressive risk-management policies. Auditors moved to cap due diligence work at £25m,<sup>95</sup> and to cap risk on certain bond issues.<sup>96</sup> Only late in the campaign did the firms meet government’s demands.

### A Quid Pro Quo

An official believed accountants portrayed the issue “in terms of saying ‘we’ll give you that if you give us this’. It is not a simple give and take. We do not strike deals or bargains.”<sup>97</sup> But government always looks for a package. On **strand A** the firms could not agree what, if anything, to offer government in exchange for J&S reform. A senior partner argued LRG “has not worked out what it wants to give up, nor do we have agreement about what we want.”<sup>98</sup> An official argued that to have been effective LRG “would have had to make concessions, which

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firms’ reputations would act as a substitute. It found Institutional shareholders had little incentive to get involved in the company’s corporate governance because they were implicitly ‘insured’ by the auditors’ deep pockets. High-risk sectors were being screened and were finding it difficult to get access to the capital market. Unlimited liability is a blunt instrument and does not act as an incentive to act well. Unlimited liability encourages defensive auditing. The report concluded J&S liability should be replaced with proportionate liability and a statutory cap. “Cap will bring benefits”, *Accounting*, May 1998, p13

<sup>90</sup> Lobbyist, interview, 30/4/98

<sup>91</sup> senior civil servant 7, interview, 01/10/98

<sup>92</sup> senior civil servant 10, interview, 18/09/98

<sup>93</sup> senior civil servant 9, interview, 19/10/98

<sup>94</sup> *ibid*

<sup>95</sup> “Battle hots up over Big Six ‘cartel’ cap”, *Accountancy*, March 1997, p11

<sup>96</sup> “BVCA set to reject Big Six £25m liability cap agreement”, *Accountancy Age*, 28 November 1996, p2; “Big Six liability stalls venture capital deals”, *Accountancy Age*, 23 January 1997, p3

<sup>97</sup> senior civil servant 7, interview, 01/10/98

<sup>98</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98



they would have rightly seen as the first step in a negotiating process, which would have led them to be pushed to make further concessions.”<sup>99</sup>

A list of concessions was drafted and circulated, but some firms refused to consider them. Some believed they had “a God given right to change.”<sup>100</sup> Various options were discussed, including expanding the scope of audit to comment on corporate governance,<sup>101</sup> and offering assurances on company information.<sup>102</sup> The firms believe that offer is workable because “We get a deal – limited liability: the public gets openness and accountability.”<sup>103</sup>

On **strand B** government *took* transparency in exchange for LLPs – disclosure rules are the same as limited companies. A civil servant argued “we could not give LLPs without added responsibilities. We try to find a benefit in the same area.”<sup>104</sup>

### Political Factors

**Strand A** liability reform was time-consuming and politically unattractive, whilst **strand B** LLPs was quick and involved little political risk. DTI had important political issues to deal with, including minimum wage, union recognition and welfare to work. Liability reform would “not help McCartney get into the Cabinet... It would be perceived as a special deal for one group.”<sup>105</sup> One factor that disadvantaged the firms was the large salaries received by partners. Ministers were concerned that the salary levels established precedents for industry at large. One official argued salary levels were “a worry when you are trying to talk down the level of wages.”<sup>106</sup> Another official said “they are not awake to that. We are conscious of it. They earn three quarters of a million – we think that is sufficient reward to outweigh the risk.”<sup>107</sup>

<sup>99</sup> senior civil servant 9, interview, 19/10/98

<sup>100</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>101</sup> The Cadbury Report on Corporate Governance, established in response to companies with clean audit reports failing, suggested corporate governance reforms to allow auditors to comment on internal processes and suspicion of fraud. *Committee on the Financial Aspects of Corporate Governance*, 1992. It wanted auditors to report on the effectiveness of internal controls and explain their responsibilities for preparing accounts and recommended, but not in the code, that accountants draw up guidelines to rotate partners responsible for a particular company.

<sup>102</sup> ICAS, (1996)

<sup>103</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>104</sup> senior civil servant 9, interview, 19/10/98

<sup>105</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98. Ian McCartney was at the time of writing Minister of State, Department of Trade and Industry

<sup>106</sup> senior civil servant 10, interview, 18/09/98

<sup>107</sup> senior civil servant 7, interview, 01/10/98

## Conclusion

Government had its own objectives. To be effective lobbyists must 'help' government achieve its aims. The DTI did "not religiously follow the lead of outside groups. There has to be a wider public-interest angle."<sup>108</sup>

GJW and LRG were perhaps too effective initially in tying their case to government's objectives. They pushed the modernising agenda strongly and were out-footed by DTI because LRG "went in and said 'the definition of audit exists under Victorian law', and Beckett said, 'I know. We are going to reform company law, which is all Victorian'."<sup>109</sup> Consequently J&S was included in the review.

Ministers also had more important issues to deal with. GJW helped LRG emphasise political messages, but LRG was ineffective in linking its case to government because it was unwilling to share information with government, and some submissions were poor quality. Government forced the firms to act to limit non-audit risk. The firms could not agree what to offer government in exchange for reform; finally, J&S reform was politically unattractive.

**Strand B** LLP reform was so uncontentious and the case convincing that it was in-line with both Conservative and Labour government beliefs. **Strand A** objectives were not congruent with political beliefs and the previous experience of government players. GJW failed to tie its clients' objectives to government. The evidence supports the hypothesis.

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<sup>108</sup> senior civil servant 7, interview, 01/10/98

<sup>109</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98. At the time Margaret Beckett was Secretary of State, Department of Trade and Industry

## Meso-level

### Involvement in the policy-making process:

#### Hypothesis Four

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

#### The Policy Network: Lobbying the Opposition

For most of the campaign Labour was in Opposition and Stuart Bell MP was Labour's accountancy spokesman.<sup>110</sup> He did not share the scepticism of auditors held by some colleagues and launched a charm offensive.<sup>111</sup>

GJW worked closely with Bell to engineer Labour support for proportionality, LLPs and to quieten PLP dissent.<sup>112</sup> Margaret Beckett, the Shadow Secretary of State, was briefed regularly. GJW wanted the Opposition team to feel involved in policy development. Bell dined regularly with partners from the Big Five firms.<sup>113</sup> In August 1996 Bell offered government the Opposition's co-operation on 'non-political' J&S reform.<sup>114</sup>

Before the Election the Shadow Minister "was trying to be approachable and friendly to business – almost bending over backwards. We drafted after the meeting two possible paragraphs for insertion into the manifesto."<sup>115</sup> So GJW drafted paragraphs for the 1997 Labour manifesto: the first on LLPs and the second on liability. A covering letter later formed two articles, under Bell's name, which explained Labour's policy.<sup>116</sup>

<sup>110</sup> "Barrister Stuart Bell Appointed Official Labour Spokesman on the Accountancy Profession", *Accountancy Age*, 13 August 1992, p20

<sup>111</sup> "Hard Labour?", *Accountancy Age*, 7 September 1995, p143

<sup>112</sup> "Self-Regulation's Defeat and Legislation's Victory", *Accountancy Age*, 18 March 1993, p31; and "Labour Goes for Regulation – Audit Profession", *Accountancy Age*, 19 March 1993, p27; "Morrison Hits Back at Independence Taunts", *Accountancy Age*, 22 April 1993, p21; "Labour in Plan for institutes' Regulation", *Accountancy Age*, 26 May 1994, p23

<sup>113</sup> "Big Six Woos Labour in Run-up to Election", *Accountancy Age*, 8 February 1996, p36

<sup>114</sup> Bell, S. "View from the House – Government Paralysed by Threat of Jersey Move", *Accountancy Age*, 8 August 1996, p52

<sup>115</sup> Lobbyist, interview 14/5/97; "Labour backs liability reform", *Accountancy*, April 1997, p11

<sup>116</sup> Bell, S., "The Zeal of Born-Again New Labour", *Accountancy*, April 1997, p75; Bell, S., "Letters – Profession Backs Labour on LLP Review", *Accountancy Age*, 24 April 1997, p31. In the former article Bell wrote "New Labour has consistently advocated reform of joint and several liability law and has even offered to assist the passage of this non-political legislation onto the statute book. The legislation would mean that accountants and other professionals could go about their business in a way that enables them to give the best advice to their clients."

The lobbyist said when “Bell submitted the two paragraphs that we wrote speculatively, we did not assume that he would get them past the editor.”<sup>117</sup> However, Labour published a Manifesto for Business, which included the following paragraph

We will ensure there is a framework of independent regulation for the accountancy profession. We will review the laws on joint and several liability so that incorporation in this country provides accountants with adequate protection.<sup>118</sup>

The outcome was a jumbled mess.<sup>119</sup> As a consequence of pressure of space, two paragraphs were merged into one. The second sentence confused the risks to the partner and the firm. The Business Manifesto was not put before the PLP, unlike in 1992.<sup>120</sup> A Labour MP said “I do not know how it got there. [...] The whole thing is a shoddy, concealed back door business.”<sup>121</sup> Bell’s detailed policy articles could not now be taken as Labour policy because they pre-dated the Manifesto.

Bell claimed the muddle demonstrated “the complexity of the issues involved...” and restated the broad principles underlying Labour’s approach.<sup>122</sup> Despite this mistake, GJW was effective in including and managing its client in the Labour party network, the consequence of which was a manifesto commitment.

### The Policy Community

The transient liability policy community was built around a DTI minister responsible for accountancy. The potential or dormant community included the following actors

- Secretary of State for Trade and Industry
- Minister of State for Corporate Affairs
- Minister for Trade and Competitiveness in Europe
- 3 DTI civil servants in Company Law Directorate
- DTI special advisers
- Chancellor of the Exchequer
- Chief Secretary to the Treasury

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<sup>117</sup> Lobbyist, interview, 26/11/97

<sup>118</sup> Labour Party Manifesto for Business, April 1997

<sup>119</sup> “Accountancy: Interpreters wanted”, *Financial Times*, 17 April 1997. The *FT* commented “It is also slightly worrying that while Mr Bell is widely seen as having grasped the issues, this understanding appears to have eluded the writer of the manifesto.”

<sup>120</sup> “Labour Backs Liability Reform”, *Accountancy*, 23 April 1997, p32

<sup>121</sup> Labour backbench MP, interview, 29/07/98

<sup>122</sup> “Letter to the Editor: *Labour line on accountancy prudent* from Stuart Bell MP, Shadow Minister for Trade and Corporate Affairs”, *Financial Times*, 18 April 1997

- 3 Treasury civil servants in Finance Regulation and Industry (FRI) and Financial Management Reporting and Audit Directorate (FMRP) Directorates.
- Treasury special advisers
- Lord Chancellor
- 2 LCD civil servants
- LCD special adviser
- 1 DETR civil servant
- 2 advisers in the No 10 Policy Unit

Non-government actors included the professional bodies, the Big Five, the small firms networks and European-level groups. However, the number of *influential* players was smaller.

### Officials

Middle-rank DTI officials were the key government actors. Three people in DTI were actively involved. No other departments were active on liability, although some were interested. The circle of those who could have been influential was wide, but their involvement was conditional on other factors.<sup>123</sup>

DTI's Company Law Directorate listed approximately 1,500 interest-groups, of which several hundred were invited to respond to its LLP proposals. 114 did so, and of this number many had no substantive comment. The 'real' policy community is smaller than most commentators assume. Interest-groups are active only when an issue concerns them. Otherwise they lie dormant. Communities emerge and dissolve over specific issues.

The big firms did not struggle to be involved. They had good links to government. Ministers invited them to participate. Lobbyists were irrelevant. One former minister recalled

I visited many individual firms of accountants as 'their' minister and invited many individuals to participate in the generation of policy. For example I invited a senior tax partner of Coopers & Lybrand to chair a tax deregulation taskforce. I alighted upon him because of an article I read in *Accountancy Age*.<sup>124</sup>

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<sup>123</sup> senior civil servant 8, interview, 21/10/98

<sup>124</sup> Former minister in correspondence with the author, 9/1/98

The big firms worked closely behind the scenes with government – offering technical advice. An official argued the community included interest-groups who sought out civil servants, but noted “the Accountancy profession is incestuous – the same people crop up all the time. We try and make it as broad as possible.”<sup>125</sup>

Rather than exclude interest-groups, civil servants were busy increasing the range of representation.

Consultations are important because government wants to be open and ensure everyone is consulted, so that by the time you get legislation everyone is cleared. Anyone who rings up with an interest will be added to the consultation list and will get a copy of consultation papers. That is the limit of our powers. It is important for us that people comment on the draft.<sup>126</sup>

Even substantive interest-groups, like IoD, were invited to participate but had no substantive comment. Many responses from groups

were unhelpful. On a few questions the answers were useless because they misunderstood the point. It just shows how little they understand. When we dealt with LLPs we held a range of meetings with the accountancy profession, the legal profession, investors and clients. We tried to get the people who would be interested.<sup>127</sup>

Because the issue was technical and low-profile, DTI officials went out looking for commentators. They alerted groups and encouraged them to give their views, but found it difficult to motivate them.

### Ministers

Labour DTI ministers “had no set answers. There was a genuine attempt to try and work out what was best.”<sup>128</sup> The manifesto commitment allowed LRG to ask for clarification. The lobbyist argued “it is amazing that we got the commitment when the issue did not matter. That is our saving grace.”<sup>129</sup>

In the event Bell was not appointed to DTI.<sup>130</sup> Bell was so anxious to please, he “may have been seen as going too far in smoothing the

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<sup>125</sup> senior civil servant 7, interview, 01/10/98

<sup>126</sup> *ibid*

<sup>127</sup> *ibid*

<sup>128</sup> senior civil servant 10, interview, 18/09/98

<sup>129</sup> Lobbyist, interview, 26/11/97

<sup>130</sup> “Bell Denied Place in Blair Government”, *Accountancy Age*, 8 May 1997, p 23; “Labour Promises Liability Review”, *Accountancy*, 13 May 1997, p 33

fears of the profession...”<sup>131</sup> The lobbyist argued “one does not see the problems when a senior spokesman is turning your way. You think that is an element of success. In retrospect he was trying too hard.”<sup>132</sup> Bell’s old brief was divided between Ian McCartney and a Blairite Lord Simon.<sup>133</sup> GJW drafted a submission on J&S in June 1997 to coincide with the minister’s post-election review of departmental priorities.<sup>134</sup> McCartney was less friendly and less willing to bend over backwards than was Bell.<sup>135</sup> Ministers were sceptical of **strand A** reform, whilst Secretary of State Margaret Beckett had no interest in accountancy.<sup>136</sup>

GJW drafted a letter to DTI asking for a ‘council of war’ to discuss matters with ministers in October 1997.<sup>137</sup> Partners met officials after the October meeting to clarify the conclusions of the ministerial meeting. However LRG held a ‘crunch meeting’ with ministers in July 1998, which signalled the failure of the liability campaign. In a summer reshuffle Peter Mandelson MP became Secretary of State for Trade and Industry.<sup>138</sup> In September he announced a Draft Bill.<sup>139</sup> But, on the real prize he said

no sufficient basis had been identified, of either principle, commercial or economic interest, for a fundamental reform of the law affecting professional liability. [...] A convincing case has not been made for fundamental change. We will keep the situation under review in case new evidence emerges. In the meantime I would encourage the accountancy profession to contribute to the fundamental review of company law that is now underway including on the question of the relative responsibilities of auditors, investors and directors.<sup>140</sup>

LRG did not meet for eight months. Its activity had “come to a virtual halt.”<sup>141</sup>

<sup>131</sup> “When the bell tolls”, *Financial Times*, 8 May 1997

<sup>132</sup> Lobbyist, interview 14/5/97

<sup>133</sup> Ian McCartney was Minister of State for Trade and Industry with responsibility for labour market, company law/corporate governance, inward investment and the Post Office; Lord Simon of Highbury was Minister of State for Trade and Industry with responsibility for trade and competitiveness in Europe.

<sup>134</sup> The paper argued in order for Labour to carry out its programme and fulfil its manifesto objectives, it needed to reform J&S. Lobbyist, interview 14/5/97

<sup>135</sup> Lobbyist, interview 14/5/97

<sup>136</sup> *ibid*

<sup>137</sup> “CCAB to meet with Labour”, *Accountancy*, November 1997, p18

<sup>138</sup> No 10 described Mr Mandelson’s role as “the guardian of business interests in Whitehall.” “Blair tightens grip as Brown feels squeeze”, *The Independent*, 28/7/98. Lord Sainsbury took an unpaid ministerial position at the DTI. Simon and McCartney remained in place.

<sup>139</sup> DTI Press Release, (1998)

<sup>140</sup> *ibid*

<sup>141</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

## Conclusion

The clients did not need lobbyists to access the policy community. They were firmly ensconced in DTI. Though LRG dominated the policy-making arena, the department fulfilled its commitment to give “full consideration to the views expressed by all interested parties” to broaden interest.<sup>142</sup> GJW was key in building contacts with Labour and delivering the manifesto commitment. The lobbyist was also useful in identifying the players who needed contacting for the LLP Bill to proceed.

The real policy community was transient. It was small. The influential number of players numbered no more than a handful. GJW did not help its clients’ into the policy community, but it did improve and co-ordinate the clients’ activity. The evidence supports the hypothesis.

## **Multi-faceted lobbying: Hypothesis Five**

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

GJW’s brochure says “the best government relations practice operates at all levels - from the grass roots right up to the national and pan-national parliaments.”<sup>143</sup> DTI recognised the firms “are playing this game at various different levels in different arenas.”<sup>144</sup> However, LRG had to close the argument first with civil servants and ministers. Parliament and the media were largely absent from policy development. On **strand A** LRG focused on civil servants exclusively, whilst **strand B** lobbying targeted Cabinet Committees and some MPs.

## Cabinet Committees

On **Strand B**, once the LLP bill was approved in principle, GJW targeted the Queen’s Speeches and Future Legislation Committee (QFL) and the Cabinet’s Legislation Committee (LEG) to ensure a legislative slot. DTI was concerned that a Bill would not be prioritised.<sup>145</sup>

<sup>142</sup> HC Debs, Adjournment, 17/6/1997, Col 221, Minister of State DTI

<sup>143</sup> GJW, *Professionals in the World of Lobbying*, company brochure, nd

<sup>144</sup> senior civil servant 7, interview, 01/10/98

<sup>145</sup> The terms of reference of QFL were to prepare and submit to the Cabinet drafts of the Queen’s speeches to Parliament, and proposals for the government’s legislative programme.



QFL demanded the LLP Bill be uncontentious to secure parliamentary time.<sup>146</sup> Whilst the Commons was occupied with complex constitutional legislation, government hoped to busy the Lords with uncontentious Bills. GJW co-ordinated its approach with lawyers and ensured the Lord Chancellor, the Attorney General and the Lord Advocate had been briefed. GJW briefed special advisers and junior ministers at LCD, special advisers in the Treasury and the Head of Financial Services in the Treasury. LRG representatives also lobbied No 10 Policy Unit advisers.

LEG examined draft bills and considered parliamentary timetabling. The lobbyist “looked at LEG’s membership, looked at who the influential people were and targeted their advisers.”<sup>147</sup> The DTI, although not a member, contributed, so GJW briefed special advisers at the DTI, but focused on advisers to the Leader of the House, the Treasury and the Cabinet Office because of their overarching roles.<sup>148</sup>

## Parliament

The firms barely campaigned in parliament. MPs were unimportant. The few questions raised in the House were largely arranged by whips to announce government action.<sup>149</sup> One LRG member said “we never got to the point of cultivating the MP in the street.”<sup>150</sup>

Austin Mitchell MP initiated the only public scrutiny of LLPs and liability.<sup>151</sup> Mitchell attacked the “lovely little racket” operated by the firms.<sup>152</sup> His opposition did not concern LRG. They found him a comical figure. One senior partner argued “the advice we are getting is that having Mitchell against us is a major plus point.”<sup>153</sup> However, the civil service was acutely aware of parliamentary opinion: one official said “we are obviously going to listen to parliament.”<sup>154</sup>

<sup>146</sup> The July 1998 reshuffle removed Lord Irvine from the chair of QFL and gave it to Margaret Beckett, former DTI Secretary.

<sup>147</sup> Lobbyist, interview, 26/11/97

<sup>148</sup> *ibid*

<sup>149</sup> For example, HC Debs, WA questioned tabled by Bernard Jenkin MP on 7/11/1996, col 700; a WPQ from Spencer Batiste MP on 20/2/1997, col 724; a WPQ from Stephen Timms MP on 4/11/1997, col 125.

<sup>150</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>151</sup> “MP keeps up campaign”, *Accountancy*, July 1997, p17

<sup>152</sup> Whilst audit standards are controlled by the audit industry, licensing, monitoring, complaints, investigations and appeals are controlled by accountancy bodies which are dominated by the big firms. HC Debs, Adjournment, 17/6/1997, Col 218

<sup>153</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>154</sup> senior civil servant 10, interview, 18/09/98

Few MPs understood the issue, with one warning most MPs “were not interested. Most do not understand it. It is too complex.”<sup>155</sup> Whilst No 10, Cabinet Office and Treasury supported the business agenda, lobbyists were concerned at parliamentary hostility.

As part of Labour's drive to ‘modernise’ parliament, draft Bills were published to encourage lobbying and more thorough parliamentary scrutiny.<sup>156</sup> GJW briefed all parties’ spokesmen about the LLP Bill. The seven-page Draft LLP Bill’s public consultation ran concurrently with the Select Committee investigation.<sup>157</sup> DTI warned LRG “if you jump up and down now you will lose the Bill.”<sup>158</sup> If the Bill were criticised, it would be removed from the timetable.

GJW prepared LRG for the Select Committee Inquiry by briefing Select Committee members, involving Stuart Bell and selected PPSs.<sup>159</sup> The lobbyist established contact with the Select Committee Clerk and received assurances that the Committee would not interfere with the Bill’s principle. LRG and GJW also squared selected third parties to ensure the evidence was predominantly consistent and supportive.

### Opponents

Because LLPs were low-profile, technical and non-political there was little opposition. On liability (**strand A**), because the issue was complex, detractors used ‘*The Sun* headline’ approach. The issue was presented in simple terms: ‘secretive fat cats lining their own pockets’. However, officials bemoaned the lack of “a pro-active articulated contribution from what you might call the public safety angle.”<sup>160</sup>

Opponents characterised the firms’ objectives as ‘anti-consumer’ and argued the campaign was ‘ill-considered’, ‘bad-tempered’ and ‘selfish’.<sup>161</sup> Concerned about possible opposition, LRG lobbied the DTI to publish only firm proposals because if “industry, business and parliament

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<sup>155</sup> Labour backbench MP, interview, 29/07/98

<sup>156</sup> House of Commons Select Committee on the Modernisation of the House of Commons, *Appendix 1, Memorandum submitted by Rt Hon Ann Taylor MP President of the Council and Leader of the House*, HC 190, 1997-98

<sup>157</sup> “LLP law in Queens’ Speech”, *Accountancy*, 10 March 1998, p17

<sup>158</sup> lobbyist, telephone conversation, 25/09/98

<sup>159</sup> Lobbyist, interview, 30/4/98

<sup>160</sup> senior civil servant 8, interview, 21/10/98

<sup>161</sup> Labour backbench MP, interview, 29/07/98; “Big Six proposals ‘anti-consumer’”, *Accountancy*, October 1994, p14; Academic commentator 1, interview, 17/06/97. Mitchell, A., (1993) “The Liability Charade – The Consumers’ View”, *Accountancy*, December 1993, p75

do not have time to look at it and if it is not properly scrutinised, it will go through quickly.”<sup>162</sup>

### Media

GJW and LRG eschewed a media campaign because they wanted to avoid controversy. A civil servant noted LRG “used the media carefully. It is not something we would encourage.”<sup>163</sup> The lobbyist placed articles in the *FT*, but articles were shown to, and approved by, DTI before publication. DTI clearance was judicious because one senior partner recalled “there was a very clear message to us that if we had concerns, we should tell them [DTI] directly rather than through the columns of the *Financial Times*.”<sup>164</sup> GJW cultivated contacts in the *FT* and *The Times*. Coverage outside the specialised press was limited.<sup>165</sup> The lobbyist was “happy having a low-profile media strategy.”<sup>166</sup>

### Conclusion

There was no need for a multi-faceted approach. Indeed, it would have been counter-productive. The LLP campaign was effective because it concentrated on one element of the policy-making system – Whitehall (namely officials and Cabinet Committees), along with limited briefing of MPs on the Trade and Industry Select Committee. On the liability issue, LRG pursued a low-profile campaign, directed at civil servants. Though tempted to raise the profile when defeated in September 1998, it pulled back to avoid jeopardising LLPs. A multi-faceted campaign may be ineffective on low-profile, technical and non-political issues. The evidence does not support the hypothesis.

