The Regulators’ Perspective of Engagements with Small Firms – The Case of London

2012

Lewis Michael Walsh

A Thesis in fulfilment of the requirements of Anglia Ruskin University for the degree of

Doctor of Philosophy

Submitted: February 2018
Acknowledgements

I would like to thank my supervisors, Prof. Simon Down, Dr. Brynn Deprey, and Dr. Stephanie Russell, for the numerous hours of support and guidance given to me. The attention they have given me, which included an inordinate amount of patience in the early stages of this thesis, contributed immensely to the quality of this research and my growth as a researcher.

I gratefully acknowledge Anglia Ruskin University for providing me with a bursary stipend to undertake this PhD. I am also indebted to all those who were kind enough to sacrifice their time to provide guidance and support.

To the friends at the Lord Ashcroft International Business School: thank you for your support. In particular Dr. Michael Duignan, Dr. Imko Meyenburg, and Dr. Irina Popova whose own completion of the PhD before me has filled me with envy until now.

My special thanks are to my partner Maya Yotova. I have no shame in admitting that she dragged me kicking and screaming over the line on this project. I feel I should also mention my children Miro (four), Theo (two) and Leela (one), it is the memories of you during this arduous process that will stay with me more than anything.
Abstract

Set within the context of the London 2012 Olympic Games, this thesis seeks to give an empirical account of regulators’ behaviour and perspective of small firms in order to understand the relationship between regulators and small firms. Typically, research of the regulator-small firm relationship concentrates on the perspective of small firms, with some studies claiming regulation, and by extension regulators, to be an overt burden on business, particularly small firms (e.g. Sommers and Cole, 1985; Fairmann and Yapp, 2005). Recently the debate has intensified by the contributions of authors who have suggested that regulation and the entities that deliver it both constrain and enable businesses (e.g. Edwards, et al., 2004; Kitching, et al., 2015). The findings of this research form an in-depth case study, drawn from seventeen in-depth interviews with policy makers, regulatory managers, and enforcement officers, which furthers current knowledge of the largely overlooked ‘other-side’ of the debate on regulation and small firms.

The study explores the challenges faced by the Olympic Delivery Authority (ODA), and other organisations in the Olympic regulatory constellation, when implementing and enforcing the new Olympic legislation; that included the most legally powerful advertising and trading regulations ever enacted in the UK. Research prior to the Games (e.g. James and Osborn, 2011a; 2011b; 2012) only considered the formal wording of the new legislation, e.g. the London Olympic Paralympic Games Act, leading to speculation that the ODA would take a heavy-handed enforcement approach to their engagements with local businesses. Contrastingly, the findings here demonstrate that despite the influence of such far-reaching legislation, managers and enforcement officers at the ODA often chose a discretionary approach in dealing with infringements. While the notion that regulators use discretion in enforcement is not new (see Baldwin, et al., 2000), this thesis has shown why such instances
of informal regulatory practice occurred alongside (and despite) the formalisation introduced by the written regulations.

Despite the formal omnipotence of the Olympic advertising and trading regulations, the human factor was noted as the key determinant of the balancing act between formal and informal interactions within the regulatory constellation, and in subsequent engagements with businesses. Furthermore, the findings of this research highlight that despite having different legislative environments, the social worlds of London 2012 and the everyday (business-as-usual) were not separate - they overlapped. Therefore, as regulators crossed over to the social world of the Games, social norms that informed their normal, everyday behaviour, as well as an obligation to endorse and enforce those norms, crossed over with them and affected their behaviour and perspective in their engagements with small firms. Additionally, linked to that collective sense of endorsing and enforcing everyday norms at London 2012, regulators’ conceptions of both their organisational identity and self-identity played a significant part in them not always adhering to the formal prescriptions of the Olympic legislation.

By shedding light on the mixture of formal and informal practices used by regulators, the thesis has contributed towards a better understanding of regulators’ behaviour and thus has enriched the debate of the impact of regulation on small firms. For example, it was noted that ODA managers and enforcement officers typified local small firms in terms of their likelihood to be non-compliant, or engage in problematic activities during Games Time, adjusting the regulatory relationship with those deemed to be higher risk businesses. Such adjustments to the regulatory relationship with those businesses has implications not only to regulators and the way they operate but naturally to the small firms in question as well.
Contents

Acknowledgements ................................................................................................................. i  
Abstract ................................................................................................................................ ii  
List of figures ....................................................................................................................... viii  
List of tables .......................................................................................................................... ix  
Chapter 1 – Introduction ........................................................................................................ 1  
  1.1 Synopsis ........................................................................................................................ 1  
  1.2 Research questions and overall aim ............................................................................. 3  
  1.3 Background to research ............................................................................................... 6  
  1.4 Justification for research focus .................................................................................... 8  
    1.4.1 London 2012 - background .................................................................................... 8  
    1.4.2 Why London 2012 ................................................................................................ 11  
  1.5 Researching the other side of regulation .................................................................... 13  
  1.6 Outline of the thesis .............................................................................................. 15  
  1.7 Who might be interested in this research? ................................................................ 18  
Chapter 2 - Literature Review .............................................................................................. 20  
  2.1 Introduction ................................................................................................................ 20  
    2.1.1 Introduction to formality-informality span ......................................................... 20  
    2.1.2 Outline of key areas of research .......................................................................... 22  
  2.2 Regulation defined ..................................................................................................... 25  
  2.3 The regulatory state ................................................................................................... 26  
    2.3.1 Interactions between regulators in the regulatory state .................................... 28  
    2.3.2 Formal interactions (e.g. autonomy and control) in the regulatory constellation ...................................................................................................................................... 30  
    2.3.3 Informal interactions in the regulatory constellation ......................................... 31  
  2.4 Formality and informality in the regulator – small firm relationship ........................ 34  
    2.4.1 Quantitative studies review ................................................................................. 36  
    2.4.2 Qualitative studies review ................................................................................... 38  
  2.5 Informality and organisational identity ...................................................................... 44  
    2.5.1 Organisational identity - background .................................................................. 45  
    2.5.2 Review of prior studies of organisational identity .............................................. 47  
  2.6 The legislative context of London 2012 ..................................................................... 50  
    2.6.1 Introduction ........................................................................................................ 50
2.6.2 London 2012 and the state of exception ............................................................. 50
2.6.3 The legal architecture of Olympic advertising and trading regulations at London
2012 .............................................................................................................................. 52
2.6.4 Prior research of Olympic advertising and trading regulation – the effect on
local small firms ......................................................................................................... 57

Chapter 3 Methodology and Methods ........................................................................ 60
3.1 Introduction ........................................................................................................... 60
3.2 Why critical realism? ............................................................................................ 61
3.3 Critical realism ...................................................................................................... 63
  3.3.1 Bhaskar’s social world .................................................................................... 64
  3.3.2 The social ontology of structure and agency ................................................ 65
  3.3.3 Generative mechanisms ............................................................................... 69
  3.3.4 Emergence .................................................................................................... 70
  3.3.5 Tendencies ................................................................................................... 71
3.4 Research design .................................................................................................... 72
  3.4.1 Introduction .................................................................................................. 72
  3.4.2 Intensive vs extensive research methods ...................................................... 72
  3.4.3 Case study ................................................................................................... 73
  3.4.4 Secondary data collection .......................................................................... 77
  3.4.5 Primary data collection methods ................................................................. 81
  3.4.6 Research sample ......................................................................................... 82
  3.4.7 Gaining access to data ............................................................................... 87
  3.4.8 Qualitative data analysis ............................................................................. 88
  3.4.9 Thematising data analysis .......................................................................... 89
3.5 Linking data coding to literature ......................................................................... 91
  3.5.1 Ensuring the quality of research process ....................................................... 96
3.6 Conclusion .......................................................................................................... 99

Findings Chapters – Preface ..................................................................................... 100

Chapter 4 – The Implementation of the Olympic Advertising and Trading Regulations 102
4.1 Introduction ......................................................................................................... 102
4.2 The regulatory constellation of London 2012 ..................................................... 104
  4.2.1 Assessing Games Readiness ....................................................................... 105
  4.2.2 Olympic Committee meetings .................................................................... 108
List of figures

Figure 1: Structure of regulatory constellations

Figure 2: Structure of regulatory constellations (adapted)

Figure 3: The Last Mile (GLA, 2010)

Figure 4: Leaflets denoting infringements of advertising and trading regulations.
List of tables

Table 1: Thesis Outline
Table 2: Secondary Data Documents
Table 3: Sections of the Regulatory Constellation of Interest
Table 4: Full List of Respondents
Table 5: Initial Themes
Table 6: Categorisation
Table 7: Themes Linked to Literature


Chapter 1 – Introduction

1.1 Synopsis

The London 2012 Games – an intense, four-week period that brought the UK into the spotlight. A time which required a monumental build-up of economic, human and political resources, all with the aim to further Brand UK and present the world with Games that were smooth, enjoyable and a spectacle for the fans. With that came a renewed spur of various ethical, philosophical and partisan conversations, some of which still resonate five years later.

This research is centred in one such pertinent conversation which revolves around the driving forces that steer regulators on the ground, the means used by regulators to implement and enforce legislation and the ultimate effect on small firms. More specifically, the case of London 2012 has been used to add a better understanding of the regulators and policy makers’ side of the regulator-small firm relationship. The focus here is on the regulators’ behaviour and perspectives in their engagements with small firms when operationalising a new regulatory chain (i.e. rule-making, licencing, monitoring, and enforcement). The driving assumption of my work is that regulators’ staff are at the core of this research in line with recent studies (e.g. Ram, et al., 2001; Edwards, et al., 2004; Kitching, et al., 2015; Kitching, 2016; Pollard, et al., 2017; Down, et al., forthcoming) which suggest that it is the people involved, and their decision making and mutual interactions, that are the key determinant of regulatory outcomes.

The people who have been the focus of this study are those that were employed by the organisations that made up the overall Olympic regulatory constellation; examples of such organisations being the Olympic Delivery Authority (ODA) and the Joint Local Authority Regulatory Services (JLARS). Staff within bodies such as the ODA determined not only
how the new advertising and trading regulations would be implemented, but also the outcome and style of engagements with local small firms during enforcement.

By investigating the less well researched behaviour and perspective of regulatory staff, this research highlights the complexity faced by regulators and policy makers when operationalising a new regulatory chain and subsequently engaging with small firms. As such this research complements other studies, albeit in a different contextual setting, that focussed on the small firm’s perspective of the regulatory relationship (e.g. Ram, et al., 2001; Edwards, et al., 2004; Kitching, et al., 2015; Kitching, 2016; Down, et al., forthcoming). The insights and empirical findings offered here can inform the conversation around proportionality of regulation for different sized firms may be useful to policy makers and regulatory bodies (e.g. Trading Standards) that seek to counter the ‘burden on business’ rhetoric. This rhetoric has driven the UK Government’s deregulatory agenda since Margret Thatcher’s conservative government (1979-1990). More recently the burden on business rhetoric, coupled with the austerity measures brought in by Chancellor George Osborne, has resulted in severe cuts to regulatory service budgets since 20081. Additionally, because this study is set within the context of London 2012, the research may be useful for future hosts of mega-events (e.g. the Tokyo Olympics 2020) by highlighting key issues to consider that might affect the delivery of their version of the Olympic advertising and trading regulatory chain.

---

1 See section 2.4 for more information.
1.2 Research questions and overall aim

The overall aim for this research is:

*To investigate the regulators’ perspective of engagements with small firms when operationalising a new regulatory chain (i.e. rule-making, licencing, monitoring, and enforcement) as seen in the case of the London 2012 Olympic Games.*

This aim can be broken down into three research questions (RQ’s) that are:

RQ1. What were the characteristics of the Olympic advertising and trading regulatory constellation?
   a. Descriptive analysis: What were the main features of the Olympic regulatory constellation:
      i. Which organisations were involved?
      ii. To what extent did regulatory tasks between Olympic and non-Olympic regulators overlap when implementing and enforcing the new Olympic regulations?

RQ2. What were the interactions between organisations in the advertising and trading regulatory constellation when implementing the new regulations?
   a. What were the formal mechanisms used by Olympic regulators in their interactions (relations, autonomy, and control) with non-Olympic regulators?
   b. What were the informal mechanisms used by Olympic regulators in their interactions with non-Olympic regulators?

RQ3. How did the ODA engage with small firms when enforcing Olympic advertising and trading regulations?
a. How were local small firms typified by the ODA?

b. How did that typification affect regulatory engagement with those small firms when enforcing new Olympic regulations?

c. To what extent and for what reasons did the ODA formalise regulatory enforcement practices compared to everyday (non-Olympic) regulation?

d. To what extent, and for what reasons, were discretionary (informal) enforcement practices used by ODA officers when engaging with local small firms?
The first research question (RQ1) focusses on the characteristics of the regulatory constellation under investigation - the London 2012 Olympics. In order to answer RQ1 not only is the body responsible for advertising and trading regulation - the ODA - investigated, but also the interactions between multiple-purpose bodies such as the Department for Culture Media and Sport (DCMS) and the Cabinet Secretariat; which both have responsibilities that stretched beyond advertising and trading (see section 3.4.3). The interactions the ODA had with these more generalist bodies, as well as the overlaps between bodies that had both Olympic and non-Olympic concerns (e.g. local authorities) informed the operationalisation of the advertising and trading regulatory chain.

