



## **The ‘Californication’ of Government?**

### **Crowdsourcing and the Red Tape Challenge**

**Martin Lodge and Kai Wegrich**

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# The 'Californication' of Government?\*

## Crowdsourcing and the Red Tape Challenge

Martin Lodge & Kai Wegrich

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### Abstract

*Much has been said about the potential appeal of digital government devices in transforming the way government operates. This paper explores the most ambitious attempt by UK central government so far to draw on 'crowdsourcing' to consult and act on regulatory reform, the 'Red Tape Challenge'. The paper argues that the results of this exercise do not represent any major change to traditional challenges to consultation processes, in fact, the findings suggest even less informed consultation processes. The paper progresses in three steps. It first introduces crowdsourcing as a consultative device. It then considers the specific context of the the UK government's 'Red Tape Challenge'. In its main empirical section, the paper analyses both the impact and the nature of online commentary. The conclusion points to the wider implications on digital government and 'better regulation' initiatives.*

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Much has been said about the potential transformative appeal of e-government, ‘digital era governance’ and new ‘apps’ that are going to alter the relationships between government and its subjects (Chadwick 2006; Dunleavy et al. 2006; Margetts 2003), as well as between political and bureaucratic actors (Ahn and Bretschneider 2011). Potential areas for change range from the provision of online and interactive services, the publication of data and other comparable forms of information, directed local authority messages to celebrate ‘cracking down on crime’, to the new media utilisation for the encouragement of consultations and dialogue (Balla and Daniels 2007). This interest relates directly to the wider fascination with the potential for ‘crowdsourcing’, e.g. the view that by decentralising decision-making to a ‘crowd’, they will adjust and come up with their own preferred viewpoints, solve problems and offer insightful views (Afuah and Tucci 2012).

The potential of crowdsourcing in government has attracted a number of enthusiastic advocates ever since the coining of this phrase in a 2006 *Wired* paper by Jeff Howe (Howe 2006,<sup>1</sup> 2009). In its original form, crowdsourcing is about decentralised decision-making and might therefore, when translated into the governmental context, be of interest for the generation of local services. For central government, one attraction of crowdsourcing is its potential for decentralised information-gathering and consultation, and thus might be said to rely on the ‘wisdom of the crowds’ to generate so-called cognition advantages (Surowiecki 2004). Using crowdsourcing in this limited way promises to overcome the challenges of consultation exercises in an age where expert status and views are often challenged, where ‘national’ views are increasingly ‘transnational’, and where doubts exist about the value of listening to traditional ‘stakeholders’ that are suspected of defending the status quo.

Crowdsourcing is also said to provide for superior decision-making when it comes to standard-setting exercises. A reliance on crowd wisdom arguably allows for deliberation and the emergence of preferred, if not superior solutions. In addition, crowdsourcing also offers insights for behaviour modification. The reduction in cost for access to data allows for an army of third party checkers to conduct their own monitoring of compliance. And the potential for naming and shaming via online fora may be seen as an extra way to modify behaviour.

Thus, crowdsourcing in government appears to be a win-win for nearly everyone concerned. It thereby also has implications for improving regulatory quality and changing power imbalances in the regulatory process: politicians and ministerial advisers can claim to be surfing the wave of contemporary fashion by relying on a low cost tool to source popular opinion and solutions, whilst doing away with costly and troublesome consultation exercises with fossilised stakeholders and stubborn, know-it-all, change-resistant bureaucrats. Citizens, businesses and other affected parties can directly voice their concerns and consider different aspects of the problem. The only losers in this age of the ‘wiki-world of government’ (Noveck 2009) are ‘bureaucracy’ and entrenched interests which cannot rely on high costs of participation and

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<sup>1</sup> <<http://www.wired.com/wired/archive/14.06/crowds.html>>

information asymmetry to impose their own agenda (Ahn and Bretschneider 2011). Nevertheless, bureaucracy might gain additional resources to gather information and to exercise compliance-monitoring functions by relying on blogging citizen-armies.

This ‘Californication of government’, understood here in the sense of a growing reliance on (US West Coast-driven) digital innovations for government, has not escaped scholarly attention (Coglianese 2004a, 2006, 2011). Open software codes are said to encourage innovation, while smart mobs deliberate and advance the quality of decision-making. Particular enthusiasm has been placed on crowdsourcing’s deliberative appeal (Schlosberg et al 2007). Crowdsourcing (in the limited ‘wisdom of crowd’ sense) is seen as both complementing and substituting existing means of gathering evidence. This attention has focused on rule-making and the use of the electronic docket system across federal regulators in the United States (Benjamin 2006). The interest in this system is varied, ranging from those who explore the potential for enhanced participation and deliberation, to those who explore the quality and potential of online deliberation. The shift towards encouraging electronic submissions in the ‘notice and comment’ stage is said to open up rule-making, traditionally conceived as a model where regulators propose and informed parties highlight potential side effects and thereby lead to informed decision-making. Of course, this idealised vision of learning via deliberation during the notice and comment stage has been challenged (Beierle 2003). More generally, non-digital conditions have been explored under which regulators amend their proposals in the light of particular comments, especially in the context of presidential and interest group attention (Yackee and Yackee 2006; Yackee 2008).

This paper explores the most ambitious attempt so far to use the wisdom of the crowd in UK central government, namely the Red Tape Challenge. It offers an example of using crowdsourcing in government to consult and gather information. The intention of the Red Tape Challenge was to review all existing legislation. It was therefore aimed at targetting the stock of existing legislation. This ongoing initiative was widely praised as a frontrunner for crowdsourcing and received the blessing from US guru Beth Simone Noveck in its early stages. It was launched to great fanfare in April 2011 and was seen, at least in part, as the brainchild of ‘blue sky thinker’ Steve Hilton (the controversial ‘Thatcher on socks’ adviser in 10 Downing Street who departed on sabbatical to California in May 2012). It also attracted considerable support from other key libertarian elements among Conservative cabinet ministers who had identified ‘red tape’, especially in the workplace (i.e. health and safety, employment legislation, equality legislation), as an impediment to economic activity. The overall exercise was to last until April 2013. It was also used by the departing Cabinet Secretary, Sir Gus O’Donnell, as a key example of the innovative powers of the civil service to adjust to the signs of the times.<sup>2</sup> This innovation was seen as a direct response to an outspoken attack by Conservative prime minister David Cameron that the civil service was an ‘enemy of enterprise’.<sup>3</sup>

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<sup>2</sup> <<http://www.bbc.co.uk/news/uk-politics-16295421>> Last accessed 27 March 2012.

<sup>3</sup> *Guardian*, 7 March 2011 <<http://www.guardian.co.uk/public-leaders-network/2011/mar/07/david-cameron-attack-civil-service>> Last accessed 27 March 2012.

The research for this paper covers the first year of the Red Tape Challenge (up to July 2012). It therefore offers insights into the origins and processes during a period when political and bureaucratic attention was arguably at its peak. This study builds on 15 non-attributable interviews with civil servants involved in the exercise (at the organising and the ‘receiving’ end), documentary analysis and the study of the actual online crowdsourced comments that were coded, as will be noted below.

This paper does not only seek to explore the crowdsourcing element of the Red Tape Challenge, but to contribute to wider debates by linking the analysis of the content of the crowdsourcing exercise to an analysis of the politico-administrative process that underpinned the Red Tape Challenge. In doing so, it contributes to wider discussions regarding the quality of different consultation devices that are supposed to inform policy-making. Existing work on e-rulemaking has largely focused on the type of ‘input’, whereas this paper explores the extent to which and how the crowdsourced content was utilised (or not) within the decision-making process. Therefore, this paper contributes to two wider aspects in the regulation literature. Firstly, it points directly to competing logics and challenges that affect consultation in the regulatory process. Secondly, it also points to the competing logics for ‘better regulation’ that were implicit in the Red Tape Challenge, and as is argued in the conclusion, are present in the larger better regulation agenda more broadly.