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<sup>162</sup> Lobbyist, interview 26/11/97

<sup>163</sup> senior civil servant 7, interview, 01/10/98

<sup>164</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>165</sup> The specialised press has mainly tracked developments. Some media attention was devoted to a MORI poll commissioned by KPMG that revealed 65% of companies believed it was unacceptable for accountancy firms to become LLPs on the Channel Islands. “KPMG reports a lack of LLP support in UK”, *Accountancy Age*, 7 November 1996, p3

<sup>166</sup> Lobbyist, interview, 30/4/98

## Micro-level

### Routines and Standard Operating Procedures: Hypothesis Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

GJW's role was to guide clients "through the procedures of government consultation so that you make your case with maximum effect."<sup>167</sup> The brochure boasted GJW's staff had worked with politicians or were former officials and consequently they had "a comprehensive and inside knowledge of the processes, procedures and etiquette of government."<sup>168</sup>

GJW "put in effort, time and resources into identifying what the department wanted and what they didn't want."<sup>169</sup> An official argued "Lobbyists are much clearer about the processes the civil service goes through."<sup>170</sup> GJW wanted officials to believe it was "assisting them with their brief. They ask for help and then we ask for help back. It's a reciprocal process."<sup>171</sup> But GJW did not need to have proficiency in Whitehall mores. A civil servant argued the lobbyist came

to us and said 'we guess you are going to do X next. What is the best way in which our clients can approach you?' That allows us to focus their effort. We do not have to deal with a campaign that lobbies ministers and MPs. Such a campaign takes valuable resources away from dealing with the subject matter, to dealing with correspondence. A lobbyist brings advantages for us.<sup>172</sup>

The civil service told lobbyists what to do and all about departmental interests and the interests of ministerial and official 'drivers'.

On technical issues the conviction, vigour and perceptions of officials are central. A strong and respected supportive official makes success more likely. Understanding inter-departmental relations was also important because "McCartney and Simon saw the Treasury as

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<sup>167</sup> GJW, *Professionals in the World of Lobbying*, company brochure, nd

<sup>168</sup> *ibid*

<sup>169</sup> Lobbyist, interview 11/02/97

<sup>170</sup> senior civil servant 7, interview, 01/10/98

<sup>171</sup> Lobbyist, interview 11/02/97

<sup>172</sup> senior civil servant 7, interview, 01/10/98

more important than their Secretary of State. The Secretary of State would go along with the advice of his junior minister on this...<sup>173</sup>

The degree of trust between the lobbyist and the six clients was substantial. Each firm entrusted individually to the lobbyist confidential financial data about its business. No other co-campaigning firm saw the data passed by the others – only the lobbyist and the lawyers saw everything.<sup>174</sup>

The lobbyist also used a BBC journalist and E&Y adviser, Nick Ross, to lead a ‘brain storming session’ on repositioning after Labour’s victory. Ross was “good value. He had done his groundwork. He had good contacts with Lord Simon and Geoffrey Robinson.”<sup>175</sup> Just as GJW used Ross as “an independent source to verify what we were saying”<sup>176</sup> the DTI sometimes used GJW to reinforce its advice to LRG. Contrary to the conventional responses of civil servants, one official said “you can say to them [GJW] ‘this is the message we gave them’ [LRG]. Having it come from the lobbyist reinforces it. You may think you have given a clear message, but the firms can misinterpret your advice. They are more likely to take the advice of the lobbyist because they are paying them.”<sup>177</sup>

### Shadow Lobbying

The IGA-led campaign failed in part because lobbyists dealt directly with decision-makers. “Greer was fronting with ministers.”<sup>178</sup> IGA adopted a high-profile approach. A former minister recalls “there were one or two meetings with the representatives of the Big Eight accompanied by their lobbyists, IGA.”<sup>179</sup> Although lobbyists were present

No-one from IGA contributed to the substantive discussions – indeed, as the subject-matter was extremely technical it would have been absurd to expect that of non-expert lobbyists in the presence of experts on both sides of the table. The lobbyists had no impact whatever on the policy-making process on this issue.<sup>180</sup>

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<sup>173</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>174</sup> ICAEW representative 1, interview, 13/08/98

<sup>175</sup> Lobbyist, interview, 26/11/97. At the time, Geoffrey Robinson MP was the Paymaster General

<sup>176</sup> *ibid*

<sup>177</sup> senior civil servant 7, interview, 01/10/98

<sup>178</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>179</sup> Former minister in correspondence with the author, 09/01/98

<sup>180</sup> *ibid*

GJW did not attend meetings with ministers, although it was involved in every aspect of their preparation. GJW stayed in the background. A senior partner said “virtually all the representation we would do ourselves.”<sup>181</sup> A civil servant interpreted the relationship: “GJW have been more active with LRG who have then played with us on the basis that contact was already established.”<sup>182</sup>

The lobbyist said “we set up the meetings. We tee up officials or advisers in advance. Most of the meetings we attend will be with special advisers.”<sup>183</sup> GJW preferred the client to deal directly with ministers to avoid ambiguity or confusion. Officials agreed. One argued “it is fatal to use lobbyists as an intermediary, because ministers and their advisers want to hear from the people on the ground – from those who have actually experienced it.”<sup>184</sup>

However, GJW did brief officials and special advisers. For two months after the Election, when ministerial responsibilities were unclear, GJW dealt with officials directly.<sup>185</sup> Also, four firms were distracted by merger proposals, so GJW sent policy papers to the Treasury, dealt with officials on an off-the-record basis and communicated frequently with special advisers.<sup>186</sup>

Although not at the front-line, GJW was central. The lobbyist regarded ICAEW as ‘putty in our hands’. The lobbyist noted

We are the origin. Everything that we send out is put through other people in the chain. There is a cumulative effect. We are the genesis of most of the argument but we are rarely the delivery mechanism. We deal with officials directly and they always know we are behind activity. But officials are cautious and more comfortable dealing with the client. We are not going to embarrass them. We assist them in their agenda.<sup>187</sup>

## Conclusion

GJW was pivotal to the campaign’s management. Its knowledge of rules and procedures underpinned its ability to draft submissions and arrange meetings. Though its impact on the policy outcome was

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<sup>181</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>182</sup> senior civil servant 7, interview, 01/10/98

<sup>183</sup> Lobbyist, interview 26/11/97

<sup>184</sup> senior civil servant 8, interview, 21/10/98

<sup>185</sup> Lobbyist, interview, 26/11/97

<sup>186</sup> Lobbyist, interview 26/11/97. One senior partner admitted GJW “have made contact on our behalf with special advisers in the No 10 Policy Unit and the Treasury.” Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>187</sup> Lobbyist, interview, 30/4/98

marginal, GJW played a central role within LRG. Without GJW, LRG would have been less co-ordinated and lacked the confidence to operate effectively in Whitehall. The evidence supports the hypothesis.

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### Contacts

#### Politicians

A key element in GJW's campaign was the relationship developed with Labour in Opposition.<sup>188</sup> The firms seconded staff to Labour.<sup>189</sup> Stuart Bell's association with the wife of a Big Five senior partner, who was his literary agent, facilitated access.<sup>190</sup> The lobbyist notes "it was always friendly. We had no real need for any lobbying there."<sup>191</sup>

When Bell did not become Corporate Affairs Minister, he joined Ernst & Young as a parliamentary adviser and Bell Pottinger as a consultant.<sup>192</sup> He advised on New Labour themes.<sup>193</sup> More importantly, he reminded "civil servants and ministers of their manifesto commitment, because he wrote it. He also helps keep us up to date..."<sup>194</sup> The firms regard him as "a friendly MP who whispers in the ears of Derry Irvine and others to remind them."<sup>195</sup>

Formal contact with ministers was infrequent: LRG formally met ministers twice in twelve months after the Election, but the firms held individually and jointly a series of lunches with Beckett. She was content to leave policy in the hands of her ministers.

<sup>188</sup> ICAEW representative 1, interview, 13/08/98

<sup>189</sup> Seconding staff to the Labour Party in the run up to the 1997 General Election was common among the Financial Times Stock Exchange 100 companies.

<sup>190</sup> Bell's son, a partner at a law firm, facilitated access to City lawyers.

<sup>191</sup> Lobbyist, interview 14/5/97

<sup>192</sup> He was paid between £10-15,000 to prepare papers for E&Y and its clients on government policy. "Bell Named as E&Y Adviser", *Accountancy Age*, 23 October 1997, p12; "E&Y with Bells on", *Accountancy*, 19 November 1997, p12.

<sup>193</sup> Bell suggested the case be linked to the political priorities of New Labour and recognise its move away from a stakeholder economy

<sup>194</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>195</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

GJW's brochure claimed it could put clients "in touch with the right people in the right places and at the right time."<sup>196</sup> The lobbyist dealt with politicians and advisers directly mainly at social gatherings, despite the client's 'back room role' instructions.<sup>197</sup> There is a discrepancy between what GJW did and what the clients admit to. However, direct contact was usually undertaken when the target was known personally to GJW. GJW ensured staff attended the 'right' social events. At the Labour Party Gala Dinner, the lobbyist

was on a table with [the Chief Secretary to the Treasury], so I broadly floated it across his agenda in so far as saying, 'is it okay Chief Secretary if I go and brief your special adviser about accountants' liability?' He said yes."<sup>198</sup>

Furthermore, the lobbyist explained how to approach the Secretary of State for Trade and Industry

to get to Mandelson, I will have lunch with his special adviser, Ben Wegg-Prosser. At the same time I will invite Andrew Maugham of the Treasury. The next step is to encourage both of them to brief Mandelson to get him to meet directly with the accountants. Another way of doing that is to ensure Stuart Bell encourages Mandelson to do it. There are lots of informal situations where you can raise the possibility.<sup>199</sup>

The firms had good contacts with politicians – often better than those of the political consultant.<sup>200</sup> "If you look at the list of who's who in British politics and you ask the auditors to tick off who they know, you'll have ninety-nine per cent of the people there."<sup>201</sup> That partners were "on the 'A list' for No 10 dinners because they are movers and shakers."<sup>202</sup> A senior partner argued the firms did not need GJW to arrange access to ministers, because "we know them. You take this firm, every Cabinet minister will be known on Christian name terms by someone here. We do not need GJW."<sup>203</sup>

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<sup>196</sup> GJW, *Professionals in the World of Lobbying*, company brochure, *nd*

<sup>197</sup> "I have told of GJW so many times, that I am not having you go and see ministers or ringing people up." Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>198</sup> Lobbyist, interview, 30/4/98

<sup>199</sup> *ibid*

<sup>200</sup> The audit industry had formal links with parliament. Before the 1997 General Election six MPs advised firms or professional bodies. Following the General Election, in addition to Bell's and Christopher Chope's links with E&Y; Quentin Davies MP was parliamentary consultant to the Chartered Institute of Taxation; Nick Gibb MP was a columnist for *Accountancy Age*; Jim Wallace was an adviser to ICAS. Register of Members' Interests 1997, <http://www.parliament.the-stationery-office.co.uk>

<sup>201</sup> Lobbyist, interview 11/02/97

<sup>202</sup> IGA lobbyist 1, interview, 10/3/98

<sup>203</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98



The large firms supposed they were important players and were taken seriously by government. Another senior partner said “I would be staggered if we could not get to a minister that we wanted to get to. It may take us three months. We can roll them in usually.”<sup>204</sup>

### Officials

Contact depended on seniority, section and department. The lobbyist had good relationships with officials, arguing “we are locked into the DTI.”<sup>205</sup> A senior partner noted “DTI officials told me they are very comfortable with the use of GJW. They liked us doing it because officials normally criticise us for not understanding politics.”<sup>206</sup>

GJW dealt directly with middle-rank officials approximately every week by telephone or by letter to deal with detailed questions.<sup>207</sup> The client held a series of meetings with officials, and access was never problematic. LRG members also enjoyed good relations with officials; contact was ‘very regular’.<sup>208</sup>

Letters and submissions to DTI were proof-read by policy officials and returned to the lobbyist, allowing them to be amended before being sent to ministers. “DTI officials strangely agreed to review the letter and the accompanying appendix in draft form. That helped, but there were few changes.”<sup>209</sup> This degree of trust was a consequence of the firms’ long-term links into DTI. One official argued because “the Big 5 are involved in government, I do not think the strategy firms are valuable. Any of these people could get in to see people from the DTI this week if they wanted. [...] Civil servants are quite open about the issue.”<sup>210</sup> Civil servants believed they were “generous to the point of opening doors and giving advice on how to do it.”<sup>211</sup>

The firms had excellent contacts with politicians and civil servants. Their contacts assisted the firms. GJW added an extra layer of contacts, particularly with New Labour ministers and special advisers.

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<sup>204</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>205</sup> Lobbyist, interview, 30/4/98

<sup>206</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>207</sup> ICAEW representative 1, interview, 13/08/98

<sup>208</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>209</sup> Lobbyist, interview, 30/4/98

<sup>210</sup> senior civil servant 9, interview, 19/10/98

<sup>211</sup> senior civil servant 8, interview, 21/10/98

## Coalitions

Changes to liability affect common law. The accountants could never win alone on **strand A** issues. Government told the accountants they needed a broad coalition. “The point had been made to them many times that they would need some support, off-the-record of course.”<sup>212</sup>

There are several elements to the coalition, consisting of five rings: at the centre is (A), made up of the Big Five firms. A is surrounded by the ICAEW (B), which has sought to build alliances with other accountancy associations and smaller firms (C). The firms have also tried to ally with other professions (D), and to the wider business community (E).

On **strand A**, a rootless coalition existed on the causes of, but not the solution to, the liability issue between A, B and C. The coalition within A was weak: “they tried to conduct a tight campaign and argue the agenda was specific, but when it got to the nitty gritty it fragmented.”<sup>213</sup> In B, although ICAEW claimed to be a professional body dedicated to the public-interest,<sup>214</sup> in practice it reflected and promoted the Big Five’s interests. Notionally a regulator, the ICAEW is the profession’s defender and advocate.<sup>215</sup>

Many groups in C did not support liability reform because it was “a big firm problem, and to middle-sized firms it does not really matter.”<sup>216</sup> LRG was ineffective because its coalition did not include D and E. Organisations in D and E did not recognise a problem. LRG “did not understand that civil servants had to look at this issue in relation to architects, lawyers and other professionals. We were not just dealing with accountants.”<sup>217</sup> The ICAEW organised a ‘Professional Liability Group’ to build bridges to other interested groups.<sup>218</sup> A senior partner admitted the Big Five

have not done a good job rallying the support of the lawyers and the consulting engineers. You cannot expect just the

<sup>212</sup> senior civil servant 9, interview, 19/10/98

<sup>213</sup> senior civil servant 7, interview, 01/10/98

<sup>214</sup> Lickiss, (1990) “Auditing Critics short on fact, long on rhetoric”, *The Guardian*, 19 December 1990. Under the Companies Act 1989 accountancy bodies act to regulate the industry and defend and advance the public-interest.

<sup>215</sup> Mitchell, A., and Sikka, P., (1999), p7

<sup>216</sup> senior civil servant 9, interview, 19/10/98

<sup>217</sup> senior civil servant 10, interview, 18/09/98

<sup>218</sup> Including the Institute and Faculty of Actuaries, National Association of Pension Funds, London Investment Banking Association, Institute of Directors, Construction Industry Council and the Building Employers Confederation.

auditors to do it. If I were government I would put two fingers up. It looks like a special interest lobby.<sup>219</sup>

Lawyers were slow to organise and the Law Society's opposition complicated matters.<sup>220</sup> Lawyers had academic and legal objections.<sup>221</sup> City law firms used the City of London Law Society as a mouthpiece to bypass the Society's national policy of opposition. Co-ordination with the accountants was poor because "the accountants were blinkered. They did not make a great effort to talk to other professions."<sup>222</sup> The coalition was weak and ephemeral.

Interest-groups in *E* were essential to success. An official argued "if you cannot persuade your clients, you are going to have great difficulty persuading government."<sup>223</sup> LRG obtained support from some audit clients like CBI, IoD, 100 Group, LIBA and NAPF. The lobbyist believed "part of the skill of what we have done is to get them [business] to sign up to broad concepts and not detail. Proportionality is a nice concept."<sup>224</sup> An official argues "that was quite clever. It did not go beyond fairness. There was a high level of generality. The devil is usually in the detail."<sup>225</sup> Outside the Big Five there was no agreement on what the answers were. It was even unclear whether there was a question.<sup>226</sup>

In **Strand B** a broad coalition extended across *A*, *B*, *C*, *D* and *E*. The coalition was not difficult to construct for a low-profile non-contentious issue. The lobbyist admitted "once we have the shape of the [LLP] Bill, we can jettison the rest of our consortia. We have to carry them with us on the basis that they will not object to the Bill."<sup>227</sup> The clients of professionals had few concerns with LLPs.<sup>228</sup>

## Conclusion

Though the lobbyist had good contacts, they were matched if not bettered by the clients. The accountants had friends in Whitehall and the parties. The firms hired GJW because "it is more efficient for GJW to tell

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<sup>219</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>220</sup> City Law Firm representative 2, interview, 28/08/98

<sup>221</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>222</sup> City Law Firm representative 2, interview, 28/08/98

<sup>223</sup> senior civil servant 9, interview, 19/10/98

<sup>224</sup> Lobbyist, interview, 30/4/98

<sup>225</sup> senior civil servant 9, interview, 19/10/98

<sup>226</sup> ICAEW representative 3, interview, 06/10/98

<sup>227</sup> Lobbyist, interview 11/02/97

<sup>228</sup> Law Society, (1997)

me who I should contact and their 'phone numbers. It is better than using our own resources. It is a question of time and money."<sup>229</sup> GJW was especially effective in providing access to Labour.

On LLPs the lobbyist effectively built a coalition, which minimised dissent. However on liability GJW and LRG were ineffective in building a coalition. There was no agreement on policy. They failed because of "a lack of clarity about objectives and the people who need to be picked off. They have not done those things effectively."<sup>230</sup>

The coalition was accountant-led, and its policy objectives did not invite broad and stable coalitions. The firms' inability to build an effective coalition was the cause of their ineffectiveness. Contacts were important, but the failure to spot and cement connections with other interest-groups was debilitating. The evidence supports the hypothesis.

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

The campaign to limit liability was not restricted to the UK. The Big Five campaigned globally. In Jersey two firms contributed over £1m to the drafting of the Jersey LLP law, which even acknowledged the "contribution of Price Waterhouse, Ernst & Young and others... to the structure and detail of the draft law."<sup>231</sup>

The Big Five in the USA used their massive resources to run television-advertising campaigns to secure the support of politicians, businesses, journalists and academics.<sup>232</sup> The profession pumped millions of dollars into the campaign funds of key politicians. In the 1994 Congressional cycle it donated US\$3.6m.<sup>233</sup>

The chairman of the ICAEW Audit faculty argued in 1996 "this is just the start – it took the Americans four years to effect change... We

<sup>229</sup> Senior Partner 1, Big Five Firm A, interview, 04/08/98

<sup>230</sup> senior civil servant 10, interview, 18/09/98

<sup>231</sup> Draft Limited Liability Partnership (Jersey) Law 1995

<sup>232</sup> Sikka P., (1998)

<sup>233</sup> The American Institute of Certified Public Accountants gave US\$3.3m between 1991-95, including US\$350,000 to members of the House Commerce Committee responsible for pushing the legislation through. "Accountants' Liability Limited", *Accountant*, April 1995, p 16

have completed the first mile of a marathon – and this is a marathon we intend to finish and finish strongly.”<sup>234</sup>

The IGA account was worth £120,000. An IGA lobbyist argued money is important “not because it buys you access, but it gets you basic resources, it buys you focus, it buys you expertise.”<sup>235</sup>

The ICAEW has an annual PR budget of approximately £500,000.<sup>236</sup> The public ‘line’ was that the firms worked ‘in support’ of ICAEW. In reality the firms ran the show and a senior partner argued “any campaign of this kind has a cost to it in terms of intellectual energy and a financial cost as well because we employ people to do analysis. The firms have the resources that the Institute does not have.”<sup>237</sup>

GJW’s contract was worth over £300,000 a year.<sup>238</sup> This figure ignored the time spent by senior partners making representations and attending meetings. It excluded the legal advice, the research costs and fees of counsel.

### Economic Importance

The money spent campaigning is not always a significant determinant of effectiveness. The big firms are massive multi-national businesses. Their economic value and the number of employees affect how intently government listens to their arguments. The UK accountancy/audit market was estimated at £7.3bn.<sup>239</sup> UK fee income was estimated at £3.5bn a year.<sup>240</sup> Britain has over 250,000 qualified accountants: “the highest number of accountants per capita in the industrialised world and more than the rest of the European Union put together.”<sup>241</sup>

### Managerial Resources

Though firms devoted time to the campaign, the managerial resource has been poor because commercial pressures made it difficult to obtain agreement. The firms were often unwieldy with competing

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<sup>234</sup> “Thinking the Unthinkable on Joint and Several”, *Accountancy Age*, 30 May 1996, p 56

<sup>235</sup> IGA lobbyist 1, interview, 10/3/98

<sup>236</sup> *Accountancy*, September 1997, p 26

<sup>237</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

<sup>238</sup> Lobbyist, interview 26/11/97

<sup>239</sup> *Accountancy Age*, 4 September 1997

<sup>240</sup> *Financial Times*, 19 September 1997, see Cousins, J., et al (1998)

<sup>241</sup> Cousins, J., et al (1998)

interests. As a consequence LRG was lethargic. Partners found it difficult to relate to the political environment.

Officials regarded inability to co-operate as LRG's principal weakness. One argued "they do find it difficult to work together. [...] Their inability to get together and share information has delayed reform considerably."<sup>242</sup> The lowest common denominator became LRG policy: "they could never agree what it was they really wanted."<sup>243</sup>

The firms had an informal network. The most senior partners dined informally each month to discuss important matters. Below them audit, tax, law, and risk partners also dined regularly. LRG was the driving force and policy originator, rather than ICAEW, because senior partners lacked "confidence in the ability of the profession, through its trade association, to get its act together."<sup>244</sup> A City lawyer argued "the accountants fight like tigers amongst themselves."<sup>245</sup> In fact solidarity among the group disappeared when the government demanded evidence.<sup>246</sup> The collection of information caused them difficulties because they could not work together as a group.<sup>247</sup>

## Conclusion

The firms threw money at the campaign. Their ability to hire top quality political, legal and economic advisers enhanced their effectiveness.

However, managerially the campaign was weak. GJW was unable to co-ordinate the firms' activities effectively. They failed to act in harmony. Rivalry prevented the adoption of a common policy. The campaign would have been more effective had managerial resources been stronger. The evidence supports the hypothesis.

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<sup>242</sup> senior civil servant 10, interview, 18/09/98

<sup>243</sup> *ibid*

<sup>244</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>245</sup> City Law Firm representative 2, interview, 28/08/98

<sup>246</sup> Senior Partner 2, Big Five Firm D, interview, 26/08/98

<sup>247</sup> senior civil servant 7, interview, 01/10/98

## Low-profile Outsider tactics: Hypothesis Nine

Lobbyists will tend to be effective if they pursue low-profile 'external' tactics.