RQ2 relates to the interactions between the bodies that were responsible for implementing the Olympic advertising and trading regulations (e.g. the ODA, DCMS and local authorities). The outcome of the implementation process was the creation of the ‘Detailed Provisions for Olympic Advertising and Trading Regulations’ (ODA, 2011) which set out the written regulations – specific to the London 2012 Olympic Games\(^2\). This document was the result of interactions (both formal and informal) between the staff in bodies that operated within the regulatory constellation (typically the ODA and local authorities). Those interactions depended on a number of factors such as the extent agents were influenced by the Olympic legislation which prescribed hard-line regulations to protect the IOC and its sponsors (e.g. section 2.6.3). Other factors included how the ODA and other relevant bodies were controlled by central government (see section 4.2), and the extent to which all parties’ agents were affected by their Olympic and non-Olympic concerns (e.g. sections 5.3 and 5.4).

---

Finally, RQ3 focusses on the subsequent engagements between the ODA and (predominantly local) small firms during the Olympic and Paralympic Games. The period from July 25th to September 9th, known to the event’s organisers as ‘Games Time’, was the time when Olympic advertising and trading regulations were enforceable. The regulator-small firm relationship at London 2012 has been considered in this research to be the result of three factors. First, the ODA’s staff (managers and enforcement officers) typified small firms in terms of the perceived risk of infringement (see section 5.2). Second, ODA staff succumbed to their concerns for the performative achievement of their Olympic and non-Olympic priorities (e.g. sections 5.3 and 5.4). Third, the relevant social structures (Bhaskar, 1979), e.g. the Detailed Provisions and the LOPGA, influenced ODA managers and enforcement officers’ decision making and actions, as seen in several sections of this thesis.

1.3 Background to research

The UK is economically and socially controlled by a collection of legal and administrative rules created, applied and enforced by government regulatory authorities at a local, national, and transnational level. These rules (regulations) both “mandate and prohibit actions by individuals and organisations, with infringements subject to criminal, civil and administrative penalties” (Small Business Research Centre, 2008; p.3). However, there is concern from both government officials and the British press about the impact regulation has on businesses, particularly SMEs, which led to a rhetoric favouring deregulation and the ‘cutting of red-tape’ (Kitching, et al., 2015); so much so that in 2011 the Better Regulation Delivery Office (BRDO) was formed to simplify the regulatory landscape of the UK economy.
In terms of academic interest, there have been numerous studies since the 1980s linked to concerns about regulatory compliance\(^3\) for small firms that question and discuss the small firm-regulator relationship (e.g. Sommers and Cole, 1985; Fletcher, 2001; Fairmann and Yapp, 2005; Kitching, 2006; 2007; 2010; Kitching, et al., 2015; Pollard, et al., 2017). Some studies argue that regulation burdens businesses (e.g. Sommers and Cole, 1985 and Fletcher, 2001) by viewing the financial costs that small firms can incur from compliance to regulation as potentially detrimental to their performance and survival. Other, more recent research suggests the effect of regulation on small firm performance is more nuanced, instead framing regulation as a dynamic force which produces disparate operational effects for small firms that both enables and constrains their performance (Kitching, et al., 2015).

However what most studies of the regulator-small firm relationship have in common is that they are usually focussed on the small firm. Comparatively little research has been published that investigates the regulators’ behaviour and perspective; thus this research examines how new advertising and trading regulations were implemented and enforced at the London 2012 Olympic Games - specifically in relation to regulators’ engagements with local small firms.

By focusing on the other side of the regulatory relationship with small firms, the findings of this research have highlighted the complexities faced by government regulatory authorities operationalising the new regulatory chain (albeit in the context of a mega event). For instance, because regulators operate in constellations with a multitude of other bodies (which often have different and sometimes competing priorities), their intricate interactions here had a defining effect on the way the new legislation was implemented and enforced.

\(^3\) Defined as modifying the behaviour of an actor through the application of sanctions and rewards, forbidding an activity or demanding a reversal/change of a decision (e.g. retracting a decision) (Rommel, 2009)
Additionally, this research also highlights how other factors, e.g. identity linked back to the priorities of the regulatory body, affected the outcome of enforcement decisions.

1.4 Justification for research focus

This PhD, due to the focus on Olympic regulations, has enabled me to focus on two areas of personal interest – that of regulation, introduced in a crisp timeframe which illuminates people’s behaviour and perspective, and that of competitive sport which epitomises personal achievement and prompts poignant conversations. This section offers a background to the London Olympic social world and elaborates on the ODA’s links to the non-Olympic body of Trading Standards.

1.4.1 London 2012 - background

London won the right to host the 2012 Olympic Games in July 2005, and promptly signed the Host City Contract (HCC) with the IOC. The HCC prescribed the creation of both LOCOG, a limited company established to maximise sponsorship revenues for the Games, and the passing of new Olympic legislation, the London Olympic and Paralympic Games Act 2006 (LOPGA). The LOPGA, which came into force on the 30th March 2006, outlined the legal framework within which the London 2012 Games would take place. According to DCMS, the majority of the Act was dedicated to the following:

- The establishment of the ODA, its powers, duties and functions;
- The delivery of transport needs for the Games, including the necessary preparations in the lead up to 2012;
- Controls of marketing in connection with the Olympic and Paralympic Games, including the protection of intellectual property, restrictions on commercial association with games, the regulation of outdoor trading and advertising in the vicinity of the Games venues and the publication of ticket touting in connection with Games events.
Based on the prescriptions of the LOPGA, the newly created ODA, a public body that reported to DCMS, had wide-ranging powers that included: the capacity to design and implement urban plans, the development of the sporting and transport infrastructure, the control of the advertising space and street trading licences around Olympic venues, and the power to investigate and prosecute breaches of Olympic brand related rights (Girginov, 2012). As James and Osborn (2011a; 416) noted, “No other public body combines the functions of a local council, planning authority, transport executive, trading standards office and police service, yet the ODA has been granted powers similar to those exercised by each of these bodies.”

In this research the arm of the ODA responsible for implementing and enforcing Olympic advertising and trading regulations is of central interest. This part of the ODA was staffed almost exclusively by employees that either had a background working for, or who were directly seconded from Trading Standards. How these staff made sense of the ODA when crossing over (albeit temporally) into the Olympic context, is considered in this research to have had a significant impact on the way the Olympic regulations were implemented and enforced (see section 5.4.1).

1.4.1.1 Trading Standards – the proportionate and representative identity

London 2012 was radically different from the everyday (non-Olympic) context where Trading Standards operates (e.g. Olympic advertising and trading regulations were enshrined in criminal statute). In crossing over from the non-Olympic to the Olympic context Trading Standards staff brought with them social norms (referring to Elder-Vass, 2012), indicative

---

4 Referring to sensemaking theory
of their identity as Trading Standards employees, linked to their own and the organisation’s performative achievement.

At the time of implementing the new regulations (2010–2012) and of their subsequent enforcement during Games Time, Trading Standards was an organisation under exceptional scrutiny from its chief funder, central government. This embattled reality of Trading Standards can be seen in light of the cuts that the service had to face, around 40% since 2010, leading to a halving of staff numbers (CTSI, 2015). By their own admission⁵, politicians and the media saw the service as the epitome of regulatory burden, based on the notion that their enforcement officers regularly visit/inspect businesses even when there is no cause or complaint made.

However, staff at Trading Standards (many of whom crossed over to working for the Olympics in some capacity) viewed their service as both supporting businesses (e.g. to achieve compliance) and engaging in enforcement activities (see section 5.3.1). ODA and Trading standards staff called this the ‘proportionate and representative’ approach, a way of working linked to their shared organisational identity. This approach came about as part of Trading Standards’ ‘philosophical shift’ that was pushed by the industry’s leadership who wanted the service to focus on supporting businesses by providing education and guidance to aid compliance, while reserving ‘hardcore’ enforcement activities to those businesses that are negligent and/or engaged in criminal activities (Chartered Trading Standards Institute [CTSI], 2015). Having only recently experienced this shift Trading Standards / ODA staff were keen to demonstrate it to politicians and policy makers in the run up and during the Games. The extent to which seconded staff and those with a trading standards background viewed the Games as a stage to demonstrate this ‘proportionate and representative’ identity,

⁵ See section 2.5.2.
and the resultant effect in engagements with small firms, is considered in the findings of this research (section 5.4).

1.4.2 Why London 2012

Given the broader objective of better understanding regulators’ behaviour and perspective of small firms, a range of empirical contexts and research strategies were considered, such as planning and building regulations, environmental regulations and food standards. The context of the London 2012 Olympics was chosen as it yields the following three advantages. Firstly, because the Olympics were fixed in time, the interactions between the agencies in the regulatory constellation and subsequent engagements with small firms can all be investigated by exploring a period of time that was clearly defined (Rommel, 2009; Frew and McGillivray, 2014). Secondly, the speed at which new Olympic-related regulation was implemented and enforced meant that the temporal dynamics of consultations, policy outputs, amendments, and conflicts between regulatory agencies were more apparent than normal because the time gaps between the events were shorter; although arguably such hastiness may have somewhat limited the general applicability of my findings. Finally, in setting aside non-Olympic legislation, Olympic regulators (e.g. the ODA) overlapped the jurisdiction of the bodies that were responsible for the incumbent regulation (e.g. Trading Standards). Thus, the effect of overlapping regulatory responsibility on the interactions between the Olympic and non-Olympic regulatory bodies and the effect on regulators’ engagements with small firms could be examined.

In terms of the regulatory constellation under investigation, the regulators responsible for new Olympic advertising and trade regulations are the key focus. Looking at other sports mega events (e.g. the 2004 Athens Olympics and the 2006 FIFA World Cup), advertising and trading regulations (specifically enacted to protect official sponsors from ‘ambush marketing’) have been the most heavily enforced regulations involving small firms (Louw,
In terms of Olympic regulation that affected small firms, advertising and trade regulations were especially prescriptive during London 2012 (see section 2.6.3), with very precise formal rules laid out in the International Olympic Committee’s (IOC) technical documents (IOC, 2005; Louw, 2012). Therefore, advertising and trading regulations, enacted to protect official sponsors from ambush marketing, are the focus of this research.

In order to study the Olympic regulatory constellation I identify the bodies and agencies involved in the advertising and trading regulatory chain. The interactions between the organisations in the Olympic regulatory constellation are representative of the UK as a ‘regulatory state’. In this ‘state’ regulatory tasks (i.e. rulemaking, licensing, monitoring, sanctioning) are separated from policy (i.e. preparation and determination) (Majone, 1994). Also, the task of regulating is delegated to a complex web of specialised organisations (Christensen and Laegreid, 2006), or as Rommel (2009) pointed out, numerous ‘single purpose’ organisations whose interplay and relations characterise regulatory output. Therefore when setting aside everyday regulations Olympic regulators (e.g. the ODA) overlapped the responsibility of multiple, single purpose, yet interdependent non-Olympic regulatory bodies (e.g. Trading Standards). Hence, this research not only focusses on individual regulatory bodies, but also sees them as part of a broader institutional constellation together with other organisations that are institutionally diverse, including their distribution of responsibility and power relations (Jordana and Sancho, 2004).
1.5 Researching the other side of regulation

In order to answer the research questions posed by this thesis, I have taken a qualitative approach informed by critical realism (CR). CR fits well with the aims and research questions of this thesis because through this lens I am able to clearly separate the written rules, statutes and procedures (formalisations) from people’s interpretations of those structures (informality). Such separation allows me to better understand the interactions between the bodies responsible for implementing the Olympic advertising and trading regulations (RQ1 & RQ2) for London 2012, as well as the resultant regulatory relationship with small firms during enforcement at Games time.

The distinction between the formal and informal tactics employed in the operationalisation of the Olympic regulatory chain is more obvious because CR prescribes that social structures (e.g. legal documentation) and extra-discursive factors (e.g. the size and scale of the London 2012 Olympic Games) are given their own ontological status as material factors that influence the decision making of human agents (e.g. staff in regulatory bodies). At the same time, CR allows for recognising that those agents’ priorities are the ultimate determinant of decision making and actions regardless of how influential the social structures are. In other words, statutes, laws, and legislations (e.g. the LOPGA) were materially real (referring to Bhaskar, 1979) and influenced the decision making of ODA staff who were responsible for delivering the Olympic advertising and trading regulations. However, ODA staff, being members of an existing and established norm circle (Elder-Vass, 2012) at Trading Standards - only temporarily operating in the social world of London 2012 and then returning to Trading Standards - felt obliged to endorse and enforce their everyday social and regulatory practices; leading them to interpret Olympic statutes and laws in line with their own (often non-Olympic) objectives.
The staff at the organisations focussed on in this research have been referred to as human agents throughout this thesis. Human agents are not only plastic, fallible, and with concerns for their own (as well as their organisation’s) performative achievement (Archer, 2003), but they also operate and group together in ‘norm circles’ that are committed to endorsing and enforcing a particular norm (Elder-Vass, 2012). Thus, my literature review not only discusses prior research of regulatory constellations and the regulatory state (see section 2.3), but reviews prior regulatory research that considers human agents as central to regulatory outcomes (see section 2.4.2). Such studies often focus on the direct (e.g. Edwards, et al., 2004; Down, et al., forthcoming) and indirect (Kitching, 2016) effects of regulation on business performance, as well as small firms’ propensity for compliance (e.g. Ram, et al., 2001).