This paper progresses in three steps. It explores in somewhat more detail the rationale of relying on digitally crowdsourced consultation procedures. Then, it explores the background and institutional machinery of the Red Tape Challenge to consider two key questions: what happened to the regulatory stock? And what kind of crowdsourcing patterns can be established? Finally, its conclusion assesses why the Red Tape Challenge is likely to witness the same fate as previous bonfires of red tape.

### **Consultation, crowdsourcing and red tape busting**

Running consultation exercises via online platforms does not represent much of a change to traditional rationales for consultation (see Shulman et al. 2003; Cuéllar 2005). In both digital and analogue forms, four broad public interest and related rationales for consultation can be distinguished. Firstly, consultation adds to the *evidence base* that underpins particular proposals. Secondly, consultation seeks to encourage *participation* so that particular biases or even capture might be avoided. Thirdly, consultation can be seen as a means of *controlling bureaucracy* by imposing particular deck-stacking type provisions onto their procedural routines. Fourthly, consultation might be seen as means of *legitimising* the decision-making process.

Crowdsourcing type exercises that draw on the wisdom of crowds might be seen to facilitate each one of these four rationales for consultation. However, the particular attraction of this low cost reliance on smart mobs is arguably its potential support for gathering evidence from those parties that are usually excluded from consultation exercises. Its low cost access basis supposedly facilitates broadened participation

beyond the ‘usual suspects’, thereby adding to the legitimacy of the process and sidelining the supposed privileged position of bureaucracy as custodian of institutional memory. Admittedly, true advocates of crowdsourcing will regard the Red Tape Challenge as a poor cousin of a ‘true’ crowdsourcing exercise that functions as an ‘online, distributed problem-solving and production model’ (Brabham 2012). To function in this way requires certain prerequisites, namely, trusted institutions and active and motivated crowds. Nevertheless, sourcing the wisdom of the crowds for consultation purposes is seen as an alternative to ‘analogue government’.

Whereas the above four rationales for consultation are largely uncontroversial, the way to achieve them is contested. Equally, a diversity of views exists as to why more evidence, stronger control via deck-stacking, greater legitimacy, or more participation are more desirable. Similarly, support for crowdsourcing is based on a diversity of justifications. For some, crowdsourcing allows for a smart way to advance rationality in decision-making by adding additional information to the existing channels for information gathering. Governments can therefore be ‘smarter’ and ‘leaner’ by relying on new technologies. A different view sees crowdsourcing largely as a tool to advance deliberation and conversation. Rather than having organisations and individuals in privileged positions exercise discretionary judgement, crowdsourcing allows for an open exchange of views and a potentially transparent insight into different viewpoints that may, over time, adjust in the light of ongoing online conversations. A third view largely sees crowdsourcing as a means of articulating individual concerns about poorly performing government, thereby offering one way to challenge bureaucracies and turf-conscious politicians to bust red tape. Finally, a fourth view would argue that crowdsourcing offers an ideal way to attract individual, whistle-blower type insights that otherwise would be excluded in more institutionalised forms of decision-making.

Each one of these justifications for such type of consultation exercises has also attracted a matching sceptical viewpoint. One doubting view fears that expertise and reasoned judgement will be undermined by regulatory populism in the light of heated online campaigns. Far from smart mobs, crowdsourcing invites campaigns, moral panics and subsequent political or bureaucratic knee-jerk responses. A different sceptical view emphasises the likely absence of any form of online deliberation. Individuals’ time is scarce and they rather play online games, drink alcohol or otherwise engage with social media (such as exchange views about football tactics, the quality of hotels or other service industries) than deliberate about the benefits and costs of particular legislation in any informed way (see Moffatt and Peters 2004). Indeed, as Balla and Daniels (2007) found, there was no major difference in terms of online and analogue participation in e-rulemaking.

A third sceptical view is similarly downbeat about the likely diversity of views that are going to emerge through crowdsourced activities. Instead of attracting a more diverse audience, crowdsourcing may only draw well organised, highly concentrated and change-resistant crowds that are likely to lose benefits rather than those potential benefactors of regulatory change who might be highly dispersed. Finally, a sceptical view points to the likely problems of analysing conversations about regulation without

knowing the identity of individuals and when faced with large amounts of messages of various types of ‘quality’. Pearls of wisdom cannot be identified among the large number of submissions.

None of these arguments are unique to crowdsourcing. In many ways, they match long-standing debates about consultation, evidence gathering and participation in government. Nevertheless, crowdsourcing exercises provide a unique window of opportunity to study such processes in ‘real time’. Furthermore, crowdsourcing allows us to explore whether digital technologies are able to alter the perceived quality of consultation exercises and whether they reduce the inherent trade-offs and problems of consultation exercises. Table 1 summarises the arguments which are mapped broadly into a framework inspired by grid-group cultural theory as put forward by Hood (1998). It offers a number of research questions for empirical analysis. What were the dominant justifications for the Red Tape Challenge? Did they change over time, and why? Who became active and how? Finally, did this exercise matter in any form? The next section turns to the trajectory of the Red Tape Challenge and an analysis of the online deliberation exercise.

**Table 1.** Contrasting views about crowdsourcing in consultation exercises

<p><b>Pro:</b> Encourages whistle-blowing and surprise findings through low cost accessibility</p> <p><b>Sceptic:</b> Mass of low quality submissions drowns out potential quality information</p>	<p><b>Pro:</b> High tech, low cost intelligence that improves decision-making</p> <p><b>Sceptic:</b> Encourages uninformed mob rule and ill-informed responses</p>
<p><b>Pro:</b> Encourages low cost participation among those usually excluded from consultation, thereby reducing collective action problem and advancing ‘reform’ agenda</p> <p><b>Sceptic:</b> Mobilisation will only take place among the potential ‘losers’ thereby hardening the status quo</p>	<p><b>Pro:</b> Advances decentralised viewpoints and encourages deliberation by sidelining established interests</p> <p><b>Sceptic:</b> Deliberative potential limited given lack of interest and time resources</p>

### The Red Tape Challenge: California at the Thames?

Political disappointment with the wider better regulation agenda lies at the origin of the Red Tape Challenge. Initially, the incoming Conservative/Liberal Democrat government had announced in 2010 that its ‘better regulation’ policy would seek to deal with the regulatory ‘flow’ problem by insisting on the ‘one-in, one-out’ principle (Gibbons and Parker 2012). In other words, new regulation could only be ‘added’ if another regulation was being eliminated. This idea received only limited enthusiasm among Whitehall departments and the Better Regulation Executive (BRE). That

opposition was largely driven by fear of having to face down opposition from those whose regulations would be ‘scrapped’. Others dismissed the ‘one-in, one-out’ rule as a primitive and low intelligence tool to assess regulatory quality. It was therefore opposed by economists and others who believed in the importance of cost-benefit analysis based impact assessments. Nevertheless, the policy was adopted, executed, and subsequently reported on an annual basis. More broadly, the BRE was situated, somewhat uncomfortably, in the Department for Business, Innovation & Skills (BIS), having been moved there in 2007 after being part of the Cabinet Office under various names since the mid 1990s. Additionally, the BRE was affected by considerable staff redundancies and down to a third of its earlier size.

Once the commitment to the ‘one-in, one-out’ approach had been secured, interest moved from the ‘flow’ to the ‘stock’ of existing regulation. Political interest was particularly animated by a suspicion that ministerial departments were ‘hiding’ scrappable regulation in order to have spare regulation available to sacrifice for future ‘one-in, one-out’ occasions.