Frustrated at the glacial pace of policy-making, some firms pursued an insider and a low-profile external strategy concurrently. The external strategy had two themes: a threat to move off-shore, and an attempt to play governments off against one another. Some firms were unwilling to pursue the time-consuming strategy necessary to persuade government of their case. They moved to register outside UK jurisdiction as offshore centres engaged in a race to provide attractive regulatory environments.<sup>248</sup>

Professions considered registering in the Channel Islands.<sup>249</sup> E&Y and PWC offered, at their own expense, to draft a law in Jersey.<sup>250</sup> Amid controversy the States approved a LLP law. A Senator who championed the law was accused of a conflict of interest for using his influence to speed up the drafting of the law.<sup>251</sup> The law politicised Jersey politics and the process was investigated by a Committee of Inquiry.<sup>252</sup> The law was enacted in June 1998.<sup>253</sup>

The move off-shore can be understood only if observers are aware of the motives of the firms. Some firms saw Jersey as a viable alternative to the UK. One partner argued "we went to Jersey because we thought it was the place to go given the UK situation."<sup>254</sup> Partners believed ministers were unwilling to act.<sup>255</sup>

Sceptics argued Jersey was never a viable option, but was planned strategically as a lever. One senior partner said "we would be mad to go to Jersey."<sup>256</sup> Mitchell argues "the real intention behind the

<sup>248</sup> "More firms look to off-shore registration", *Accountancy Age*, 23 May 1996, p1; "LLP registration tempts Guernsey firms", *Accountancy Age*, 31 October 1996, p2. "Isle of Man to offer cut price LLPs", *Accountancy Age*, 29 August 1996, p9

<sup>249</sup> "Partnership law change faces firm reservations: Professional groups have criticised planned safeguards for creditors", *Financial Times*, 5 March 1997; "Limited Liability Partnerships: Protecting partners from Armageddon", *Accountancy*, 16 January 1996, p10

<sup>250</sup> Morris, P., and Stevenson, J., (1997). "Offshore Trusts – Jersey's Bold Move to LLPs: Limited Liability Partnerships are the latest Jersey initiative", *The Lawyer*, 26 March 1996, p 26

<sup>251</sup> Jeune had a financial interest in Mourant de Feu & Jeune, the firms' lawyers. See "Fresh blow to Jersey's Image", *Accountancy Age*, 29 August 1996, p1; "Jersey financial scandal is poised to ensnare Coopers", *Accountancy Age*, 5 September 1996, p2

<sup>252</sup> "Partnership law inquiry", *Financial Times*, 10 November 1996. The legislation's preface paid tribute to price Waterhouse, Ernst & Young for their contribution to the legislation.

<sup>253</sup> "Jersey enacts LLP law at last", *Accountancy*, June 1998, p20

<sup>254</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

<sup>255</sup> *ibid*

<sup>256</sup> Senior Partner 1, Big Five Firm B, interview, 05/08/98

Jersey flight is to hold the British Parliament and public to ransom and blackmail the UK into extending similar concessions.”<sup>257</sup>

However, to argue the move to Jersey was *planned* as a mechanism to pressure the UK government inflates the firms’ competence. In reality the firms stumbled to Jersey as a consequence of misreading the UK policy process. After all, had government “thought the action was inappropriate there are many ways government could have stopped it. It would not have been difficult to make Jersey unattractive to them.”<sup>258</sup>

LLPs were not raised with DTI until Jersey. The concept raised little difficulty for officials, but it was not something the firms ever asked for. They assumed they would not succeed. “That was a foolish assumption.”<sup>259</sup> Another official recalled asking a representative of the firms “ ‘why didn’t you come to us instead of going to Jersey? We would have been happy to run with it.’ The individual was non-plussed. They simply did not think of approaching us.”<sup>260</sup>

Mitchell’s argument is incorrect; however, the *unintended effect* was that Jersey became a political catalyst which engaged ministers. The threat of moving off-shore alarmed and activated government.<sup>261</sup> The Opposition supported the firms.<sup>262</sup> A senior partner described ministers and civil servants as “all running around like space cadets.”<sup>263</sup> An official put it more benevolently: the threat “meant ministers decided this area of law reform was a priority, which they had never previously seen it as.”<sup>264</sup>

Michael Heseltine’s proposed quick-fix option, based on secondary legislation to be operational by 1998, was dropped because it was unworkable.<sup>265</sup> A civil servant said “ministers, who never really

<sup>257</sup> Mitchell, A., (1996) “Limited Liability Through the Looking Glass”, *Accountancy*, August 1996, p62

<sup>258</sup> senior civil servant 8, interview, 21/10/98

<sup>259</sup> senior civil servant 9, interview, 19/10/98

<sup>260</sup> senior civil servant 8, interview, 21/10/98

<sup>261</sup> Sikka P., (1998). See *Financial Times*, 28 June 1996, p 22; 24 July 1996, p 9; HC Debs, WA, 7/11/1996 Col 700

<sup>262</sup> Bell argued “there must be reform of joint and several liability law to stop professions seeking out off-shore havens. “Bell, S. “View from the House – Government Paralysed by Threat of Jersey Move”, *Accountancy Age*, 8 August 1996, p52

<sup>263</sup> “Jersey law’s reception makes Brindle bridle”, *Accountancy*, September 1996, p29

<sup>264</sup> senior civil servant 9, interview, 19/10/98

<sup>265</sup> At the time Heseltine was Cabinet Office Minister. The Cabinet Office housed the Competitiveness Division. The Labour government returned the Competitiveness Division to the DTI. The plan was dropped because it would come too late to stop the rush offshore. “Tories plan Jersey quick-fix”, *Accountancy Age*, 18 July 1996, p1; “Isle of Man to offer cut price LLPs”, *Accountancy Age*, 29 August 1996, p9



understood how legislation worked, seemed to think that with a bit of goodwill they would get the whole thing through in 2-3 months. That talk was totally uninformed.”<sup>266</sup> Roger Freeman, junior Cabinet Office minister, recognised the case for protection against suits, but warned it would require primary legislation.<sup>267</sup> So a LLP consultation paper was published in January 1997.<sup>268</sup>

Jersey helped DTI put a LLP Bill in the queue for legislative time. “The prospect of a perceived loss of business to Jersey was a powerful jolt. [...] Jersey supplied an argument we could use when competing for scarce legislative time.”<sup>269</sup> By recognising the fragmented nature of government, it is possible to understand why DTI welcomed the higher profile of LLPs because it helped the department promote its legislation. The government was not a helpless bystander observing the overtures of powerful international accountancy practices.<sup>270</sup> In reality Jersey reflected the audit profession’s ignorance of British government.

#### Playing governments off against one another

The Big 5 are global players and sought to marshal their arguments internationally. The firms “exercised a campaign that keeps pressing on one country and saying ‘we are talking to another country and they are doing this, that and the other.’”<sup>271</sup> A number of countries have introduced some form of reform, including Switzerland, Australia and Canada. In Canada a Senate Committee recommended modified proportionate liability be introduced. The DTI was aware of the firms’ tactic. “The accountants and the audit profession operate on a world-wide basis very effectively, so we seek the views of the Australian and American governments as well as the European Union.”<sup>272</sup>

The USA is an important jurisdiction. Following a major litigation crisis in the early 1990s American firms sought a safer legal framework.<sup>273</sup>

<sup>266</sup> senior civil servant 9, interview, 19/10/98

<sup>267</sup> “Government pledges to resolve LLP problem”, *Accountancy Age*, 26 September 1996, p2. Heseltine in bid to stop Big Six move to Jersey: Accountants threaten offshore registration”, *Financial Times*, 15 June 1996.

<sup>268</sup> “Jersey stirs debate on professional liability – It seems that Jersey’s proposed LLP law has spurred the government on the mainland into action”, *The Lawyer*, 3 September 1996, p3

<sup>269</sup> senior civil servant 8, interview, 21/10/98

<sup>270</sup> As argued by Morris, P., and Stevenson, J., (1997)

<sup>271</sup> senior civil servant 7, interview, 01/10/98

<sup>272</sup> senior civil servant 10, interview, 18/09/98

<sup>273</sup> The seventh largest USA firm, Laventhol and Horwath, collapsed in 1990 amid US\$2bn in liabilities and growing fears about bankruptcy. The USA savings and loans crisis of the early 1990s saw state governments

When the company-friendly State, Delaware, recognised LLPs,<sup>274</sup> the big firms reorganised themselves at LLPs.<sup>275</sup> 46 states now have LLPs and were able to provide an inshore-'offshore' solution.<sup>276</sup>

By 1995 proportionate liability was on the legislative agendas of approximately half the States.<sup>277</sup> At least thirty-three states have either abolished or substantially limited joint and several liability.<sup>278</sup> Against the wishes of the President, who vetoed the Bill,<sup>279</sup> Congress passed the Securities Litigation Reform Act in late 1995.<sup>280</sup> In 1995 the Senate approved legislation that established damages (non-fraudulent) proportionate to their degree of liability.<sup>281</sup>

The civil service did not want Britain "to get into legislative arbitrage" though it recognised the need to ensure a competitive environment.<sup>282</sup> But the civil service was "always being told that other countries did this and that and the other. Half the time it was found not be true, or the circumstances were limited. You were always being told that other people had solved the problem and it was not true."<sup>283</sup> In fact the firms' tactics were

not effective because we talk to our counterparts in other countries, which neutralises their activity. [...] We are not out of line globally. The firms try to play off governments, and the first one to fall will put the rest at a disadvantage. So we do keep in touch. That is a totally informal network.<sup>284</sup>

## Conclusion

The Jersey threat was an unintentional success. The firms had not approached government about the possibility of UK LLP. They began the move off-shore on the assumption they had failed in the UK.

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act to limit liability. Anderson, D., et al, (1992). Arthur Andersen estimated USA firms faced claims of USA\$30bn. Fearnley, S., (1993) "Practical Answers Needed, Not Political Claptrap", *Accountancy*, December 1993, p76

<sup>274</sup> "Auditing firms – USA Big Six in move to limit liability", *Accountancy*, 15 July 1994, p11

<sup>275</sup> "USA firms go for LLPs", *Accountancy*, September 1994, p11

<sup>276</sup> "USA firms protect partners", *Financial Times*, 4 August 1994; Hamilton, R., (1995). Under the USA law partners' assets are protected if a lawsuit is brought against one of the partners. The assets of the firm and negligent partners are at risk.

<sup>277</sup> McLean, D., (1995) "Auditors' Liability: all they want is a level playing field", *Accountancy*, May 1995, p83

<sup>278</sup> Pressler, L., and Schieffer, K., (1988)

<sup>279</sup> The President opposed aspects of the law reform but he did not attack joint and several reform. The vote to over-ride the President's veto was 319-100 in the House of Representatives and 68-30 in the Senate.

<sup>280</sup> The Act relates to lawsuits over the purchase and sale of securities. Joint and several applies if defendants engaged in actual fraud. Proportionate liability applies otherwise, decided by the judge. The Act distinguished between consumer actions and larger business claims. "Accountancy: Congress comes to the aid of the Auditors. Richard Waters explains why USA firms feel a change in the law has given them some respite against liability injustices", *Financial Times*, 11 January 1996.

<sup>281</sup> "Senate passes limited liability legislation", *Accountancy*, August 1995, p12

<sup>282</sup> senior civil servant 9, interview, 19/10/98

<sup>283</sup> *ibid*

<sup>284</sup> senior civil servant 8, interview, 21/10/98

The threat heightened the issue's profile leading to pan-government pressure for a solution. DTI used this pressure to progress legislation. A senior partner argued "if we made a reasonable amount of progress quite quickly, it has got bugger all to do with the cohesiveness of the profession or GJW."<sup>285</sup> The low-profile external tactic to take business offshore had the unintended effect of spurring new and powerful coalitions within government, allowing LLP legislation to progress. The evidence supports the hypothesis.

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<sup>285</sup> Senior Partner 1, Big Five Firm D, interview, 17/08/98

# Conclusions

The accountants failed to achieve their primary goal of reforming the liability regime, but were effective with the subordinate objective of limiting risk to partners.

The ineffectiveness of the liability campaign was obvious for some time. Ever since the Law Commission's report the accountants have been losing. The policy outcome was determined principally by external factors. Factors within the lobbyist's control had little impact. An official argues "I do not know that a lobbyist would have been able to change anything by doing anything differently."<sup>286</sup>

This section summarises the external and internal variables that affected the policy outcome.

## External Variables

### Joint and Several (risk to the firm – Strand A)

Technical issue, but one with broad public-interest, legal and commercial implications. More variables made success less likely.

The issue could be characterised politically as a concession to a privileged special interest.

Low-profile, but to raise the profile risked weakening the fragile coalition, mobilising the opposition and jeopardising LLPs.

Complex and lengthy legislation. Ingrained common law concepts apply to the whole of tort and contract law – not just accountants.

Likely parliamentary opposition.

No broad coalition of support. Narrow coalition built on weak foundations.

No consensus on the causes of the problem. Being targeted as a 'deep pocket' affects only the bigger firms, inviting opposition from smaller partnerships. The people who want it appear to be those who deserve nothing.

Big legal change. There is no agreement on the appropriate reform. Lawyers do not want s310 reform, business does not want compulsory D&O insurance, investors and

### Limited Liability Partnership (risk to the partner – strand B)

Technical issue – excited no interest. It bored MPs, allowing it to slip by.

The issue was non-partisan.

The issue had a low-profile, which was raised effectively within government to engage ministers. If the issue had remained low-profile it would not have been effective

Short and straight-forward legislation taking little parliamentary time.

No parliamentary opposition.

Broad and committed coalition of support.

Consensus on the problem. All partners from partnerships of all sizes are subject to unlimited personal liability, inviting wide support.

Consensus on the solution.

<sup>286</sup> senior civil servant 7, interview, 01/10/98

venture capitalists do not want a statutory cap.

Potentially some important opponents, including BVCA, ABI, BBA and IoD. "A lack of clarity and opposition to it by the rest of industry signed its fate."<sup>287</sup>

No significant opponents.

Not politically attractive. No electoral reward. Manifesto commitment was fudged – a review will meet the pledge. One senior partner said, "it is of absolutely no interest to anyone, which is a recipe for a political disaster."<sup>288</sup>

Not politically attractive, but the legislation delivers another manifesto commitment that can be 'ticked off'.

Bad timing – fag end of a tired government that was not interested.

Good timing. Non-controversial legislation could be slotted into the legislative timetable around the time-consuming complex constitutional legislation.

Have not proved case. Government not convinced 'UK Plc' is disadvantaged by law of joint and several.

Case proven. Partnership Act dates back to 1907 and required modification. "Powerful arguments of greater flexibility and competitiveness."<sup>289</sup>

The alternatives are just as bad. Auditors are campaigning to shift the balance of responsibilities – shifting liability to other actors.

Change is relatively simple and does not adversely affect third parties.

In no other common law jurisdiction have the accountants been successful in achieving their objective on proportionate liability.

International comparison. The business vehicle existed in other jurisdictions, creating pressure on UK government.

The Law Commission concluded replacement of joint and several with proportionate liability was not desirable.

No official committees have opposed LLP reform.

Reform could be characterised as a concession to a privileged vested interest. The smaller firms want to retain J&S because litigation is deflected to the larger firms.

LLP reform can be characterised as modernising the business environment, providing a new trading vehicle.

Reform was out of step with government policy. The salary levels of senior partners concerned Labour ministers and DTI officials.

LLPs can be portrayed as being in line with government policy.

<sup>287</sup> senior civil servant 10, interview, 18/09/98

<sup>288</sup> Senior Partner 2, Big Five Firm A, interview, 15/9/98

<sup>289</sup> senior civil servant 8, interview, 21/10/98

## Internal Variables

### Joint and Several

Unwillingness to work closely with government and provide data.

Poor managerial resources. There has been a constant dilemma over tactics. DTI was exasperated with the failure of the five audit firms to agree a common position. They have found it difficult to work together to produce an all-embracing campaign. They had differing objectives.

The risk to firms is cyclical – campaign geared up when litigation was low.

No serious consideration, and no agreement on what concessions the accountants could offer government.

No burning platform. There were no low-profile external measures for the accountants to use to pressure decision-makers.

The joint and several commitment in the manifesto was fudged – government can fulfil the pledge by introducing a J&S into the Company Law Review

Big 5 had failed to limit their liability by means open to them

The firms had good access to government.

### Limited Liability Partnership

The little information that was requested was presented.

Good managerial resources. The Big Five, bar KPMG, were at one over the benefits of LLPs. They had a single objective.

The risk to partners is cyclical – but it did not affect the effectiveness of the campaign.

Government demanded public disclosure requirements and creditor guarantee procedures. Most firms favoured openness and transparency.

Burning platform of Jersey created pressure on government to act.

Good relations with Labour in Opposition. Relations with Bell were instrumental in getting the LLP commitment into the Business Manifesto.

There was no action within the firms' control which could alleviate the problem the faced.

The firms had good access to government.

An assessment of the hypotheses

The evidence suggests:

- 1) Lobbyists were of some importance. The LLP issue was technical, low-profile, and non-political, and when it faced a block the firms inadvertently raised its profile *within* government to engage senior players. J&S reform failed because government was hostile and the firms lacked recourse to other tactics
- 2) External contextual factors inhibited the lobbyist's effectiveness. The lobbyist was unable to overcome them.
- 3) LRG's objectives did not fit with government's. There was no political advantage from legislating on J&S, whereas LLPs were politically neutral. Lobbyists advised how LRG could fit their objectives to fit with government's.
- 4) The clients were already part of the policy community, but the lobbyists managed and co-ordinated their clients' activity more effectively.
- 5) Lobbyists pursued a restricted campaign. It concentrated on civil servants, ministers (and Cabinet Committees), and Labour front-benchers.
- 6) Familiarity with routines and SOPs was important. GJW's knowledge helped their client at key moments.
- 7) Lobbyists were significant in gaining access to Labour ministers and special advisers. The clients targeted officials.

- 8) The LRG's economic importance, and the firms' financial resources did not help the campaign. The campaign was injured by poor co-operation between the firms.
  
- 9) LRG pursued, by default, effective low-profile 'external' tactics.



# 8. Conclusions

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Policy-making takes place in a web of government players, outside interests and often lobbyists. Whilst researchers can usually spot when a decision was taken and by whom, it is more difficult to disentangle the contribution of lobbyists from all the other factors impacting on policy-makers. The difficulty with judging when lobbyists are effective is that policy decisions have been explained on various levels. There is often an element of truth in the various descriptions. The contradictions in the literature are variations that can be explained by attention to context.

The impact of lobbyists is variable. Effectiveness depends on context and circumstances. This thesis has elucidated the contexts under which lobbyists are effective. Since effectiveness cannot be whittled down to one variable, this section examines the hypotheses considered in this thesis.

## Macro-level

### Profile, technicality and politicality: Hypothesis One

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

This thesis examined four policy areas. Sunday trading was highly controversial, easily understood with a high public profile. CrossRail and JLE were medium-profile issues, which had technical and controversial elements. Professional liability was highly complex, non-political and not subject to much parliamentary, media or public attention.

The lobbyist can be effective on low-profile issues because government can deal with more issues simultaneously. Lobbyists tend to act as interpreters – explaining procedures and rules to clients, and their clients' policy objectives to decision-makers. Lobbyists are likely to be more

valuable to their clients on low-profile technical issues because outside organisations are less likely to know whom to approach or how.

In the most part campaigns on technical issues do not focus on parliament or the media. On highly technical matters civil servants want to talk to outside groups and lobbyists – they want information to inform policy-making.<sup>1</sup> Lobbyists know how to provide this information to make their client look good. A former minister argues lobbyists are more likely to be effective on small-scale issues. Lobbyists can “get a lot more small items dealt with successfully because they persuade the officials in the department to get it right in the first place. That is the best way – you deal only with officials.”<sup>2</sup>

Regulations may be of vital importance to a company or sector, but of little importance in high politics.<sup>3</sup> De-politicisation of issues can help negotiations. Lobbyists have the potential to be more effective on issues on which the government is unlikely to take a firm political stance. In addition, there are less likely to be organised opponents on low-profile, technical and non-political issues. The more visible the lobbying the more likely it is to produce equal and opposite reactions and bring other groups ‘out of their corner’. Bandwagons do not roll in low-profile lobbying.

One minister suggested private lobbying was more effective than high-profile lobbying. He claimed lobbyists “under-estimate how much more influential they are if they are quieter. As soon as they leap onto a platform and yell with a megaphone they do not have the same effect.”<sup>4</sup> High-profile games are more complex and there are multiple actors, and only a few issues can be handled at a time, making success less likely.<sup>5</sup>

When an issue is high-profile, civil servants produce for their minister a defence of the options available. Holding arguments are drafted to justify a range of possible decisions. Likewise, if there are a large number of groups ministers will seek to distance themselves from the lobbies. On the more important issues both sides of the argument may employ lobbyists, and their activities could cancel one another out.<sup>6</sup>

<sup>1</sup> senior civil servant 6, interview, 15/04/98

<sup>2</sup> former Minister for Transport 2, interview, 05/02/98

<sup>3</sup> Smith, M., (1986)

<sup>4</sup> former Minister for Transport 2, interview, 05/02/98

<sup>5</sup> Baumgartner, F., and Jones, B., (1993), p236

<sup>6</sup> Grantham, C., (1989)

Professional lobbyists may be effective on high-profile 'political' issues where there are significant political pressures for change, and they happen to be on the right side. In these circumstances the decision will turn not only on an analysis of the merits of a case, but on electoral considerations, political priorities, personalities and media interest.

Professional lobbyists have little influence on mega-issues like foreign policy and big economic changes. They may have some influence on high-profile domestic issues. But they tend to have more effect on low-profile, technical and non-political issues. On high-profile issues lobbyists are unlikely to be able to provide new information; therefore their value lies in raising political and emotional issues. Success then depends on whether the case is in-line with government policy or political beliefs and on favourable external factors beyond government's control.

The merits of a policy may not be the dominant factor in a large, high-profile issue, but they tend to be on low-profile issues. Lobbying on low-profile issues is frequently fact-based and concentrates on civil servants. Lobbying can encourage officials to think about new aspects of the case. On low-profile issues lobbyists do not pressure decision-makers, they improve their clients' presentation of its case.

The survey data confirm hypothesis one. Respondents believe lobbyists campaigning on low-visibility technical issues are more likely to be effective. On the high-profile Sunday trading campaign, the process spun out of control, so that no-one was in charge. As one civil servant said 'everyone was their own Home Secretary'. The high-profile, general and political nature of the issue meant there were many variables and pressure affecting decision-makers and the influence of lobbyists was limited.

CrossRail was a technical policy – one where observers might expect lobbyists to have been effective. However, lobbyists were generally ineffective. The only time they were effective was when they participated in a 'coalition campaign' to raise the issue's profile. The same is true of JLE. Had JLE remained a technical issue locked in the policy community, it is likely it would have failed. However, O&Y and Lowe Bell were extremely effective in raising its profile and engaging senior politicians. Both middle-profile case studies suggest lobbyists tend to be effective if, when facing

defeat on a technical issue, they raise the profile of the issue within government so it spills over the confines of those who conventionally deal with the issue and engages senior politicians.

Some issues are genuinely so uncontentious that governments of either party feel comfortable promoting them. Limited Liability Partnerships is one such issue, and lobbyists were partly effective because they took key messages to government and advised their clients how to operate in Whitehall. However, on general liability reform lobbyists were ineffective. Government was hostile, and the avenue open to JLE lobbyists (raise the profile) was not available because to have raised the profile would have threatened the LLP Bill.

The profile, the technical or political natures of the issue, though important, do not always determine the policy outcome. Other factors may predominate. Lobbyists *tend to be effective* when lobbying on uncontentious, low-profile, technical and non-political issues. On some low-profile, technical and non-political issues key government actors will have a view, which may conflict with the lobbyist's objective. There are 'blocking players' in pivotal positions (for example, DTp over JLE and Treasury over CrossRail). Lobbyists then face two options – defeat or adopt high-profile tactics. Effective lobbyists raise the profile of the issue *within* government – they engage more senior players to over-rule the blocking players. They do not heighten the issue's profile in the policy network – to involve more interest-groups, the media and parliament would increase the number of variables and increase the chances of lobbyists losing control of the game.

On those issues that begin as low-profile, the lobbyist who faces defeat can be effective by 'jacking up' the issue by adopting high-profile tactics and increasing the issue's profile *within* government.

The Reformulated Hypothesis is:

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues, but those lobbyists facing defeat can heighten the profile of the issue to increase its profile *within* government.

## External and contextual factors: Hypothesis Two

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

Lobbyists rarely associate the failure of their clients with any error on their part. Berry says “policy defeats are usually seen as being beyond the control of the lobbyist’s group...”<sup>7</sup> If policy defeats are beyond the control of the lobbyist, then it is possible to argue that policy victories are beyond their control. The policy-making system is not a hermetically-sealed box. External factors and institutions, and the outside world in general, structure the options open to government. Various factors affect a lobbying campaign, including changing business and social attitudes, the state of the economy, parliamentary make-up, the EU, courts, party reforms or official reports.

This thesis has examined disadvantageous external factors that hinder lobbyists, advantageous factors that help lobbyists and disadvantageous factors that can be overcome by lobbyists and politicians. The survey provides no clear answer about the effect of the lobbyist in the absence of contextual constraints – it suggests contextual factors are important variables when lobbying. In Sunday trading the principal disadvantageous contextual constraint was the government’s narrow parliamentary majority. Lobbyists could do little to overcome the ‘blocking’ Conservative MPs. CrossRail lobbyists faced disadvantageous external factors, and were incapable of dealing with the challenges they posed. They were equally ineffective when facing a factor beyond the control of key government players – Treasury intransigence. The economic context, which began positively, changed and injured CrossRail grievously.

