

Not another lobbying scandal: how to fix the UK's anti-corruption defences following the Greensill affair



It has recently emerged that David Cameron informally lobbied for Greensill Capital to to be given the largest possible allocation of government-backed loans under the COVID-19 corporate financing facility. [Liz David-Barrett](#) writes that this new lobbying scandal highlights the urgent need to fix the UK's anti-corruption defences. She outlines three ways in which this should be done.

Boris Johnson has ordered a formal inquiry into lobbying by his predecessor, David Cameron. It's an unusually decisive move for a prime minister who has repeatedly passed up opportunities to investigate allegations of misconduct by his own ministers, and failed to take action when decisive evidence of their wrongdoing has been presented. But it does not appear to signal the dawn of a new Johnson commitment to integrity. The inquiry has a narrow remit, cannot compel anyone to give evidence, and its recommendations will not be binding. And calls for a more serious inquiry into how lobbying occurs have so far been rejected. That's a pity, because the UK's lobbying rules really need to be improved.

Lobbying is a critical part of the policymaking process in a liberal democracy. Done well, lobbying ensures that groups with relevant expertise and those who will be affected by a policy can provide useful inputs. It can help ensure that public policy is made and public money spent in ways that serve the public interest. In practice, though, lobbying is often far from this ideal. Too often, it occurs in secret, misrepresents evidence or intent, serves narrow interests and is driven by private financial gain.

Cameron's lobbying on behalf of Greensill is problematic partly because of the way that he did it. He did not make a formal request for a meeting with the chancellor or the health secretary, but sent text messages and arranged an informal drink. The lobbying took place privately, and were it not for the recent press revelations, would not have become the subject of public record and open to scrutiny. Cameron also exploited his former status and role. As former prime minister, he had been Sunak's boss. This context matters and meant that his repeated personal requests put the chancellor in an especially difficult position. Did Cameron not think about that or did he deliberately exploit it? Did he stop to consider whether he might, by his actions, be inducing his former colleagues to violate the Nolan Principles of Public Life?

Cameron argues that he broke no rules. Former ministers are only banned from engaging in lobbying for two years after leaving office, a period that long since expired in his case; what rules we do have on the 'revolving door' between public and private office are, in any case, barely enforced. The subsequent revelations about senior civil servants taking paid roles with Greensill whilst still in public office, while more clearly a breach, had gone unnoticed by the powerless regulator, the Advisory Committee on Business Appointments (ACOBA), whose reform is [long overdue](#).

There is still a chance that this scandal will generate cross-party commitment to reform the lobbying rules. If a window of opportunity arises, what should be done? Should we focus our efforts on regulating those who do the lobbying, those who are lobbied, or the process?

First, fix the revolving door between public and private roles. Our current sloppy regulation of this area creates far too many opportunities for improper influence and sends a signal that blurring public and private roles is fine. Tackling this problem is complex. At the very least, ACOBA should be put on a statutory footing so that its decisions about whether a civil servant or politician can take a job after leaving office are binding. In making its decisions, the Committee should look more closely at employment contracts and prevent the taking of jobs that would clearly exploit insider access and information.

But reform in this area also needs to think beyond ACOBA. It should consider which public officeholders should be permitted to take second jobs, and re-think rules about share ownership for those in positions where they might be able to influence policy, contracts and public appointments. And let's not forget that the system around the Ministerial Code also needs reform, with the role of Independent Adviser on Ministerial Interests still vacant after the last officeholder resigned in November, in protest at the blasé manner in which the prime minister ignored his advice.

Second, make government decision-making as transparent as possible. Any activity that seeks to influence public policy decisions should be disclosed. Currently, details of ministerial meetings are supposed to be published in a timely manner, but different departments vary in how diligently they comply; in any case, we know that much lobbying takes place outside formal meetings. It should be incumbent on ministers and civil servants to report when they are approached by someone seeking to influence their decisions, even if it comes in the form of a text message from a friend or a conversation at a dinner. This would allow for public scrutiny, but it might also deter some people from making overtures in the first place. It also needs to be easy for the public to trace where decision-making might have been influenced by political donations. Our party finance rules have long been in need of thorough reform.

Third, revise the Lobbying Act so that its remit actually covers most lobbying. Ensure that in-house lobbyists are subject to the same rules as so-called 'professional lobbyists'; expand the remit of interactions that must be reported under the Act, to recognise that lobbying frequently targets special advisers and senior civil servants, and a whole host of public agencies; and make the requirements for disclosure more substantial, potentially disclosing the content of meetings and spending on lobbying, in line with requirements in the United States for example. The Public Relations and Communications Association has some good [suggestions](#) about how to change the law, a reminder that many lobbyists are professionals who pride themselves on working to high standards.

The Greensill affair has exposed gaping holes in the UK's anti-corruption defences. Before becoming prime minister, David Cameron described lobbying as 'the next big scandal waiting to happen' and vowed to fix things. A decade later, the situation seems only to have gotten worse. The most positive development is that voices from both sides of the chamber say they agree that reform is now urgent. Let's not miss another opportunity to clean up the system. And let's do it properly this time.

About the Author



[Liz Dávid-Barrett](#) is Professor of Governance and Integrity at the University of Sussex.

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