To initiate the process, the National Archives were requested to deliver a list of ‘all legislation’ in the UK. The extensive reply was so complex that ministers decided to ask the BRE to come up with a way of systematising the existing legislation into a set of manageable components which subsequently became so-called ‘spotlights’ under the Red Tape Challenge. Furthermore, the interest in the stock of regulation led to a growing institutional interest within the Cabinet Office to engage with the better regulation agenda. The interest in reviewing the regulatory stock was primarily driven by Cabinet Office minister Oliver Letwin (Conservative). Over time, the process became increasingly dominated by the Cabinet Office rather than the BRE in BIS although most interviewees insisted that this was a functional co-existence in which the Cabinet Office was a ‘natural’ lead (in terms of web presence) given its cross-government brief. This dominance was largely reflected by the political interest of Oliver Letwin who was ‘accompanied’ by his ministerial equivalent from BIS, Mark Prisk (also Conservative). It was from within 10 Downing Street that the initiative was taken to start an ‘online’ challenge process, leading to frantic efforts to set up an appropriate web presence. The overall intention from Downing Street was to challenge all regulation; only those pieces of ‘red tape’ were to be continued where a good justification could be given. Crowdsourcing would be used to bash bureaucratic resistance to abolishing regulation and legislation. The Red Tape Challenge, especially its reliance on an online presence, was supported from the highest rank of the UK civil service, namely then cabinet secretary Sir Gus O’Donnell.

The actual Red Tape Challenge process relied on a number of stages which highlights the importance of looking both at the crowdsourcing component and the underlying administrative and political processes. Firstly, during a defined time window of variable duration, select themes were put onto the ‘spotlight’ and comments were invited. The vetting of comments was outsourced to a private company that also produced weekly reports for each spotlight. During the early spotlights, civil servants themselves were vetting the website on their smartphones and desk computers to avoid the publication of

racist or otherwise libellous comments on the website. The website was ‘closed’ during the night. The importance of vetting was seen as undermining the possibility of encouraging online discussions. Those interested parties that did not want their comments to be revealed were granted the possibility of submitting their comments via a ‘private channel’. Some interviewees stressed the helpfulness of this channel, others saw no real difference in the generally poor quality of information received via ‘public’ or ‘private’ channels; others noted that the number of ‘privately received’ messages had been low.

Specific ‘champions’ (from the business sector) were appointed to accompany the process. These champions were also used to generate wider interest in the exercise. Once the spotlight window had been closed, the responsible departments were required to respond to the received comments by coming up with a spreadsheet of suggestions that would primarily reduce the burden on business (‘scrap, reduce or improve’). This set of proposals was then submitted to various challenge settings. These included meetings with so-called ‘tiger teams’ (internal challenge meetings that brought in specifically chosen individuals from other parts of departments or even from other parts of government),<sup>4</sup> meetings with members from the ‘red challenge team’, and finally, the ministerial ‘star chamber’ itself. In this star chamber departmental responses were scrutinised by the two responsible ministers, Letwin and Prisk (although other members of the government and special advisers were said to wander in and out of particular spotlights’ star chambers). In addition, the champions were employed to challenge existing provisions, but none of the interviewees pointed to a prominent role played by these individuals.

The ministerial star chamber stage revealed the real emphasis of the Red Tape Challenge which was the ‘cost to business’ by ‘removing regulatory burdens’ unless they could be justified. This emphasis shaped preceding conversations within departments. Constitutionally, the star chamber was seen as problematic as one minister from one department directly questioned and challenged civil servants from a different department. Most officials however saw no de facto constitutional implications in this as they argued that ministers were ‘reasonable’ but this was less the case when particular special advisers were present. The modified list of proposals was then submitted to a cabinet sub-committee, the ‘Subcommittee on Reducing Regulation’ for final approval as this procedure ‘constitutionalised’ the review process. At the time of writing, monitoring of proposals was conducted by listing departmental promises and documenting activities. This monitoring, however, proved complicated as measurement of ‘mergers’ and ‘amendments’ in regulation was not necessarily particularly insightful in terms of indicating ‘quality’ or ‘burden reduction’. It was argued that some measures were very easy to measure, but that ultimately less attention would be paid to less visible or measurable initiatives. However, the political emphasis was mostly on counting numbers of regulations that had been ‘scrapped’ or ‘improved’.

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<sup>4</sup> The term ‘tiger teams’ was introduced in the Department of Transport. Most other departments did not adopt this term.

From the viewpoint of the administration-watcher, a number of features stand out. As noted, the primary emphasis was on ‘burden reduction’ (to business) with very little interest in ‘deliberation’. This was reflected in the language on the website with its suggestion that the growth of regulation had increased burdens on business and had also done societal harm by reducing individual responsibility.<sup>5</sup> Given this emphasis, crowdsourcing was viewed as a way to (from the viewpoint of the initial designers) hopefully unleash popular frustration with regulation and legislation.

The second key issue was the level of required political attention to support the overall process. This was driven by one minister’s agenda in particular (Oliver Letwin), leading to the rise of a ‘better regulation’ industry in the Cabinet Office although the specific involvement from Downing Street on ‘crowdsourcing’ declined, arguably due to considerable inter-departmental conflict over the value of social regulation and overall frustration with the initial results of the process that did not lead to the hoped for general scrapping of regulation at large. Whether political attention could be divided into challenging departmental responses in the star chamber, and into monitoring and ‘accompanying’ implementation remained an open question.

The third challenge was the actual agenda itself. Apart from moving through various areas of existing regulatory provisions,<sup>6</sup> the Red Tape Challenge was also used to deal with cross-cutting issues that were not directly related to particular pieces of regulation/legislation, but with ‘practices’, namely ‘enforcement’ and later, ‘disruptive business models’. In the case of enforcement, the Red Tape Challenge was supposed to feed into much wider reviews including ongoing ones. More controversially, a cross-cutting theme dealt with equality legislation. The inclusion of the Equalities Act was notable for the reason that this involved recently consolidated legislation under the previous Labour administration (in 2010), rather than regulation, orders or statutory instruments. It therefore was perceived as an unlikely candidate for a review of ‘regulatory stock’. Rather, it was an attempt by certain aspects of the Conservative/Liberal Democrat administration to challenge the social policy status quo as such and the same applies to environment, health and safety, and enforcement. The idea here was to roll back the presence of protective provisions at large. As noted below, political dissatisfaction in Downing Street with the lack of ‘deregulation’ triggered by the Red Tape Challenge led to the commissioning of further reviews to advocate more far-reaching measures.<sup>7</sup>

Finally, the institutional set-up upset departmental sensitivities. Most of all this related to the growing role of the Cabinet Office in this exercise at the expense of the BRE

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<sup>5</sup> <<http://www.redtapechallenge.cabinetoffice.gov.uk/about/>>

<sup>6</sup> For example, whether, in the ‘Seafisheries’ sub-theme, the Lobster and Crawfish (Prohibition of Fishing and Landing) Order and Undersized Edible Crabs, Spider Crabs and Velvet Crabs Orders could be merged.

<sup>7</sup> Most prominently, the businessman and Conservative party donor, Adrian Beecroft, whose May 2012 report was described as ‘insane’ by ‘sources close to’ the Business Secretary and Liberal Democrat, Vince Cable. In response, Beecroft termed Cable a ‘socialist’ in a newspaper interview. See <<http://www.guardian.co.uk/politics/2012/may/23/cable-dismisses-beecroft-proposals-workers>> and <<http://www.guardian.co.uk/politics/2012/may/23/vince-cable-socialist-tory-donor>> Last accessed 22 July 2012.

although interviewees, as noted, sought to dismiss this claim as well as the more general question on where ‘better regulation’ units should be located in government – in a cross-cutting department near the prime minister or at ‘the heart’ of business regulation? The chief trigger for this growth industry was a perceived general lack of enthusiasm within BIS in the better regulation work and the heightened attention paid to this process by one particular minister in the Cabinet Office. A second issue related to the way in which the star chamber cross-examined civil servants outside the usual departmental channels.

