

C. Miller Politico's Guide to Political
Lobbying (2000) pp. 1 to 8

INTRODUCTION

- How can we find out what is going on?
- How can we make our voice heard?
- How can we make sure that policy doesn't conflict with our corporate strategy?
- How can we make them stop criticising us and start promoting us?

Familiar questions, no doubt.

Government, both centrally and locally and through a large number of agencies and other public bodies in the UK and in Brussels, makes thousands of decisions every day on policy, legislation and regulation. It is the largest purchaser of goods and services in Europe and it dispenses billions in grants and aid.

While politicians and officials talk of open government and of consultation, legislators and Civil Servants often forget that we put them there, we pay their salaries, and that they govern - at Westminster, in Scotland, Wales, Northern Ireland, and regional and local level and in Brussels - on our behalf. It is our right to know what is happening in the corridors of power, but the system is often reluctant to tell us what is going on; and if you do not make your case to Government, your competitors will - or decisions will be made within ivory towers.

Reluctant though it may be to open itself to scrutiny, Government depends on a constant flow of information and views from those who may be affected by its actions; and they also need, and have a right, to know what is going on inside the system. Organisations need to deal with the system either because they have a specific concern - a need to make representations on a policy, bill or commercial decision - or because they want to inform legislators and officials before the need to lobby may arise. Lobbying is an essential part of this process.

"WE'LL START LOBBYING WHEN THERE IS NO MORE ROOM FOR NEGOTIATION"

Several years ago, Lloyds of London sought to amend Government proposals that would have prejudiced a form of cover known as Reinsurance To Close. The Chief Executive, a former Civil Servant, was under pressure from his well-connected members to encourage all his Names to write to the Chancellor. His head was cooler: "we will not start to lobby until there is no more room for negotiation." He won, of course, not by shouting but by proving Lloyds' case.

A lobbying firm submitted an impressive application for an industry award for its work for an organisation seeking the right to sell certain television rights controlled by Government to satellite broadcasters. The firm cited the effectiveness of its MP briefings, organised debates, and media coverage but the judges felt they should check with the Department concerned. A very different story then emerged. "What decided it was the credibility of the Chief Executive and his ability to persuade during a critical meeting that mass market access would not be prejudiced", according to the lead official. "In any event, it was our feeling that the rights in question were not critical."

"As to all the political lobbying, it rather passed us and our Ministers by."

LESSON: do not confuse action with effectiveness.

An insurance company was concerned that Regulations due to be made under the 1999 Health Act would prevent it from providing professional indemnity cover to medical practitioners because it feared that a rival, which sold a different type of policy, had lobbied Government to require that only that type of cover would be acceptable. It assumed that the only course open to it was to target Ministers and persuade them to change their mind.

In fact, the solution was simple. Ministers were not particularly bothered about malpractice insurance, but a middle-ranking Department of Health official in charge of that area was. He had been briefed by the rival about the deficiencies of the company's cover and had no other information to set against the rival's representations. When this was discovered, it only needed the company to balance the file by meeting the official and providing him with a balanced rebuttal of the rival's (inaccurate) contentions for the threat to be averted.

LESSON: don't make a drama out of a crisis.

This guide seeks to show commercial organisations, public, and voluntary bodies, how the system works, how to monitor its work, and how to make it work for you. It tries to do so in a matter of fact way, assuming a degree of familiarity with at least the names of the

institutions and the job titles of those who work within them, ignoring issues that are only of interest to students and seeking to strip away some of the mystique about the way decisions are made in order to show you how it is possible to lobby without unnecessary fuss or expenditure. At regular intervals in the text, we illustrate the narrative with examples drawn from real cases and cover the questions we have most often been asked about the fundamentals, fine detail, and ethics of effective lobbying.