In the liability case the economic environment should have helped the lobbyist but did not, because civil servants did not believe the lobby’s case. If the DTI had believed the firms’ case, it could have ignored the Law Commission’s conclusions. The Commission’s report was a useful shield to hide behind.

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<sup>7</sup> Berry, J., (1977), p278

External factors can assist a lobbying campaign. The Labour party's modernisation and social changes in the Sunday trading case helped SHRC and damaged KSSC. Labour and SHRC objectives merged. CrossRail was helped temporarily by a mingling of CrossRail and government objectives. Government continued CrossRail to show its commitment to London in the approach to elections.

Political autonomy and effective lobbying can overcome disadvantageous external or contextual constraints. Lobbying and political commitments mitigated the impact of constraints over JLE, which included a recession and the collapse of O&Y – JLE's principal advocate. Whilst CrossRail sank, JLE remained afloat despite a rougher storm. There was a battle within government as No 10, DoE and later DTp fought to keep JLE

The hypothesis, though mostly valid, does not always hold. Lobbyists *tend to be effective* if there are no disadvantageous external factors. The wider economic, political and judicial contexts affect the effectiveness of lobbyists. But, effective lobbying and the autonomy of senior government players can over-come contextual factors. Political actors can overcome negative external constraints. JLE faced similar external constraints to CrossRail, made worse by the collapse of O&Y. Lowe Bell ran an effective campaign, which involved the PM and defended DTp against Treasury.

The Reformulated Hypothesis is:

Lobbyists tend to be effective if there are no disadvantageous contextual constraints; but disadvantageous external factors can be overcome by skilled lobbying and the support of senior political players.

## **Pre-existing policy and experience of government players: Hypothesis Three**

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

Lobbying to achieve an objective that corresponds to what the government wants to do is likely to be effective. Government players are not sponges. Political actors have partisan agendas. Civil servants have public-interest objectives. Both have personal objectives. This thesis has shown that lobbyists can be helped if their case is congruous with the beliefs of ministers or the policy of the government, or undermined if the case is incongruous with either. Government autonomy and reformed pluralism make a valuable framework for assessing independent variables affecting policy outcomes.

'Bad' ideas are less likely to succeed, but many 'good' ideas are passed over. The quality of the case is supposedly an objective judgment. However, subjective political or partisan issues can over-rule 'objective merits'. If the implications of a policy change are extra expenditure, it may be difficult for lobbyists to achieve their goals. Heinz et al found lobbyists pay little attention to the funding implications of their demands, whilst most officials give the highest importance to budgets. Lobbyists are not indifferent to money, but they do not focus their major effort on it.<sup>8</sup> The evidence suggests they should focus on the cost implications of their proposals. In the CrossRail and JLE cases the cost of the policies was the central issue.

The survey found the pre-existing commitments of government players affected the effectiveness of lobbyists. Having a case in-line with government policy was important for effective lobbying.

SHRC's objectives were in-line with government's pre-existing policy and the beliefs of ministers. KSSC's beliefs conflicted with the views of ministers and the existing policy and themes of the government. Whilst SHRC and its lobbyists worked in support of government – their agenda

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<sup>8</sup> Heinz, J., et al, (1993)

amounted to the privatisation of the government's mandate – lobbyists had little effect. Despite ministers' emotional commitment to SHRC's objectives, government was restrained by 'hypothesis two' factors – those 'external constraints' beyond its control. Thus, whilst SHRC was advantaged, and KSSC disadvantaged, by the association of their objectives with government policy, SHRC's leverage could not be translated into victory because of contextual factors.

CrossRail was initially favoured because of the perceived partisan advantage the scheme delivered, as assessed by the Prime Minister. It succeeded because of a 'ten second political prejudice'. However, Major's premiership witnessed a strengthened Treasury. CrossRail fell foul of the Treasury 'view', as its officials and ministers worked to abandon CrossRail by arguing it was inconsistent with the government's medium-term objectives. IGA lobbyists were ineffective because the Treasury opposed CrossRail. Despite a formal commitment from DTp, there was no senior political commitment to CrossRail. This vacuum of support can be explained by CrossRail also conflicting with another policy objective – railway privatisation.

There was senior political support for JLE. Ministers were encouraged to assist O&Y because the scheme chimed in with government's agenda – redevelopment, private-sector involvement and symbolism. JLE was successful because of its connections to the government's political programme.

The broader liability campaign failed because neither the client nor the lobbyist could link the firms' objectives to government policy. The firms were unable to look beyond their own commercial desires. The issue was of such low-profile significance there was no association with political beliefs or pre-existing policy – and therefore no partisan advantage to be gained from acting. Thus liability reformed failed, whilst LLPs succeeded because it was such a non-contentious policy that a government of either party would have felt comfortable promoting it.

The civil service prevents lobbyists in the UK from having the degree of influence they have in America. A professional and unbiased civil service means the opportunities to be effective are limited. However, changes to the civil service have implications for lobbyists. The days of the Permanent



Secretary being the sole channel of advice to ministers are over. There has also been a reduction in the number of senior civil servants, and they are more policy managers and implementers than advisers.

The move to smaller and more junior teams offers the lobbyist the opportunity to weave and tuck to out-play the civil service. The decline of the senior generalist policy adviser means fewer officials in Whitehall today take the over-all view and examine wider ramifications. Policy advice has been 'privatised'; ministers listen to the wider community for advice, including lobbyists.<sup>9</sup> Because ministers deal increasingly with junior civil servants whom they neither know nor trust, lobbyists known to ministers can promote their client's interests more easily, threatening the public-interest and increasing the chances of 'policy disaster'.

Government actors have autonomy depending on context. Lobbyists tend to be effective if their objective is in-line with existing policy or political beliefs, unless the issue is of such a low-profile and highly technical that the political effect (negative or positive) of acting is negligible. The evidence supports the hypothesis.

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<sup>9</sup> Dargie, C., and Locke, R., (1999)

## **Meso-level**

### **Involvement in the policy-making process:**

#### **Hypothesis Four**

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

The policy-community is smaller than often portrayed in the literature. To all intents and purposes the 'community' comprised a consultation list. However, analysts focus on those groups who are *involved* in policy-making. This thesis challenges the association between insider status and influence. Many are considered insiders, but few have real influence. Most interest-groups were consulted and enjoyed good relations with government, but many of these interest groups did not have influence. The number of key players was small. So lobbyists were not important for inclusion, because many groups are included. Because so few interest-groups participate actively, lobbyists are effective because they can *manage* and *co-ordinate* their clients' activity and improve it.

Few groups get involved actively even when government widened the community. The survey confirms the hypothesis. Respondents believed that effective lobbyists included their client in the policy community.

In Sunday trading the policy-community was broken open. In the pre-Lloydian stage SHRC was included in the policy community, whilst KSSC was excluded. SHRC was granted access and given confidential information by ministers, PPSs and officials. KSSC was kept in the dark. Lobbyists did not assist the SHRC in accessing the community, but did help it manage its involvement more effectively. In the Lloydian period the government's slim parliamentary majority meant a whipped bill could not resolve the issue. Therefore the previously restricted policy community was opened to all interest-groups representing the major forces in the debate. Lobbyists played no role in involving the groups but made their actions more effective by skilful management.

CrossRail was 'of' government, and its promoters were ensconced in the formal policy community. The lobbyist played little role in involving its client. However, the formal policy community was not where the real decisions on CrossRail were made. In the main IGA was ineffective. Nevertheless at moments of crisis CrossRail and the 'CrossRail Coalition' mobilised and provided support to the Prime Minister and other ministers temporarily to defeat the Treasury. The ineffectiveness of the lobbyists was evident because they were unable to sustain the coalition over the long-term. The lobbyist's inability to project its client's voice in the arena that mattered ordained its failure. IGA's strategy was facile and did not target influential actors.

JLE shows that to be effective lobbyists do not have to include their client in the policy community. In fact the lobbyist extracted its client from the network and took the issue to Downing Street. The policy-community was over-ruled. Lobbyists and O&Y cultivated No 10, the Treasury and DoE and used them to 'lobby' on their behalf inside government. Lobbyists circumvented the established networks because they found them impenetrable.

The liability policy community was small and transient. It was dominated by 2-3 civil servants. The firms already worked with civil servants. Lobbyists were irrelevant to gaining access but helped co-ordinate the activity of the big firms. Lobbyists were also effective in penetrating the closed New Labour network, which helped the firms obtain a manifesto commitment. Lobbyist do not play much of a role in inserting clients into policy-communities. The client's status, objectives and behaviour will usually determine if it is included. The civil service is now open to representation and keen to encourage outside participation.

Lobbyists can be effective by inserting their clients, and managing their activity, in the arena where policy is decided. Inclusion in the policy community is not essential to effective lobbying. Lobbyists do play a role, which involves helping their clients manage their activity in networks, by co-ordinating activity and improving the quality of submissions and communication in general. Since lobbyists can be effective when their client is not included in the policy community, and lobbyists play little role

'including' their clients but more of a role managing their activity, the hypothesis needs to be reformulated.

The Reformulated Hypothesis is:

Lobbyists tend to be effective if they insert their client in the *arena where the policy is decided*, and manage their activity skilfully.

## **Multi-faceted lobbying: Hypothesis Five**

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

The survey findings did not support hypothesis five. They suggested it was more effective to conduct a single method approach rather than campaign using a combination of tactics.

In the Sunday trading case a multi-faceted campaign was key for effectiveness, though one element was more important than the others – constituency pressure. Both main interest-groups lobbied in government, parliament, the parties, the press and the public. KSSC was effective in mobilising the public minority hostile to liberalisation, creating the perception of widespread scepticism. Liberalisation lobbyists were unimportant in orchestrating media support because it was already ‘on-side’. But, lobbyists helped create the perception of a grass-roots demand for Sunday trading by assembling ‘astro-turf’ organisations. Though both sides pursued multi-faceted campaigns, they were focused at one target – parliament.

CrossRail lobbyists lost the battle inside government and were ineffective in launching a multi-faceted campaign to compensate. This inaction contributed to their ineffectiveness. Their concentration on backbenchers and party conferences ignored the real decision-makers and their ‘influence-factors’. IGA’s role was limited. A short-term burst of activity around the ‘CrossRail Coalition’ was multi-faceted and effective in buying stays of decision, but it was not sustained in the long-term.

On JLE the lobbyists and client eschewed a multi-faceted approach. Lobbyists concentrated on influential senior ministers and the No 10 network, because they recognised the policy would be driven forward by politicians. Civil servants, parliament, the media and the public were excluded. Though O&Y did lobby affected local authorities, MPs and the media, this activity was not to see the project succeed, but to ensure its success met with as little organised opposition as possible.

There was no multi-faceted campaign for liability reform. The campaign targeted civil servants. Parliament and the media were absent.

Parliamentary activity was often the consequence of government intervention (planted questions) or brief debates inspired by uninfluential but outspoken critics. There was no need for a multi-faceted approach – indeed it would have been ineffective and was actively discouraged by ministers and officials. Civil servants wanted the issue's profile to remain low. The firms were restricted from adopting a multi-faceted campaign on liability, partly because to have done so would have damaged LLPs.

This hypothesis may be more relevant to the USA and other federal systems where there are more routes into the diverse centres of power. In the UK power is concentrated at the centre. A multi-faceted campaign is not a requirement of an effective lobbying campaign. Targeting multiple points in the decision-making process can be damaging.

There is insufficient evidence to support the hypothesis. On low-profile, technical and non-partisan issues a multi-faceted approach can be ineffective.

The Reformulated Hypothesis is:

Lobbyists tend to be effective if they pursue a multi-faceted approach on high-profile, non-technical and partisan issues.

## Micro-level

### Routines and Standard Operating Procedures: Hypothesis Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

Effective lobbyists seemingly know the process. Much of the art of influence involves knowing who to contact, when and how, in a myriad of complex and compartmentalised public services. Even knowing the basics is important – such as whether No 10 is likely to be involved in a certain issue and how an issue links to the government’s wider agenda. It is possible to argue lobbyists do not need to be knowledgeable about rules and procedure because the system tells them what to do. Procedural information is easily accessible. One official said the “market is easily bamboozled. Anybody can buy the *Civil Service Yearbook* but few people do. Those who have taken the trouble to work through it and have worked out who does what, may appear to have access.”<sup>10</sup> There is no magic to understanding procedures, but they are often difficult to understand because the system does not communicate effectively. Lobbyists simply take the initiative to ask. They re-cycle information.

However, the survey showed it was important for lobbyists to know parliamentary rules and procedure (see Appendix A). In the Sunday trading case there was some evidence to suggest that lobbyists provided any advantage to their clients because of their procedural knowledge. The issue was highly political, requiring no detailed knowledge of Whitehall procedures. However, SHRC advisers had a greater level of expertise. GJW was effective because it advised SHRC on tactics to defeat the Powell Private Member’s Bill. In general, however, the system was unusually open and transparent.

On CrossRail IGA did not understand, or failed to provide a strategy to deal with, the informal procedures of the decision-making system. IGA

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<sup>10</sup> former senior civil servant 3, interview, 19/02/98

lacked an understanding of Whitehall processes, and its strategy focused on Westminster. Its advice was elementary. An official argued IGA's style of 'meeting and greeting' was counter-productive after the Nolan Committee. IGA's knowledge of procedure did not extend much beyond the provision of a Hansard monitoring service.

In contrast to IGA Lowe Bell was extremely effective in understanding the way decisions were really taken inside government. They and their client manoeuvred around the machine with skill – they side-stepped the civil service to deal directly with ministers. Lowe Bell helped O&Y avoid defeat at an early stage by dealing directly with ministers. O&Y claimed to have influenced the selection of a Commons Committee chair. GJW also provided information to civil servants about LT's behaviour in parliament.

Likewise GJW were effective in briefing its 'liability' clients on how to draft submissions, when to submit them, whom to call, when to call them, and how to make presentations to ministers. They understood the need to put the client first. GJW attended meetings with decision-makers infrequently but were involved in almost every aspect of their preparation. When necessary GJW participated in the process. GJW was central to the liability campaign. Its experience and knowledge of the process were important.

Most lobbyists spend their time advising clients how to present their case, conducting research, being helpful and maintaining cordial relations with decision-makers.<sup>11</sup> But effective lobbyists have a feel for the political process: an instinct as to what will work and what will not. They should know what arguments will influence politicians and civil servants. Interview respondents argued it was important to understand where the actors 'are coming from' and see them all as players in a game. Effective lobbyists understand how the 'political mind' works. Lobbyists should "know why a minister would want a quick win now, versus a slow long Bill, and what the inter-connecting rivalries are. It is psychology of politics which I think is important."<sup>12</sup>

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<sup>11</sup> See what Lewis Dexter wrote about Washington lobbyists in the late 1960s (Dexter, 1969b).

<sup>12</sup> Senior Retailer, interview, 4/6/1997



Some ministers and officials prefer to deal with lobbyists. One former minister argued “it can be a lot quicker, cleaner, and more efficient to deal with a lobbying company on behalf of a client rather than to deal with the bloody client.”<sup>13</sup>

Since the early 1990s advocacy by lobbyists received unwelcome press interest and was seen as increasingly suspect, and the contact described by the minister has declined. There has been a growth in shadow lobbying – where lobbyists act as facilitators, providers of contacts and strategic advisers, not advocates. Shadow lobbying is more effective than direct advocacy. Writing about lobbyist-advocacy Berry argued “if the messenger is suspect, the message will be suspect.”<sup>14</sup> Effective lobbying is limited to facilitation.

Clients are more effective because they have a real interest in the policy, which delivers credibility. One political adviser warned that lobbyists should never “go in [to meetings] and represent your client.”<sup>15</sup> A former political adviser believed “the client is much better than the lobbyist. The lobbyist usually has several agendas and does not know the detail. I and my colleagues would want to get back to the client.”<sup>16</sup>

Effective professional lobbyists are those whose presence decision-makers are scarcely aware of, making it even more difficult for researchers to examine their effect. One civil servant commented “a good lobbyist should not be seen.”<sup>17</sup> A Cabinet minister agreed: “the best lobbyists – you are not aware of their involvement. Not because they are hidden but simply what they are doing is getting the people who ought to be putting the thing forward, putting it forward.”<sup>18</sup> In some of the case-studies, apart from the initial introduction, ministers or officials rarely dealt directly with lobbyists. A former Cabinet minister said “I do not want to see lobbyists without the client. I much prefer to see the client without the lobbyist. If a letter arrived from Ian

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<sup>13</sup> former Minister for Transport 1, interview, 05/01/98

<sup>14</sup> Berry, J., (1989a), p143

<sup>15</sup> former political adviser 2, interview, 11/02/98

<sup>16</sup> former No 10 Policy Unit member, interview, 02/03/98

<sup>17</sup> former senior civil servant 3, interview, 19/02/98

<sup>18</sup> former Cabinet Minister 2, interview, 24/02/98

Greer or Burson-Marsteller or anybody else I would not put it in my bin, but I was always much more impressed when I got a letter from the client.”<sup>19</sup>

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process. The evidence supports the hypothesis.

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<sup>19</sup> former Cabinet Minister 1, interview, 29/01/98

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

### Contacts

The survey showed that good contacts with decision-makers are important for effectiveness (see Appendix A). Over Sunday trading the SHRC and the retailers had excellent contacts with the Conservative government, and the lobbyists' contacts counted for little. Contacts were not important for access, but did deliver information. Ministers often told SHRC and its lobbyists informally of recent developments. The lobbyists were effective in helping SHRC access the networks of modernising Labour MPs. They introduced their clients, built relationships and explained Labour politics. KSSC's contacts were less well developed. It had many supporters in all the main parties but they were detached from the party elites.

In the CrossRail case lobbyists were ineffective in providing introductions to decision-makers *who mattered*. IGA had excellent contacts in the Conservative Party. It lobbied MPs, arranged briefings and dinners, but one civil servant recalled IGA 'had never been anywhere near' him or his colleagues. Their lack of contacts in Whitehall was crippling. There is no suggestion that IGA's associations with senior Conservatives delivered any advantages to its client.

The JLE case shows contacts can be extremely helpful in influencing policy-makers. O&Y, an outsider in many senses, was transformed by Lowe Bell into a pre-eminent insider. Tim Bell's access was famed. His contacts helped O&Y to enter closed party networks. Politicians trusted Bell and his colleagues. Their contacts delivered early access to information.

In the 'liability' case the clients had better contacts with officials and Conservative ministers than the lobbyist. They were on the 'A-list for No 10 dinners' and partners in the firms knew most Cabinet ministers on Christian name terms. However, GJW was effective because of its contacts with Labour. Its promotional literature boasted of being able to put clients in

touch with the right people. It also operated effectively at the official level being discreet, trustworthy and professional.

Lobbyists claim to know influential decision-makers and have preferential access. Lobbyists consciously build networks. They persuade their clients to sponsor events at national and local government party conferences; business and political charitable events; political functions at constituency level; political seminars and fringe meetings. Consequently lobbyists can become useful to parties as a source of income.

Lobbyists probably have more effective contacts with politicians than with officials. "Ministers and their special advisers are probably more susceptible to lobbyists, particularly with a new government, particularly if they are dealing with friendly-faces – people they have worked with in the political environment in the past. They have access others would not."<sup>20</sup> Lowe Bell was perceived as the most effective consultancy during the Thatcher governments because of its access to and contacts with senior Conservative ministers. One former public affairs director notes, "the strength of Bell was his ability to introduce people to those in the closed circle through personal contacts."<sup>21</sup>

A lobbyist's access is, more often than not, the consequence of working for significant clients and not necessarily based on their own importance. Lobbyists do not have preferential influence. One former political adviser, now in business, recalls a take-over battle where the "bankers brought in a team of lobbyists from GJW. They were nice enthusiastic young men. I thought they were completely useless. They did not know anyone I did not know. They did not have a better view of it."<sup>22</sup>

Contacts are not essential, but they deliver intelligence and allow lobbyists to have issues and procedures explained to them. So it is wrong to claim contacts are not important: they are over-rated. Professional lobbyists portray a familiarity with politicians and those involved in politics. Contacts make lobbyists seem plausible. One lobbyist argued "knowing the key players is our stock in trade."<sup>23</sup> Contacts can be important and lobbyists are

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<sup>20</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>21</sup> former BR director 2, interview, 01/12/97

<sup>22</sup> former adviser to the Prime Minister 1, interview, 30/04/98

<sup>23</sup> IGA lobbyist 1, interview, 10/3/98

more likely to be effective with them than without them. The evidence supports the hypothesis.

## **Coalitions**

Whilst coalitions are neither necessary nor sufficient for effective lobbying, a broad coalition of support is a beneficial attribute. The survey showed that coalitions were very important for effective lobbying.

Over Sunday trading coalitions were central, but lobbyists played little role in spotting connections or building alliances. Groups tried to win over opponents and sceptics. SHRC undermined KSSC by moving onto its territory and recruiting USDAW. SHRC effectively portrayed its policy as a compromise, whilst KSSC was perceived as intolerant and inflexible. The regulators' merger came too late in the campaign to be taken seriously.

In CrossRail a long-term coalition would have been helpful but the client and lobbyists were unable to construct one. The transient CrossRail coalition, which was mobilised at critical moments, secured ephemeral victories. The short-term CrossRail coalition was rejected by civil servants using the 'Mandy Rice-Davies dismissive'. The coalitions reflected divisions with government – opponents allied with Treasury to heighten the profile of opposition.

In JLE there was no coalition; but one was unnecessary. O&Y's campaign was focused, almost exclusively, on three central departments. Opponents were limited. Third-party endorsement was not necessary because the project was in-line with government policy and had support from senior ministers.

In the 'liability' case broad support was fundamental, but eluded the firms. The firms and GJW managed a broad and united coalition on LLPs. On broader liability reform the firms could barely agree between themselves; the accounting profession was divided; and there was no harmony in the wider business community. Government demanded evidence of third-party support, believing if the firms could not persuade their clients then government was unlikely to be convinced.

Lobbyists' effectiveness depends on the extent of opposition to their objectives. Lobbyists can help build and sustain coalitions to convince officials they have broad support from important actors. Where the lobbyists work for a peak organisation with a sizeable membership or several clients on one issue, the lobbyist may be able to ensure cohesion and prevent divisions. Company directors, ingrained in their businesses, see other companies in their sector as competitors, not potential allies. Lobbyists, as observers, are able to spot shared objectives and connections. Lobbyists can be effective in bringing people together.

Lobbyists *tend* to be effective if they have good contacts. However, there is insufficient evidence to support the latter part of the statement. Coalitions and third-party allies may be unnecessary.

The Reformulated Hypothesis is:

Lobbyists tend to be effective if they possess the ability to spot connections to potential allies and to construct coalitions in cases where there is no political support from senior ministers.

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

Resources can be structural, and include the economic importance of the interest-group. More respondents to the survey (see Appendix A) thought the financial resources of the client were unimportant than important. Similarly they thought political donations and the lobbyist's salary were unimportant.

The effectiveness of the retail alliance in the Sunday trading case was enhanced by the size of their businesses, their number of employees and their significance to the British economy. KSSC had little structural resource. It relied on part-time volunteers. Its lack of resources prevented KSSC from hiring professional advisers early in the campaign, whereas SHRC was able to hire experienced lobbyists with contacts and knowledge of the system. The resource disparity was significant. SHRC's campaign utilised the massive resources of client companies, allowing it to fight on several fronts and be more effective.

CrossRail's resources were weak. Whilst it had access to money to hire lobbyists, one minister argued it would have been better for CrossRail to have spent more on lobbying. Ineffectual management caused CrossRail's frailty. It was weak, uncoordinated and divided. CrossRail was also constrained by its managing companies in what it could do.

O&Y by contrast, in the JLE case, was resource-rich. Its lobbying effort cost millions of pounds. Its management was focused, experienced and committed and it was not constrained by convention. It was able to hire advisers who recommended unconventional lobbying techniques which O&Y pursued with ardour. Because of the abundant resources lobbyists were able to add value – they helped make O&Y's lobbying more effective.

Similarly, resource constraints were not relevant to those firms campaigning for reform of the liability regime. The firms were global businesses and immensely powerful. In addition to numerous academic studies and the time of senior partners, the firms paid the lobbyist over £300,000 a year. However, the firms were weakened by a lack of agreement

at the senior level between the firms. The Liability Reform Group was lethargic and the firms' inability to co-operate was a principal weakness. Despite their resources the firms were ineffective.