In terms of methodology, in order to collect the necessary data to understand the phenomenon of implementing and enforcing new regulation at London 2012, a mixture of primary and secondary data was collected and analysed. In terms of the primary research, qualitative, semi-structured interviews with seventeen respondents were undertaken. While the names of the respondents have been anonymised, the interviewees included the two people responsible for overseeing the Olympic advertising and trading regulatory chain, and the Head of the Cabinet Secretariat (the body responsible for the overall Olympic regulatory constellation). I also interviewed senior staff that occupied positions both in Olympic (e.g. ODA) and non-Olympic bodies (e.g. Trading Standards), as well as organisations occupying both contexts (e.g. local authorities, DCMS). Furthermore, interviews were held with less

---

senior respondents such as ODA enforcement officers as they engaged with businesses on the ground during London 2012.

To supplement the primary data, secondary sources including legal acts, written agreements and other documentation were analysed and sometimes used to formulate interview questions (e.g. how the respondent felt about the new regulations being set in criminal statute). Additionally, publically available minutes and summaries of meetings, consultations and inquiries (e.g. the Olympic Plenary Meetings 2005 - 2012) were used. Aside from aiding the formation of interview questions and the overall story of how Olympic advertising and trading regulations were implemented and enforced, undertaking document analysis prior to interviewing respondents helped me to speak the ‘language’ of the participants (jargon, acronyms, etc.) so that I sounded convincing and knowledgeable to them.

1.6 Outline of the thesis

This thesis is organised into six chapters (see table 1).

<table>
<thead>
<tr>
<th>Thesis Structure</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Introduction</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>Literate Review - the formality-informality span, the regulatory state, the regulator-small firm relationship, organisational identity</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>Methodology and research design</td>
</tr>
</tbody>
</table>
This first chapter offers a glimpse of the thesis and explains why and to whom this thesis is useful. It sets out the research background and provides a brief overview of the methodology used and an outline of the entire thesis. Finally, I put forward the contributions anticipated from this research.

Chapter 2 is a critique of the literature that is split into three sections; the regulatory state, the regulator-small firm relationship, and organisational identity, linked together using Misztal’s (2000) concept of the formality-informality span. Notions of formality and informality proved crucial in understanding the differences and similarities between the ways that the regulatory chain was operationalised in the contexts of the everyday and the Olympics. For example, when reviewing literature around the regulatory state, it was noted that inter-organisational interactions within a regulatory constellation were the product of both formal autonomy and control, and informal relations. Furthermore, the variety of studies that were reviewed in terms of the regulator-small firm relationship took an array of stances, ranging from ones that considered regulation to be strictly burdensome to businesses (see section 2.4.1) to others that took into consideration the human factor in the regulatory relationship and therefore saw regulation as having both a constraining and enabling effect.
on small firm performance (section 2.4.2). The link between formality/informality and organisational identity (section 2.5) was also considered in terms of the way that regulatory staff ‘made sense’ of their own, and their organisation’s identity and so interpreted formal instructions (e.g. written legislation and regulations) in line with their own/their organisation’s priorities.

Chapter 3 introduces the empirical research and gives the rationale for the research. The philosophical underpinnings of this thesis are then explained. The research design and methodology are described in sufficient detail so that the data collection approach might be replicated in a different context. The data analysis procedure is explained and the data coding is linked back to the literature review of this thesis so that a coherent story of regulation at London 2012 could be told in the findings.

Chapter 4, one of the findings chapters, focusses on the interactions within the Olympic regulatory constellation (RQ1) and the effect these had on the implementation of the Olympic advertising and trading regulations (RQ2). Both formal and informal interactions between the bodies responsible for organising London 2012, and the associated regulations, are discussed.

Chapter 5, the second of the findings chapters, shifts the focus to the regulator-small firm relationship (RQ3). Here I lay out my findings not only on the typification of small firms by ODA officers and managers who changed their interactions accordingly, but also on the various ways that regulatory engagement with small firms was formalised, or not. Formalisation drove the way infringements were recorded while informality included deviations from the written regulations when engaging with infringing businesses.

Chapter 6 discusses the main contributions to knowledge that this thesis makes. In doing this I highlight the linkages between the findings of this research and previous research, giving
a better understanding of the way the Olympic advertising and trading regulatory chain was operationalised; as well as the resultant effect on the regulator-small firm relationship. Finally, I discuss the practical implications of my findings to the various stakeholders (both Olympic and non-Olympic) which have an interest in the regulator-small firm relationship. Here I also discuss the limitations of this research, as these inform my research agenda beyond the completion of the thesis.

1.7 Who might be interested in this research?

Throughout the time taken to conduct this research, I naturally and interminably asked myself the question, ‘Who cares?’ While the beginning was tough, I was fortunate to make contact with managers at the ODA and the CTSI and with time develop a fruitful relationship with them, which alone to a large extent justifies the time and effort taken to perform the research. On the one hand, they showed strong interest in the nature and findings of my research; understandable in light of the primary goal of this research being to offer a pathway for regulators to tell their ‘story’ of engagements with small firms. On the other hand, what started as a couple of interviews has grown into a working relationship whereby a new PhD study has been commissioned to investigate the impact service budget cuts are having on the trading standards industry. I am pleased to be part of the research as a supervisor, as it will ask intriguing questions not least because of the chargeable advice service introduced by Trading Standards for businesses seeking compliance guidance.

On a wider note an increased understanding of the regulators’ behaviour and perspective would be interesting to regulators’ management and policy-makers, as it is a key determinant of regulatory outcomes. Although on its own this research only glimpses at the ‘other side’ of the regulatory relationship due to it being set in the narrow context of London 2012, it offers interesting and unique insights into the complexities faced by public regulatory bodies in their interactions with small firms when delivering a new regulatory chain. For example,
my research shows that regulators are far from the stereotypical monolithic block that
hinders entrepreneurship. Rather I have seen them as dynamic and flexible, trying to find a
balance in the methods they employ to achieve small firm compliance. I have also seen
regulators being subject to complex, often political, forces that have shaped the way they
behave, and view and interact with small firms. As a result, while understandably the
spotlight is on small firms’ behaviour as the ultimate aftermath of regulation, figuratively
speaking an insight into the path that leads to the end result could inform financial, strategic
and possibly ethical discussions.
Chapter 2 - Literature Review

2.1 Introduction

The following chapter gives an overview of prior studies relevant to answering the overall aim of this thesis: ‘To investigate the regulators’ perspective of engagements with small firms when operationalising a new regulatory chain (i.e. rule-making, licensing, monitoring, and enforcement) as seen in the case of the London 2012 Olympic Games’. To answer the research questions posed in Chapter 1, section 1.2, the literature review is organised into three sections that explore prior studies of the regulatory state, the regulator-small firm relationship, and organisational identity. These sections of the literature review are outlined below, together with an explanation on the linkages to understanding the regulators’ behaviour and perspective during the Olympics. The literature review finishes with a discussion of the legislative context of London 2012 and the prior research around advertising and trading regulations at London 2012.

2.1.1 Introduction to formality-informality span

Before dipping into the three key areas of literature review, it is important to note that the three sections have been linked together using the formality-informality span, a social theory popularised by Misztal (2000) in her seminal book Informality: Social theory and contemporary practice. The concept of informality, defined as “a style of interaction among partners enjoying relative freedom in interpreting their formal roles’ requirements” (Misztal, 2000, p.11), can be traced back to a number of studies since the 1970’s (e.g. Minzberg, 1973) of managers’ preference for travelling to meetings, as opposed to (solely) exchanging written communications. Such preferences are based on the belief that co-present communication reduces the risk of undesirable behaviour, reducing disputes between parties (McKenney,
Zack and Doherty, 1992), and can lead to speedier resolutions between parties (Dorris, et al., 1971 cited in Misztal, 2000).

However, organisational control is still dominated by the methods of bureaucratic rules and conventions, in other words formal relations. Misztal (2000, p.21) defines formal relations as “neutral, legally circumscribed or depersonalised and structured types of behaviour […] seen as a means to sustain power relationships as methods exercising formal control”.

Critical to the formality-informality span is that such formal relations simultaneously occur alongside informality as organisational members “try to mediate between the particulars of personalised relations and the impersonality of formal structures” (Misztal, 2000, p.5).

Such a wide scope for the study of informality, which goes beyond the micro-level analysis of employee chatter and tacit behaviours, led Misztal (2000) to prescribe that the ‘formality-informality span’ should not just study mutually exclusive options, but rather two tactics, each providing a partial solution to the unpredictability of society. As Elias (1996 cited in Misztal, 2000, p.4) puts it: “the formality – informality span […] refers to the extent and strictness of social rituals which bind the behaviour of people in their dealings with each other”.

As such, considering that formality and informality occur simultaneously, the essential issue becomes the balance between both. Such importance placed on the equilibrium between formality and informality led Misztal (2000, p.9) to pose the following question: “into what style of interaction should we now be socialised in order to achieve a better quality of individual and social life?” This question has been of central importance to this thesis and the questions asked here (see section 1.2). In particular I have focussed on the interactions between the organisations responsible for implementing (RQ2) and enforcing (RQ3) the new Olympic advertising and trading regulations and small firms. The pursuit of a better
understanding of the forces that drove interactions between the various regulators and small firms would also mean a pursuit of an understanding of the balance of formal and informal relations and behaviours that shaped the regulatory relationship.

### 2.1.2 Outline of key areas of research

The literature review begins by a discussion of the regulatory environment of the UK indicative of it being a regulatory state, referring to the shift in the style of governance towards the expansion and use of rule-making, monitoring and enforcement techniques and institutions by the state (Levi-Faur, 2011). Here the interactions (autonomy and control) between the bodies that operate in regulatory constellations (formed as part of the regulatory state) are of central focus. Literature around interactions in regulatory constellations is analysed because organisers at London 2012, including regulatory bodies, operated within similar constellations. Therefore literature regarding the interactions between bodies of a constellation is useful for ascertaining the main features of the Olympic advertising and trading regulatory constellation (RQ1a) and the interactions between those bodies when implementing (also known as planning) the new regulations (RQ2). One of the key observations from the literature on regulatory constellations was that, while prior research has extensively discussed the formal interactions between organisations, little research has been published that denotes their informal interactions. Gaining insights of both formal (RQ2a) and informal (RQ2b) interactions between organisations, on the one hand, allows for a better understanding of the way unwritten interplays between staff in organisations shaped the way that Olympic advertising and trading regulation was implemented. On the other hand, uncovering the intricacies that arose from the combination of formal and

---

informal relations (Misztal, 2000) could highlight underlying tendencies which had an impact on the regulatory relationship with small firms.

Section two of the literature review critically evaluates prior research of the regulator-small firm relationship. Here two important qualifications need to be made at the outset. Firstly, because of the limited research that has been undertaken from the regulator’s perspective of the regulator-small firm relationship, the literature discussed here mostly focusses on the small firm’s perspective of the regulator-small firm relationship (Ram, et al., 2001; Kitching, 2006; 2016; Kitching, et al., 2015). Secondly, relevant literature discussing the regulator-small firm relationship focusses overwhelmingly on employment regulation (e.g. Ram, et al., 2001) which could be argued as being of limited relevance to understanding regulators’ engagements with small firms when enforcing Olympic advertising and trading regulation. At the same time, the reviewed studies are concerned with the relationships between small firms and regulators in the context of new legislation being introduced (RQ3). Thus, a review of this literature is pertinent because a parallel can be drawn between the newly introduced Olympic regulation that is the focus of my study and the newly introduced employment (etc) regulation, especially in light of the affected stakeholders’ response to the regulation and flurry of regulatory interactions that come as a result. Albeit discussing the regulator-small firm relationship from the small firm’s perspective, these studies indirectly show a glimpse of the regulators’ conduct and thus provide a starting point for understanding some of the fundamental factors that underpin regulatory staff’s behaviour during times of change.

Section three of this chapter critically analyses literature on organisational identity (OI). Particular focus here is given to those studies that analyse OI as influenced by news media which mostly discuss the extent that staff ‘make sense’ (referring to sensemaking theory) of their organisation through the way it is depicted in the media and then, through their need for ‘self-enhancement’, adapt their actions and decisions in response to those
depictions/discourses. Such focus on the effect of news media is especially important for understanding the way regulators enforced the new advertising and trading regulations (RQ3). Given the intense focus of news media on the Games during the summer of 2012, this section of the thesis explores whether, and to what extent, organisers responsible for advertising and trading regulation adapted their enforcement practices during the Games in response to news media representations.