But what about the outcomes of the Red Tape Challenge? The next section explores the official success story by looking at the number of regulations and provisions that were culled before moving to an analysis of the actual crowdsourced comments.

### *Red tape: wanted dead or alive*

Interviewees generally pointed to a primary ambition to ‘reduce regulation’, although some of the official documentation continued to signal a commitment towards the crowdsourcing component of the Red Tape Challenge. The May 2012 mid term report produced by the Cabinet Office noted not just the various commitments towards ‘scrapping/improving regulation’ in various areas, but the supposed popularity of the crowdsourcing component. According to the Cabinet Office, the website had attracted ‘over 227,000 visitors’, ‘over 28,000 comments’ and ‘over 950 private submissions’ (RTC 2012). In an earlier account by the lead civil servant in the Cabinet Office (Cavendish 2012), it was claimed that 12% of all website submissions and 43% of the inbox submissions had been ‘useful’.<sup>8</sup> Accordingly, the Red Tape Challenge had attracted a ‘wider range of people to contribute’, ‘promoted transparency’, generated further ‘evidence’, ‘promoted objectives and successes’ and had ‘driven better and faster decision-making’ (Cavendish 2012). That earlier presentation also noted that in the future care should be taken to deal with campaigns, carefully consider pre-moderation and to encourage more deliberation.<sup>9</sup>

In addition, the ‘One-in, One-out: Third Statement of New Regulation’ document (BIS 2012) highlighted a number of areas where the British economy would be revived as a result of the Red Tape Challenge, in particular by scrapping or improving over 50% of regulations that had been reviewed. Comments included ‘over 1,200 regulations’, ‘greatly reduce the amount of paper required to run a car’, ‘simplify the ineffective and burdensome poisons licensing system for low risk products such as fly spray and toilet cleaner’ (BIS 2012: 15). It also noted how the Red Tape Challenge had fed into wider considerations regarding health and safety regulation (the ‘Löfstedt Review’).<sup>10</sup> The Equalities spotlight was striking as its ‘reform announcements’ were delayed. The eventual announcements in May 2012 contained largely measures that required further

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<sup>8</sup> Howe (2009: 226) points to the relevance of Sturgeon’s Law in this context (‘90 per cent of everything is crap’).

<sup>9</sup> Elsewhere, the Red Tape Challenge also attracted considerable interest from the wider fan base of crowdsourcing advocates, including the use of various types of visualisation techniques.  
<<http://governingpeople.com/edemocracyblogcom/21886/visualisation-red-tape-challenge-comments>>

<sup>10</sup> See <<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>> Last accessed 27 August 2012.

consultation, reflecting wider governmental tensions about this particular agenda and measures that would throttle the Equality and Human Rights Commission via financial and structural cutbacks.

The mid term report celebrated regulatory changes and potential cost savings though the calculations were difficult to trace, for example phrases like ‘up to £1 billion over 5 years’ (RTC 2012: 1). Reflecting the political interest in announcing success in terms of the number of scrapped regulation, the report stated that those areas which had already cleared the overall process had achieved a number of regulatory ‘reductions’. These are illustrated in the Table 2 (adapted from RTC 2012); the Equalities Act relates to one piece of legislation and therefore could not be counted.

**Table 2.** Reform announcements

Theme	Scrap	Improve	Keep	Regulations	%
Retail	114	56	87	257	66
Hospitality	12	69	33	114	71
Health & Safety	31	144	32	207	84
Manufacturing	47	18	63	128	51
Employment-related law	12	57	91	160	43
Environment	53	132	70	255	73
Equalities				1	
TOTAL	327	560	611	1498	59

Source: RTC (2012).

It is difficult to assess the extent of regulatory reform activity by looking at these numbers. For example, among the number of specific regulation scrapped in the retail spotlight (114), the vast majority originated in one particular area, namely the removal of orders relating to ‘Trading with the Enemy’ statutory instruments, rules and orders (98) (BIS 2012: 17–8; the listed provisions largely dealt with territories where the Act no longer applied in the post-1945 world). Other regulations that were to be scrapped included the ‘Children’s Clothing (Hood Cords) Regulations 1976’ and the ‘Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987). A total of 56 measures were supposed to be improved and this was defined as ‘by simplifying regulation, by merging, improving domestic implementation or changes to the EU rules’ (BIS 2012: 17, note 15). In the area of retail, this included, for example, regulations dealing with the sale of crossbows and imitation firearms to under-18 year olds (‘Violent Crime Reduction Act 2006 [Under-Age Sales, Crossbow/Air Weapons and Imitation firearms]).

Elsewhere too, a closer look at the various spotlights reveals a mix of ‘improve’ and ‘scrap’ responses. However, non-standardised information provision made it difficult to assess the number or nature of the provisions designated for the scrapheap. In some areas, as with the retail spotlight, the scrapheap of regulations was constituted by ‘zombie’ regulations that seem to have been long forgotten by government and business alike. In Environment, the official response which also affected a number of government departments and agencies, suggested that among the 255 regulations under review, 132 would be ‘improved’, 53 ‘removed’ and 70 kept, all of which were subject to further consultation, for example, work on ‘Dog Control Orders’. The listing separated out types of ‘to be scrapped’ regulation (zombie or in official language: regulations ‘no longer being used so have no impact on anyone’) and actual cost-reducing measures as well as six variations of ‘improved’ regulation. This decision was taken to allocate sufficient resources to those regulations that were seen as potentially being able to reduce ‘cost to business’. For example, in Environment, a zombie regulation included the ‘Rabbit Clearance Order No. 148 (England and Wales).<sup>11</sup> Examples for ‘costly’ regulations included a number of ‘Wild Bird (Sundays) Orders’ from the mid 1950s which restricted wildfowling on Sundays in certain counties. In this case, proposals were made to rely on non-regulatory mechanisms.<sup>12</sup>

Other provisions were seen as ‘easy pickings’ that could be ‘thrown in’ to please the ministerial star chamber. Interviewees however warned of the potential side effects of concentrating on supposedly zombie regulations rather than on those that actually incurred ‘cost to business’. This was because the actual removal of provisions that nobody knew about did incur a certain opportunity cost (one civil servant estimated that the ‘full economic cost’ to remove a ‘zombie’ was approximately £1,000). For some interviewees, the confrontation with particular provisions and the demand to assess them in the light of cost to business raised issues about evidence-base and existing justifications for particular interventions or institutional arrangements.

The way in which different spotlights reported on their intended changes differed considerably. The retail spotlight offered a spreadsheet of all considered regulations as noted above. In hospitality, some information was available that pointed to areas of ‘improvement’ (Energy Performance Certificates, Alcohol Licensing), ‘clarification’ (food labelling, private water supply) and ‘scrapping’ (smoking signs, specific entertainment licenses). Elsewhere, the website provided links to broad press announcements. For example, the Manufacturing response noted that 128 regulations had been reviewed. Among the non-EU domestic provisions, 47 regulations were to be scrapped, 18 ‘improved’, and 22 would remain ‘unchanged’. Amongst other things, it also announced that the British Proof Authority<sup>13</sup> would work on consolidating the 1868 Gun Barrel Proof Act.