Not everyone will agree with the principles we set out. Some may not be happy with the distinction we make between lobbying and PR techniques (good practitioners understand how to combine them); others may be surprised to find that in their dealings with Whitehall, regulatory bodies, and the European Commission, they are actually involved in an activity they may themselves have pilloried through misunderstanding of its rationale, scope and ethics. We apologise to them and to others who may demur at some of the advice we give. In lobbying there are often several different ways of achieving objectives and you may achieve success without following the "correct" route, but this manual attempts to give you guidance with which the system at least will concur – and that is the key need.

In this book, we have had to race across a vast and often crowded landscape. We have not sought to be exhaustive: some issues, such as competition lobbying and procurement negotiations, deserve a book to themselves if their complexities are to be fully explained. Instead, our aim is to give readers an idea of how Government operates and, in dealing with it, of what will and will not work – hopefully demystifying the process and correcting some misconceptions along the way. We are also conscious that the book has been written while the House of Lords is being reformed, new government structures for Scotland, Wales and Northern Ireland are being introduced (in most cases, the use in the book of "MPs" should be taken to include members of the other national assemblies, in the same way as male and female attributions should be read as interchangeable), the way in which local authorities contract for services is being changed, new European Commissioners have been introduced and the European

Union is about to admit members from Eastern Europe.

The effects of all this on the way the system works and its implications for those who need to deal with Government are – at least in late 1999 – to some extent unknown. And it is always easier to explain the visible mechanics of a process than the intangible alchemy that can make the difference between success and failure in working with institutions thick with rules and conventions but run by people. We apologise if in squeezing several quarts into a pint pot important points have been omitted; but we nonetheless hope that the pages that follow will help you to deal professionally with a system that is meant to operate in your interests. You must make sure that it does.

What is Lobbying?

Lobbying, quite simply, is any action designed to influence the actions of the institutions of government. That means it covers all parts of central and local government and other public bodies, both in the UK and internationally. Its scope includes legislation, regulatory and policy decisions, and negotiations on public sector contracts or grants. And although non-specific contact building or information programmes aimed at the system are often part of an organisation's public relations activities, many include them within the ambit of lobbying even though, as will become clear, lobbying techniques are often quite distinct from those of PR. In this book, we cover the methods of political PR, as it might be called, insofar as they relate to influencing policy, legislation and regulation.

Misconceptions about lobbying endure. They have not been helped by the lack of a consistent definition for the practice of lobbying. Some refer to it as "parliamentary lobbying", yet much of the work of the lobbyist may have little to do with Parliament. Some call it "public affairs". I confess that I have never understood what this means, nor have I seen a definition, but it is used by many to refer to a broad amalgam between lobbying and public relations activity. The title of this book refers to "political lobbying", although a large part

of the text covers dealings on issues that do not necessarily involve political decisions. More often than not, officials are instrumental in the issues concerning organisations. Even where politicians are involved, they may only set the broadest parameters for action ("The Midland Main Line is a disgrace. What can we do about it?") and leave the rest of the work to those who have control of the files.

Some claim that lobbying is only about the addition of pressure to the making of representations (all campaigns, according to the media, are "intensive"). Wrong: some lobbying has to be high profile - when has nurses' pay ever been settled without a public row? - but most dealings with the system are settled by quiet negotiation and effectiveness is usually in inverse proportion to the amount of noise generated.

LOBBYING?

- | | |
|--|---|
| • Seeking to influence legislative proposals | ✓ |
| • Seeking to influence regulatory decisions | ✓ |
| • Negotiations on Government contracts (with a policy element) | ✓ |
| • Negotiations on Government contracts (no policy element) | ✗ |
| • Invite MP to open factory | ✗ |
| • Lunch programme to expand contacts with politicians | ✗ |
| • Lunch programme to brief politicians on Bill amendments | ✓ |
| • Send brief on your organisation to officials | ✗ |
| • Send policy proposals to officials | ✓ |
| • Launch new product in House of Commons | ✗ |
| • Hold briefing meeting in Commons on issue of concern to MPs | ✓ |

These distinctions may look like hair-splitting but they can be fundamental: lobbying techniques may differ significantly from those used in PR or legal practice.