The literature review finishes by discussing the legislative context of the London 2012 Olympic Games. Prior research (e.g. James and Osborn, 2011a; 2011b; Louw, 2012; Marrero-Guillamón, 2012) on advertising and trading regulations at London 2012 has exclusively been published in advance of the event (typically between two years and six months before the opening ceremony). Due to the timing of these publications they only took into account the formal legislation (for example the Host City Contract and the London Olympics and Paralympic Games Act), and therefore depicted what should happen at the event in relation to the inbound Olympic advertising and trading regulations. Having used only formal legislation, previous researchers concluded that the regulations were ‘non-negotiable’ (Louw, 2012), ‘overly prescribed’ (James and Osborn, 2011a), and ‘draconian’ (Marrero-Guillamón, 2012). The limitation of these studies is that by only investigating the formal (e.g. the legal architecture), they only provide a partial (one-sided) analysis of the phenomenon of advertising and trading regulations at London 2012. In an attempt to show what actually happened at London 2012 this research studies both the formal and informal tactics the ODA used to deliver the regulatory chain at London 2012 from the regulators’ perspective, after the event and explaining why certain phenomena occurred. In so doing, the overall aim of the thesis is to better describe how regulators translate, interpret and implement regulation. In general such knowledge enables stakeholders interested in regulation to make strategic, financial and ethical decisions that are better informed and more
robust. The specific contributions of my research and the practical relevance to particular regulators are discussed in Chapter 6.

2.2 Regulation defined

Understandably, regulation is a broad concept that encompasses much more than business, but as the focus of this research is the interaction between regulators and small firms, here it has only been considered in terms of its relevance to business. Previous research tends to define regulation either in terms of the obligations placed on businesses to do things in particular ways, or does not offer a definition at all (e.g. Fletcher, 2001). Both cases do not fully account for the complexities of the regulator – small firm relationship. Therefore, this thesis draws on the Small Business Research Centre’s (SBRC, 2008, p.3) definition of regulation:

[...] the legal and administrative rules created, applied and enforced by Government regulatory authorities – at local, national and transnational level – that both mandate and prohibit actions by individuals and organisations, with infringements subject to criminal, civil and administrative penalties.

Kitching (2016) breaks down the SBRC’s definition into two parts. First, he discusses the wide geographical brackets that regulators operate across (local, national, and transnational), which is important as it recognises the numerous regulatory bodies in existence. For example, there are currently 73 national regulators in the UK, as well as 418 local authorities, which provide regulatory functions in a number of areas (e.g. Trading Standards and Food Standards). Additionally, the European Union and the World Trade Organisation deliver different forms of regulation (i.e. criminal, civil, and administrative) that prohibit and enable certain types of behaviour in their respective member states. Different forms of regulation include: acts of Parliament; statutory instrument rules, orders and schemes made under statutory powers by ministers or agencies; licences and permits issued under the central
government authority; codes of practice with statutory force; guidance with statutory force; self-regulation; industry agreements with government backing; by-laws made by central government; and EU regulations and directives (National Audit Office, 2007 [Cited in Kitching, 2016]).

Second, Kitching’s interpretation of the SCBC’s definition recognises the role of human agents. Prior studies that have done this often focussed on small firm owners (e.g. Blackburn, et al., 2013; Kitching, et al., 2015; Pollard, et al., 2017) and, more recently, those in their professional network (Kitching, 2016). In this thesis, where the focus is on the regulators’ behaviour and perspective of their engagements with small firms, attention is also given to the human agents employed by regulatory bodies.

2.3 The regulatory state

The broad geographical bracket where regulators operate is indicative of the general consensus amongst academics that we live in the era of the regulatory state (Majone, 1994; 1997; McGowan and Wallace, 1996; Loughlin and Scott, 1997; Moran, 2002; Lodge, 2008; Rommel, 2009; Raco, 2014). Within the regulatory state, the regulatory chain (i.e. rule-making, licensing, monitoring, and enforcement) is operationalised by clusters of regulators known under different names denoting the same thing: ‘regulatory constellations’ (Rommel, 2009), ‘institutional constellations’ (Jordana and Sancho, 2004), the ‘post-regulatory state’ (Scott, 2004), and ‘regulatory regimes’ (Doern, 1999; Hood, et al., 2001).

According to Christensen and Laegreid (2006), the goal of the regulatory state is to improve efficiency, promote competition, and protect consumers and citizens. Therefore market regulation, as opposed to the redistribution of income and macro-economic stabilisation indicative of the sovereign state, is more important within the regulatory state (Majone, 1997). Also, the regulatory state prescribes a shift from direct to indirect government
(Christensen and Laegreid, 2006). Specifically, regulatory powers are delegated from central government to a complex web of specialised, independent, technocratic bodies that have considerable political leeway; essentially keeping the state at arm’s length from direct participation in the economy (McGowan and Wallace, 1996; Rommel, 2009).

This separation of tasks has led to a significant increase in the number of regulatory agencies that have their own legal mandates and legal, social and/or economic goals (Jordana and Sancho, 2004). Jordana and Levi-Faur (2004) note that the number of regulatory agencies has expanded at an average rate of 20 or so bodies per year during the 1990s and 2000s in the UK. These smaller, numerous, and highly-specialised regulatory bodies have taken on many of the regulatory responsibilities that were concentrated in a few large regulatory departments during the sovereign state (Rommel, 2009). On the one hand, the process of disseminating regulatory responsibility has eroded the traditional forms of state legislative power (Raco, 2014). On the other hand, the removal of central government legislative power, and influence over the economy, has not led to any form of deregulation due to the proliferation of regulatory agencies, their number of staff, and the size of their collective budget (Ayres and Braithwaite, 1992; Moran, 2002; Jordana and Levi-Faur, 2004). Such proliferation of regulatory agencies is also argued by Power (1999) and Clarke (2008) as indicative of modern governance within the regulatory state being embedded in an ‘audit society’ characterised by a lack of trust in the practices of public and private sector organisations and a reduced tolerance of perceived risks and failures.

Thus regulators within the regulatory state typically focus increasingly on rule-making, new technologies, and the formalisation of codes (Rommel, 2009; Raco, 2014). However, as Misztal (2000) notes such formality occurs simultaneously, and in balance, with informality (e.g. staff interpreting and applying written rules differently in practice). Therefore, researchers of regulatory constellations, a form of social system, should consider not only
formal interactions – denoting autonomy and control in the regulatory state - but informal ones to. However, most prior research denoting such informal interactions (even at the micro level of agents’ face-to-face interactions versus written communications) is limited, as discussed in more detail below.

2.3.1 Interactions between regulators in the regulatory state

According to Rommel (2009), studying regulatory constellations (adopting a ‘constellations perspective’) has both theoretical and methodological consequences.

Theoretically, in a regulatory constellation the regulatory chain (i.e. rule-making, licensing, monitoring, and enforcement) is not performed by a single, multiple-purpose organisation. Instead, the functions and components of the regulatory chain are spread across several, smaller bodies (Majone, 1997; Jordana and Sancho, 2004; Christensen and Laegreid, 2006). An advantage for regulators operating in a constellation is that the smaller, fragmented, single-purpose regulatory bodies naturally overlap in some of their jurisdictions/responsibilities, therefore allowing for the creation of checks and balances in case of under-performing regulatory agencies (Hood, et al., 2001). Also, from a compliance perspective, fragmented, decentralised regulatory constellations, whose actors have specific interests, may find it easier to collect relevant information from businesses and their markets than a centralised body with multiple interests and priorities (Laffont and Martimort, 1999).

For example, the former Department for the Environment, Transport and the Regions, a ‘Sovereign State’ body because of its wide ranging responsibilities and national coverage, was broken down in 2001 and 2002, into smaller departments with numerous agencies within them. Today these are known as The Department for Environment, Food and Rural Affairs (DEFRA - which has 33 agencies), the Department for Transport (DT – which has 19 agencies), and the Department for Communities and Local Government (DCLG – which had
11 agencies). At DCLG the agencies and public bodies within it (e.g. the Planning Inspectorate) have a relatively narrow remit of responsibility, meaning that in theory staff should have more specialist knowledge of their area enabling them to collect and disseminate information more productively.

However, there are disadvantages to the proliferation of agencies that form regulatory constellations. First, fragmentation of regulatory tasks can lead to duplication, which increases administrative costs for regulated firms, especially those firms that operate in sectors which have a divergent range of regulators (Hood, et al., 2001). Second, companies can play regulators off against one another to exploit blind spots in the rule of enforcement (Geradin and McCahery, 2005). For example, at the ‘subnational (local) level’ every Local Authority in the UK has its own Trading Standards service, meaning that businesses based across multiple counties (or on the border of two authorities) have to engage each trading standards service individually. While such duplication is being phased out with the introduction of Primary Authority which allows a business to nominate one Local Authority to sign off its national operation, at the time of writing this PhD schemes like Primary Authority are still at a relatively early stage.

The interplay and overlaps between the multiple regulatory agencies also create a methodological consequence for researchers as, according to Rommel (2009) the research object needs to be a regulatory constellation. Specifically, researchers need to concentrate on appropriately understanding the interactions (autonomy and control) between the agencies that operate within it. While there are no studies investigating the interactions between the bodies responsible for the regulatory chain in a mega-event context, prior studies have mapped out interactions in other regulatory constellations. These include: telecommunications (Hall, et al., 2000), financial markets (Black, 2003), energy (Doern, 1999), and food safety (Doern and Johnson, 2006). However, Rommel (2009) notes that the
aforementioned studies focussed exclusively on the formal mechanisms to determine the interactions between agencies in the regulatory constellations. Examples of formal mechanisms used in these studies include contracts, mandates and other legal and policy documentation (Sayer, 1992).

Maggetti (2007) notes that the levels of regulatory independence typically stated in formal mechanisms can differ substantially from the actual (informal) autonomy a regulator has (Christiensen and Laegreid, 2006). For example, in the case of ministerial steering, the actual extent of steering is usually very different from what is described in formal statutes (Rommel 2009). Furthermore the informal interactions between the human agents employed within regulatory bodies, underpinning the deviations seen in Maggetti’s (2007) research, have not been rigorously investigated.

Therefore, using the principles of Misztal’s (2000) formality - informality span, I investigate the interactions (autonomy and control) between the bodies of the regulatory constellation responsible for delivering the new Olympic advertising and trading regulations for London 2012. Such investigation will not be limited to solely considering just the formal mechanisms (e.g. written procedures, mandates). Additionally deviations from those prescriptions, as well as verbal engagements between human agents, will be given equal attention.

2.3.2 Formal interactions (e.g. autonomy and control) in the regulatory constellation

The extent to which bodies in the regulatory constellation are formally autonomous or controlled by supervising organisations (i.e. ministerial departments) has a significant impact on the effectiveness of the ‘regulatory chain’ (rule-making, licensing, monitoring, and enforcement) (Hansen and Pedersen, 2006; Rommel, 2009). There is an array of possibilities available to organisations when it comes to setting levels of autonomy on one end and control on the other, with varying rigour. Furthermore, various types of autonomy
and control have been observed in previous studies. For example, managerial autonomy refers to a regulatory agency’s freedom to choose how it assigns its resources and conducts its operations (Laegreid and Verhoest, 2010), while policy autonomy allows the agency freedom to make decisions about the processes and procedures of the regulatory chain, about the choice of policy instruments, the outputs derived from that policy, and its desirable societal effects (Christiensen and Laegreid, 2006).

Control can also be formalised in various ways to fit the requirements of different regulatory chains and the interactions between organisations. For example, Rommel (2009), citing Verhoest (2002), discusses ex-ante control whereby oversight authorities create authoritative mandates, rules, or regulations that specify what the agency must or must not do (Thompson, 1993), so that it produces the desired outputs; an example in this research being directives issued by DCMS to the ODA. An oversight authority can also control ex-ante by taking the major decisions itself or by subjecting the decisions that are taken by the agency to ex-ante approval. Furthermore, Wirth (1986) notes that ex-post control of organisational results (or results control) is manifested by checking whether the intended goals have been achieved by the agency and whether there is a need for future corrective actions. In many cases an audit system is crucial in the results control cycle (Verhoest, et al., 2004). Rommel (2009) also discussed structural control, i.e. setting up hierarchical and accountability lines through the installation of a supervisory board for the agency; an example here being the Gold-Silver-Bronze command structure that was set up at the ODA (see section 5.3).