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<sup>11</sup>The Order which had not been enforced for some time consolidated provisions in the Pests Act 1954, giving ministers the power to make rabbit clearance orders requiring occupiers to control rabbits on their land. <[www.legislation.gov.uk/ukpga/Eliz2/2-3/68/section/1](http://www.legislation.gov.uk/ukpga/Eliz2/2-3/68/section/1)> Last accessed 27 May 2012.

<sup>12</sup>For example, <[www.legislation.gov.uk/ukpga/1954/30/pdfs/ukpga\\_19540030\\_en.pdf](http://www.legislation.gov.uk/ukpga/1954/30/pdfs/ukpga_19540030_en.pdf)>

<sup>13</sup>The British Proof Authority was constituted by the ‘Worshipful Company of Gunmakers of the City of London’ and the ‘Guardians of the Birmingham Proof House’.

*Anyone out there: smart mobs, angry crowds or lonesome contributors?*

But what about the actual crowdsourced information? Figure 1 summarises the information of those spotlight topics that have been considered so far (19 spotlights, 101 sub-themes). In terms of method, all comments on the website were downloaded. Table 3 illustrates the aggregate number of submissions by chronology of spotlight. (See the Appendix for the number of regulations under discussion and submitted comments by sub-theme). What is noticeable is a decline towards the end of the period of interest

**Table 3.** Spotlights and aggregate number of comments

<b>Spotlight</b>	<b>Number of comments</b>
Retail	8299
Hospitality, Food and Drink	477
Regulatory Enforcement	104
Road Transportation	1506
Equalities	5437
Environment	2307
Employment-related laws	2049
Health & Safety	739
Children Services	51
Maritime & Rail	870
Manufacturing	37
Medicine	699
Water & Marine	248
Housing	279
Sports	44
Energy	28
Pensions	109
Company & Commercial Services	148
Legal Services	16

which cannot be clearly linked to whether a spotlight was directly related to cost to business. The spotlights attracted different levels of interest from zero to 5,437 (Equalities), and contained a range of provisions from single Acts and discussion papers to a large number of Acts, regulations, statutory instruments and orders.

To explore the nature of the online contributions, a hundred random entries were selected where there were more than 120 comments but if there were less than 120 comments all of them were coded (see below). The key interest was to establish the 'tone' of the message, to look at the specificity of the proposals or comments, and whether there was any evidence of a deliberative character in the messages, and where there was a response, to assess whether these were supportive or hostile in character (for a similar exercise and scheme, see Cuellar 2005). Thus, a comment was coded as 'keep it/strengthen it' when it expressed support for the provision and/or demanded a tightening, an extension or a tougher sanctioning regime. A comment was coded as 'weaken it' where there was a commitment demand to remove provisions in general or in particular aspects, and as 'simplify it' where there was a commitment towards existing standards but with demands for reduced paperwork and such like. Mixed messages were coded as 'neutral', and enforcement-related concerns were also coded separately. It is unlikely that a computer generated 'tone detection' system would have offered many advantages given the highly heterogeneous nature of submissions.

The coding also noted whether contributors explicitly stated their institutional status. Furthermore, the coding also separately accounted for the few instances where moderators or 'champions' sought to animate or direct the discussion, and with what effect. Such coding exercises are open to biases on many dimensions. It requires cross-checks and a relatively high degree of inter-coder reliability was achieved (0.75). It is impossible to assess whether particular comments were useful or not. Any judgement would require specific knowledge in the various subject areas and about the information basis that was already in existence in these areas.<sup>14</sup> Figure 1 provides a summary of

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<sup>14</sup> One, not necessarily typical example, is the following from the 'freight' spotlight which was an entry that was not coded for 'tone' and did not generate any deliberative responses.

'STOP FOREIGN HGV DRIVERS FROM DRIVING IN THE UK, UNLESS THEY CAN PAY EXHORBITANT ENTRY FEES. ALSO, STOP EU DRIVERS FROM TAKING ALL OF UK DRIVERS HGV JOBS – HAD MY HGV LICENCE FOR 5 YEARS, STILL NO JOB – UK BORN AND BRED' (Victor Gunzalez, 23 May 2011, 11:52 am).

Similarly:

'I don't know if this is something within this legislation but what I would like to see is: In this day and age of larger and larger volumes of traffic on the road and our (DSA ADIs) having to raise the standard of new drivers: I would like to see legislation to stop the design and redesign of our roads being left in the hands of ignorant unbelievably incompetent imbeciles in county and local government who lack even the most basic driving skills i.e. can't even drive them selves; which is literally costing lives!' (Ted, 16 June 2011, 10:14 pm).

For an example of a 'highly specific' comment:

'Discontinue use of sign pattern 619 (the flying motorbike). I live in a village which has these signs intended to maintain the integrity of "quiet" (sometimes called "green") lanes. They are widely ignored by motor traffic. I have taken the matter up with the police and with the local council. The council say they are legal (agreed – but not effective) and the police say no action will be taken against offenders because "people don't know what they mean" !!! Legalise the use of pattern 616 (red disc, white bar) together with exception plate 954.4 (except cycles). Pattern 616 is unambiguous, it is more widely understood and leaves little room for (weak) excuses. Exception plates are permitted

those spotlights that have been completed and the sub-areas on which comments were being sought. It points to the ratio of particular type of claims (or their sources) and their ratios in relation to the total number of claims investigated. Where the individual bars do not aggregate to 1, this means that comments could not be categorised (for example, the argument in ‘general pensions’ that ‘sharing skills and bartering out to be encouraged’),<sup>15</sup> or were ‘neutral’ or related to enforcement activities. The analysis contains 101 sub-themes, drawn from 19 completed spotlights, reflecting the half-way state of the Red Tape Challenge.

Figure 1 offers a number of insights. Most of the comments were generally of a ‘more’ regulation nature rather than the hoped-for calls for eliminating red tape (see in particular the distribution of comments regarding the Sunday Trading provisions). Those topics that attracted demands for ‘scrapping’ regulation were often occupied by concentrated interests (road racing clubs, supporters of herbal and homeopathic medicine). Other sub-themes saw clashes between concentrated interests such as that of ‘inland waterways’ between canoeist and angling interests. The strong ‘scrap’ views evident in the ‘legal services’ theme is driven by very low numbers of comments.

For some interviewees, these patterns came as a surprise. Others expressed no particular interest in the received comments, but pointed to the usefulness of the ‘privately’ received comments. The Children Services’ spotlight received less than 100 comments in total (and was hardly a theme that resonated with ‘cost to business’). More surprisingly, the ‘energy’, the ‘company and commercial services’ and ‘legal services’-related spotlights also attracted very little attention. As noted, interviewees disagreed regarding the importance of the ‘private channel’ and in some cases built on established consultation channels to receive comments.

Instead of focusing on the quality and quantity of crowdsourced comments, interviewees stressed the importance of internal challenge activities that encouraged civil servants to reflect on their particular regulatory stock. So while most of the received comments were about protecting or enhancing regulation or, in the case of

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for buses (954, 954.2) but not for cycles. See DfT signs manual page 26’ (Ben Garner, 16 June 2011, 7:13 am).

More representative is this comment:

‘I think they should be left as they are’ (Milfat Sulaiman 13 June 2011, 8.46am [Equalities])

One rare case in which the ‘censure’ of comments was visible was the following comment:

‘if we could get councillors with [half a brain and a modicum of] common sense’.