Many organisations may find that the association between lobbying and set piece campaigns deters them from getting the most out of their dealings with Government. Their most important requirement is the Need to Know. That need can be satisfied at two levels: by passive monitoring - making sure they know of everything that has

happened; or through early warning - making sure they know in advance of likely policy planning or actions that could affect their interests.

DEALING WITH GOVERNMENT - TECHNIQUES SHOULD MATCH NEEDS

POLITICAL PR: PR techniques directed at influencing Government/political perception of an organisation - reputation management (eg CFC manufacturers who need to correct political misconceptions about their operations). However, much politically directed PR (for example, getting a Minister to speak at a dinner or open a factory) has no connection with lobbying.

REGULATORY LOBBYING: dealing with OFT/DGIV, pharmaceutical or food additive clearances, Ofsted etc.

LEGISLATIVE OR POLICY CAMPAIGNING: a mixture of advocacy, negotiation and, where needed, economic and PR support techniques to influence the formulation or passage of policy or Bills/Directives.

NEGOTIATION: on contracts, aid and trade, grants etc.

Of these, by far the most common - and the most successful - lobbying technique is that of negotiation. Although it is easy to be misled by the media's emphasis on the significance of high politics and by the system's reluctance to explain its processes, the critical factor in settling most issues between outsiders and Government is not pressure or heightened external awareness but a well-conducted negotiation in which the winner understands the other side's sensitivities and limits of action.

At the next stage of work with Government comes the Need to Inform - to know and be known by those officials and politicians who could formulate, consider, scrutinise, amend and endorse policies or commercial decisions that concern organisations; and to establish a relationship of trust that makes the system willing to use individuals, firms or trade associations as a source of the information it needs in order to produce representative policies, whether public or commercial. This need is frequently misunderstood by organisations, who often construct contact programmes without a clear understanding of their cost/benefits.

Higher still is the Need to Negotiate - to make representations to the components of the power structure where there is a need to change policy or where Government is a trading partner. The bulk of government-related issues are resolved through negotiation backed by well-assembled submissions. It may, however, be necessary to ally outside influences - the media and public or associated groups' opinion - for your view to get across. It is only at this level that the lobbyist actually starts to lobby.

**LOBBYING DOES NOT AUTOMATICALLY MEAN PRESSURE.
THE SUCCESSFUL PLAYERS**

- *do their market research: understand their targets' needs, concerns and sensitivities and assemble their arguments accordingly - indeed, the simplest approach to productive dealings with Government is to regard them as no different from the development and marketing of a product;*
- *understand the route map of the system: how it works and who really makes the decisions;*
- *swim with the tide, wherever possible;*
- *work early: while policy is still malleable. Last minute firefighting costs a fortune and will take a lot of your time; and*
- *understand the need for constituency of interest.*

It is rarely dependent on

- *having friends in high places;*
- *developing support in peacetime (despite all apparent evidence to the contrary);*
- *using "communication" aids (lunches, brochures, videos etc) as a substitute for inadequate research.*

Why has lobbying attracted a bittersweet image? Firstly, despite all that talk about "Open Government", officials and politicians still prefer to operate behind the green baize door, and that creates the appearance of deals being struck in secret; the reality is that fear of being caught in the media's searchlight rules out favours. Second, many feel that the big battalions can buy influence. This is harder to rebut because governments around the world have always given great weight to the views of bodies claiming to represent large blocks of

interest, whether those are employees or consumers. On a more controversial note, a wide variety of organisations have paid or sponsored legislators. I personally disagree with this practice; and the ultimate influence these MPs or MEPs have exercised has invariably been apparent rather than real. This guide will show how you can access the system without having to pay for the privilege.

Lastly, some crass or naïve lobbying exercises - exacerbated by the indiscreet marketing claims about effectiveness and influence made by consultancy firms - have encouraged suggestions of arm-twisting or distortion of the democratic process; but most lobbying is carried out ethically and without the need for procedural tricks.

It is your right to lobby. Use it well.