### 2.3.3 Informal interactions in the regulatory constellation

The above gives an overview of the formal methods of interaction and the various levers of autonomy and control that regulators are allowed or subject to. However, focusing on the formal autonomy of regulators from oversight authorities alone is insufficient because of the nature of the regulatory state (Rommel, 2009). For example, agencies populating a
regulatory constellation are interdependent, and perform overlapping tasks that affect their relations and autonomy in a way that is not visible by solely looking at formal mechanisms (Levi-Faur and Gilad, 2004; Christiensen and Laegreid, 2006). For example, transnationally the UK has for some time delegated regulatory tasks to the European policy arena (Majone, 1997), essentially using the EU as an autonomous regulatory agency (Gilardi, 2002). Furthermore, at national and subnational ‘local’ levels there are numerous regulatory bodies that operate in the same business sector which have to co-ordinate with one another (e.g. Trading Standards and Environmental Health when dealing with food and drink businesses). Having multiple regulators in each sector of the economy results in promoting competition amongst them; e.g. for human and financial resources. It also allows oversight bodies to compare sectoral regulators’ performance and behaviour against one another (Laffont and Mortimort, 1999), as well as the performance between regulators in related sectors (Neve, et al., 1993 cited in Rommell, 2009). One organisation which uses this information to monitor the performance of regulators is the Better Regulation Delivery Office (BRDO). The result is a regulatory constellation that resembles figure 1:
Figure 1: Structure of regulatory constellations (Rommel, 2009, p.7)
2.4 Formality and informality in the regulator – small firm relationship

Now that the literature around regulatory constellations indicative of the UK being a regulatory state has been discussed, attention now turns to prior research that discusses the relationship between regulators operating in the regulatory constellation and small firms (regulatees), denoted as the regulator – small firm relationship. Since the 1980s there has been a steady stream of research which questions and discusses the regulator - small firm relationship (e.g. Sommers and Cole, 1985; Fletcher, 2001; Fairmann and Yapp, 2005; Kitching, 2006; 2007; 2016; Kitching, et al., 2015; Pollard, et al., 2017), albeit all from the perspective of the small firm. Comparatively little research has been published that investigates the regulator’s perspective of this relationship, something of principle interest for this thesis.

Still, it is important to acknowledge that there are a number of studies that have been conducted with regulators as the central focus in the field of policy-making. For example, Monnet (2014) discussed the formulation of public policy and the role independent regulatory bodies play in shaping that policy to meet their own goals. Other studies have discussed the role of regulators in policy formulation such as Maggetti (2009) who examined the role of formally independent regulators in policy making. Additionally, Gilardi (2002) explored the expanding role of regulators’ involvement with policy making as indicative of the ‘rising regulatory state’ (Majone, 1994) in Western Europe. However, such studies in policy making do not focus on regulators’ engagements with small firms, instead concentrating on the supranational (i.e. European Union) and national (e.g. UK) arenas of regulatory activities.

Studying the regulators’ behaviour and perspective of their engagements with small firms is important because without this our understanding of the interactions within the regulatory chain is incomplete. Such a partial conception of the regulatory chain has led to the majority
of prior studies (focussing exclusively on the small firms’ perspective) to discuss regulation as a static, restrictive burden on business. Such studies are usually quantitative in nature and have aimed to calculate the reported burdens and compliance costs faced by small businesses. More recent research suggests that regulation both constrains and enables firms (Kitching, et al., 2015).

The focus on the disbenefits of regulation is unsurprising considering that there has been a political discourse around ‘deregulation’ since the Conservative government of Margaret Thatcher started a program of deregulation and privatisation after the general election of 1979. The deregulatory agenda of the UK government is still apparent today with the formation of the Better Regulation Delivery Office (BRDO) in 2012 and a series of recent budgetary cuts to regulatory services. For example, Trading Standards have seen an average 40% fall in individual services’ budgets between 2010 and 2016 with staff numbers also halving over that same period (CTSI, 2015).

Considering that over the last 35 years successive UK governments have continued the deregulatory agenda, academic studies that framed regulation as a burden on business (e.g. Sommers and Cole, 1985) were likely symptomatic of the research industry responding to the framing of the ‘problem’ of regulation by Government policy. Furthermore, the prevalence for researchers to publish studies that were quantitative in nature is indicative of quantitative research being the preferred frame of reference for policy makers, both for practical/logical (e.g. national trends which are important in making national decisions), and for political/philosophical reasons: policy makers often see research that is not based around statistics as being ‘anecdotal’. The preference of policy makers for research that was based on, or at least included, a statistical element was encountered during the write up stage of this thesis. The Chartered Institute of Trading Standards (CTSI) recently expressed an
interest in collaborating on a new PhD study that has spun off of this research, but requested the addition of a quantitative aspect which the CTSI could then use (see section 6.6).

Because of their prevalence for informing UK policy making, relevant quantitative studies are discussed below. Following that discussion, prior research that is qualitative in nature is also reviewed. The structure of this section of the literature review is similar to Kitching’s (2006) ‘Literature Review for the SME Capability to Manage Regulation Project’, a review of prior studies of the impact of regulation on small firm performance, where he groups the studies by method, i.e. quantitative (‘business perception studies’, ‘cross national surveys’, and ‘compliance cost studies’) and qualitative studies. It should be noted though that while a broad separation between quantitative and qualitative research has been noted, the reason for that is the underlying type of questions the various studies have sought to respond to. While both methods clearly have enabling features depending on the question at hand, the prevalence of quantitative studies has potentially led to a lack of understanding of aspects of regulation that are unmeasurable (e.g. regulators’ behaviour; educational/ethical burdens or benefits of regulation, formality vs informality in the regulatory relationship). Expanding our knowledge in these areas (by using appropriate methods) would allow for a better understanding of the regulatory relationship and can ultimately inform decisions that can have a beneficial effect on the ‘end user’, the small firm.

2.4.1 Quantitative studies review

Kitching (2006) highlighted a range of different studies of the regulator-small firm relationship that have to a greater of lesser extent been influenced by the political discourse for deregulation. These include business perception studies (e.g. National Audit Office [NAO], 2007; Mason, et al., 2006; Carter, et al., 2009; Williams and Cowling, 2009; Federation of Small Businesses [FSB], 2011) which focus on business owners’ perception of regulatory burdens as well as presenting data of business owners’ responses to regulation.
For example, studies asked respondents to rank regulatory burdens’ impact on their businesses. There are also cross national surveys (e.g. Djankov, 2009) which use multi-country samples to quantify whether regulation restricts business entry and activity. And finally there are cost compliance studies (e.g. Chittenden, et al., 2005) which seek to quantify the cost of regulatory compliance to businesses.

Taken as a whole, whilst these approaches to the study of the regulator-small firm relationship illustrate some interesting insights into the small firm’s perspective of compliance, the framing of burden as the main debate in the studies somewhat undermines their usefulness for two reasons. First, the questions in business perception and cross national survey studies often already framed regulation as a burden or obstacle biasing the respondents’ answers. Second, even the more sophisticated approach of cost compliance studies which begins to demonstrate the enabling, as well as constraining, effects of regulation on businesses ‘stop short of demonstrating how small business owners actually exploit such benefits’ (Kitching 2006; 14).

Recent qualitative research suggests that a small firm’s ability to exploit the benefits of regulation is dependent on the human agents employed by the firm (Kitching, et al., 2015) and/or its wider stakeholders (Kitching, 2016). Linking back to Misztal’s (2000) conception of the formality-informality span, human agents’ actions and decisions characterise informality: without them the informal cannot be recognised. Considering that Misztal (2000) views formality and informality as two tactics that need to be simultaneously investigated in order to denote the interactions in society, studying human agents is requisite for researching the phenomenon of the regulator-small firm relationship in its entirety. Thus, a thorough review of qualitative studies is pertinent.
2.4.2 Qualitative studies review

Qualitative studies of the small firm – regulator relationship place a much greater emphasis on the staff (human agents) at the relevant organisations by “discussing how and why small business owners adapt to regulations and regulatory change, including compliance and, in some cases, with what consequences for performance” (Kitching, 2006; 15). The recognition that human agency ultimately determines small firms’ response to regulation has led a number of qualitative studies to reconceptualise regulation as both having a constraining and an enabling effect on small firm performance. Such studies (e.g. Edwards, et al., 2004; Kitching, et al., 2015; Kitching, 2016) are discussed first in this section due to their relevance to understanding regulators’ behaviour when dealing with small firms (RQ38) and the notion that regulation can also enable businesses will be considered in the findings of this research. For example, the Olympic Delivery Authority (ODA) viewed their actions in enforcing the Olympic advertising and trading regulations as aiding some businesses and constraining to others (see section 5.2.2).

Second, studies centred on people’s (human agents’) responses to new regulation are of interest, as they may provide insights into the regulators’ behaviour and perspective during the implementation and enforcement of the new Olympic advertising and trading regulations (RQ2 and RQ3). Prior research of responses to new regulation, whether that be of firms facing a change of statutory regulations (e.g. Ram, et al., 2001) or firms encountering existing regulations for the first time as a result of growth (e.g. Down et al, forthcoming), is intimately related to the formality-informality span. For example, Ram, et al. (2001) discussed the informal working practices at certain small firms and the effect such practices had on their ability to comply with the new National Minimum Wage (NMW). Prior research

---

8 RQ3 relates to regulators’ engagements with local small firm when enforcing the new Olympic advertising and trading regulations at London 2012.
of how small firms’ managers/owners react to new regulation, in essence human response to change, may be relevant to understanding how ODA managers adapted their non-Olympic practices to the context of London 2012.

2.4.2.1 Regulation as both a burden and benefit to businesses

A number of qualitative studies have provided insights into the regulator-small firm relationship which go beyond the notion that regulations solely affect businesses in terms of time and money (e.g. Arrowsmith, et al., 2003; Edwards, et al., 2004; Patton and Worthington, 2003; Ram, et al., 2001; 2003; 2007; Vickers, et al., 2005; Grimshaw and Carroll, 2006; Kitching, 2006; 2016; Kitching, et al., 2015; Pollard, et al., 2017; Down, et al., forthcoming). The vast majority of these studies focus on employment regulations and their effect on small firm performance. For instance Edwards, et al.’s (2004) research focussed on the impact of a variety of employment laws, including the introduction of the new National Minimum Wage (NMW), using a sample of 18 small firms across three sectors. Their findings suggested that rather than regulation being a strict burden, the competitive conditions the 18 firms operated in determined the impact those regulations had on the businesses. For example, Edwards, et al. (2004) noted that “where conditions are benign, regulations can be absorbed, but in other circumstances employment regulations can exacerbate competitive pressures” (2004; 1). The nuances seen in this study have led me to anticipate that the regulator-small firm relationship is equally not one-dimensional. Regulators daily face a range of businesses at various stages of growth, size, sector and relevant circumstances and therefore, linking back to the rhetoric about formality-informality, need to respond to diversity by using an array of methods in their engagements with small firms; something I will focus on in the findings of the thesis.

Later research by Grimshaw and Carroll (2006) focussed exclusively on the new NMW and its impact on small firms operating in low paying sectors. This research found that owner-
manager’s norms for low pay and lack of investment in vocational training, combined with restrictive market conditions, hindered the responding businesses in developing strategies to adapt to the requirements of the new NMW. Looking at Ram, et al. (2003) such strategies could have included absorbing the additional cost of compliance and/or passing it on to the customer. Both these studies show that while small firm resources and market conditions are important, human agency ultimately determines how a business interprets and adapts to regulations. This notion is elaborated by Kitching (2006, p.17):

> Even under conditions of severe constraint, employers have some discretion as to whether to comply with regulation and whether, and how, to adapt products and practices.

The notion that people (human agents) are the ultimate determinant of a business’s response to regulation means that new and existing statutory laws (e.g. the new Olympic advertising and trading legislation) affect firms differently depending on the knowledge and experience of their staff/managers. The SBRC (2008) expanded on the role of human agents in their study which was commissioned by the UK government to ascertain the impact of regulation on small business performance, drawing on data from 124 face-to-face interviews and 1,205 telephone surveys with small business owners. The SBRC (2008) found that while regulation imposed costs to all the businesses, the extent to which those costs constrained, or enabled, firms (e.g. through one firm adapting to the new requirements better than another) was dependent on the small firm owners’/employees’ ability to discover and interpret those regulations, their knowledge and resources, for example financial management, workforce knowledge and skills (SBRC, 2008). Additionally, Kitching, et al. (2015) noted that the extent to which regulation ends up burdening or benefitting (Kitching, et al., 2015) a business is also dependent on the firm’s access to knowledgeable stakeholders, such as actual and prospective customers, suppliers, competitors, infrastructure providers and regulatory authorities. Again, such broad resources and abilities, or lack thereof, have a direct impact
on the regulator-small firm relationship as regulators have to adjust their behaviour when dealing with businesses with various levels of knowledge and resources. Linked to the previous section on autonomy and control, regulators have an array of formal and informal (discretionary) tools at their disposal that they can use in their interactions with small firms depending on the circumstances of the business. The issue was particularly relevant during the Games when the ODA had to deal with businesses of various sizes, backgrounds and available resources, from street traders to large enterprises, and therefore had to adapt their behaviour accordingly (please see more on the typification of small firms in section 6.5).

The above studies of how regulation can impact small firms’ performance provide several insights that could help understand regulators’ behaviour and perspective during the implementation and enforcement of the advertising and trade regulations at the Olympics (RQ2 and RQ3). For instance, while the knowledge and experience of the small firm employees were paramount for the outcome of regulation for small firms, what is more relevant for this thesis is the effect of such knowledge on the regulatory relationship and the required adaptation regulators’ employees had to go through in order to ensure positive regulatory outcomes during and around the Olympics. Additionally, as these studies identify the human agent as the key determinant of the regulatory outcome, regulatory employees’ own knowledge and experiences were likely significant in influencing the way that staff at the ODA for example engaged with small businesses and other stakeholders in the regulatory constellation (e.g. trade associations) when disseminating knowledge of the new Olympic advertising and trading regulations prior to enforcement.