Similarly:

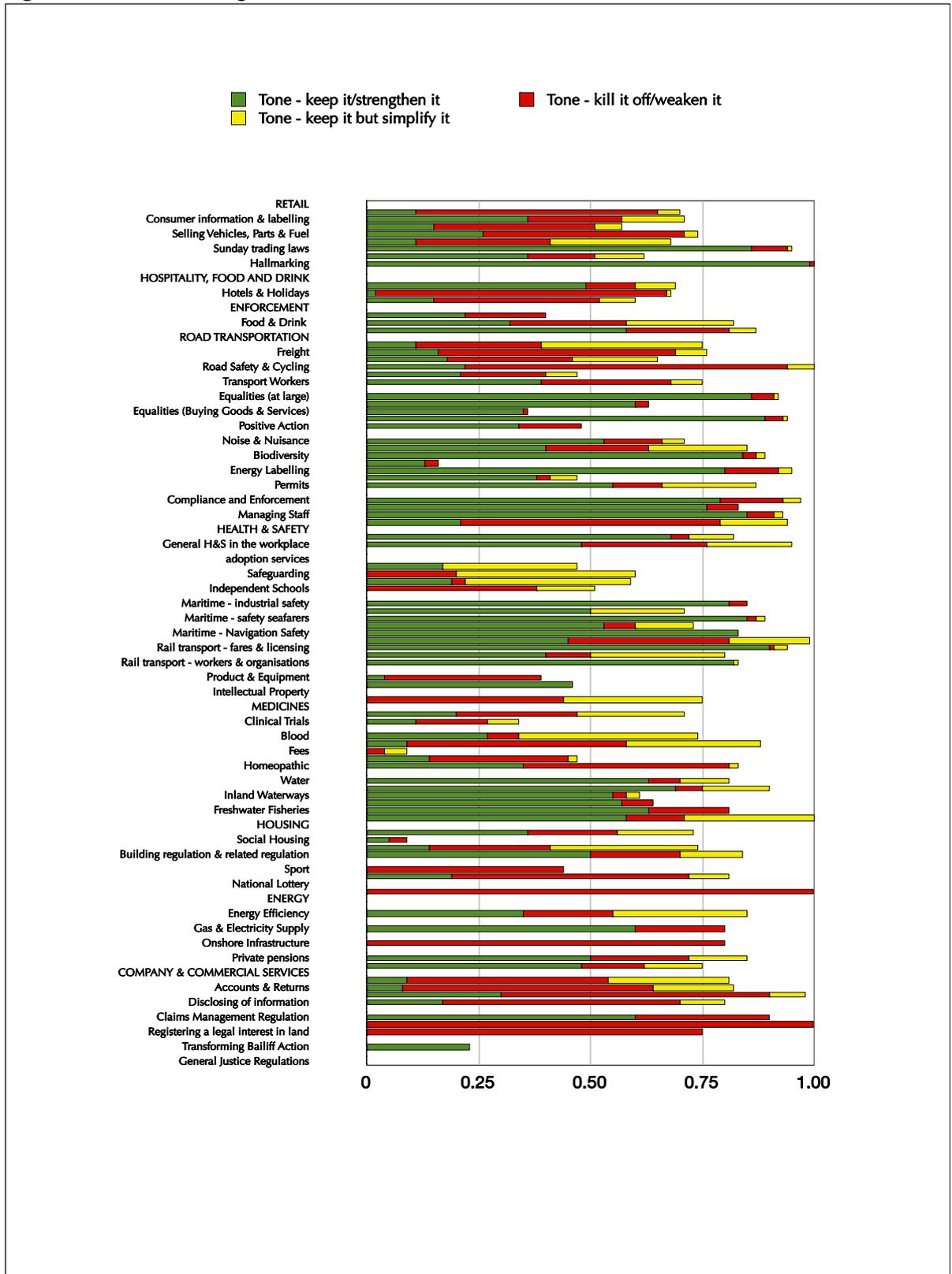
‘It must be feasible to return a profit on a UK scale as lots of small firms are making peoples’ lives a misery under the current laws. The papers are full of stories on a weekly basis about crazy extreme cases, surely its time for a reform / end to this!!!! For proof of profitability look at any of the private firms making healthy profits [robbing people and causing general misery to line their pockets]. It would be a fairer system to at least contribute to a council, as opposed to some [scummy] business owner / individuals [with low morals]’ ( Olly, 8 June 2011, 1:12pm, on ‘parking)

‘It is wrong, disingenious and it is not proper consultation. I am directly affected by this and I have only just heard about it...It is a con.’ (Angela Pingram, 7 December 2011, 3:29pm, Rail transport, Rail Transport Workers and Organisations’)

Note: spelling is as in the original.

<sup>15</sup> Elizabeth Robillard, 7 April 2011, 10.13am

Figure 1. Tone of messages



taxi, complaining about local authorities' inconsistencies and demanding centralised regulation, the actual content of the messages was also a problem for assessment. Some of the messages reflected on specific regulations, while others if not most, put forward more generic commentary ('keep them all'), attacked unrelated issues (metrication or EU membership) and seemingly marginal issues (should paddling pools be included under the hose-pipe restriction provisions of the 2010 Flood & Water Management Act?) or demanded changes that would violate the terms of UK membership to the EU. Surprisingly, it was not difficult to allocate a distinct tone, hardly any messages offered a mix of proposals to 'keep' certain provisions and to 'scrap' others.

Somewhat ironically, despite the extensive opposition to change in Sunday Trading legislation, the subsequent limited relaxation of Sunday shopping hours for the 2012 Olympics was seen as an indicator of a more wide-ranging attempt to liberalise shopping hours further. Especially in the earlier rounds, some comments sought to criticise the suspected normative basis of the exercise at large. Furthermore, there was, according to interviewees at least, no direct relationship between the number of comments received and apparent regulatory burden. A particular example of this issue was the widespread concern expressed in submissions regarding 'hallmarking' (which was an organised campaign). Overall, the comments with some exceptions were regarded as neither particularly smart nor specifically angry.

It was also difficult to identify who was actually commenting on the various regulations. Many comments were provided on a first-name only basis ('John', for example, offered five highly specialised comments regarding taxi and vehicle regulations; 'elephant never forgets' appeared on road transport issues on regular occasions mostly offering critical comments on the contributions of others; Barrie Youde offered some poetry in the maritime safety spotlight. Some identified their professional background (seafarer, carer, taxi firm owner). Few firms submitted their comments in public. There were examples of organised campaigns (for example, road bicycle racing or hallmarking) where numerous individuals submitted near identical comments. Similarly, fire brigades were very active in the area of Equalities, as were, in this particular area, other advocacy groups. Among trade unions or business associations, only the Unite trade union submitted various views across early spotlight themes, most of which were of a similar nature such as attacking the perceived overall intention of the Red Tape Challenge in seeking to undermine overall achievements of a long-standing industrial struggle.

Overall, it is difficult to assess whether the Red Tape Challenge did invite new correspondents and who those individuals were, and it was impossible to find out if the same individuals re-appeared on the various spotlights or in one spotlight. This apparent lack of interest from identifiable businesspeople, who were assumed to be too afraid to comment, led the Cabinet Office to encourage departments to use alternative ways to assess business opinion including specific panels, visits to some businesses or traditional consultation mechanisms. However, even where small businesses identified themselves on the website, it was difficult for officials to assess whether the message was an indicator of a wider problem or simply a singular grievance.

There was very little evidence of deliberation which is defined here in the minimal sense of someone responding to another message. This is a far cry from the more demanding conditions that have been identified for deliberation in the wider literature, namely an exchange between views that relies on persuasion and where actors are willing to be won over in order to achieve a joint position. As noted, civil servants suggested that deliberation was impeded by the required delay in putting submitted comments online. However, even where there was some deliberation, these comments were rarely directly related to the initial comment. Rare efforts by champions or moderators to encourage further comments or more detailed contribution were mostly ignored (the observed subset contained 93 Red Tape Challenger interventions, 12 comments received a response). In short, there was no evidence that the Red Tape Challenge encouraged deliberation.

