

<b>Institution: BRUNEL UNIVERSITY (H0113)</b>
<b>Unit of Assessment: 21 – Politics and International Studies</b>
<b>Title of case study: The Regulation of Political Life</b>
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Fisher's research on the regulation of party finance and lobbying has produced considerable impact on British government agencies, Parliament, the Council of Europe, the Georgian government and key media providers. The research has influenced policy and practice through comparative analyses of the effects of regulations in party finance and lobbying and the desirability of pursuing statutory or self-regulation. Impact has been generated through influencing forms of regulation in party finance; shaping policy recommendations by the Electoral Commission, the Committee on Standards in Public Life, the Council of Europe and the Georgian Ministry of Justice; stimulating debate and improving understanding through Parliamentary Committees and media outlets and; providing training through the Electoral Commission.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>A problem common to all democracies is seeking the most effective ways to strike a balance between the desire to ensure that politics is conducted in a fair and transparent way, and the need to protect privacy and avoid the excessive intrusion of the state into voluntary activity. Democracies must also seek to ensure that any regulation designed to deliver these demands can be implemented and operated effectively. This is important because it influences both the effective operation of democratic activities like elections, as well as confidence in the probity and effectiveness of these activities – both by political actors and citizens.</p> <p>The underpinning research primarily focuses on political finance and the attempts to regulate it. Prior to the <i>Political Parties, Elections &amp; Referendums Act 2000</i>, British political finance was largely unregulated. Despite the extensive nature of these reforms which came into force in 2001, there have been major reviews of the regulations by the Ministry of Justice (the Hayden Phillips review), and during the review period, the Committee on Standards in Public Life. Fisher was an advisor on both. Fisher's research has focussed on the drivers for reform, the impact and consequences of regulations, and the practicalities and desirability of their enforcement.</p> <p>Fisher's work on party finance dates back many years (his first publication in the field being in 1992). However, the key works on the regulation of political activity date from 2000 during the passage of the <i>Political Parties, Elections &amp; Referendums Act</i>.</p> <p>The key findings are empirically informed using, where applicable, specially collected datasets on public opinion, trends in party finance, attitudes of electoral agents, and trends and patterns in constituency level campaigning. They challenge several accepted norms in the party finance literature and provide key policy pointers:</p> <p><b>F1.</b> that public opinion may not be a good guide to sustainable reform in an area of low knowledge and understanding (<b>Ref 1</b>);</p> <p><b>F2.</b> that underlying normative and historical institutions are key drivers of both policy choices and the practicalities of implementation (<b>Ref2, Ref4, Ref6</b>);</p> <p><b>F3.</b> that regulation of political finance should be mindful of the potential damage to political parties and wider political activity should regulation be too extensive (<b>Ref2, Ref3, Ref4, Ref5</b>);</p> <p><b>F4.</b> that regulations can produce unintended consequences, and that regulators must recognise that they will be unable to anticipate all consequences (<b>Ref3, Ref4</b>);</p> <p><b>F5.</b> that the impact of disparities in party spending on electoral success can be tempered by free, voluntary efforts at the time of elections (<b>Ref5</b>).</p>
<p><b>3. References to the research</b> (indicative maximum of six references)</p> <p><b>Ref1.</b> Van Heerde-Hudson, J. &amp; Fisher, J. (2013) 'Parties heed (with caution): Public knowledge of and attitudes towards party finance in Britain' <i>Party Politics</i> 19 (1): 41-60. DOI: 10.1177/1354068810393268</p> <p><b>Ref2.</b> Fisher, J. (2009) 'Hayden Phillips and Jack Straw: The Continuation of British Exceptionalism in Party Finance?' <i>Parliamentary Affairs</i> 62(2): 298-317. DOI: 10.1093/pa/gsn047</p> <p><b>Ref3.</b> Cliff, B. &amp; Fisher, J. (2005) 'Party Finance Reform as Constitutional Engineering? The effectiveness and unintended consequences of Party Finance Reform in France and</p>