2.4.2.2 Regulation and the ‘informality-formality span’

While studies so far have talked about how small firms can comply with regulation, and its effects on performance, Ram, et al. (2001) highlight small firm non-compliance to regulation. Ram, et al.’s (2001) study was important, not only because it highlighted some
firms’ non-compliance with new NMW, but also due to its critical empirical demonstration of the effect of the ‘regulatory shock’ which new regulations can have on a small firm. Ram, et al.’s (2001) research focussed on the introduction of the new NMW which required businesses to formalise their written procedures and record keeping (e.g. number of hours employees worked and holiday entitlement). In their study Ram, et al. (2001) found that the NMW requirements were disregarded by two Indian restaurants that took part in the study. In both cases the requirements of the new NMW were not enough to change working practices. The businesses employed direct family members who worked flexibly according to the demands of the business. Working hours were ‘officially’ recorded one way (in-line with the NMW regulations), but in reality staff were either paid less per hour while being compensated with non-financial benefits (e.g. free food); or, in the case of a family business, worked longer hours due to an unwritten ‘duty’ towards family.

Ram, et al.’s (2001) study sheds a light on the role informality/formality dynamics play on the small firm and, subsequently, on the regulator – small firm relationship. It reveals that there is a myriad of factors that drive compliance, or lack of it, especially in times of regulatory change: financial, educational, cultural, or related to other resources. As a result, regulators would struggle to adopt a fixed approach that would snugly fit all regulatees that they interact with. Arguably, we do not live in a perfect regulatory environment where we have formal rules for every situation that regulators’ staff face on a daily basis, and therefore it would be interesting to see what degree of informal decisions and behaviour is used; in the context of the Olympics, but possibly tendencies could also be uncovered to understand regulators as a whole.

Ram, et al. (2001) offer one of a number of studies that examined how the dynamics of formality and informality shape business responses to change (e.g. new regulation, business growth). Marlow, et al. (2010) explored managerial approaches to employment relations at
six growing medium-sized businesses, arguing that formal and informal interactions in the employment relationship occur co-dependently in practice. The study was framed around Misztal’s (2000) formality-informality span and empirically furthered the notion of formality and informality occurring together rather than dualistically. Misztal’s (2000) ideas were also central to recent research by Down, et al. (forthcoming) who suggest that Misztal’s formality-informality span offers an opportunity to locate interactions within small and medium sized organisations more firmly in their contexts, and also to show that interactions between organisations are shaped specifically by adaptation to regulation, and so provoke renegotiations of authority and control.

Down, et al.’s (forthcoming) research undertook a longitudinal approach in order to understand how the dualistic interplay between formality and informality develop dynamically over time and from multiple points. One of the findings of this research was that regulators often trailed behind developments in high growth business sectors, particularly where policy and regulation were emergent. In these sectors (e.g. bio-tech, high-tech security, and renewables) regulators were reluctant to be definitive about ‘boundary’ aspects of the environment they control. The result of such ambiguous advice was that members of these small firms became more reliant on the knowledge and experience of their stakeholders for advice (typically professional services providers and consultants); thus raising costs for small firms looking to interpret, act upon, and comply with regulations. Such findings could be relevant to the way that the ODA enforced the Olympic advertising and trading regulations. These regulations were fast-tracked compared to non-Olympic ones, which could have meant that some of the ‘boundary’ aspects of what constitutes an infringements were ambiguous, which would not only affect the regulatees’ ease of compliance, but also the way enforcement officers set up the regulatory chain at London 2012.
2.4.2.3 Understanding the regulator’s perspective of the regulator-small firms relationship

The otherwise well-researched area of the small firm-regulator relationship has seen comparatively few studies that investigate the regulator’s behaviour and perspective of small firms; particularly in terms of how regulatory bodies adapt their practices when implementing and enforcing new statutory regulation. For example, even though research that focussed on small firms’ adaptation to the introduction of new employment regulation (the NMW) was extensive, there were no academic studies which looked exclusively at the Department for Work and Pensions’ (and relevant agencies’) behaviour and perspective of planning, implementing, and enforcing that new statutory regulation.

Furthermore, despite the importance placed on human agency in qualitative research studies, little attention has been given to the effect that agents’ collective identity (denoting organisational identity) has had on the regulator – small firm relationship. Of particular interest is the way that depictions of an organisation in the news media can affect its staff’s response to regulation – or in the case of this research, the way that media perceptions can affect the way a regulator enforces regulation.

2.5 Informality and organisational identity

Regulators work in organisations and identify to a greater or lesser extent with the identity of the regulatory organisation that they work for. How they do it is of significance here because at London 2012 the ODA was predominantly made up from staff that either had a background, or were directly seconded, from Trading Standards (a non-Olympic regulator). Therefore factors that affected the organisational identity (OI) of Trading Standards influenced the way its members operationalised the regulatory chain, and thus how they approached, perceived and behaved towards small firms.
2.5.1 Organisational identity - background

Organisational identity (OI) relates to “an entity’s attempts to define itself” (Corley, et al., 2006; 87) based on the collective views of its employees (human agents). OI has become an increasingly important domain of inquiry for academics (Brown and Humphreys, 2006; Corley, et al., 2006) and a key issue for managers (Cheney, 1991; Cheney, et al., 2010). Research on OI is typically focused on understanding strategic change (Ravasi and Phillips, 2011), decision-making (Riantoputra, 2010), internal conflicts (Humphreys and Brown, 2002), communication (Fombrun, 1996), issue interpretation and response (Dutton and Dukerich, 1991; Gioia and Thomas, 1996), as well as the theorisation of issues centred around legitimacy (He and Baruch, 2010).

In my research I am interested in particular aspects of OI. Considering the intense media focus on organisers at London 2012, prior research that has investigated the way that news media influences the way that employees (human agents) identify with their organisation will likely be useful. In particular, an evaluation will be undertaken of literature focused on how depictions and discourses in the media can influence organisational members’ decision-making and actions, i.e. regulatory enforcement practices at the Games. Given that the central focus of this thesis is finding out more about regulators’ behaviour and perspective in their relationship with small firms, it would be interesting to see the connection between the picture painted by the media, regulatory staff’s own thoughts on their organisation and the resultant effect on their behaviour. More specifically, literature around OI could potentially inform discussions regarding whether, and if so how, Trading Standards enforcement officers - seconded into the ODA - adapted their practices to enforce the new Olympic advertising and trading regulations and the resultant effect on the relationship with small firms.
Before discussing the relevant literature two important considerations need to be set out. First, while the literature search for this thesis did not reveal any prior research of OI in the context of the regulator-small firm relationship, or indeed of regulatory delivery in a mega event context, there are works published which explore the topics of OI and regulation jointly. For example, Gilad (2015) compared the organisational identities of Israeli and British financial regulators and how these affected their engagement with firms that were being investigated for mistreating customers. The regulators studied by Gilad (2015) operated in an environment dominated by strong political pressures, so parallels could potentially be drawn with the ODA who worked in a high-pressure setting, subject to political and media attention. Arguably, the ODA’s staff would not have remained rigid to their external environment so it would be interesting to find out how such external pressures shaped the way the ODA saw themselves and also the way they operationalised the new regulations.

Second, while the analysis of OI was deemed pertinent for understanding how regulators implemented and enforced the Olympic advertising and trade regulations (RQ2 and RQ3), the author also considered the related theory of Organisational Identification (OID). OID focusses on the individual human agent’s identity, rather than the collective identity of an organisation’s members as a whole (He and Brown, 2013). OID research typically focusses on employee work attitudes and behaviours including motivation, job performance and satisfaction, individual decision-making, and employee interaction and retention (Cheney, 1983). OID was not considered for this thesis as the aim here (considering the research questions) is to explore the engagements between regulators and small firms at the organisational level rather than the level of individual agents, making OI relevant and not OID.
2.5.2 Review of prior studies of organisational identity

According to He and Brown (2013) previous studies of OI can be split by their varying assumptions about ontology and epistemology, as well as their methodological preferences; considered under four categories: ‘functionalist’, ‘social constructionist’, ‘psychodynamic’ and ‘post-modern’. Most relevant were those studies that took a social constructionist approach to analysing OI, also referred to as interpretive or social cognition approach, which regards OI as the socially structured product of complex interactions between multiple actors across professional groups and hierarchical levels of relationships (Glynn, 2000; Harrison, 2000; Kjærgaard, et al., 2011). In other words, the focus is on the interactions between human agents of an organisation which collectively denote ‘who the organisation is’ (Corley, et al., 2006; Dutton, et al., 1994; Harquail King, 2003), as well as what is central, distinctive and enduring about that organisation (He and Brown, 2013).

Prior research of OI taken from a social constructionist perceptive has typically focussed on intra-organisational interactions (He and Brown, 2013). For example, several studies have investigated how members develop collective understandings of their organisation and how these affect organisational change (Corley and Gioia, 2004) and strategic decisions (Gioia and Thomas, 1996). With the ODA staffed predominantly by Trading Standards employees, I will seek to find out whether and how ODA employees’ behaviour and perspective during the Games were driven by the OI of Trading Standards, particularly in light of the changes that the regulator was seeing, both in their everyday and in the Olympic context. Additionally, there is considerable research investigating how members’ understanding of their organisation gets challenged/ altered if the firm becomes subject to intense news media coverage and scrutiny (Coupland and Brown, 2004); something that happened to Trading Standards in the run-up to the Games, as they were at the centre of the burden on business rhetoric that was prevalent in the media at the time. Both change and the negative media
attention affected Trading Standards, and by association the ODA, so it would be interesting to see how the makeover of organisational identity impacts on the regulator’s behaviour with small firms.

The concept of news media as ‘mirrors’ was introduced by Dutton and Dukerich (1991) and linked to sensemaking theory. According to Dutton and Dukerich (1991) news media emulate external interpretations about an organisation’s actions, and thus prompt members to reflect upon and possibly revise - i.e. make sense of - their organisational identity. Sensemaking theory revolves around human agents’ efforts to make, and give sense of, their organisational reality while simultaneously being influenced by their own need to preserve positive self-concept (Weick, 1995); that is, by their need for self-enhancement (Steele, 1988). In addition, social identity theory suggests that individuals construct an understanding of who they are based on multiple group affiliations or ‘social identities’ (Tajfel and Turner, 1986). To the extent that individuals identify with a group or organisation, their self-concept will be affected by the social regard in which the group is held (Ashforth and Mael, 1989). Attractive organisational images are then likely to enhance the self-concept of members and strengthen the degree to which they identify with the organisation (Dutton, et al., 1994).

However, considering the burden on business rhetoric that surrounds UK regulators, regulatory staff’s response to the media’s portrayal of adverse organisational images is more pertinent. Media representations that emphasise socially undesirable features (Dutton and Dukerich, 1991) or negate what employees perceive as core and distinctive features of their firm (Elsbach and Kramer, 1996) threaten not only the image of the organisation but also the very self-concepts of its staff. In the context of this research, I am interested in the organisational identity of the ODA, and by extension of Trading Standards, which provided the majority of secondees into the ODA. Trading Standards, by their own admission, are seen by politicians and the media as the epitome of regulatory burden (CTSI, 2015), based
on the notion that their enforcement officers regularly visit/inspect businesses even when there is no cause or complaint made. In addition, around the time of operationalising the new Olympic regulations, the service had seemingly been under attack from its chief funder, the central government. The embattled reality of Trading Standards can be seen not only in light of the cuts that the institute has faced, around 40% since 2010, leading to a halving of staff numbers (CTSI, 2015), but also from the views of its remaining organisational members.

Prior research of OI suggests that instances of negative news media coverage are likely to trigger responses from the employees that make and/or give sense to the organisation in ways that preserve the social regard of the organisation and, by extension, the self-concept of its staff (Elsbach and Kramer, 1996). As a result, employees actively resist representations in the media which are incongruent with their own identity, beliefs and aspirations (Elsbach and Kramer, 1996), due to the perception of unfavourable media representations of their organisation as a threat to their personal self-concept (Tajfel, 1978). Similarly, Trading Standards’ employees have responded to the negative media and political attention by developing a view of their industry as both supporting businesses (e.g. to achieve compliance) and engaging in enforcement activities, a ‘proportionate and representative’ makeover⁹ which they are still keen to publicise among politicians and policy makers (CTSI, 2015). As a result, in order to demonstrate to central government that Trading Standards does not overly burden businesses, the service has undergone a shift in their ethos and adopted a more pro-business, collaborative approach to business engagement. To what extent the shift in ethos was evident during the Olympics in ODA’s dealings with small firms is something I will discuss in the findings chapters.

⁹ ‘Proportionate and representative’ approach elaborated on in section 1.4.1
Lastly, news media exercise considerable influence on how organisations are known and made sense of not only by their members, but also by their external audiences (Deephouse, 2000; Rindova, et al., 2006; Einwiller, et al., 2010). In terms of the context under investigation (London 2012) the intense media spotlight that came with hosting the Olympics likely influenced not only the Trading Standards/ODA’s employees, responsible for delivering the Olympic advertising and trading regulations, but also staff at other bodies in the regulatory constellation (e.g. DCMS who oversaw the ODA).