Does the ‘heat’ of the crowdsourced opinion provide for indications as to where we can find ‘movement’ in terms of official announcements? Again, given the level of commentary, it is very difficult to identify a direct linkage between the kind of arguments made on the website and the specific proposals to scrap or improve regulation with the exception of the ‘Trading with the Enemies’ provisions. At a separate level, the heat generated by different contributions and its overall direction was at times used in the internal deliberations within departments and in the ministerial star chamber (the champions sat on the side of the challengers not the department). Again, however, neither online comments nor the Red Tape Challengers’ contribution were seen as critical in tipping particular arguments or concerns. Indeed, in some cases, the extent to which particular parties identified themselves was used, according to interviewees, by government actors to argue that the crowdsourcing information should be ignored, because it supposedly did not reflect business interests.

In sum, looking at these spotlights does not suggest that there was a smart mob out there wishing to reduce the burden of regulation. The Red Tape Challenge became an ever wider exercise that combined not just the discussion of particular provisions, but also included cross-cutting themes, such as enforcement. In many ways, the crowdsourcing exercise resembled more traditional consultation exercises in that they attracted diverse inputs, some of which were based on organisational interests. However, in some ways, the Red Tape Challenge exercise proved to be worse than analogue consultation exercises as views were largely anonymous and ill-targeted. Traditional consultation may just involve the usual suspects. However, such an outcome, to some extent at least, facilitates a professional exchange of viewpoints. What really seemed to matter for the Red Tape Challenge in terms of actually challenging red tape were the processes within departments and in the ministerial star chamber.

### **Dreaming of Californication**

Much has been said about the potential of digital government in terms of transforming individuals’ lives and changing the relationship between citizen/subject and the state

(Dunleavy et al 2006). Crowdsourcing, understood here in a mostly ‘wisdom of the crowd’ kind of way, is no different: it was supposed to promise intelligent commentary by those strangled by red tape. In many ways, the Red Tape Challenge offered a completely opposite experience. The dominant bias was in favour of more regulation, the overall process appeared not less costly than traditional consultation processes, and the outcome was not necessarily different to previous red tape bonfires.

The dream of Californication in government, namely the view that dispersed intelligence can be accessed via low cost means for the use of politicians to suppress ‘regulatory creep’ (Coglianese 2004b), seems to be disappointed in practice, at least in the case of the Red Tape Challenge. The disappointment with the lack of widespread ‘deregulatory’ appeal at the centre of government was particularly noticeable in the ongoing conflicts between Downing Street guru Steve Hilton (before his sabbatical leave to Stanford University in mid 2012) and the Business Department. The former was accused of provoking inter-departmental strife when commissioning further reviews of workplace regulation with further stories being leaked, an example included his wish to abandon maternity provisions.<sup>16</sup>

If Californication was supposed to bring about deliberation and consultation, then, again, the exercise was a disappointment. Instead of any of the four ‘benevolent’ views noted in Table 1, the initial evidence points to all four sceptical views. Some may argue that just placing a large number of regulations on a website and hoping for an informed debate is highly naive in the first place. This dumping effect was further facilitated by the rushed nature of the early spotlights. In general, it is questionable whether any ‘crowd’ would be interested in exchanging views about highly niche regulations, such as the ‘Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1995’.<sup>17</sup> Instead, small scale attempts involving experts to deliberate about discrete regulations may have offered a more informed response.

Furthermore, a procedure that was supposedly ‘cost-lite’ as information was freely sourced from the crowd, turned into a high cost device. Costs included the running and monitoring of the website, analysing the comments and seeking to develop some form of response to please the various star chambers and tiger teams. So, even if the benefit of the Red Tape Challenge was to provide for a focusing event to concentrate minds on ways of ‘reducing burdens to business’, then any costing of the internal review processes was likely to outweigh the immediate achieved reduction in costs to business that was directly related to the Red Tape Challenge. Of course, a costing of the intended savings was inherently difficult and speculative, whereas the full economic costing of the internal processes was and is politically infeasible. Furthermore, officials did suggest that the high political attention to the process and the focused nature of the spotlight episode had facilitated a review of regulations within departments that

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<sup>16</sup> *Daily Telegraph*, 28 July 2011 <<http://www.telegraph.co.uk/news/politics/david-cameron/8667058/David-Camersons-senior-adviser-Steve-Hilton-suggests-UK-should-abolish-maternity-leave.html>>

<sup>17</sup> This order grants Councils the power to specify the length of road on which dogs must be kept on a lead. <<http://www.legislation.gov.uk/uksi/1995/2767/contents/made>> Last accessed 7 May 2012.

otherwise would not have been possible given entrenched interests and policy team views. In addition, the Red Tape Challenge was seen as a good facilitator to align departmental plans with the ‘cost to business’ agenda of the Conservative/Liberal Democrat’s better regulation motive.

As earlier US-based assessments of the e-rulemaking process have noted, the actual contributions seem to suggest no major qualitative difference to analogue consultation exercises. The innovative potential of the Red Tape Challenge was the extensive challenging within and across government departments. This was largely driven by the strong presence of one key minister (Letwin) and the wider coalition agreement’s on the importance of red tape reduction as a way of facilitating economic recovery and not by crowdsourcing.

The contemporary attraction of crowdsourcing in government reflects an uneasy coalition of desperately trending individualists, with their views of a deregulated economy and society, and egalitarians who seek new ways of connecting individuals to new participatory problem-solving networks. Whether such activities are well suited to tackle more far-reaching problems of power asymmetries within society is a wholly different matter.

More generally, the problems of the Red Tape Challenge affected all better regulation initiatives over the years especially in the UK (Lodge and Wegrich 2009). One problem related to the inevitable life-cycle of reform initiatives that were over-reliant on ministerial enthusiasm and invited difficult trade-offs and gaming by departments. Furthermore, the Red Tape Challenge reflected the inherent contestability about what such initiatives were supposed to achieve (for example, more informed regulation, less regulation, or more conversation about regulation). Such problems were not solely affecting the Red Tape Challenge, but were at the heart of any attempt at developing a better regulation. As noted, the Red Tape Challenge initially sought to combine ideas of decentralised information-gathering and therefore heightened intelligence with strong views about the perverse effects of all regulation that therefore could be scrapped. However, the underlying administrative process revealed the dominant view that the Red Tape Challenge was about scrapping above all else. It therefore violated competing logics, such as inviting for ‘more intelligence’ and for ‘more deliberation’. It was not crowdsourcing that offered the legitimacy for widespread scrapping, but the political agenda within the coalition government that drove this process.

In sum, the dream of California neither succeeded in escaping the constraints of the old world of consultation and value trade-offs, nor did it arrive in a new world of near costless informed mob (or business) commentary or red tape busting.