Financial resources can be important, and allow the lobbyist to use all the tools at his disposal to run a campaign. Financial constraints can limit a programme of action thereby hindering effectiveness. However, financial resources are not key determinants of effectiveness. Though SHRC outspent KSSC, the outcome was not determined by the groups' budgets. The Big Five firms spent a large amount of money on the campaign, but were ineffective. Client commitment is an important resource: lobbyists need access to the right people at the right level in the client organisation. The commitment of senior executives is necessary. Weak and uncoordinated management leads to ineffectiveness.

Resources allow for effectiveness under particular circumstances.<sup>24</sup> It is not always those lobbyists with the greatest financial or managerial resources at their disposal that are effective. There are several dimensions to resources, including finance, national structure, number of staff, and the client's influence over the implementation of policy. The skill of the lobbyist is the deployment of these resources in an efficient manner. "In certain contexts, actors have more freedom to use resources than others."<sup>25</sup> Thus whilst context is important, evidence suggests the hypothesis is valid – lobbyists with more resources are more often effective. The evidence supports the hypothesis.

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<sup>24</sup> Dowding, K., (1991)

<sup>25</sup> Smith, M., (1999), p246



## **Low-profile Outsider tactics: Hypothesis Nine**

Lobbyists tend to be effective if they pursue low-profile 'external' tactics.

External tactics can be effectively pursued concurrently with insider/internal tactics, only if the external or 'outsider' strategy is low-profile. This distinction is not recognised in the literature. Restraints on groups, which encourage them to pursue low-profile methods, break down when groups are discontented, leading them to adopt controversial tactics.

Lobbyists pursuing ineffective low-profile insider strategies have several options. They can continue their low-profile strategy in the hope government will recognise their case. They can stop lobbying and lose. Or they can choose an 'external' strategy. There are two types of external strategy – low-profile and high-profile. High-profile external strategies involve mobilising electoral blocks: e.g. petitions, a media campaign or demonstrations.

Litigation, activity challenging the law and subtle 'threats' are low-profile external tactics. The evidence suggests 'external tactics' must be low-profile to be successful. These tactics often run parallel with tactics aimed at maintaining close 'insider' links with departments. In two of the four cases examined low-profile external tactics were used successfully.

Over Sunday trading the pro-liberalisation companies pursued a complex, time-consuming legal challenge to the ECJ that brought UK law into disrepute. SHRC retailers, frustrated at government's impotence, co-ordinated opening times to break the law and then appealed against enforcement. Their spurious defences made the Shops Act unenforceable. This external tactic was deliberate, planned and resourced. Despite causing government embarrassment and civil servants extra work, SHRC maintained warm and close relations with ministers and officials. The evidence suggests low-profile external tactics are valuable when the interest-group enjoys good relations with government.

In the 'liability' case the accountants also enjoyed good relations with government, but they too engaged in external tactics. They attempted to play governments off against one other, and threatened to take their

business off-shore. Like SHRC, the LRG was frustrated with the glacial pace of policy-making. The firms stumbled across Jersey as a consequence of their lack of knowledge about UK policy processes. The unintended effect was that the threat to move to Jersey became a catalyst, which engaged senior ministers who activated the government machine.

This thesis challenges the conventional view that insider groups in policy communities “respect certain ground rules – not least of which is avoiding actions that will embarrass the government.”<sup>26</sup> The evidence presented here shows that groups can maintain insider relations, be trusted and be given confidential information in addition to pursuing low-profile external tactics designed to embarrass and pressure government.

The tactic must be low-profile, with the objective being to raise the profile of the issue within government to involve higher-level political players. Lobbyists seek to change elite perceptions about an issue. They deal with the issue at the routine, mundane and conventional ‘official’ level until the prospect of failure or stonewalling means they have no other options. There is no longer the incentive for those losing the argument to continue abiding by the insider’s rules. Then, effective lobbyists raise the profile of the issue within government.

Using high-profile external tactics is high-risk and usually signals a failure to achieve objectives within the conventional process. They are rarely effective. However, when conventional methods have failed lobbyists can be effective if they pursue *low-profile* external tactics to raise the issue’s profile *within* government. The evidence supports the hypothesis.

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<sup>26</sup> Jordan, G., and Maloney, W., (1997), p568

## Conclusions

Whilst interest-groups may be central to the policy-making system, this thesis has shown lobbyists are rarely at the centre of the decision-making process. Lobbyists are ineffective unless the context is right. Effectiveness is often situation-specific and conditional on a host of external and internal variables. This thesis explored the influence of structure and context and the role of political constraints and government autonomy. It examined the influence of lobbyists within those constraints, and has shown that all actors, not just lobbyists, face external constraints, such as economic factors and judicial decisions, and other constraints (i.e. ultimately within the control of politicians), like political trends and perceptions. Lobbyists face internal constraints, like resources, their contacts, knowledge and the quality of their case.

Lobbyists just run with the crowd – they add or subtract a little along the way – policy is decided by bigger factors than lobbyists. Though they are active on many aspects of policy, lobbyists have little effect on policy outcomes. Their impact is at the margins of policy. The evidence suggests the ‘communications school of lobbying’ is more convincing. [see pages 5-10] Unless external circumstances are auspicious, lobbyists usually fail. Although lobbyists believe themselves to be effective, the evidence shows the perceptions they hold about their impact on policy-makers is, by and large, contrary to their real effect. Much of their influence is illusory. Their role is often over-played by the press. Though the number of lobbying companies has grown, their activity is concentrated in particular areas of domestic policy. A lot of their work is mundane – either post-box activity, or telling clients whom to write and talk to. Many lobbyists are glorified press officers – helping to publicise a client’s case. They often ‘hold hands’; accompanying clients that lack confidence into government.

These findings do not assume lobbyists do not add value to their clients. They do. Lobbyists can be effective when working on low-profile, technical and non-political issues; when there are no disadvantageous external factors; and if the issues fits government trends. Lobbyists can be successful if they include their clients in the arena where the policy will be

decided and manage their activity; if they pursue a multi-faceted approach on high-profile issues and a targeted approach on low-profile issues; if they are familiar with informal rules and SOPs; if they have good contacts and can construct coalitions when necessary and if their clients have sufficient resources.

It would also be wrong to conclude that lobbyists never influence policy, because the evidence has shown they sometimes do. Lobbyists can be a worthwhile investment. It is often rational for interest-groups to hire lobbyists because they bring economies of scale in services such as monitoring and contact-building, and they bring experience and educate clients. They introduce new ideas and a sense of realism. Most importantly, on occasions their involvement can overturn established procedures and affect policy outcomes.

# **Appendix A**

# **A. A Survey of Lobbyists**

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Appendix A tests the hypotheses presented in chapter three by using data from a survey carried out by the author. The questionnaire was designed by the author and sent to the managing director or senior officer responsible for government affairs in 935 public affairs consultancies, blue chip companies and some other organisations in the UK. Some trade associations and charities were included.

A business newsletter, *The Public Affairs Newsletter*, provided the survey data. Its database contained mainly corporate bodies, so those voluntary bodies, self-help groups and charities that are contained in other UK directories were excluded. The survey was targeted at consultants and their corporate customers.

A total of 935 questionnaires were sent in January 1998. Following a reminder letter, 225 replies were received: a response rate of 24 per cent.<sup>1</sup> The questionnaires were anonymous. It was not possible to determine which groups responded and which did not (though respondents were asked to self-identify). The survey's principal respondents can be placed into three categories – Public Affairs consultants (lobbyists), Public Relations consultants (also do lobbying work), and Company in-house teams (those who lobby from within the business). The survey did not ask about specific policy issues. It asked respondents to generalise about effective techniques and targets and other issues across the range of the issues they dealt with.

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<sup>1</sup> Of this number, 17 were incomplete or returned because the person to whom the survey was addressed had left the company, or because company policy was not to complete questionnaires.

## Presentation of the Data

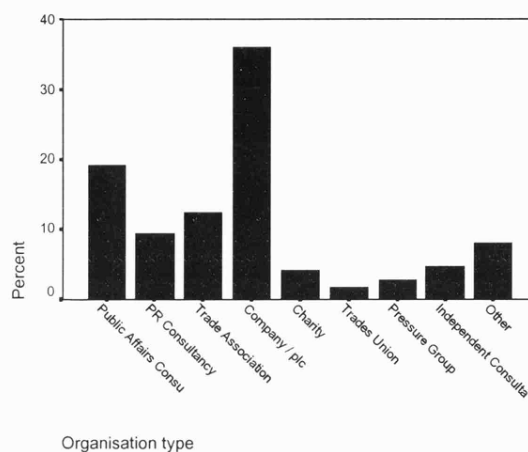
### Profile of the organisations surveyed

N = 207. Missing = 1

Table no: A.0.1

		Frequency	Valid Percent
Valid	1 Public Affairs Consultancy	40	19.3
	2 PR Consultancy	20	9.7
	3 Trade Association	26	12.6
	4 Company / plc	75	36.2
	5 Charity	9	4.3
	6 Trades Union	4	1.9
	7 Pressure Group	6	2.9
	8 Independent Consultant	10	4.8
	9 Other	17	8.2
	Total	207	100.0
Missing	System	1	
Total		208	

Figure no: A.0.1



Those who answered the questionnaire were asked to identify themselves by selecting one of nine categories. The largest category assessed in the survey are in-house company representatives – accounting for 36% of the sample. These respondents head government relations teams within large companies. Public affairs consultants make up 19% of the sample. Trade association representatives describe 13% of respondents.

# Macro-level

## Profile, technicality and politics: Hypothesis One

Lobbyists tend to be effective if they are lobbying on low-profile, technical and non-political issues.

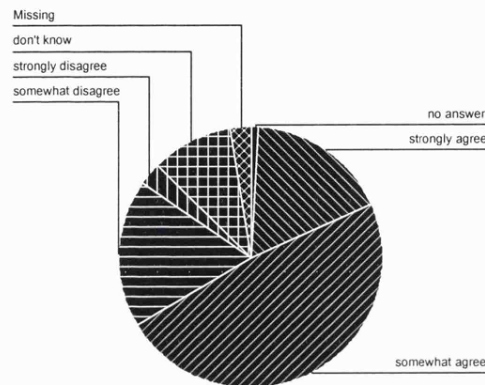
### Do you agree or disagree with the following statement? Lobbyists campaigning on low-visibility technical matters are more likely to be effective?

N = 203. Missing = 5

Table no: A.1.1

		Frequency	Valid Percent
Valid	no answer	2	1.0
	strongly agree	36	17.7
	somewhat agree	100	49.3
	somewhat disagree	38	18.7
	strongly disagree	6	3.0
	don't know	21	10.3
	Total	203	100.0
Missing	System	5	
Total		208	

Figure no: A.1.1



Title: Effectiveness related to low visibility, technical issues

Table no: A.1.1a	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Don't know	N
All	18	49	19	3	10	203
Public Affairs	23	44	23	5	3	39
Public Relations	15	60	15	0	10	20
Company	19	51	17	3	11	75
Trade Assoc.	16	40	28	4	8	25
Independent	23	56	0	0	23	9

### Comment

The majority of all respondents believe that lobbyists are more effective on low-profile policy issues. 18% *strongly agree* and 49% *somewhat agree*. Only 3% *strongly disagree* with the hypothesis.

Independent consultants, company lobbyists and public relations consultants are the groups that agree most strongly with the hypothesis, with 79%, 70% and 75% agreeing with the statement. 67% of public affairs consultants agree with the hypothesis.



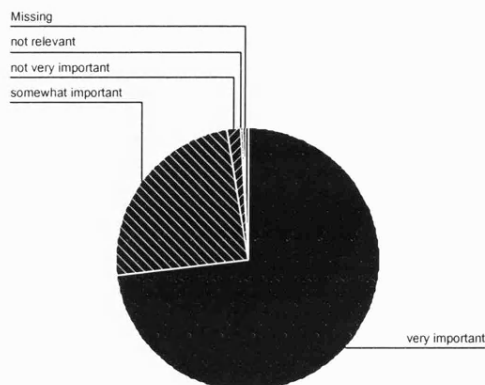
### When you are lobbying how important is it that you understand the technical issues of a policy?

N = 207. Missing = 1

Table no: A.1.2

		Frequency	Valid Percent
Valid	very important	152	73.4
	somewhat important	51	24.6
	not very important	3	1.4
	not relevant	1	.5
	Total	207	100.0
Missing	System	1	
Total		208	

Figure no: A.1.2



Title: The importance of understanding technical issues

Table no: A.1.2a	Very important	Somewhat important	Not very important	Not at all important	Not relevant	N
All	73	25	1	0	1	208
Public Affairs	75	25	0	0	0	40
Public Relations	80	20	0	0	0	20
Company	72	27	1	0	0	75
Trade Assoc.	81	15	0	0	0	26
Independent	60	30	10	0	0	9

#### Comment

When lobbying it is important to understand the technical detail of policy. A massive 98% of all respondents stated it was either *very important* or *somewhat important* to understand the technical issues of policy. Knowledge of the detail of policy is shown by the data to be an important determinant of effectiveness.

All public affairs consultants, public relations consultants and trade association representatives regard knowledge of technical detail as *very important* or *somewhat* along with 99% of company respondents.

### Judgement on Hypothesis One

Hypothesis one is confirmed by the data. All respondents believe lobbyists campaigning on low-profile technical matters are more likely to be effective. In addition, knowledge of the technical elements of policy is a pre-requisite to effective lobbying.

On technical, non-partisan issues of low-profile decision-makers are 'liberated' from other variables such as mass opinion, economic factors and party-political influence.<sup>2</sup> On these types of issues decision-makers do not have to choose between competing social groups since the issue usually has a narrow impact.

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<sup>2</sup> See Souraf, F.,(1992)

## External and contextual factors: Hypothesis Two

Lobbyists tend to be effective if there are no disadvantageous external or contextual constraints beyond the control of government players.

The survey asked the following question:

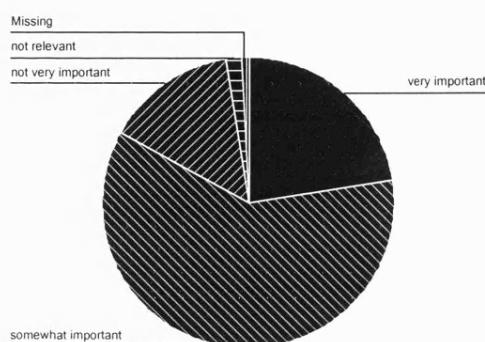
**In your lobbying how important are factors beyond the control of government (e.g. macro-economic factors)?**

N = 206. Missing = 2

Table no: A.2.1

Figure no: A.2.1

		Frequency	Valid Percent
Valid	very important	47	22.8
	somewhat important	126	61.2
	not very important	30	14.6
	not relevant	3	1.5
	Total	206	100.0
Missing	System	2	
Total		208	



Title: The Importance of External factors

Table no: A.2.1a	Very important	Somewhat important	Not very important	Not at all important	Not relevant	N
All	23	61	15	0	2	208
Public Affairs	23	63	15	0	0	40
Public Relations	5	75	20	0	0	20
Company	24	62	11	0	0	75
Trade Assoc.	35	50	15	0	0	26
Independent	33	33	33	0	0	9

### Comment

External factors are an important determinant of effectiveness. The economic environment, or national or supra-national judicial decisions, are significant factors when assessing the impact of lobbying. 23% of all respondents rate factors beyond the control of government as *very important* and 61% rate it as *somewhat important*. No respondents rate this external variable *not at all important*.

Around a quarter of public affairs consultants and company representatives regard contextual factors as *very important*, compared with only 5% of public relations consultants. However, around one third of both trade association representatives and independent consultants rate factors beyond the control of government as *very important*.

### Judgement on Hypothesis Two

The results are unclear. Hypothesis two is neither proved nor disproved by the data. The data simply show that external factors are important. However, it follows that advantageous external factors provide the environment in which a lobbyist might be effective. Similarly, a disadvantageous environment with external variables hostile to the lobbyist's objectives means success is less likely.

## Pre-existing policy and experience of government players: Hypothesis Three

Lobbyists tend to be effective if the beliefs of political decision-makers, pre-existing policy and previous experience of government players are congruent with the lobbyist's objective.

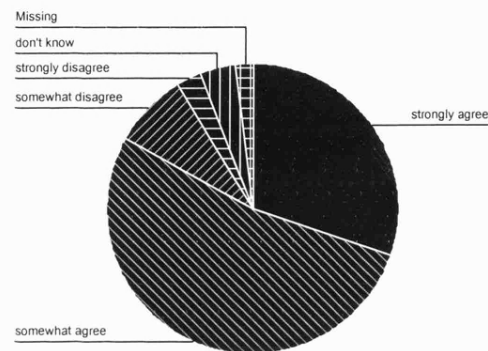
### Do you agree or disagree with the following statement? Pre-existing policy commitments of government players affect the effectiveness of the lobbyist.

N = 204. Missing = 4

Table no: A.3.1

		Frequency	Valid Percent
Valid	strongly agree	63	30.9
	somewhat agree	110	53.9
	somewhat disagree	17	8.3
	strongly disagree	6	2.9
	don't know	8	3.9
	Total	204	100.0
Missing	System	4	
Total		208	

Figure no: A.3.1



Title: The Impact of Pre-existing Commitments

Table no: A.3.1a	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Don't know	N
All	31	54	8	3	4	204
Public Affairs	35	55	10	0	0	40
Public Relations	15	55	20	5	5	20
Company	27	59	7	3	5	75
Trade Assoc.	40	48	8	0	4	25
Independent	22	67	0	11	0	9

### Comment

The pre-existing policy commitments of government players are an important determinant of effectiveness. 85% of all respondents regard pre-existing policy commitments as important factors that affect the effectiveness of the lobbyist – answering *strongly agree* or *somewhat agree*. Only 11% *somewhat disagree* or *strongly disagree* with the statement.

35% of public affairs consultants *strongly agree* with the statement, compared to 27% of company representatives and only 15% of PR consultants. A quarter of PR consultants *strongly disagree* or *somewhat disagree* with the statement.

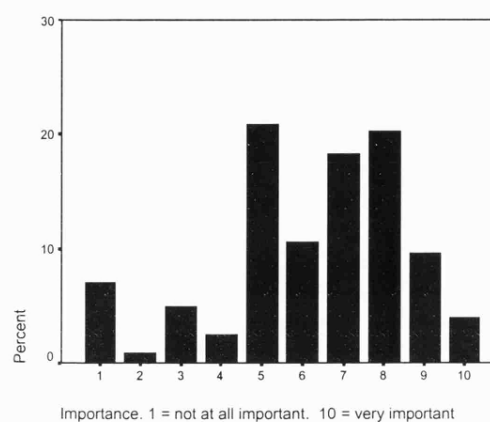
## How important is 'a case in line with government policy' for your organisation's lobbying?

N = 196. Missing = 12.

Table no: A.3.2

	Frequency	Valid Percent
Valid 1 not at all important	14	7.1
2	2	1.0
3	10	5.1
4	5	2.6
5	41	20.9
6	21	10.7
7	36	18.4
8	40	20.4
9	19	9.7
10 very important	8	4.1
Total	196	100.0
Missing System	12	
Total	208	

Figure no: A.3.2



Title: The importance of a case in line with government policy

Table no: A.3.2a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	8	8	32	39	14	196
Public Affairs	21	11	26	26	16	38
Public Relations	16	16	26	42	0	19
Company	4	7	25	53	12	73
Trade Assoc.	0	4	42	46	8	24
Independent	13	0	50	38	0	8

### Comment

53% of all respondents regard having a case in line with government policy as *very important* or *important*. Around one third of all respondents rate this attribute as neither important nor unimportant.

Company representatives are the most numerous in believing a case in line with government policy is significant for effectiveness. 65% rate it *important* or *very important*, compared with 42% of public affairs and public relations consultants. Whilst only 11% of company representatives think a case in with government policy is *unimportant* or *not at all important*, almost a third of public affairs and public relations consultants hold this view. Companies think a case in line with government policy is a more important determinant of effectiveness than do public affairs or public relations consultants.

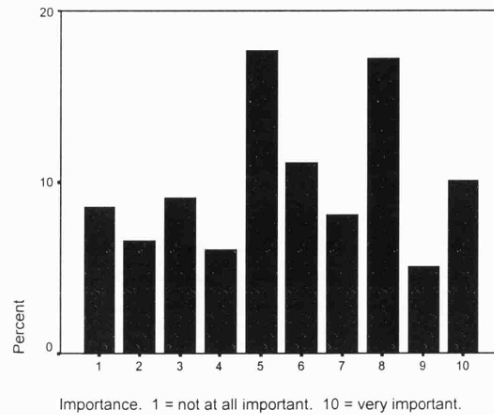
## How important is a case which is politically neutral for your organisation's lobbying?

N = 197. Missing = 11.

Table no: A.3.3

		Frequency	Valid Percent
Valid	1 not at all important	17	8.6
	2	13	6.6
	3	18	9.1
	4	12	6.1
	5	35	17.8
	6	22	11.2
	7	16	8.1
	8	34	17.3
	9	10	5.1
	10 very important	20	10.2
	Total	197	100.0
Missing	System	11	
Total		208	

Figure no: A.3.3



Title: The importance of a case that is politically neutral

Table no: A.3.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	15	15	29	25	15	197
Public Affairs	32	14	32	14	8	37
Public Relations	17	33	33	17	0	18
Company	11	18	20	37	15	74
Trade Assoc.	0	13	46	13	29	24
Independent	20	0	40	30	10	10

### Comment

The answers the data provide to this question are less evident than other variables. Here, only 15% rate a politically-neutral case as *very important*, and 25% rate it as an *important* resource. Around 30% of all respondents rate a politically-neutral case *neither important nor unimportant*, whilst 15% think it is *unimportant* and a further 15% rate it *not at all important*.

The split between the groups is similar to the previous question. Again, company respondents think a variable like the political neutrality of their case is more important in determining the effectiveness of the lobbying than do public affairs or public relations consultants. 52% of company respondents rate a politically-neutral case as *important* or *very important*, compared with 24% of public affairs consultants and 17% of public relations consultants. Similarly, whilst only 29% of company respondents think a politically-neutral case is *unimportant* or *not at all important*, 46% of public affairs consultants and 50% of public relations consultants hold this view.

### Judgement on Hypothesis Three

Hypothesis three is confirmed by the data. A majority of all respondents agree that pre-existing policy commitments of government players affect the effectiveness of the lobbyist. 53% of all respondents regard a case in line with government policy as *important* or *very important* for lobbying. It is better to have a case in line with government policy, than a case which is politically-neutral. 40% of all respondents think a case which is politically-neutral is *important* or *very important*.



## Meso-level

### Involvement in the policy-making process: Hypothesis

#### Four

Lobbyists tend to be effective if they can include their client in the policy community and manage their client's activity within that network.

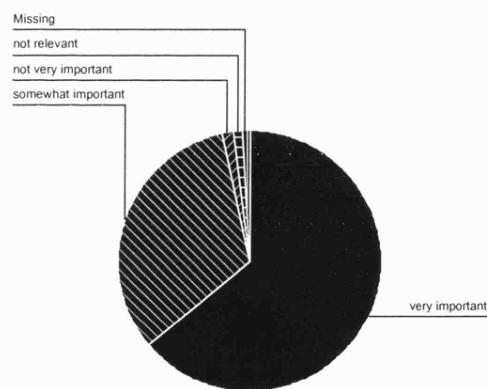
#### How important is it, when you lobby, to get into the network of interests involved in policy-making?

N = 206. Missing = 2.

Table no: A.4.1

		Frequency	Valid Percent
Valid	very important	133	64.6
	somewhat important	68	33.0
	not very important	3	1.5
	not relevant	2	1.0
	Total	206	100.0
Missing	System	2	
Total		208	

Figure no: A.4.1



Title: The importance of getting into the network of interests

Table no: A.4.1a	Very important	Somewhat important	Not very important	Not at all important	Not relevant	N
Public Affairs	85	13	3	0	0	40
Public Relations	60	30	5	5	0	20
Company	63	36	1	0	0	75
Trade Assoc.	62	39	0	0	0	26
Independent	44	56	0	0	0	9

#### Comment

98% of all respondents believe getting into the policy network is *somewhat important* or *very important*. Only 3% think it is *not very important*.

85% of public affairs consultants believe getting into the network of interests is *very important*, compared with 60% of public relations consultants and 63% of company representatives.

#### Judgement on Hypothesis Four

This hypothesis is confirmed by the results. All categories of respondents believe it is a necessary requirement for effectiveness that they include themselves or their client in the network of interest involved in policy-making.