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- Britain'. *French Politics* 3(3): 234-57 DOI: 0.1057/palgrave.fp.8200082
- Ref4.** Clift, B. & Fisher, J. (2004) 'Comparative Party Finance: The Cases of France and Britain'. *Party Politics* 10(6): 677-99 DOI: 10.1177/1354068804046913
- Ref5.** Fisher, J. (2011) 'Legal regulation and political activity at the local level in Britain' in Ewing, Tham & Rowbottom (eds) *The Funding of Political Parties*. London: Routledge pp. 110-23.
- Ref6.** Fisher, J. (2008) 'Whither the Parties?' in Hazell (ed) *Constitutional Futures Revisited*. Basingstoke: Palgrave pp. 249-66

### 4. Details of the impact (indicative maximum 750 words)

Fisher's research has contributed to the impact through comparative analyses of the effects of regulations and the desirability of pursuing statutory or self-regulation. Corroborating sources are detailed in Section 5 (**S5.1-S5.23**)

#### UK

##### *Shaping Policy Recommendations*

1. Finding 1 (**F1**) was submitted directly to the Committee on Standards in Public Life by Fisher in his capacity as an advisor (**S5.8, S5.11**). This research persuaded the Committee that public opinion should not be seen as an obstacle to recommending an extension of state funding and, thereby, was of significance in shaping the Committee's 2011 report on party finance, most especially in its acceptance and advancement of this conclusion (**Ref1** – subsequently published in 2013). The Committee notes that this 'was a particularly difficult recommendation to make but Professor Fisher's work provided hard evidence to justify making the recommendation' (**S5.18**). The final report (**S5.11**) cited some 11 additional outputs by Fisher. Fisher's position as advisor to the committee also allowed him to draw on data and findings from ESRC and Electoral Commission funded studies of constituency campaigning to inform discussions about the relative impact of finance and voluntary work on constituency level campaigning (**F5, Ref5, S5.11, S5.17**).

2. Finding 3 (**F3**) contributed to the dropping of 'triggering' from the Political Parties and Elections Bill following Fisher's appearance at the Public Bill Committee (**S5.3, S5.10**). Fisher's work on electoral agents (**S5.1**) showed how there had been significant confusion over the regulation of candidate expenses. Given the high proportion of voluntary agents and their relative inexperience, the proposal risked imposing an unreasonable burden on party activists as well as being almost impossible to regulate effectively (**Ref5**).

3. Fisher's research provided important information for the Electoral Commission on the understanding of electoral procedures and the perceived quality of information provided to candidates through ESRC and Electoral Commission-funded studies of election agents in 2010 (**S5.4**). An end of award rapporteur described this as 'an excellent example of cutting edge social science which speaks successfully to the policy world as well as to the academy' (**S5.19**). The Chief Executive notes that this work informed the Commission's statutory work on the 2010 election and that Fisher's wider research was used to 'help sense check our policy assumptions, analysis and positions....In short, Professor Fisher's research has played an important role in the development of party and election finance policy' (**F2-F5, Ref1, Ref2, Ref3, Ref4, Ref5, S5.1, S5.2, S5.4, S5.20**).

4. Findings 3 and 4 (**F3, F4**) influenced the Public Administration Select Committee's report on the regulation of lobbying (for whom Fisher was the Special Advisor), both through work conducted on behalf of the committee on the comparative regulation of lobbying, but particularly through previous work on party finance regulation (**Ref 3, Ref 4**). The parallels with political finance reform are very apparent - both are areas of voluntary political activity with discussions about lobbying reform mirroring those in party finance, prior to the 2000 Act. The committee reports that Fisher's research informed their view on lobbying through the 'clear evidence of the perverse impacts that over-regulation could produce in a comparative context' (**S5.21**). Subsequently, Fisher contributed to practice change by acting as a member of the Working Party to establish the UK Public Affairs Council, set up following the report by the Select Committee (2009) (**S5.12**).