2.6 The legislative context of London 2012

2.6.1 Introduction

So far the literature review has sparsely discussed the context under investigation for this thesis: advertising and trading regulations enacted for the London 2012 Olympic Games. Understanding the setting and the level of change regulators and small firms faced during the Olympics is important for understanding the relationship between them by shedding light on the behaviour and perspective of regulators while operationalising the regulatory chain. This section discusses prior studies of advertising and trading regulations at London 2012, and is laid out as follows: first, the 2012 Olympics are discussed as being a spatial and temporal ‘state of exception’. Second, the legal architecture of the Games is elaborated on, with particular focus on the advertising and trading regulations brought in to protect the IOC and its sponsors form ambush marketing. Finally, prior research of the effect these new regulations had on local small businesses is discussed, as well the overall limitations of such studies.

2.6.2 London 2012 and the state of exception

Prior research of mega events, such as the Summer and Winter Olympics, the FIFA World Cup, and Grand Prixes, often denotes these as events that far exceed the realm of being just
organised sporting spectacles; rather they are global multi-billion businesses, powerful instruments for local urban policy, and usually linked to vast regeneration schemes (Hall, 2006; Raco and Tunney, 2010; Fussey and Clavell, 2011; Marrero-Guillamón, 2012). Cities compete for hosting mega events by offering favourable fiscal conditions and large infrastructure investments as a unique opportunity for place marketing and international attention. In order to facilitate the smooth (and profitable) operation of the Olympic Games, host cities also agree to a number of legal transformations aimed at ensuring the protection of the IOC’s intellectual property (IP), e.g. the Olympic Symbols, and provide exclusive advertising space for members of the IOC’s (TOP) sponsorship programme. Such a colossal transformation of the UK’s legal and spatial landscape was argued by Marrero-Guillamón (2012) to have required the UK Government to pass an unofficial ‘state of exception’.

The state of exception, defined as the suspension of law by law (Marrero-Guillamón, 2012), was originally conceived by Agamben (2005) as a response to Carl Schmitt's (1985 cited in Marrero-Guillamón, 2012, p.21) definition of sovereignty as the power to proclaim the exception. Agamben’s (2005) book *State of Exception* discussed how governments increase the power which they employ in supposed times of crisis (e.g. a state of emergency). In such times of crisis Agamben (2005) notes that states of exception occur, whereby the constitutional rights of the population are diminished, superseded, and rejected as part of a government’s extension of power for a given time. More recently Marrero-Guillamón (2012) noted that the state of exception has evolved from being an extreme measure to becoming a technique used by governments in a variety of non-war situations, legitimised on the grounds of necessity; e.g. financial crises and general strikes.

One of the notable things about the state of exception is that military metaphors are often used to sustain it as a necessary legal phenomenon: these metaphors are part of a vocabulary of war, used to justify exceptional forms of penalty (Marrero-Guillamón, 2012). Such
metaphors can be linked to Agamben’s (2005, p.4) theory of the ‘camp’, defined as: “the space that is opened when the state of exception begins to become rule”. The ‘camp’ is essentially a “no-man’s land where exceptional measures are in place, and which are legitimised by the extraordinariness of the situation and its threats” (Marrero-Guillamón, 2012, p.25). Such instances of exceptionality (the military metaphors and creation of a no man’s land) are argued by Marrero-Guillamón (2012) as being indicative of the legal architecture of the London 2012 Olympics. And indeed, as can be see below, the legal infrastructure that was set up in advance of the Games was significant, in terms of robustness and powers granted to regulators for the duration of the Olympics. The changes that were implemented and later enforced were disruptive of both regulators’ and small firms’ everyday status quo. As a result, all had to adapt to this new, temporary state of being, within the boundaries of the so-called event zones, a nod to Marrero-Guillamón’s (2012) no-man’s land.

2.6.3 The legal architecture of Olympic advertising and trading regulations at London 2012

2.6.3.1 The Host City Contract and Olympic Charter

Upon granting the right to stage the 2012 Olympic Games, the International Olympic Committee (IOC), who are responsible for ensuring the regular celebration of the Olympic Games, required the winning bid (London) to sign the Host City Contract (HCC). The HCC set out the guarantees that had to be provided to the IOC in order to comply with the Olympic Charter (Stuart and Scassa, 2011).

The Olympic Charter (Chapter 1.2) set out the IOC’s exclusive ownership of the key Games properties, stating:
All rights and data relating thereto, in particular, and without limitation, all rights relating to their organisation, exploitation, broadcasting, recording, representation, reproduction, access and dissemination in any form and by any means or mechanisms whatsoever, whether now, existing, or developed in the future (International Olympic Committee, 2010, p.22).

Such ownership included all ‘Olympic Properties’ (Olympic Charter, 2011): The Olympic Symbol (R.8), the flag (R.9), the motto (R.10), the emblems (R.11), the anthem (R.12), the flame and the torches (R.13).

The IOC sold access to and association with its Olympic properties to private organisations who together form its (TOP) sponsorship programme (also known as official sponsors). Such sales have allowed the IOC, a not-for-profit, non-governmental organisation of some 300 employees, to generate revenues of around $2.3 billion between 2001 and 2004 (Kenyon and Palmer, 2012); including a $383 million profit on the previous Games at Beijing 2008. The IOC is also not subject to any taxes by virtue of its agreement with the Swiss Government (Marrero-Guillamón, 2012).

In order to protect the exclusivity of the official sponsors’ association with the Games’ property, the host city (London) was required to introduce legislation to reduce the possibility of ambush marketing (Hoek and Glendall, 2000; Michalos, 2006; James and Osborn, 2011a; Sims, 2015).

According to the IOC, ambush marketing occurs when an unauthorised commercial entity implies an association with the Olympic Movement without a marketing agreement with an appropriate Olympic party (IOC, 2005). Additionally, in the LOPGA 2006 it is stated that ambush marketing poses “a substantial threat to the Olympic movement because: (a) it could destroy the overall revenue base of the Olympic movement, and (b) it undermines corporate
confidence in Olympic partnership investments” (London Olympic and Paralympic Games Act, 2006).

Marrero-Guillamón (2012) noted that these notions of financial threat, which could potentially have a destructive effect on the Olympics Games, formed the legitimising force that justified the powerful new anti-ambush marketing legislation; “an example of the use of the vocabulary of war to justify exceptional forms of penalty” (Marrero-Guillamón, 2012, p.21).

The passing of such anti-ambush marketing legislation, whereby highly securitised event zones are set up around Olympic stadia (Hall, 2006), has been a requirement for host cities since the Sydney 2000 Games. Within these event zones official sponsors have an exclusive space to showcase their brand outside the stadia. Furthermore, the IOC requires that strict controls be placed on street traders who operate in open spaces within the Olympic event zones (Hall, 2006; James and Osborn, 2011a). At London 2012 the anti-ambush marketing legislation was detailed in the London Olympic Paralympic Games Act (LOPGA) 2006 discussed below as part of the London Olympic legislative context.

2.6.3.2 The London Olympic Paralympic Games Act (LOPGA) 2006, 2011

There were two acts of Parliament that constituted the Olympic regulatory landscape protecting the Olympic symbols and the commercial rights associated with the Games. The first is the Olympic Symbol etc. (Protection) Act 1995 (OSPA). The OSPA 1995, included the Olympic Association Right (OAR) which provided broad instruction on the protection of the Olympic symbol, motto, and various protected words from unregulated use. However, the OAR was less specific than the more recent LOPGA 2006, later amended in 2011, which set out the regulatory framework for the London 2012 Olympic Games (e.g. the creation of new regulatory bodies and the new Olympic advertising and trading regulations).
The LOPGA (2006; 2011) had two main purposes. First, it provided a regulatory framework to facilitate the building of the necessary infrastructure for staging the Games. Second, it set out explicit protections for the Olympic commercial rights - protecting the words and symbols that are most commonly associated with the Olympic and Paralympic Games. In order to oversee these purposes, the LOPGA (2006) prescribed the creation of a new public body – the Olympic Delivery Authority (ODA) (sections 3 – 9 and schedule 1).

The ODA had wide-ranging powers: it was responsible for delivering the physical infrastructure of the Games (sporting, media, and accommodation facilities), the London transport plan (the movement of athletes, officials, and spectators around London), and finally, the dissemination and enforcement of advertising and street trading regulations in the vicinity of Olympic venues (Raco, 2014). James and Osborn (2011b) noted that the ODA had powers that overlapped those of local councils, transport executives, trading standards offices, and the police service. These non-Olympic regulators had their powers temporally and spatially muted for the duration of the Games in and around Olympic event zones as a result of the LOPGA 2006 (Louw, 2012; McGillivray and Frew, 2015; Raco, 2014), which is reminiscent of the suspension of law by law that Marrero-Guillamón (2012) denotes as the state of exception.

In terms of Olympic advertising and trading regulations, section 33 and schedule 4 of the LOPGA 2006 set out legislation specific to the London 2012 Games, known as the London Olympics Association Right (LOAR). The ODA’s responsibility was to implement the LOAR as workable regulations and enforce them for the duration of the event. The

---

10 The workable regulations were compiled in the ‘Detailed Provisions and Advertising and Trading Regulations at London 2012’.
11 London 2012 Olympic and Paralympics ran from 25 July 2012 till 9 September 2012
LOAR had a far wider definition of ambush marketing\(^\text{12}\) than at any other previous Games (Piątkowska, et al., 2015). Such a wide definition allowed the London Organising Committee of the Olympic and Paralympic Games (LOCOG)\(^\text{13}\) to maximise the commercial value of association to Olympic words and symbols. Such exclusivity, and powers to protect the interests of official sponsors, formed a central part of LOCOG’s sponsorship and merchandising strategy (James and Osborn, 2011a).

As well as the broad definition of what constitutes making an association with the London Olympics, paragraph 3 (1) of schedule 4 of LOPGA 2006 discussed the use of words by unofficial sponsors that can constitute an infringement; examples of such words included: “Olympian”, “Olympic”, “Summer”, “2012”, “Twenty-Twelve”, and “Gold”. The use of such words in any combination when used in a commercial context, other than reporting on an Olympic event, was deemed an infringement and thus a ‘criminal offence’ (LOPGA, 2006; 2011). The successful prosecution of an infringer initially resulted in a fine of up to £20,000, and in more serious cases, infringers could be liable to an unlimited fine on conviction on indictment (LOPGA, 2006, s21).

As well as enshrining the new Olympic advertising and trading regulations in criminal statute, the LOPGA (2011) also granted enforcement officers the power to:

[...] enter land and premises on which they reasonably believe a contravention of regulations is occurring… to remove, destroy, conceal or ease any infringing article… and use, or authorise the use of, reasonable force for the purpose of taking action under this subsection.

---

\(^{12}\) Ambush marketing at London 2012 was defined as: ‘any association of any kind that is likely to suggest to the public that there is an association between London 2012 and any goods or services, or any person who provides good or services (LOPGA 2006, sch 4)’.

\(^{13}\) LOCOG was a private organisation, created when London signed the Host City Contract. It was responsible for securing and maintaining relationships with corporations officially sponsoring the Games (members of the [TOP] Sponsorship Programme).
Thus, in terms of the legality and severity of punishment, the LOPGA (2006; 2011) contained the most powerful advertising and trading regulations ever enacted in the UK, or at any previous mega event. The scope and breath of the new regulations, and the powers given to the regulating bodies, make it understandable why Marrero-Guillamón (2012) concluded that the Olympics were run in a state of exception. Furthermore, given that the Olympic Charter (rule 61) stated that ‘no kind of demonstration or political, religious or racial propaganda is permitted in the Olympic area’ (i.e. the event zones), Marrero-Guillamón (2012, p.25) further defined the event zones14 as the ‘Olympic Camp’.

Entering the Olympic Camp implies surrendering the right to express one’s self freely, or more exactly, accepting that it has been ‘suspended by law’: ‘the creation of a no-man’s land where exceptional measures are in place, and which are legitimised by the extraordinariness of the situation and its threats.

2.6.4 Prior research of Olympic advertising and trading regulation – the effect on local small firms

The state of exception and the Olympic Camp are naturally relevant for shaping the relationship between regulators and small firms during the Games. Both regulators and small firms had to adapt to the significant change that was brought about by the new legislation: regulators in terms of implementing and enforcing the new regulatory chain, and small firms in terms of optimising the opportunities arising from the Olympics while ensuring compliance in a much more stringent setting than their everyday operations. To add to the complexity, firms were subject to different rules within this so-called ‘Olympic Camp’ depending on whether they had a permanent location to sell from and/or if they traded out of an open space (James and Osborn, 2011a). Some businesses were even exempt; for example, newspaper sellers, public toilets, telephone kiosks, and land used by bars and

---

14 Maps of these event zones are attached as appendices in this thesis
restaurants to serve clients. Also, exemptions were granted to advertising on taxis and buses meaning that they were not subjected to controls around the types of adverts that could be displayed on their vehicles (LOPGA, 2006). However, these exemptions did not include licenced street traders, who traded out of open spaces. These businesses automatically had their everyday, business-as-usual street licences revoked for the duration of the Games, and had to apply for a special exemption from the ODA, known as the Olympic Street Trading licence.