## References

- Affuah, A. and Tucci, C. (2012) 'Crowdsourcing as a solution to distant search'. *Academy of Management Review* 37 (3): 355–75.
- Ahn, M. and Bretschneider, S. (2011) 'Politics of e-government'. *Public Administration Review* 71 (3): 414–24.
- Balla, S. and Daniels, B. (2007) 'Information technology and public commenting on agency regulations'. *Regulation & Governance* 1: 46–67.
- Beirerle, T.C. (2003) *Discussing the rules*. Washington, DC: Resources for the Future.
- Benjamin, S.M. (2006) 'Evaluating e-rulemaking: public participation and political institutions'. *Duke Law Journal* 55 (5): 893–941.
- BIS [Department for Business, Innovation & Skills] (2012) 'One-in, one-out: third statement of new regulation'. London: BIS.  
<<http://www.bis.gov.uk/assets/BISCore/better-regulation/docs/O/12-p96a-one-in-one-out-third-statement-new-regulation.pdf>>
- Brabham, D. (2012) 'Crowdsourcing: a model for leveraging online communities', in A. Delwiche and J. Jacobs Henderson (eds), *The participatory cultures handbook*. London: Routledge.
- Cavendish, W. (2012) 'Red Tape Challenge, crowdsourcing policy – progress & lessons learnt'. <<http://www.crowdsourcing.org/document/crowdsourcing-policy---progress--lessons-learned-red-tape-challenge/11155>>
- Chadwick, A. (2006) *Internet politics*. Oxford: Oxford University Press.
- Coglianese, C. (2011) 'Federal agency use of electronic media in the rule-making process'. Public Law and Legal Theory Research Paper Series no. 11–32. Philadelphia, PA: University of Pennsylvania Law School. <[ssrn.com/abstract=1911546](http://ssrn.com/abstract=1911546)>
- Coglianese, C. (2006) 'Citizen participation in rulemaking'. *Duke Law Journal* 55: 943–68.
- Coglianese, C. (2004a) 'E-rulemaking: information technology and the regulatory process'. *Administrative Law Review* 56: 353– 402.
- Coglianese, C. (2004b) 'Information technology and regulatory policy: new directions for digital government research'. *Social Science Computer Review* 22 (1): 85–91.
- Cuéllar, M-F. (2005) 'Rethinking regulatory democracy'. *Administrative Law Review* 57 (2): 411–99.

- Dunleavy, P., Margetts, H., Bastow, S. and Tinkler, J. (2005) 'NPM is dead, long live Digital Era Governance'. *Journal of Public Administration Research and Theory* 16 (3): 467–94.
- Gibbons, M. and Parker, D. (2012) 'Impact assessments and better regulation'. *Public Money & Management* 32 (4): 257–64.
- Hood, C. (1998) *The art of the state*. Oxford: Oxford University Press.
- Howe, J. (2009) *Crowdsourcing: how the power of the crowd is driving the future of business*. New York: Random House.
- Lodge, M. and Wegrich, K. (2009) 'High quality regulation: its popularity, its tools and its future'. *Public Money & Management* 29 (3): 145–52.
- Margetts, H. (2003) 'Electronic government: a revolution?', in G.B. Peters and J. Pierre (eds), *Handbook of public administration*. London, Sage.
- Moffatt, P. and Peters, S. (2004) 'Pricing personal services'. *Scottish Journal of Political Economy* 51 (5): 675–90.
- Noveck, B.S. (2009) *Wiki-government: how technology can make government better, democracy stronger, and citizens more powerful..* Washington, DC: Brookings Institution Press.
- RTC (2012) *Red Tape Challenge: one year on*.  
<<http://www.redtapechallenge.cabinetoffice.gov.uk/2012/05/red-tape-challenge-one-year-on/>>
- Schlosberg, D., Zavestoski, S. and Shulman, S. (2007) 'Democracy and e-rulemaking'. *Journal of Technology and Politics* 4 (1): 37–55.
- Shulman, S., Schlosberg, D., Zavestoski, S. and Courard-Hauri, D. (2003) 'Electronic rulemaking'. *Social Science Computer Review* 21 (2): 162–78.
- Surowiecki, J. (2004) *The wisdom of crowds*. New York: Doubleday.
- Yackee, J.W. and Yackee, S.W. (2006) 'A bias towards business? Assessing interest group influence on the U.S. bureaucracy'. *Journal of Politics* 68 (1): 128–39.
- Yackee, S.W. (2006) 'Assessing Inter-Institutional Attention to and Influence on Government Regulations'. *British Journal of Political Science* 36 (4): 723–44.

**Appendix.** Number of regulations and online responses.

Spotlight	Number of regulations	Number of responses
RETAIL		
Dangerous & Restricted Goods	24	57
Consumer information & labelling	37	129
Premises & Trading Requirement	13	47
Selling Vehicles, Parts & Fuel	20	31
Trading with the enemy	83	37
Sunday Trading laws	3	2646
Weights & Measures	42	98
Hallmarking	11	5254
HOSPITALITY, FOOD & DRINK		
Food labelling & composition	32	76
Hotels & Holidays	15	85
Licensing Act	1	131
Food & Drink	44	79
Wider Hospitality	20	106
REGULATORY ENFORCEMENT	Discussion Paper	104
ROAD TRANSPORTATION		
Buses & Taxis	63	297
Freight	33	101
Highways	66	360
Road Safety & Cycling	15	607
Transport Workers	86	28
Parking	21	113

EQUALITIES	1	5437
Equalities at work		216
Equalities (buying goods and services)		124
Equalities (enforcing the laws)		161
Positive Action		208
ENVIRONMENT		
Noise & nuisance	25	112
Waste	40	147
Biodiversity	163	1725
Chemicals	5	31
Energy Labelling	2	59
Air Quality	14	121
Permit	3	112
EMPLOYMENT-RELATED LAWS		
Compliance & Enforcement	15	868
Letting People Go	8	697
Managing Staff	130	422
Taking People On	11	62
HEALTH & SAFETY		
Major Hazards	21	50
General H&S in the workplace	51	689
CHILDREN SERVICES		
Adoption Services	34	0
Looking after Children	25	6
Safeguarding	13	5
Childcare & Early Years	20	32

Independent Schools	26	8
MARITIME & RAIL		
Maritime industrial safety	89	111
Maritime Safety Passengers	11	14
Maritime Safety Seafarers	60	41
Maritime Environment	39	15
Maritime Navigation Safety	17	12
Rail Transport – Fares & Licensing	31	281
Rail Transport – Rail planning & infrastructure	31	11
Rail Transport – Rail Safety & Standards, Security	84	20
Rail Transport – Workers & Organisations	52	365
MANUFACTURING		
Product & Equipment	83	13
Weights & Measures	17	8
Intellectual Property	4	0
Export Control	23	16
MEDICINE		
medicine	203	181
clinical trials	4	44
good laboratory practice	3	0
Blood	7	15
Pharmacy	2	92
Fees	15	9
Traditional herbal medicine	13	206
Homeopathic	6	152
WATER & MARINE		
Water	128	27
Flood & Coastal Erosion	48	13

Inland Waterways	10	100
Sea Fisheries	131	28
Freshwater fisheries	22	11
Marine Environment	20	69
HOUSING		
Private & Rented Sector	106	59
Social Housing	8	75
Construction Related Regulation	9	15
Building Regulation & related legislation	19	130
SPORTS & RECREATION		
Sport	86	9
Gambling	67	32
National Lottery	32	2
Other Cultural Regulations (including Heritage & Museums)	99	1
ENERGY		
Coal Industry & Miner Welfare	48	0
Energy Efficiency	19	20
Energy Security Nuclear	69	3
Gas & Electricity Supply	66	5
Offshore infrastructure	29	0
Onshore Infrastructure, sites, pipes & wires	36	5
PENSIONS		
Private Pensions	119	32
Pensions Protection	40	14
General Pensions	0	63
COMPANY & COMMERCIAL SERVICES		
Working of Companies & Partnerships	49	22
Accounts & Returns	24	73

Business Names	9	23
Disclosing of information	38	30
LEGAL SERVICES		
Claims Management Regulation	4	3
Regulating the Legal Professions	41	3
Registering a legal interest in land	26	4
Data Protection	19	0
Transforming Bailiff Action	22	6
Arbitration	4	0
General Justice Regulations	54	0

**Centre for Analysis  
of Risk and Regulation**

The London School of Economics and Political Science  
Houghton Street  
London WC2A 2AE

tel: +44 (0)20 7955 6577  
fax: +44 (0)20 7955 7420  
email: [risk@lse.ac.uk](mailto:risk@lse.ac.uk)

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