##### *Stimulating Debate, Improving Public Understanding and Challenging Conventional Wisdom*

Fisher's key findings (**F1-F5**) and wider research have impacted on several stakeholders by stimulating debate, improving public understanding and challenging conventional wisdom.

5. Fisher presented to senior management from the Electoral Commission on the implications for

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the Commission of a change of government (2009), based on the content and scenario planning methodology in **Ref 6**.

**6.** Fisher appeared before the Scottish Affairs Select Committee (**S5.5**) to deliver evidence in respect of the campaign finance issues associated with the referendum on separation for Scotland (2012). This drew on both Fisher's detailed understanding of the relevant legislation (**Ref2, Ref3, Ref4**) and on the relative impact of election spending and voluntary activity (**Ref5**).

**7.** Fisher appeared before the Speaker's Conference on Parliamentary Representation (2009) (**S5.9**) to deliver evidence on the case for using state funding of political parties to encourage representative diversity (**Ref2, Ref4**)

**8.** Fisher appeared before the Political and Constitutional Reform Select Committee to deliver evidence on regulation of lobbying (2012, **S5.6**) drawing on **Ref2, Ref3, Ref4**, and the oversight of the Parliamentary Constituencies and Voting System Bill (2010) (**S5.7**)

**9.** Fisher made two invited presentations in Parliament on party finance based on his research findings in **Ref3** and **Ref4** and those subsequently published in **Ref2** – to the Associate Parliamentary Group on Constitution, Parliament and Citizenship and to the Parliament and Constitution Centre Seminar (2008).

**10.** During the review period, Fisher appeared on *Sky News* on sixteen occasions, the *BBC Westminster Hour* eight times, BBC television four times, ITV, Channel 4 and GMTV nine times, and various BBC radio stations on seven occasions. His cited remarks are regularly syndicated via Reuters or Bloomberg.

**11.** Fisher's research has been used to improve understanding on party finance in the legal profession. He published detailed annotations of the Political Parties and Elections Act 2009 drawing on **Ref2, Ref3, Ref4** in *Current Law Statutes Annotated*, used widely by practicing lawyers (**S5.16**).

### *Training*

**12.** Whilst retained as a policy advisor for the Electoral Commission, Fisher delivered a training session for newly recruited staff on political parties and campaigning.

### **Georgia, Poland and the Czech Republic:**

#### *Shaping Policy Recommendations*

**13.** Fisher's research findings (**F1-F5**) (**Ref1, Ref2, Ref3, Ref4, Ref5**) shaped policy recommendations in the Council of Europe reviews of party finance in Poland and the Czech Republic (Scientific Expert 2008-11). The Council of Europe confirms that that Fisher's analyses and contributions were 'essential for the preparation of the corresponding Evaluation Reports' which were adopted in December 2008 (Poland **S5.13**) and April 2011 (Czech Republic **S5.14**). In the eight recommendations made in the Polish report, the Council of Europe concluded in its compliance report that by December 2010, six had been partly implemented in the framework of the preparation of a new draft Electoral Code (**S5.22**).

**14.** Fisher's research findings (**F1-F5**) (**Ref1, Ref2, Ref3, Ref4, Ref5**) shaped policy recommendations in the Council of Europe review of party finance in Georgia, requested by the Georgian Ministry of Justice. Fisher reviewed existing regulation and practice, met several times with key stakeholders, including the Ministry of Justice, the advisor to the Prime Minister, the State Audit Office, the political parties and civil society groups and made recommendations for policy change (**S5.15**). The Council of Europe concluded that the report and discussions 'raised the knowledge of stakeholders of the possible drawbacks and benefits of certain regulatory approaches, leading to better-informed draft amendments to the existing legislation'. It further commented that that 'Professor Fisher's recommendations were clearly informed by his academic research and his ability to draw on and analyse experiences of other countries contributed to the weight given to his report and the acceptance of his recommendations' (**S5.23**).