## Multi-faceted lobbying: Hypothesis Five

Lobbyists tend to be effective if they pursue a multi-faceted approach and facilitate access to multiple points in the decision-making process.

Respondents were asked to assign each of the following campaign techniques a mark out of ten in terms of their effectiveness.

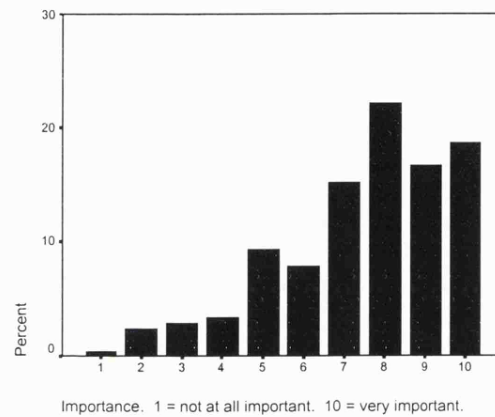
### Briefing MPs privately

N = 202. Missing = 6.

Table no: A.5.1

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	2	5	2.5
	3	6	3.0
	4	7	3.5
	5	19	9.4
	6	16	7.9
	7	31	15.3
	8	45	22.3
	9	34	16.8
	10 very important	38	18.8
	Total	202	100.0
Missing	System	6	
Total		208	

Figure no: A.5.1



Title: The importance of briefing MPs privately

Table no: A.5.1a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	3	7	17	38	34	202
Public Affairs	0	13	21	29	37	38
Public Relations	0	10	10	45	35	20
Company	0	4	19	48	29	75
Trade Assoc.	12	4	16	40	28	20
Independent	13	13	13	38	25	8

### Comment

Briefing MPs privately is rated as *very important* by 34% of all respondents and as *important* by 38% of all respondents. 10% rate privately briefing MPs as *unimportant* or *not at all important*.

77% of company representatives think briefing MPs privately is *important* or *very important*, compared with 66% of public affairs consultants and 80% of public relations consultants.

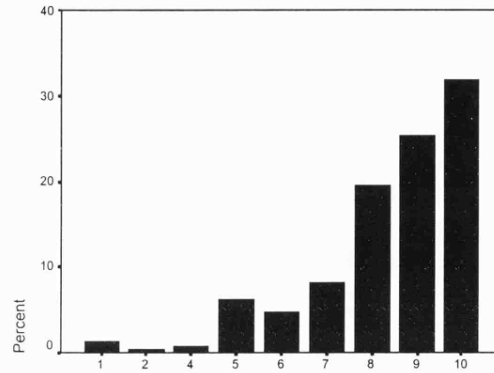
### Briefing ministers privately

N = 203. Missing = 5

Table no: A.5.2

		Frequency	Valid Percent
Valid	1 not at all important	3	1.5
	2	1	.5
	4	2	1.0
	5	13	6.4
	6	10	4.9
	7	17	8.4
	8	40	19.7
	9	52	25.6
	10 very important	65	32.0
	Total	203	100.0
Missing	System	5	
Total		208	

Figure no: A.5.2



Importance. 1 = not at all important. 10 = very important.

Title: The importance of briefing ministers privately

Table no: A.5.2a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	2	1	11	28	58	203
Public Affairs	0	3	19	39	40	38
Public Relations	0	0	10	30	60	20
Company	1	0	11	28	60	75
Trade Assoc.	4	4	12	15	65	26
Independent	12	0	25	25	38	8

#### Comment

Almost 60% of all respondents think briefing ministers privately is *very important*. A further 28% regard it as *important*. Only 3% rate briefing ministers as *not at all important* or *unimportant*.

Public relations consultants and company representatives hold similar views on the importance of briefing minister privately; 60% of both categories rate private briefings of ministers as *very important*, and 30% and 28% respectively rate it *important*. Whilst a majority of public affairs consultants think briefing ministers privately is *important* and *very important* (79%) a significant proportion – 19% – rate it as *neither important nor unimportant*, around ten percent higher than the numbers of public relations consultants and company representatives.

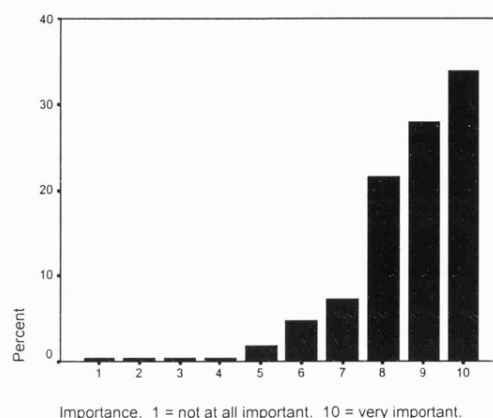
### Briefing officials privately

N = 203. Missing = 5.

Table no: A.5.3

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	2	1	.5
	3	1	.5
	4	1	.5
	5	4	2.0
	6	10	4.9
	7	15	7.4
	8	44	21.7
	9	57	28.1
	10 very important	69	34.0
	Total	203	100.0
Missing	System	5	
Total		208	

Figure no: A.5.3



Title: The importance of briefing officials privately

Table no: A.5.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	1	7	29	62	203
Public Affairs	0	0	16	26	58	38
Public Relations	0	0	15	30	55	20
Company	0	1	5	39	55	75
Trade Assoc.	0	0	0	12	88	26
Independent	13	0	12	13	62	8

### Comment

Briefing officials privately is an important tactic. 62% of all respondents think it is *very important* whilst a further 29% regard it as *important*.

Public affairs consultants think briefing officials privately is more important than briefing ministers privately. Here 58% of public affairs consultants rate the tactic as *very important* which is similar to the 55% of company representatives and public relations consultants rating it as *very important*. 39% of company representatives think briefing officials privately is *important* and only 5% think it is *neither important nor unimportant*. This figure compares with 16% of public affairs consultants, and 15% of public relations consultants who rate private briefings for officials as *neither important nor unimportant*.

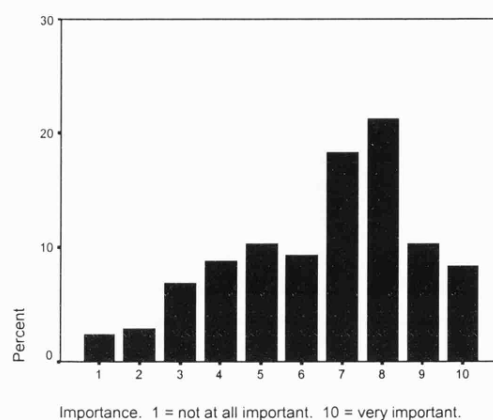
## A media campaign

N = 201. Missing = 7.

Table no: A.5.4

		Frequency	Valid Percent
Valid	1 not at all important	5	2.5
	2	6	3.0
	3	14	7.0
	4	18	9.0
	5	21	10.4
	6	19	9.5
	7	37	18.4
	8	43	21.4
	9	21	10.4
	10 very important	17	8.5
Total		201	100.0
Missing	System	7	
Total		208	

Figure no: A.5.4



Title: The importance of a media campaign

Table no: A.5.4a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	6	16	20	40	19	201
Public Affairs	0	19	14	46	22	37
Public Relations	0	5	15	50	30	20
Company	8	23	30	34	6	74
Trade Assoc.	8	12	19	42	19	26
Independent	25	13	25	12	25	8

### Comment

A media campaign has luke-warm support. Around a fifth of all respondents regard a media campaign as *very important*, with 40% rating it important. A further fifth rate a media campaign as *neither important nor unimportant*, whilst 22% think tactics involving the media are *unimportant* or *not at all important*.

The split between the categories here is evident. Only 6% of company representatives think a media strategy is *very important*, compared with 30% of public relations consultants and 22% of public affairs consultants. Further 50% of public relations consultants think a media strategy is *important* compared with 46% of public affairs consultants and 34% of company respondents. Only 5% of PR consultants rate a media campaign as *unimportant* or *not at all important*, compared with almost a fifth of public affairs consultants and almost a third of company representatives.



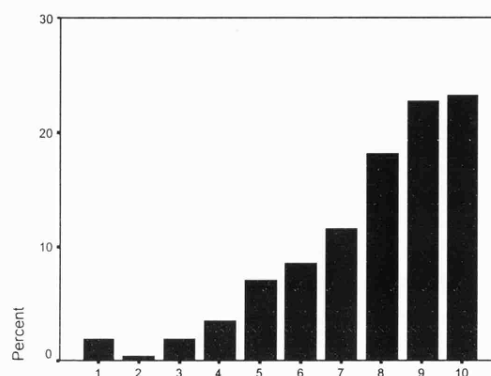
### Combination of both media campaign and private briefings

N = 197. Missing = 11.

Table no: A.5.5

	Frequency	Valid Percent
Valid 1 not at all important	4	2.0
2	1	.5
3	4	2.0
4	7	3.6
5	14	7.1
6	17	8.6
7	23	11.7
8	36	18.3
9	45	22.8
10 very important	46	23.4
Total	197	100.0
Missing System	11	
Total	208	

Figure no: A.5.5



Importance. 1 = not at all important. 10 = very important.

Title: The importance of a combination of both media and private briefings

Table no: A.5.5a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	3	6	16	30	46	197
Public Affairs	0	3	19	32	46	37
Public Relations	0	0	5	30	65	20
Company	4	10	24	38	24	71
Trade Assoc.	4	8	8	33	46	24
Independent	12	13	12	13	50	8

#### Comment

A combined strategy is more effective than a media campaign and briefing MPs privately, but less effective than briefing ministers or officials privately. 46% of all respondents regard a combination of public campaign techniques and private briefings to be *very important* whilst a further 30% think it is *important*.

Again, public relations consultants think a combined strategy is worthwhile – with 95% of respondent rating it *important* or *very important*. Company respondents and public affairs consultants are less enthusiastic, with respectively 62% and 78% rating it *important* or *very important*. 14% of company representatives think a combined strategy is *unimportant* or *not at all important*.

A comparison of means for different lobbying strategies

Table no: A.5.6	All	PA	PR	Comp	Trade Assoc.	Independent
Officials privately	8.62	8.39	8.5	8.53	9.46	8.62
Ministers privately	8.35	7.95	8.65	8.43	8.35	8.35
Combination	7.79	7.95	8.8	6.87	7.79	7.79
MPs privately	7.48	7.29	7.8	7.59	6.96	7.48
Media Campaign	6.54	6.89	7.75	5.58	6.5	6.54

Judgement on Hypothesis Five

The hypothesis was not confirmed by the data. The most important lobbying strategy was to brief civil servants privately. Briefing ministers privately was rated second. A public or media campaign was thought to be the least effective campaign strategy by all respondents. A multi-faceted strategy combining both high-profile and low-profile tactics was rated third. This finding suggests that lobbyists are used to using low-profile tactics, like private briefings associated with low-profile, technical non-political issues (see hypothesis one).

Analysis of the categories of respondents shows that public relations consultants think a combined multi-faceted strategy is most effective – confirming the hypothesis. However, both public affairs consultants and company representatives rate private briefings of civil servants as the most effective strategy. Public affairs consultants rate a multi-faceted strategy joint second, whilst company representatives rate it fourth out of five



## Micro-level

### Routines and Standard Operating Procedures: Hypothesis

#### Six

Lobbyists tend to be effective if they are familiar with routines and standard operating procedures and know when and where to intervene in the policy-making process.

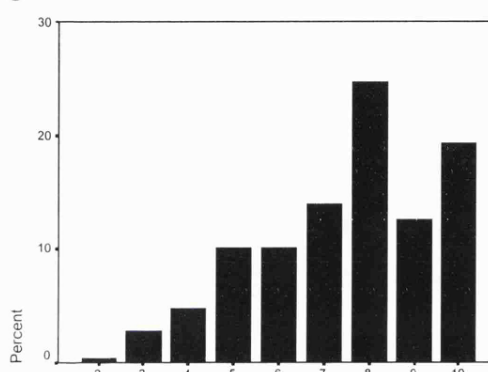
#### How important is knowledge of parliamentary procedure for your organisation's lobbying?

N = 205. Missing = 3.

Table no: A.6.1

Figure no: A.6.1

		Frequency	Valid Percent
Valid	2 not at all important	1	.5
	3	6	2.9
	4	10	4.9
	5	21	10.2
	6	21	10.2
	7	29	14.1
	8	51	24.9
	9	26	12.7
	10 very important	40	19.5
	Total	205	100.0
Missing	System	3	
Total		208	



Importance. 1 = not at all important. 10 = very important.

Title: The importance of knowing parliamentary procedure

Table no: A.6.1a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	8	20	39	32	205
Public Affairs	0	5	8	36	51	39
Public Relations	0	10	15	45	30	20
Company	0	9	32	43	16	75
Trade Assoc.	0	0	28	52	20	25
Independent	0	22	11	33	33	9

#### Comment

Knowledge of parliamentary procedure is a significant internal variable. 71% of all respondents rate it *important* or *very important*. A fifth rate understanding how parliament works as *neither important nor unimportant*. 8% think it is *unimportant*.

Public affairs consultants are the category most likely to think knowledge of parliamentary procedure is valuable. 51% of public affairs consultants rate it as *very important*, compared with 30% of public relations consultants and 16% of company representatives. Around one third of company representatives are indifferent about parliamentary procedure – rating it *neither important nor unimportant*, compared to only 8% of public affairs consultants and 15% of public relations consultants.

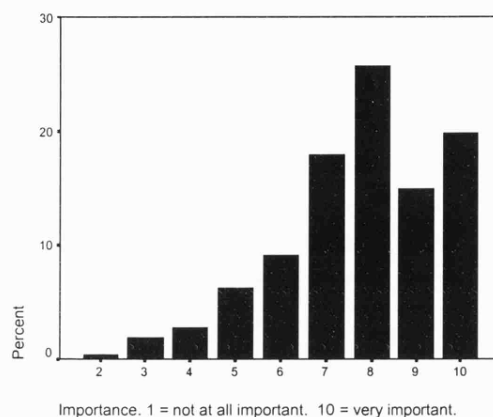
### How important is knowledge of official procedure for your organisation's lobbying?

N = 205. Missing = 3.

Table no: A.6.2

	Frequency	Valid Percent
Valid 2 not at all important	1	.5
3	4	2.0
4	6	2.9
5	13	6.3
6	19	9.3
7	37	18.0
8	53	25.9
9	31	15.1
10 very important	41	20.0
Total	205	100.0
Missing System	3	
Total	208	

Figure no: A.6.2



Title: The importance of knowing official procedure

Table no: A.6.2a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	5	16	44	35	205
Public Affairs	0	3	8	38	51	39
Public Relations	0	11	26	47	21	19
Company	1	7	24	51	17	75
Trade Assoc.	0	0	8	42	50	26
Independent	0	11	22	33	33	9

#### Comment

The profile of respondents' answers to the importance of knowing official procedure is similar to the importance of knowing parliamentary procedure. 35% rate this knowledge as *very important*, whilst 44% think it is *important*. 16% regard knowledge of official rules as *neither important nor unimportant*, whilst the remainder – 6% – rate it *unimportant* or *not at all important*.

Knowledge of official rules is more important to public affairs consultants than any other category of respondent. 51% regard this knowledge as *very important* compared with 21% of public relations consultants and 17% of company representatives. Only 11% of public affairs consultants rate knowledge of official procedure as *neither important nor unimportant* or lower. This figure compares to 37% of public relations consultants and 32% of company representatives.

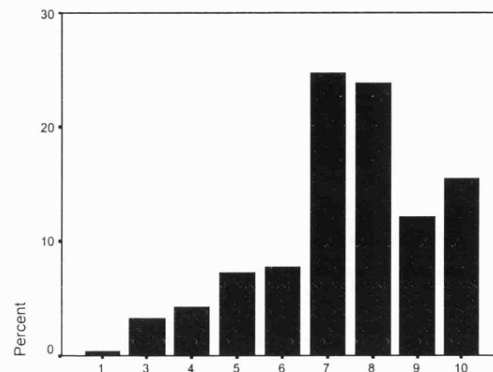
### How important is knowledge of informal rules for your organisation's lobbying?

N = 205. Missing = 3.

Table no: A.6.3

	Frequency	Valid Percent
Valid 1 not at all important	1	.5
3	7	3.4
4	9	4.4
5	15	7.3
6	16	7.8
7	51	24.9
8	49	23.9
9	25	12.2
10 very important	32	15.6
Total	205	100.0
Missing System	3	
Total	208	

Figure no: A.6.3



Importance. 1 = not at all important. 10 = very important.

Title: The importance of knowing informal rules

Table no: A.6.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	8	15	49	28	205
Public Affairs	0	5	8	47	40	38
Public Relations	0	20	25	35	20	20
Company	0	9	18	57	16	75
Trade Assoc.	0	0	8	54	38	26
Independent	0	10	10	60	20	10

#### Comment

Respondents are less sure about the importance of knowing the informal rules when compared to the importance of knowing the formal rules. Only 28% of all respondents think knowledge of the informal rules is *very important*. However, 49% regard this knowledge as *important*.

As with the previous two variables, public affairs consultants rate knowledge of informal rules more highly than other respondents. 40% of public affairs consultants think it is *very important* compared with a fifth of PR consultants and 16% of company respondents. Similarly whilst only 13% of public affairs respondents rated the importance of this variable *neither important nor unimportant* or lower, 45% of public relations consultants and 27% of company representatives did so.

A comparison of means for different lobbying knowledge

Table no: A.6.4	All	PA	PR	Comp	Trade Assoc.	Independent
Official Procedure	7.75	8.33	7.42	7.03	8.42	7.56
Parliamentary Procedure	7.51	8.31	7.6	6.77	7.64	7.11
Informal Rule	7.44	8.05	6.60	7.09	8.08	7.60

Judgement on Hypothesis Six

All respondents rate knowledge of parliamentary procedure, official procedure and informal rules as significant explanatory variables. Therefore the hypothesis was confirmed by the data. Lobbyists rate familiarity with the routines and standard operating procedures as an important tool for effective lobbying. Public affairs consultants rate them more highly than other categories of respondents.

## Contacts and Coalitions: Hypothesis Seven

Lobbyists tend to be effective if they have good contacts and can spot connections to potential allies and can construct coalitions.

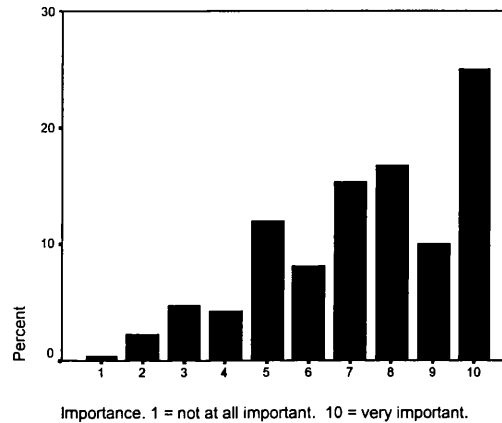
### How important is a good contact network of MPs?

N = 207. Missing = 1.

Table no: A.7.1

	Frequency	Valid Percent
Valid 1 not at all important	1	.5
2	5	2.4
3	10	4.8
4	9	4.3
5	25	12.1
6	17	8.2
7	32	15.5
8	35	16.9
9	21	10.1
10 very important	52	25.1
Total	207	100.0
Missing System	1	
Total	208	

Figure no: A.7.1



Title: The importance of a good contact network of MPs

Table no: A.7.1a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	3	9	20	32	36	207
Public Affairs	3	10	25	13	40	40
Public Relations	5	15	35	25	20	20
Company	0	5	21	44	29	75
Trade Assoc.	8	4	23	31	35	26
Independent	11	33	0	33	22	9

### Comment

Good contacts with MPs are regarded as *very important* by 36% of all respondents, and *important* by 32%. A fifth think a good contact network of MPs is *neither important nor unimportant* whilst 12% rate contacts with MPs as *unimportant* or *not at all important*.

More public affairs consultants rate contacts with MPs as *very important* than any other category of respondent. Two fifths of public affairs consultants, compared to one fifth of public relations consultants and around one third of company representatives. However, 44% of company respondents do rate good contacts with MPs as *important* compared to 13% of public affairs consultants. Significant numbers of respondents are grouped in the centre of the spectrum – a quarter of public affairs consultants, a around a third of public relations consultants and around one fifth of company representatives believe contacts with MPs are *neither important nor unimportant*.

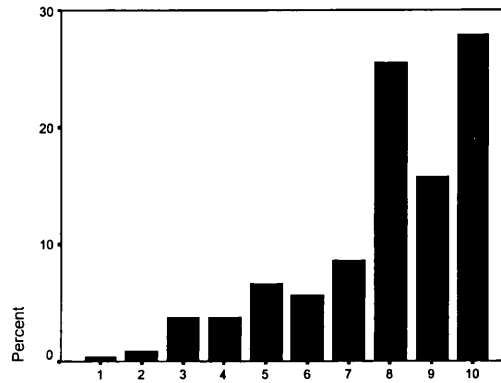
## How important is a good contact network of ministers?

N = 207. Missing = 1.

Table no: A.7.2

Figure no: A.7.2

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	2	2	1.0
	3	8	3.9
	4	8	3.9
	5	14	6.8
	6	12	5.8
	7	18	8.7
	8	53	25.6
	9	33	15.9
	10 very important	58	28.0
Total		207	100.0
Missing	System	1	
Total		208	



Importance. 1 = not at all important. 10 = very important.

Title: The importance of a good contact network of ministers

Table no: A.7.2a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	2	8	13	34	44	207
Public Affairs	3	8	20	40	30	40
Public Relations	0	25	20	30	25	20
Company	0	4	9	43	44	75
Trade Assoc.	0	8	8	15	69	26
Independent	11	22	22	22	22	9

### Comment

The spread of responses is broadly similar to the previous answer. However, 44% of all respondents rate a good contact network of ministers as *very important*, followed by 34% who regard it as *important*. Only one tenth of all respondents think good contacts with ministers is *unimportant* or *not at all important*.

Trade associations value contacts with ministers most highly followed by company representatives; respectively 69% and 44% labelling it *very important*.

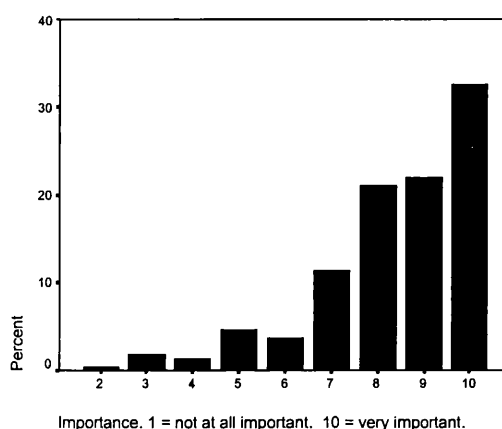
## How important is a good contact network of officials?

N = 208. Missing = 0.

Table no: A.7.3

	Frequency	Valid Percent
Valid 2 not at all important	1	.5
3	4	1.9
4	3	1.4
5	10	4.8
6	8	3.8
7	24	11.5
8	44	21.2
9	46	22.1
10 very important	68	32.7
Total	208	100.0

Figure no: A.7.3



Title: The importance of a good contact network of officials

Table no: A.7.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	3	9	33	55	208
Public Affairs	0	8	18	28	48	40
Public Relations	5	10	15	45	25	20
Company	0	0	7	43	51	75
Trade Assoc.	0	0	0	4	96	26
Independent	0	10	20	20	50	10

### Comment

Good contacts with officials are an important determinant of effectiveness. 88% of all respondents rate good contacts as *important* or *very important*. Only 4% think good contacts with officials are *unimportant* or *not at all important*.

Roughly the same proportion of public affairs consultants, company representatives and independent political consultants think good contacts with officials are *very important* – the numbers are respectively, 48%, 51% and 50%. The evidence from Trade Associations responses indicates their institutionalised role in policy-making. The vast majority of Trade Associations representatives, 96%, think good contacts with civil servants are *very important*. The public relations consultants category rates the importance of official contacts least highly.

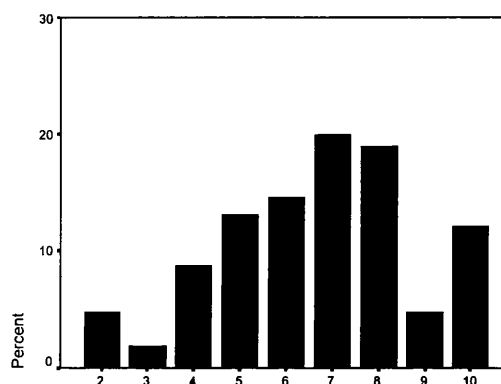
## How important is a knowledge of the personalities of MPs?

N = 204. Missing = 4.

Table no: A.7.4

		Frequency	Valid Percent
Valid	2 not at all important	10	4.9
	3	4	2.0
	4	18	8.8
	5	27	13.2
	6	30	14.7
	7	41	20.1
	8	39	19.1
	9	10	4.9
	10 very important	25	12.3
	Total	204	100.0
Missing	System	4	
Total		208	

Figure no: A.7.4



Importance. 1 = not at all important. 10 = very important.

Title: The importance of a knowledge of the personalities of MPs

Table no: A.7.4a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	5	11	28	39	17	204
Public Affairs	0	5	24	37	34	38
Public Relations	10	10	25	45	10	20
Company	1	16	29	45	8	75
Trade Assoc.	12	4	36	32	16	25
Independent	11	22	11	44	11	9

### Comment

Knowledge of MPs' personalities is less important than having them as contacts. However 39% of all respondents think it is *important* to know the characters of MPs. But, 28% believe familiarity with the personalities of MPs is *neither important nor unimportant*, whilst a further 16% rate it as *unimportant* or *not at all important*.

The most striking difference between the categories of respondents is 34% of public affairs consultants rate knowledge of their personalities of MPs as *very important* compared with only 8% of company representatives and 10% of PR consultants. Whilst only 5% of public affairs consultants rate knowing the personalities of MPs as *unimportant* or *not at all important*, 20% of PR consultants and 17% of company representatives do so.



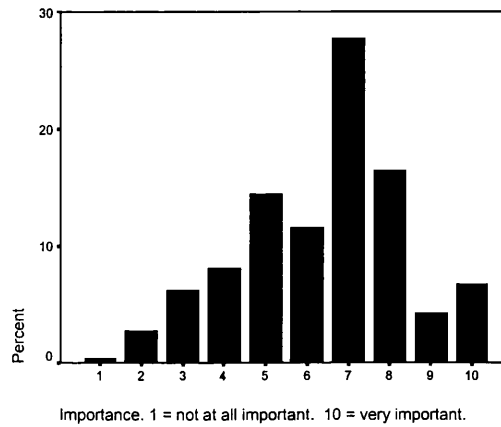
**How important is a knowledge of the personalities of officials**

N = 205. Missing = 3.

Table no: A.7.5

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	2	6	2.9
	3	13	6.3
	4	17	8.3
	5	30	14.6
	6	24	11.7
	7	57	27.8
	8	34	16.6
	9	9	4.4
	10 very important	14	6.8
	Total	205	100.0
Missing	System	3	
	Total	208	

Figure no: A.7.5



Title: The importance of a knowledge of the personalities of officials

Table no: A.7.5a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	3	15	26	44	11	205
Public Affairs	0	19	26	45	11	38
Public Relations	20	25	30	25	0	20
Company	1	15	25	55	4	75
Trade Assoc.	4	4	12	48	32	25
Independent	0	30	20	40	10	10

Comment

Fewer respondents rate knowing the personalities of officials as *very important* compared with the personalities of MPs. 44% of all respondents rate knowledge of the personalities of MPs as *important*, whilst 18% rate it *unimportant* or *not at all important*.

Around one third of trade association respondents rate knowing officials' personalities as *very important*. 56 % of public affairs consultants think knowing the characters of officials is *very important* or *important*, compared with 25% of public relations consultants and 59% of company respondents. A fifth of PR consultants rate this knowledge as *not at all important*, whilst only one per cent of company respondents and no public affairs consultants share this view.

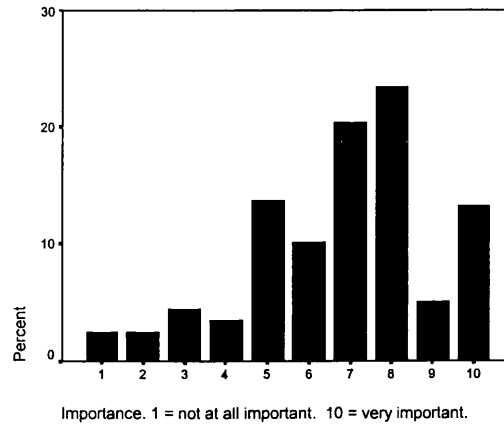
**How important is the ability to form coalitions?**

N = 195. Missing = 13.

Table no: A.7.6

	Frequency	Valid Percent
Valid 1 not at all important	5	2.6
2	5	2.6
3	9	4.6
4	7	3.6
5	27	13.8
6	20	10.3
7	40	20.5
8	46	23.6
9	10	5.1
10 very important	26	13.3
Total	195	100.0
Missing System	13	
Total	208	

Figure no: A.7.6



Title: The importance of the ability to form coalitions

Table no: A.7.6a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	5	8	24	44	18	195
Public Affairs	3	5	24	43	24	37
Public Relations	10	10	40	30	10	20
Company	3	12	24	53	9	68
Trade Assoc.	8	8	16	40	28	25
Independent	11	0	22	44	22	9

Comment

5% of all respondents think the ability to form coalitions is *not at all important*. Around a quarter rate it as *neither important nor unimportant*. 44% think this skill is *important*, whilst 18% rate it *very important*.

The ranking for *very important* is similar amongst public affairs consultants, trade association representatives and independent consultants, ranking 24%, 28% and 22% respectively. 10% of public relations consultants and 9% of company representatives rate this ability as *very important*. 8% of public affairs consultants rate this ability as *unimportant* or *not at all important*, compared with 20% of PR consultants, 15% of company representatives, and 16% of trade association representatives.

Judgement on Hypothesis Seven

The hypothesis was confirmed by the data. Contacts are important. Knowledge of characters and personalities of policy makers is also confirmed to be important. The ability to construct coalitions was rated important.

## Resources: Hypothesis Eight

Lobbyists tend to be effective if the client has abundant resources and is skilful in deploying them.

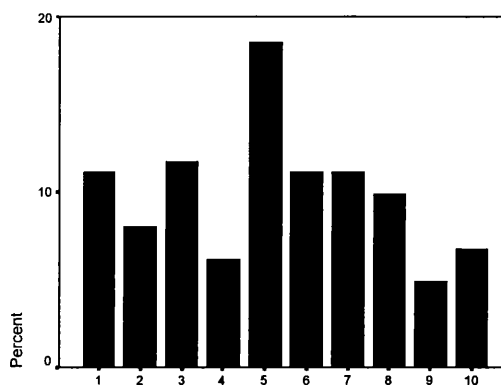
### How important are the financial resources of the client for your organisation's lobbying?

N = 161. Missing = 47.

Table no: A.8.1

		Frequency	Valid Percent
Valid	1 not at all important	18	11.2
	2	13	8.1
	3	19	11.8
	4	10	6.2
	5	30	18.6
	6	18	11.2
	7	18	11.2
	8	16	9.9
	9	8	5.0
	10 very important	11	6.8
	Total	161	100.0
Missing	System	47	
	Total	208	

Figure no: A.8.1



Importance. 1 = not at all important. 10 = very important.

Title: The importance of the financial resources of the client

Table no: A.8.1a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	19	18	30	21	12	161
Public Affairs	8	16	32	37	8	38
Public Relations	11	22	28	22	17	18
Company	28	17	34	13	8	53
Trade Assoc.	24	24	35	18	0	17
Independent	22	22	11	22	22	9

### Comment

Around one eighth of all respondents think the financial resources of the client are *very important*, whilst around one fifth think they are *not at all important*.

Company representatives are more sceptical about the importance of resources. 45% of company respondents think the financial resources of the client are *unimportant* or *not at all important*, compared with 24% of public affairs consultants and one third of public relations consultants. Only 21% of company respondents think financial resources of the client are *important* or *very important*, compared with 45% of public affairs consultants and 39% of public relations consultants.

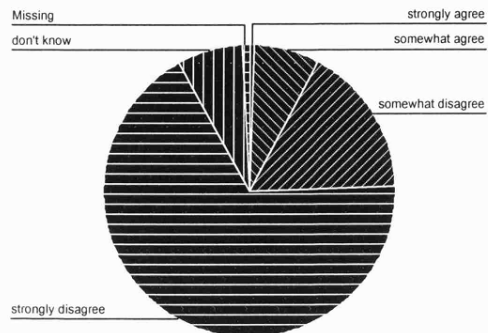
## Do you agree or disagree that donating money to a political party improves the effectiveness of the lobbyist?

N = 206. Missing = 2.

Table no: A.8.2

Figure no: A.8.2

		Frequency	Valid Percent
Valid	1.00 strongly agree	1	.5
	2.00 somewhat agree	15	7.3
	3.00 somewhat disagree	35	17.0
	4.00 strongly disagree	140	68.0
	5.00 don't know	15	7.3
	Total	206	100.0
Missing	System	2	
Total		208	



Title: The effectiveness of political donations

Table no: A.8.2a	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Don't know	N
All	1	7	17	68	7	206
Public Affairs	0	0	15	85	0	40
Public Relations	0	5	25	70	0	20
Company	0	8	17	65	9	75
Trade Assoc.	0	11	15	62	12	26
Independent	0	11	0	78	11	9

### Comment

Donating money to political parties is an ineffective campaign tactic. 68% of all respondents *strongly disagree* with the statement that donating money to a political party improves the effectiveness of the lobbyist, whilst a further 17% *somewhat disagree*. Only 8% *agree* with the statement, and of that number, only 1% *strongly agreed*.

No public affairs consultants agree with the idea that political donations can improve the effectiveness of the lobbyist. This number compares with 8% of company representatives, 5% of public relations consultants and 11% of independent consultants and trade association representatives.

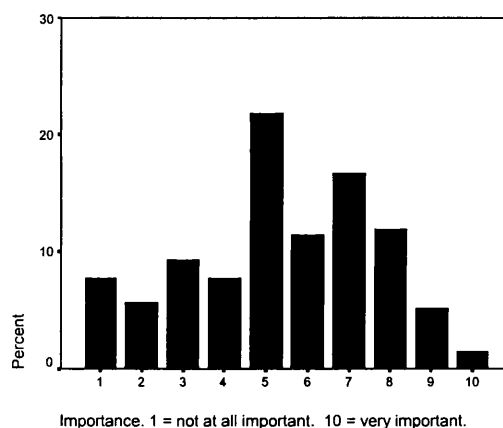
## How important is a case that has limited costs for your organisation's lobbying?

N = 191. Missing = 17.

Table no: A.8.3

		Frequency	Valid Percent
Valid	1 not at all important	15	7.9
	2	11	5.8
	3	18	9.4
	4	15	7.9
	5	42	22.0
	6	22	11.5
	7	32	16.8
	8	23	12.0
	9	10	5.2
	10 very important	3	1.6
Total		191	100.0
Missing	System	17	
Total		208	

Figure no: A.8.3



Title: The importance of a case that has limited costs

Table no: A.8.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	14	17	34	28	7	191
Public Affairs	22	14	32	24	8	37
Public Relations	21	26	32	16	5	19
Company	9	17	37	30	5	71
Trade Assoc.	4	17	39	30	9	23
Independent	33	22	33	11	0	9

### Comment

The evidence presented here is unclear. 31% of all respondents rate a case that has limited costs as *unimportant* or *not at all important*. Around one third think that a case with limited costs is *neither important nor unimportant*, whilst 35% think it is *important* or *very important*.

Around one fifth of public affairs consultants and public relations consultants rate a case with limited costs as *not at all important*, compared to 9% of company respondents and 4% of trade association representatives. Approximately one third of public affairs consultants and public relations consultants rate a case with limited costs as *neither important nor unimportant*, compared with 37% of company respondents and 39% of trade association respondents.

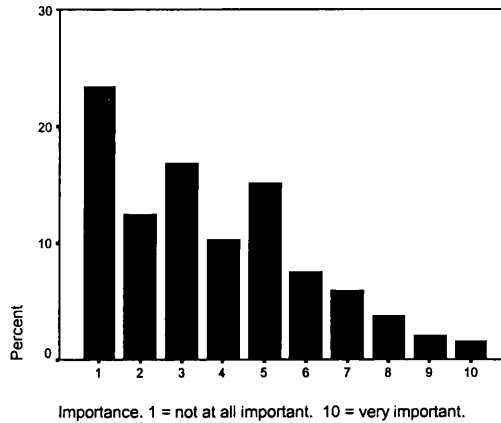
### How important is the salary of the lobbyist for your organisation's lobbying?

N = 183. Missing = 25.

Table no: A.8.4

		Frequency	Valid Percent
Valid	1 not at all important	43	23.5
	2	23	12.6
	3	31	16.9
	4	19	10.4
	5	28	15.3
	6	14	7.7
	7	11	6.0
	8	7	3.8
	9	4	2.2
	10 very important	3	1.6
	Total	183	100.0
Missing	System	25	
	Total	208	

Figure no: A.8.4



Title: The importance of the salary of the lobbyist

Table no: A.8.4a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very Important	N
All	36	27	23	10	4	183
Public Affairs	43	16	27	8	5	37
Public Relations	33	50	6	11	0	18
Company	39	24	21	11	4	70
Trade Assoc.	30	25	33	0	0	20
Independent	33	33	33	0	0	9

#### Comment

The salary of the lobbyist is not regarded as an important variable. Only 4% of all respondents rate it as *very important*. 63% of all respondents think it is *unimportant* or *not at all important*. Around a quarter think the salary of the lobbyist is *neither important nor unimportant*.

88% of public relations consultants think the salary of the lobbyist is *unimportant* or *not at all important*, compared with 59% of public affairs consultants, 63% of company respondents, and 55% of trade associations.

5% of public affairs consultants and 4% of company respondents think the salary of the lobbyist is *very important*, whilst no public relations consultants, trade association representatives or independent consultants hold this view.

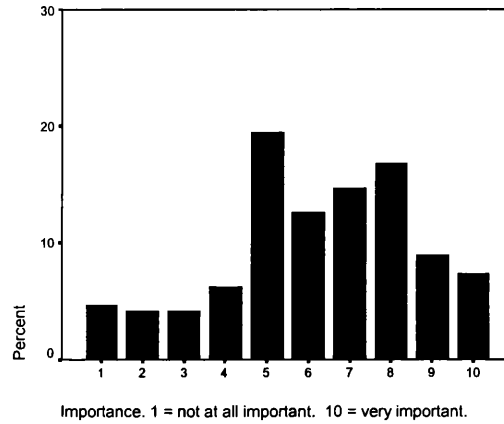
**How important is a bargaining advantage for your organisation's lobbying?**

N = 189. Missing = 19.

Table no: A.8.5

		Frequency	Valid Percent
Valid	1 not at all important	9	4.8
	2	8	4.2
	3	8	4.2
	4	12	6.3
	5	37	19.6
	6	24	12.7
	7	28	14.8
	8	32	16.9
	9	17	9.0
	10 very important	14	7.4
	Total	189	100.0
Missing	System	19	
Total		208	

Figure no: A.8.5



Title: The importance of a bargaining advantage

Table no: A.8.5a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	9	11	32	32	16	189
Public Affairs	3	8	35	32	22	37
Public Relations	21	5	32	26	16	19
Company	6	15	33	37	9	67
Trade Assoc.	15	12	23	27	23	26
Independent	0	11	33	33	22	9

Comment

A bargaining advantage is seen to be *important* or *very important* by 48% of all respondents. One third believed a bargaining advantage to be *neither important nor unimportant*, whilst a further fifth regarded it as *unimportant* or *not at all important*.

Judgement on Hypothesis Eight

The results are unclear. However, more respondents think the financial resources of the client are *unimportant* than *important* (37% to 33%, whilst 30% think resources are *neither important nor unimportant*). Similarly, the majority of respondents believe political donations to be ineffective and the level of the lobbyists' salary unimportant. Therefore the data do not support the hypothesis.

# Internal variables

There are varieties of internal variables that have an impact on effectiveness, but are not included directly in the hypotheses. We now turn to examine eight internal variables.

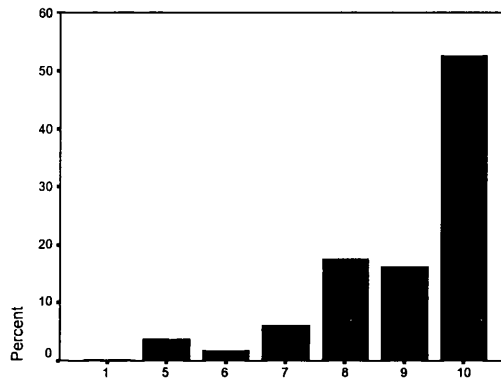
## 1 How important is a reputation for high ethical standards?

N = 206. Missing = 2.

Table no: A.9.1

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	5	8	3.9
	6	4	1.9
	7	13	6.3
	8	37	18.0
	9	34	16.5
	10 very important	109	52.9
Total		206	100.0
Missing	System	2	
Total		208	

Figure no: A.9.1



Importance. 1 = not at all important. 10 = very important.

Title: The importance of high ethical standards

Table no: A.9.1a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	0	6	24	69	205
Public Affairs	0	0	3	23	75	40
Public Relations	0	0	10	35	55	20
Company	0	0	4	25	71	75
Trade Assoc.	0	0	8	33	58	24
Independent	10	0	10	20	60	10

### Comment

The reputation of the lobbyist is significant. 93% of all respondents regard a reputation for high ethical standards as *important* or *very important*. Only 6% report it is *neither important nor unimportant*.

Of public affairs consultants, three-quarters rate a reputation for high ethics as *very important*, compared with 71% of company representatives and 55% of public relations consultants.



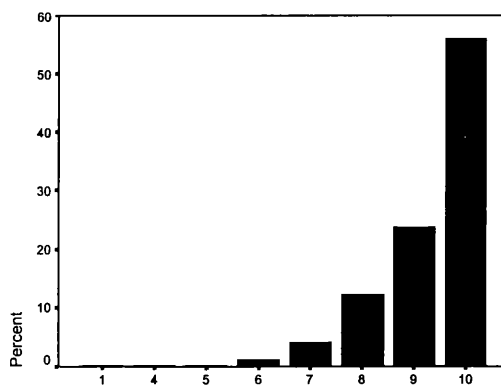
## 2 How important is being trusted by decision-makers?

N = 208. Missing = 0.

Table no: A.9.2

	Frequency	Valid Percent
Valid 1 not at all important	1	.5
4	1	.5
5	1	.5
6	3	1.4
7	9	4.3
8	26	12.5
9	50	24.0
10 very important	117	56.3
Total	208	100.0

Figure no: A.9.2



Importance. 1 = not at all important. 10 = very important.

Title: The importance of being trusted by decision-makers

Table no: A.9.2a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	1	2	17	80	208
Public Affairs	0	0	5	8	88	40
Public Relations	0	5	0	40	55	20
Company	0	0	0	23	77	75
Trade Assoc.	0	0	0	15	85	26
Independent	10	0	10	0	80	10

### Comment

Being trusted by decision-makers is another important internal variable. 97% of all respondents rate trust as *important* or *very important*. Only 4% regard this attribute as being *not at all important*, *unimportant* or *neither important nor unimportant*.

No public affairs consultants, company representatives or trade association representatives rate being trusted by decision-makers as *not at all important* or *unimportant*, whereas 5% of PR consultants rate it as *unimportant*, and 10% of independent consultants rate it as *not at all important*.

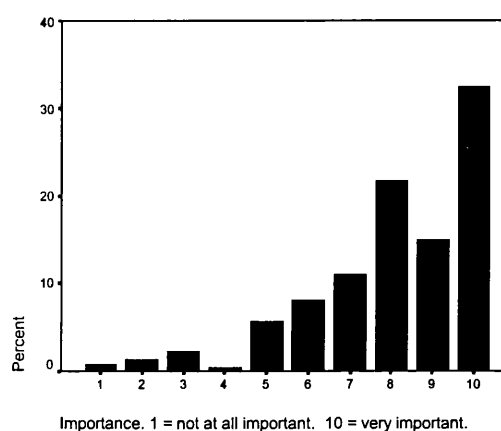
### 3 How important is having a long-term track record?

N = 206. Missing = 2

Table no: A.9.3

		Frequency	Valid Percent
Valid	1 not at all important	2	1.0
	2	3	1.5
	3	5	2.4
	4	1	.5
	5	12	5.8
	6	17	8.3
	7	23	11.2
	8	45	21.8
	9	31	15.0
	10 very important	67	32.5
Total		206	100.0
Missing	System	2	
Total		208	

Figure no: A.9.3



Title: The importance of having a long-term track-record

Table no: A.9.3a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	3	3	14	20	48	206
Public Affairs	5	5	20	33	38	40
Public Relations	10	0	20	35	35	20
Company	0	10	1	41	49	74
Trade Assoc.	0	0	8	44	48	25
Independent	10	20	30	0	40	10

#### Comment

A long-term track-record is important, but not as important as a having a reputation for high ethical standards or being trusted by decision-makers. 48% of all respondents report that a long-term track-record is *very important*, whilst a fifth rate it *important*. 14% of all respondents think a long-term track-record is *neither important nor unimportant*. 6% regard a long-term track record as *not at all important* or *unimportant*.

More company respondents regard a long-term track-record as *important* or *very important* than do public affairs or public relations consultants. The respective numbers are: 90%, 71% and 70%. Whilst five per cent of public affairs consultants and 10% of company respondents rate a long-term track-record as *not at all important*, no company respondents share that view.

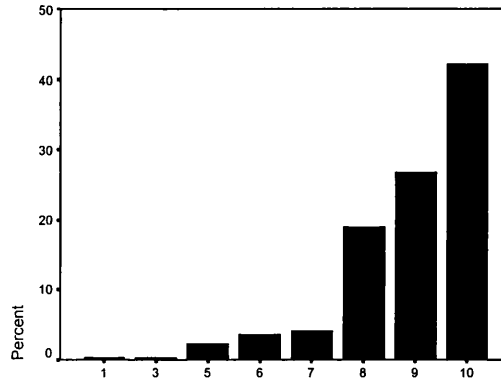
#### 4 How important is it to provide authoritative information to decision-makers?

N = 208. Missing = 0.

Table no: A.9.4

	Frequency	Valid Percent
Valid 1 not at all important	1	.5
3	1	.5
5	5	2.4
6	8	3.8
7	9	4.3
8	40	19.2
9	56	26.9
10 very important	88	42.3
Total	208	100.0

Figure no: A.9.4



Importance. 1 = not at all important. 10 = very important.

Title: The importance of providing authoritative information

Table no: A.9.4a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	1	1	6	24	69	208
Public Affairs	0	0	8	23	68	40
Public Relations	0	0	10	30	60	20
Company	0	0	4	31	65	75
Trade Assoc.	0	0	0	23	77	26
Independent	10	10	30	10	50	10

#### Comment

The provision of authoritative advice is essential. 93% of all respondents regard the provision of authoritative information as *important* or *very important*. 6% rate it as *neither important nor unimportant*.

No public affairs consultants, public relations consultants, company representatives or trade association representatives rate the provision of authoritative information as *not at all important* or *unimportant*. 91% of public affairs consultants, 90% of public relations consultants and 96% of company representatives rate the provision of authoritative information as *important* or *very important*.

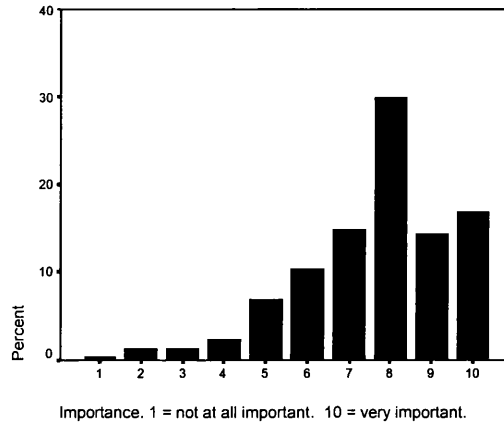
**5 How important is it to be a skilled advocate?**

N = 200. Missing = 8.

Table no: A.9.5

		Frequency	Valid Percent
Valid	1 not at all important	1	.5
	2	3	1.5
	3	3	1.5
	4	5	2.5
	5	14	7.0
	6	21	10.5
	7	30	15.0
	8	60	30.0
	9	29	14.5
	10 very important	34	17.0
Total		200	100.0
Missing	System	8	
Total		208	

Figure no: A.9.5



Title: The importance of being a skilled advocate

Table no: A.9.5a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	2	4	18	45	32	200
Public Affairs	3	3	23	35	38	40
Public Relations	0	15	15	20	50	20
Company	1	3	20	56	20	71
Trade Assoc.	0	4	13	33	50	24
Independent	11	0	22	44	22	9

Comment

Skilled advocacy is important, but not as important as the provision of authoritative information. Whilst 69% of all respondents rate the provision of authoritative information as *very important*, only 32% rate being a skilled advocate as a *very important* attribute. 18% rate skilled advocacy as *neither important nor unimportant*, whilst a further 6% think it is *not at all important* or *unimportant*.