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

**S5.1.** Denver, D., Fisher, J., Hands, G. & MacAllister, I. (2002) *The views of election agents on the operation of the Political Parties, Elections and Referendums Act in the 2001 general election*. Response to the Electoral Commission Review of the Political Parties, Elections and Referendums Act 2000

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- S5.2.** Fisher, J. Fieldhouse, E., Denver, D., Russell, A. & Cutts, D. (2005) *The General Election 2005: Campaign Analysis*. Report produced for the Electoral Commission
- S5.3.** Fisher, J. (2008) Briefing Paper submitted in advance of appearance before the Political Parties and Election Bill Committee
- S5.4.** Fisher, J., Cutts, D. & Fieldhouse, E. (2010) *Attitudes of Agents on the Administration of the 2010 General Election*. Report Produced for the Electoral Commission
- S5.5.** Witness to the Scottish Affairs Select Committee hearing on the referendum on separation for Scotland, July 2012  
<http://www.publications.parliament.uk/pa/cm201213/cmselect/cm Scotaf/139/120704.htm>
- S5.6.** Witness to the Political and Constitutional Reform Select Committee hearing on the government's proposals on a statutory register of lobbyists, February 2012  
<http://www.publications.parliament.uk/pa/cm201213/cmselect/cm polcon/153/120202.htm>
- S5.7.** Witness to the Political and Constitutional Reform Select Committee hearing on the government's proposals for voting and parliamentary reform, July 2010  
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cm polcon/437/10072701.htm>
- S5.8.** Witness to the Committee on Standards in Public Life's hearing on Party Political Funding, July 2010  
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cm polcon/uc396-ii/uc39602.htm>
- S5.9.** Witness to the Speaker's Conference on Parliamentary Representation, July 2009  
<http://www.publications.parliament.uk/pa/spconf/239/9071401.htm>
- S5.10.** Witness to the Political Parties and Election Bill Committee, November, 2008  
<http://www.publications.parliament.uk/pa/cm200708/cmpublic/political/081106/pm/81106s01.htm>
- S5.11.** Committee on Standards in Public Life (2011) *Political Party Finance: Ending the big donor culture* London: HMSO Cm 8208
- S5.12.** House of Commons Public Administration Select Committee (2009) *Lobbying: Access and influence in Whitehall* London: HMSO HC 36-I
- S5.13.** Council of Europe Group of States against Corruption (GRECO) (2008) *Evaluation Report on Poland on Transparency of party funding* Theme II. Third Evaluation Round. Strasbourg: Council of Europe
- S5.14.** Council of Europe Group of States against Corruption (GRECO) (2011) *Evaluation Report on the Czech Republic on Transparency of party funding* Theme II. Third Evaluation Round. Strasbourg: Council of Europe
- S5.15.** Fisher, J. & Klein, L. (2013) *Party Finance in Georgia. Recommendations for Reform – Final Report*. Tbilisi: Council of Europe
- S5.16.** Justin Fisher (2010) 'Political Parties and Elections Act 2009 c12' *Current Law Statutes Annotated*, Thompson Reuters. pp. 12-1 – 12-88
- S5.17.** Justin Fisher (2011) *Additional Data on Agent Attitudes and the Extent of Volunteer Involvement at the 2010 General Election*. Report Produced for the Committee on Standards in Public Life
- S5.18.** Letter received from Former Chair, Committee on Standards in Public Life
- S5.19.** ESRC Rapporteur Summary (RES-000-22-2762) Rapporteur A, Oct 2012
- S5.20.** Letter received from Chief Executive, Electoral Commission
- S5.21.** Letter received from Former Committee Clerk, Public Administration Select Committee
- S5.22.** Letter received from GRECO Secretariat, Council of Europe
- S5.23.** Letter from Deputy Head, Council of Europe Office in Georgia
- While special advisor to the Public Administration Select Committee, Fisher prepared confidential proposals and briefing notes which were not published. The substance of the proposals, was, however strongly reflected in the Committee's recommendations in its final report. In addition, Fisher prepared a paper on comparative regulation, which was published in the Committee's final report (**S5.12**).