Company representatives and public relations consultants are less concerned about advocacy skills than public relations consultants. Whilst 50% of PR consultants think advocacy skills are *very important*, 38% of public affairs consultants and a fifth of company representatives think the same.

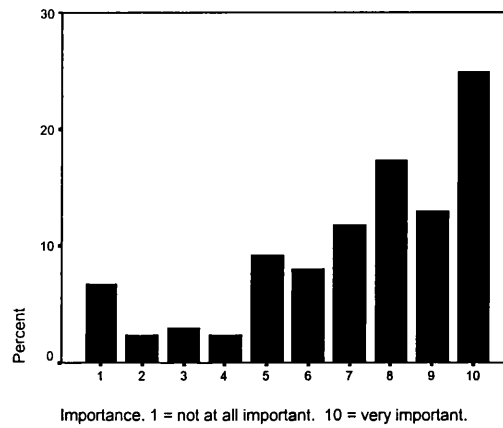
**6 How important is it to be committed to the client's case?**

N = 160. Missing = 48.

Table no: A.9.6

		Frequency	Valid Percent
Valid	1 not at all important	11	6.9
	2	4	2.5
	3	5	3.1
	4	4	2.5
	5	15	9.4
	6	13	8.1
	7	19	11.9
	8	28	17.5
	9	21	13.1
	10 very important	40	25.0
	Total	160	100.0
Missing	System	48	
Total		208	

Figure no: A.9.6



Title: The importance of being committed to the client's case

Table no: A.9.6a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	9	6	18	29	38	160
Public Affairs	5	8	20	23	45	40
Public Relations	0	11	11	47	32	19
Company	13	2	27	27	31	48
Trade Assoc.	0	13	6	38	44	16
Independent	20	10	0	30	40	10

Comment

Commitment to a client's case is regarded as *very important* by 38% of the sample. 29% rate it as *important*, whilst 15% think it is *unimportant* or *not at all important*.

Public affairs consultants perceive being committed to their clients' case is more important than do the clients they serve. 45% of public affairs consultants think commitment to the client's case is *very important* and 23% rate it as *important*. These numbers compare to 31% and 27% of company representatives respectively. Furthermore, whilst 33% of public affairs consultants report commitment to the client's case is *neither important nor unimportant* or lower, 42% of company representatives hold this view.

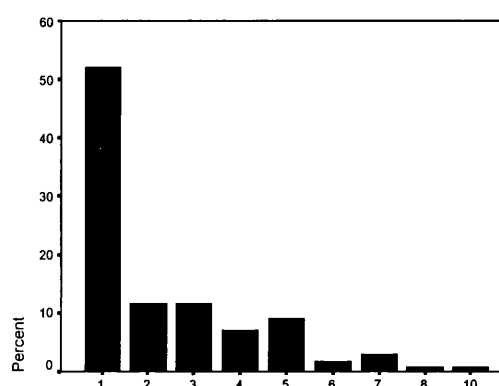
## 7 How important is it to be identified with a political party?

N = 193. Missing = 15.

Table no: A.9.7

		Frequency	Valid Percent
Valid	1 not at all important	101	52.3
	2	23	11.9
	3	23	11.9
	4	14	7.3
	5	18	9.3
	6	4	2.1
	7	6	3.1
	8	2	1.0
	10 very important	2	1.0
	Total	193	100.0
Missing	System	15	
Total		208	

Figure no: A.9.7



Importance. 1 = not at all important. 10 = very important.

Title: The importance of being identified with a political party

Table no: A.9.7a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	64	19	11	4	1	193
Public Affairs	48	13	20	10	0	40
Public Relations	47	37	16	0	0	19
Company	65	24	9	3	0	68
Trade Assoc.	82	5	5	5	5	22
Independent	67	11	11	11	0	9

### Comment

This finding supports the conclusions of the 'Hollow Core' by Heinz et al, which reported that party political identification made no significant contribution.<sup>3</sup> Despite many lobbyists being associated with political parties, as members, party officials or local councillors, 83% of all respondents think identification with a political party is *not at all important* or *unimportant*. Only 5% of all respondents rate identification with a political party as *important* or *very important*. Trade association representatives, independent consultants and company respondents are slightly more sceptical about the value of party political identification, with 82%, 67% and 65% respectively rating it *not at all important*. Whilst ten per cent of public affairs consultants think party political identification is *important*, only 3% of company respondents do, whilst no public relations consultants hold that view.

<sup>3</sup> Henz, J., et al (1993), p317

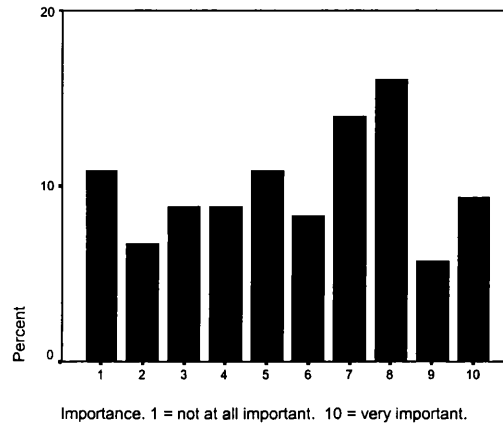
### 8 How important is it to have worked within the system?

N = 192. Missing = 16.

Table no: A.9.8

		Frequency	Valid Percent
Valid	1 not at all important	21	10.9
	2	13	6.8
	3	17	8.9
	4	17	8.9
	5	21	10.9
	6	16	8.3
	7	27	14.1
	8	31	16.1
	9	11	5.7
	10 very important	18	9.4
	Total	192	100.0
Missing	System	16	
	Total	208	

Figure no: A.9.8



Title: The importance of having worked within the system

Table no: A.9.8a	Not at all important	Unimportant	Neither important nor unimportant	Important	Very important	N
All	18	18	19	30	15	192
Public Affairs	3	10	18	41	28	39
Public Relations	20	5	10	55	10	20
Company	18	29	27	25	2	68
Trade Assoc.	23	18	9	27	23	22
Independent	30	0	30	0	40	10

#### Comment

The results on the importance of having experience from within the system are unclear. Whilst 45% of all respondents think having worked in the system is *important* or *very important*, 36% think it is *unimportant* or *not at all important*. Furthermore around one fifth think experience of the system is *neither important nor unimportant*. Public affairs consultants rate experience from within the system more highly than do company respondents. 69% of public affairs consultants think having worked within the system is *important* or *very important*, compared with 27% of company respondents. Similarly, whilst 13% of public affairs consultants think having worked in the system is *not at all important* or *unimportant*, almost half (47%) of company respondents hold that view.

A comparison of means

Table no: A.9.9

Variable	All	PA	PR	Company	Trade Association	Independent
Being Trusted	9.22	9.33	8.7	9.17	9.58	8.5
Ethics	8.97	9.30	8.6	9	8.75	8.1
Quality information	8.86	8.7	8.85	8.81	9.35	7.6
Track record	8.04	7.45	7.35	8.36	8.64	6.3
Skilled advocate	7.62	7.75	7.75	7.41	8	7
Committed to case	7.16	7.45	7.58	6.75	8.06	6.7
Experience inside the system	5.66	7.26	6	4.72	5.55	6.1
Salary	3.72	3.70	3.22	3.71	3.75	3.56
Party ID	2.41	3.18	2.74	2.22	2.14	2.33

Judgement on Internal Variables

Being trusted by decision-makers is the most important variable. All sectors hold the similar views on the importance of these variables, however, public relations consultants report that the provision of quality information is the most important of these variables.

Public affairs consultants rate experience within the system more highly than do company representatives.

All respondents rate being identified with a political party as the least important variable. The salary of the lobbyist is also unimportant, being rated only 3.7 out of 10, where 10 is *very important* and 1 is *not at all important*.



## The Most Important Policy Actors

### A comparison of means

Table no: A.9.10 (1= very involved / 4 = not at all involved)

All	Public Affairs	Public Relations	Companies	Trade Associations	Independent
Middle rank civil servants (1.4)	Middle rank civil servants (1.5)	National newspapers (1.3)	Ministers (1.45)	Middle rank civil servants (1.15)	Middle rank civil servants (1.44)
Ministers (1.5)	Special advisers (1.57)	Specialist magazines (1.6)	Middle-rank civil servants (1.46)	Specialist magazines (1.4)	Think tanks (1.6)
Top rank civil servants (1.7)	Ministers (1.7)	Middle rank civil servants (1.6)	Senior civil servants (1.6)	Ministers (1.4)	Senior civil servants (1.8)
MPs (1.81)	Select committees (1.9)	MPs (1.6)	MPs (1.7)	Senior civil servants (1.5)	Specialist magazines (1.88)
Specialist Magazines (1.8)	MPs (1.92)	Ministers (1.63)	Select committees (1.8)	EU Commission (1.53)	No 10 Policy Unit (2)
National newspapers (1.83)	EU Commission (1.97)	Radio (1.65)	National newspapers (1.9)	MPs (1.8)	Ministers (2)
Special advisers (1.9)	Senior civil servants (2)	Local newspapers (1.65)	Special advisers (1.9)	National newspapers (1.9)	Select committees (2)
Select committees (1.92)	Regulators (2)	Television (1.7)	Specialist magazines (1.9)	Radio (2)	Special advisers (2.1)
Radio (2)	Think tanks (2.05)	Special advisers (1.8)	Regulators (2)	Television (2)	EU Commission (2.1)
EU Commission (2.1)	No 10 Policy Unit (2.07)	Senior civil servants (1.9)	EU Commission (2.1)	All-party committee (2.03)	National newspapers (2.1)
Television (2.13)	National newspapers (2.1)	All-party committees (2.1)	No 10 Policy Unit (2.2)	Select committees (2.1)	Television (2.2)
All-Party committees (2.2)	Specialist magazines (2.1)	Select committees (2.1)	Local newspapers (2.25)	EU Parliament (2.2)	Radio (2.3)
Local newspapers (2.27)	All-party committees (2.15)	EU Commission (2.3)	Radio (2.29)	Council of Ministers (2.3)	MPs (2.3)
Regulators (2.27)	Council of Ministers (2.3)	Think tanks (2.3)	Television (2.3)	House of Lords (2.2)	All-party committees (2.3)
No 10 Policy Unit (2.28)	Radio (2.37)	No 10 Policy Unit (2.4)	All-party committees (2.33)	Regulators (2.3)	House of Lords (2.5)
Think tanks (2.3)	House of Lords (2.42)	Local government (2.55)	Think tanks (2.5)	Special advisers (2.4)	Council of Ministers (2.5)
House of Lords (2.4)	Television (2.47)	House of Lords (2.55)	EU Parliament (2.54)	No 10 Policy Unit (2.6)	EU Parliament (2.5)
EU Parliament (2.49)	EU Parliament (2.47)	Regulators (2.6)	House of Lords (2.6)	Local newspapers (2.69)	Regulators (2.5)
Council of Ministers (2.6)	Local newspapers (2.7)	EU Parliament (2.65)	Council of Ministers (2.7)	Think tanks (2.8)	Local newspapers (2.8)
Local government (2.8)	Local government (2.8)	Council of Ministers (3)	Prime Minister (2.9)	Local government (3)	Local government (3.2)
Prime Minister (3)	Prime Minister (2.9)	Prime Minister (3.2)	Local government (3)	Prime Minister (3.1)	Prime Minister (3.5)

### Comment

Overall, the targets most approached by those involved in lobbying campaigns are middle-ranking senior civil servants (grades 7-5), followed by ministers, top-ranking senior civil servants (grade 3-1), then MPs.

Dealing with the media is rated highly – specialist and trade journals is the form of journalism most involved in lobbying campaigns. Next is national newspapers followed by radio and television. Local newspapers appear lower down the ladder.

Those targets approached least are local government, the Council of Ministers, the European Parliament and the House of Lords. The least involved decision-maker in the average lobbying campaign is the Prime Minister.

Public affairs consultants rate ministerial special advisers as the second most important target (after middle-ranking civil servants) whilst public relations consultants and company representatives rate special advisers as 9<sup>th</sup> and 7<sup>h</sup> respectively. Middle rank civil servants and ministers appear in the top three of public affairs consultants and company representatives, but only middle-rank civil servants appear in the top three for PR consultants – ministers come fifth.

The media are regarded as important by PR consultants. National newspapers are the most involved institution in their type of campaigning (coming first), with specialist magazines second and radio in sixth place. Local newspapers and television come next.

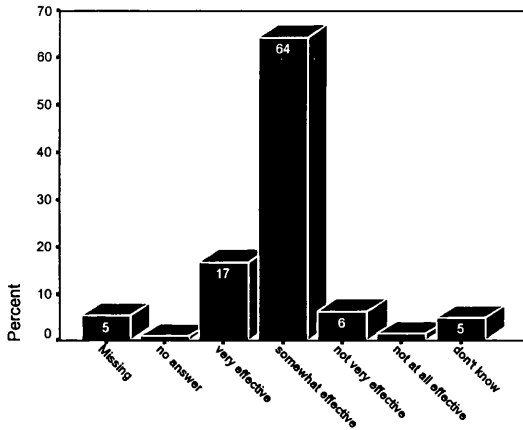
Public affairs consultants rank the EU Commission higher (6<sup>th</sup>) than do PR consultants (13<sup>th</sup>) and companies (10<sup>th</sup>).

## The Effectiveness of the Lobbying Industry over time

How effective do you consider the lobbying industry to be?

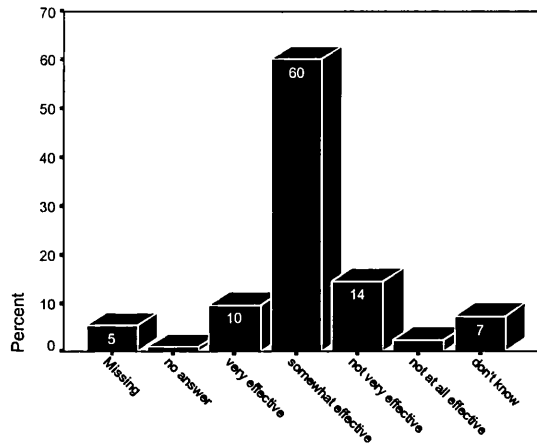
Before May 1997

Figure no: A.9.9



After May 1997

Figure no: A.9.10



Title: The effectiveness of the lobbying industry before May 1997, and after May 1997 (shaded columns)

Table no: A.9.11	Very effective	Very effective	Somewhat effective	Somewhat effective	Not very effective	Not very effective	Not at all effective	Not at all effective	Don't know	Don't know
All	17	10	64	60	6	14	2	3	5	7
Public Affairs	30	22	62	70	5	5	0	0	3	3
Public Relations	42	35	53	50	5	5	0	0	0	10
Company	10	3	75	62	4	19	1	4	8	11
Trade Assoc.	8	0	73	65	12	19	4	8	4	8
Independent	11	11	78	67	0	11	0	0	11 (na)	11 (na)

The lobbying industry reports that it has become less effective since the 1997 General Election. The number of respondents rating the industry *very effective* fell from 18% to 10% and those rating it *somewhat effective* fell from 68% to 64%. The number of all respondents rating the lobbying industry *not very effective* doubled from 7% to 15%. Those rating the industry *not at all effective* increase by one per cent to 3%.

# Conclusions

The survey did not ask lobbyists whether they were effective in achieving their public policy objectives because it is difficult to generalise over issues.<sup>4</sup> The survey sought to find out what techniques were most effective, under what circumstances lobbyists were effective and what internal and external variables were important.

Lobbyists are more likely to impact on policy only when certain conditions prevail.<sup>5</sup> Those external variables necessary for lobbyists to be effective include the issue being low-profile, technical and non-political; if the issue and the lobbyist's objective is congruent with the ideology of political decision-makers, pre-existing policy and previous experience of government players; and if lobbyists can include their client in the policy community.

This survey provided generalisations about internal variables about effectiveness. Several internal factors, including familiarity with routines and standard operating procedures; trustworthiness, high ethics, provision of authoritative information, contacts and the ability to produce coalitions, and knowledge of technical elements of policy were shown to be meaningful determinants of effectiveness. Donating money to political parties, having resources, running a multi-faceted campaign and an association with a political party were shown to be variables that did not impact on effectiveness.

Since the types of issues respondents are active range from high to low profile, from highly technical to general and from non-political to high politics the generalised results presented here are supplemented by case studies into four specific policies.

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<sup>4</sup> Baumgartner, F., and Leech, B., (1998), p156

<sup>5</sup> Sabato, L., (1990), p135

## An assessment of the hypotheses

The survey findings suggest:

- 1) Hypothesis one is confirmed by the data. Lobbyists are more effective on technical, low-profile, non-political issues.
- 2) Hypothesis two is neither confirmed nor falsified by the data. External factors do impact on policy-making. Lobbyists can be effective when there are disadvantageous as well as advantageous external constraints.
- 3) Hypothesis three is confirmed by the data. Lobbyists are more effective if their client's case is in line with government policy.
- 4) Hypothesis four is confirmed by the data. Lobbyists are more effective if they can include their client in the policy community.
- 5) Hypothesis five is rejected by the data. Lobbyists may be more effective if they run a concentrated and targeted campaign aimed at they key decision-makers rather than a multi-faceted campaign.
- 6) Hypothesis six is confirmed by the data. Lobbyists are more effective if they are familiar with routines and SOPs.
- 7) Hypothesis seven is confirmed by the data. Lobbyists' contacts and their ability to spot connections to build coalitions are important for effectiveness.
- 8) Hypothesis eight is rejected by the data.

# **Appendix B**





Appendix B

Thinking about your organisation's attributes, how important are the following?

Please assign each a mark out of 10. Where 1 = not at all important, 10 = very important (please circle)

	not at all important		somewhat important						very important	
	1	2	3	4	5	6	7	8	9	10
Reputation for high ethical standards	1	2	3	4	5	6	7	8	9	10
Being trusted by decision makers	1	2	3	4	5	6	7	8	9	10
Having a long-term track record	1	2	3	4	5	6	7	8	9	10
Provider of authoritative information	1	2	3	4	5	6	7	8	9	10
Being a skilled advocate	1	2	3	4	5	6	7	8	9	10
Being committed to client's case	1	2	3	4	5	6	7	8	9	10
Being identified with a political party	1	2	3	4	5	6	7	8	9	10
Having worked inside the system	1	2	3	4	5	6	7	8	9	10

Here are some types of campaign activity. Please assign them a mark out of 10 in terms of their effectiveness. Where 1 = not at all important, 10 = very important (please circle)

	not at all important		somewhat important						very important	
	1	2	3	4	5	6	7	8	9	10
Briefing MPs privately	1	2	3	4	5	6	7	8	9	10
Briefing Ministers privately	1	2	3	4	5	6	7	8	9	10
Briefing officials privately	1	2	3	4	5	6	7	8	9	10
Media campaign	1	2	3	4	5	6	7	8	9	10
Combination of both media campaign and private briefings	1	2	3	4	5	6	7	8	9	10

Thinking about the typical issues your organisation deals with: How involved would the following people or institutions be? (please tick)

	very involved	somewhat involved	not very involved	not at all involved	not relevant
Prime Minister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ministers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Members of Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Select Committees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All Party Groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior Civil Servants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middle-rank Civil Servants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No. 10 Policy Unit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Advisers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regulators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
European Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
European Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council of Ministers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National newspapers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National radio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National television	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local newspapers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist / trade journals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'Think Tanks'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Appendix B

Thinking about Parliament, how effective are the following techniques in making a case?

(Please assign each a mark out of 10. Where 1 = not at all important 10 = very important (please circle))

	not at all important		somewhat important						very important	
	←-----→									
Writing to MPs	1	2	3	4	5	6	7	8	9	10
Meeting MPs formally in person	1	2	3	4	5	6	7	8	9	10
Meeting MPs socially - lunch/dinner	1	2	3	4	5	6	7	8	9	10
Organising constituents to write to MPs	1	2	3	4	5	6	7	8	9	10
Organising constituents to meet MPs	1	2	3	4	5	6	7	8	9	10
Organising client to write to MPs	1	2	3	4	5	6	7	8	9	10
Arrange for client to meet MPs	1	2	3	4	5	6	7	8	9	10
Organising petition to be sent to MPs	1	2	3	4	5	6	7	8	9	10
Telephone contact with MPs	1	2	3	4	5	6	7	8	9	10

Thinking about the civil service, how effective are the following techniques in making a case?

	←-----→									
Writing to officials	1	2	3	4	5	6	7	8	9	10
Meeting officials formally in person	1	2	3	4	5	6	7	8	9	10
Meeting officials socially - lunch/dinner	1	2	3	4	5	6	7	8	9	10
Organising public to write to officials	1	2	3	4	5	6	7	8	9	10
Organising client to write to officials	1	2	3	4	5	6	7	8	9	10
Arrange for client to meet officials	1	2	3	4	5	6	7	8	9	10
Responding to Consultation Process	1	2	3	4	5	6	7	8	9	10

Thinking about Ministers, how effective are the following techniques in making a case?

	←-----→									
Writing to Ministers	1	2	3	4	5	6	7	8	9	10
Meeting Ministers formally in person	1	2	3	4	5	6	7	8	9	10
Meeting Ministers socially - lunch/dinner	1	2	3	4	5	6	7	8	9	10
Organising client to write to Ministers	1	2	3	4	5	6	7	8	9	10
Arrange for client to meet Ministers	1	2	3	4	5	6	7	8	9	10
Responding to Consultation Process	1	2	3	4	5	6	7	8	9	10

Thinking about the media, how effective are the following techniques in making a case?

	←-----→									
Briefing national newspapers	1	2	3	4	5	6	7	8	9	10
Briefing local newspapers	1	2	3	4	5	6	7	8	9	10
Briefing specialist / trade press	1	2	3	4	5	6	7	8	9	10
Briefing radio / television	1	2	3	4	5	6	7	8	9	10
Initiating a legal challenge	1	2	3	4	5	6	7	8	9	10
Using opinion polls	1	2	3	4	5	6	7	8	9	10
Using research	1	2	3	4	5	6	7	8	9	10

How important are the following information sources in helping you keep abreast of policy developments and legislation? **(please tick)**

	very important	somewhat important	not very important	not at all important	not relevant
Vote Bundle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hansard on-line	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EU official journal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National newspaper reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist political publications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trade / specialist press	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio / television	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would you say if you agree or disagree with the following statements? **(please tick)**

	strongly agree	somewhat agree	somewhat disagree	strongly disagree	don't know
Lobbyists campaigning on low-visibility technical matters are more likely to be effective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	strongly agree	somewhat agree	somewhat disagree	strongly disagree	don't know
Lobbyists are more effective if they have the same ethnic background as decision-makers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	strongly agree	somewhat agree	somewhat disagree	strongly disagree	don't know
Donating money to political parties improves the effectiveness of the lobbyist.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	strongly agree	somewhat agree	somewhat disagree	strongly disagree	don't know
Pre-existing policy commitments of government players affect the effectiveness of the lobbyist.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	very important	somewhat important	not very important	not at all important	not relevant
When you are lobbying, how important is it that you understand the technical issues of a policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	very important	somewhat important	not very important	not at all important	not relevant
In your lobbying how important are factors beyond the control of government? (eg global macro-economic factors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	very important	somewhat important	not very important	not at all important	not relevant
How important is it, when you lobby, to get into the network of interests involved in policy-making?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	always accepted	mostly accepted	sometimes rejected	always rejected	don't know
Is the strategic government relations advice you provide to clients/your organisation accepted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	very effective	somewhat effective	not very effective	not at all effective	don't know
How effective do you consider the lobbying industry to be:					
before May 1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
after May 1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How many staff are there in your organisation?

0-5  6-10  11-20  21-30  31-50  over 50

Which of the companies in the government relations / public affairs business, other than your own, do you most admire? (please write name here)

.....

To receive a copy of the results of this survey please complete the enclosed form and return it separately to the *Public Affairs Newsletter*.

**Thank-you for completing this questionnaire**

Please kindly return the completed form in the enclosed **FREEPOST** envelope to:

Survey of Public Affairs Practice, The London School of Economics & Political Science,  
Room H102, FREEPOST LON14052, LONDON, UK, WC2A 2BR

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