The restrictions on street trading were said to have gone beyond the requirements of the HCC which required clean, advertisement-free stadia and the creation of legislation to prevent ambush marketing (HCC, 2005; James and Osborn, 2012). As a result, James and Osborn (2011a) stated that they saw no legitimate justification for going beyond the requirements of the HCC and in essence removing street trading activities from the Olympic event zones. James and Osborn’s (2011a; 2011b; 2012) negative conception of the Olympic advertising and trading regulations echoed the general consensus among academics that these regulations were ‘draconian’ (Marrero-Guillamón, 2012), non-negotiable (Girginov, 2012), and were generally bad for local businesses (Louw, 2012). Even though these studies of Olympic advertising and trading regulations at London 2012 are useful for understanding the legislative architecture that regulators and small firms had to adapt to, two important considerations need to be made. First, prior research was conducted and published between six months and a year before the opening ceremony, rather than seeking to explain the actual engagements between regulators and small firms after the event. Second, because prior research was undertaken before the Games, these studies only considered the formal legislation, rather than used qualitative accounts of what actually happened. Therefore there is an opportunity to build upon the existing understanding of the regulator-small firm relationship by conducting a study focusing on the Olympic advertising and trading
regulations which is performed subsequently to the London 2012 Games. Such research would respond to Rommell’s (2009) call for investigating the *actual* (informal), in addition to the formal, interactions between organisations making up a regulatory constellation as previous studies were too reliant on formal documentation (e.g. statutes and other written documents) when discussing these interactions. Furthermore, a focus on the regulator’s (ODA) perspective of implementing and enforcing the Olympic advertising and trading regulations would allow for a better understanding of the regulatory relationship with small firms.
Chapter 3 Methodology and Methods

3.1 Introduction

As discussed in previous chapters, this thesis seeks to explain the regulators’ perspective of how the new Olympic advertising and trading regulations were implemented and enforced for the London 2012 Olympic Games. To meet this aim the research describes the main features of the Olympic regulatory constellation, i.e. what organisations were involved and to what extent regulatory tasks between Olympic and non-Olympic regulators overlapped when implementing and enforcing the new Olympic regulations. I also set to find out more about the formal and informal mechanisms used by Olympic regulators when implementing the new regulations in their interactions (relations, autonomy, and control) with non-Olympic regulators. Additionally, regulators’ engagements with small firms during the enforcement of the new regulations are focussed on: how small firms were typified by the ODA and the resultant effect of such typification on regulatory engagements with small firms, as well as the extent formal and discretionary (informal) enforcement practices were used by ODA officers when engaging with local small firms. Critical realism (CR) has provided a useful ontological view for framing this research and answering the research questions posed.

CR was not the only philosophical standpoint considered for the thesis; I also considered the traditional dominant ontological positions in social science, namely positivism and interpretivism. This section begins by discussing why the CR ontological position is useful for answering the research questions posed by this thesis. Section two of the methodology elaborates in detail on the chosen ontological position of CR, specifically what this metatheoretical position entails and how it will help answer the research questions. Finally,
the chapter concludes by giving an overview of the research design, informed by the CR metatheoretical perspective. Discussed here are the methods of data collection, the participants interviewed, the type of information gathered, and how the data was analysed.

### 3.2 Why critical realism?

In order to facilitate the answering of these questions I adopted the metatheoretical position of critical realism (CR). CR is a useful tool for studying the regulator-small firm relationship, as it fits the requirements of this research - particularly when compared to the more dominant traditions in philosophy of science (e.g. positivism and interpretivism). For instance under positivism, which falls within the functionalist quadrant of Burrell and Morgan’s (1979) four paradigm model where reality is considered singular, tangible, and ‘out there’ (McKelvey, 1997), phenomena (e.g. size of organisations, structure of organisations, or strength of employee commitment, etc.) are measured in terms of quantity or degree (quantified events). Quantified events and their regularity are fundamental to positivism and form the basis of ‘covering laws’, as applies in natural sciences (Fleetwood, 2013). However, in practice, ‘covering laws’ are unlikely to be useful for this research, particularly as the research questions that this thesis poses seek to understand the interactions between regulatory agencies and businesses that are governed by the interactions between employed human agents (also referred to as members, managers, enforcement officers, and staff).

Under interpretivism, questions cannot be answered by considering reality as populated by organisations in a hard, concrete sense (Burrell and Morgan, 1979). Instead, interpretivism is a worldview taken from the subjective experience that is normalist, anti positivist, voluntarist and ideographic (Burrell and Morgan, 1979). Thus interpretivists generally answer their research questions by viewing the social world as emergent and created by the individual concerned. Therefore, it is a position ideally suited to those who “seek explanation
within the realm of individual consciousness and subjectivity...as opposed to the observer of action” (Burrell and Morgan, 1979, p.28).

It could be argued that the research questions of this thesis lend themselves to an interpretivist ontological perspective. For example, prior research of news media’s influence on OI often takes a social-constructivist perspective (e.g. Kjærgaard, et al., 2011), which is deemed most useful for understanding regulators’ behavior and perspective during the enforcement of the Olympic regulations. However, with regards to analysing formal mechanisms, such as legal statutes - important for the discussion of formalisations in regulatory practice – interpretivists do not recognise these in any concrete or hard sense. Thus, the legal power that they emit is solely dependent on the interpretation of the participant (agent) as opposed to being materially real, capable of creating events outside of the knowledge of the participant which informal mechanisms can be compared against. Furthermore, Gorski (2013, p.662) claims that “good interpretative work always involves various forms of contextualization”. As contextualisation occurs, then some form of concrete structure (beyond a label or notion) should exist to form the foundation of the environment (Fleetwood, 2013).
3.3 Critical realism

So what is critical realism? Bhaskar (1978; 1979), who founded many of the core ideas of CR, thought of it as an amalgamation of the general philosophy of science (transcendental realism) and the philosophical underpinnings of social science (critical naturalism), and described CR as an interface between the natural and social worlds. The focus on interactions between human agents, who were employed by organisations that operated in a regulatory constellation, which was governed by powerful legislations, enacted for a mega event that occurred just over five years ago - a combination of concrete facts and social interactions, led me to the critical realist ontological stance.

Critical Realism (CR) has been employed in the study of regulation and small firms by John Kitching (2007; 2010), in sociology by Margret Archer (1995; 2003) and Dave Elder-Vass (2010; 2012), in entrepreneurship by Kevin Mole (2011), and management theory by Steve Fleetwood (2008; 2013) and Alistair Mutch (2007). Rooted in Marxism, CR is a philosophical stance that seeks explanations to why events occur in the form that we observe (Jennings and Mole, 2011). Rather than seeking generalisations (positivism), or (solely) the individual’s interpretation of the micro environment (interpretivism), critical realists seek explanations of past events (retroduction), focusing on the mechanisms that are activated in order for a particular event to happen (Mole, 2011). Similarly, I am seeking to find an explanation of regulators’ behavior and perspective, and the underlining mechanisms that drove the implementation and enforcement of the new Olympic regulations. In addition, operating between the positions of positivism and interpretivism, critical realists accept that reality can exist outside of our knowledge of it - the intransitive domain (Hartwig, 2007).

An example given by Mole (2011, p.217) provides a basic illustration:
The desk in front of me is a hard and wooden surface and when I leave this room it will continue to have that hard surface; it is not simply my interpretation of the desk that matters, the desk is something ‘out there’ to be explained that exists independently of me.

3.3.1 Bhaskar’s social world

CR provides a vocabulary and a theoretical framework with which to investigate the world.

Critical to understanding the world (in a CR sense) is Bhaskar’s (1978) social world which is layered and comprises of three distinct levels:

<table>
<thead>
<tr>
<th>The real</th>
<th>The social structures possessing causal powers capable of generating events and experiences</th>
<th>E.g. written rules and legislation (LOPGA, HCC, and Olympic Charter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The actual</td>
<td>Events</td>
<td>E.g. regulatory engagements with small firms</td>
</tr>
<tr>
<td>The empirical</td>
<td>Agents’ experiences</td>
<td>E.g. regulatory staff’s conception of social norms, as well as their wants, needs and concerns that inform their decisions</td>
</tr>
</tbody>
</table>

The level of ‘the real’ is populated by social structures, examples of social structures relevant to this research include: Olympic regulatory departments (e.g. the Olympic Delivery Authority [ODA], and The Department for Culture, Media, and Sports [DCMS]) and non-Olympic regulatory bodies (e.g. Trading Standards). These organisations house additional social structures: texts, statutes and other legal instruments containing state-authorised, enforceable rules (e.g. The London Olympic and Paralympic Games Act [LOPGA] 2006; 2011), that enabled, mandated, or prohibited the actions of agents employed by the agencies responsible for the regulatory chain (Kitching, et al., 2015). As such, while this research
focuses on the analytical level of inter-organisational interaction, it is noted that human agents are the sole efficient causes of events in the social world (Archer, 2003). The events caused by agents are influenced by social structures (i.e. LOPGA 2011) and were visible at the ‘empirical level’ of Bhaskar’s (1978) social world. The relationships between agents and social structures is critical to this research in terms of investigating formal and informal mechanisms of agency interaction in the regulatory constellation (RQ2) and of regulators’ engagements with small firms (RQ3). For instance, on the one hand, the formal mechanisms used by Olympic regulators to set aside non-Olympic legislation are social structures (texts, statutes and other legal instruments). On the other hand, the informal mechanisms are the result of agents’ interpretation of those formal social structures. Therefore, due to its importance, the next section of this chapter focuses on the structure-agency debate underpinning the interactions (relations, autonomy, and control) between Olympic and non-Olympic regulators (specifically related to answering RQ2).

3.3.2 The social ontology of structure and agency

In CR research both structure and agency are central to explaining social phenomena (Bhaskar, 1978). Typically, the structure-agency debate is characterised as “the extent to which (you or I) have the ability to shape our own destiny against the extent to which our fate is determined by external factors” (McAnulla, 2002, p.271). For this research, approaches from both Elder-Vass (2012) and Archer (2003) were considered.

*Structure, agency, and the internal conversation*

Archer’s (2003) approach to structure and agency places the decision making of people as central to the regulator-small firm relationship, while recognising that those decisions are influenced by a variety of external factors (e.g. written rules, laws and statutes). A critical realist herself, Archer advocates the study of such interactions between social structures and agents. Archer (2003) characterises structure as objective, predominantly material, with
structural and emergent properties. Agents have causal power, and ultimate concerns, which they try, fallibly, to put into practice (Mole and Mole, 2010). Archer (2003) argues that the world (i) unavoidably brings agents into contact with structures constraining and enabling their objectives and (ii) brings about concerns for their physical well-being, performative achievement, and self-worth (Archer, 2003; Fleetwood, 2013). Thus, agents take social structures into consideration when making a decision, a process known as the internal conversation. Agents’ internal conversation is informed by their wants, needs, concerns, prejudice, and what constrains and enables them (Fleetwood, 2013). When implementing (RQ2), or enforcing (RQ3) the Olympic advertising and trading regulations, agents, who are the sole efficient cause of decisions, took the formal mechanisms (social structures) and transformed them via their internal conversation. The outcome of this process characterises the informal outcome, visible at the actual level of Bhaskar’s (1978; 1979) social world.

However, Archer’s internal conversation is not entirely appropriate for answering my research questions. This research investigates the inter-organisational interactions within a regulatory constellation (RQ2), as well as the engagements between the regulator (e.g. the ODA) and small firms (RQ3). Archer’s view that we should concentrate on the subjective processes individuals go through in their decision-making (their internal conversation) is too narrow a perspective to uncover tendencies representative of the organisation (e.g. the ODA). Therefore Archer’s view is not entirely appropriate, other perspectives based around CR concepts should be considered.

*Norm Circles (Elder-Vass, 2012)*

Like Archer, Elder-Vass (2012) considers agents (people) to be influenced by objective features (such as a culture and/or identity), that they then reconstitute and/or elaborate through their subjective actions. For Archer, those objective features are composed of ideas
– hence her analytical focus on the individual – whereas for Elder-Vass objective features take the form of norm circles composed primarily of collections of people.

According to Elder-Vass (2012), a norm circle is the group of people committed to endorsing and enforcing a particular norm. He argues in a debate with Archer (Archer and Elder-Vass, 2012) that norm circles are the entities that can exercise an emergent causal power to increase the tendency of individuals to conform to the norm that it endorses. This is more than just a personal commitment: members of a norm circle are aware that other members of the circle share their commitment. There is a shared obligation to endorse and enforce the norm concerned and an expectation for mutual support in that endorsement and enforcement. In other words, if members of a norm circle share a collective intention to support the norm, they tend to support it more actively than they would if they did not share that collective intention.

Considering Elder-Vass’s norm circles in my research, the notion that regulatory staff likely operated under established, collective intentions that usually attract wholesale support from colleagues could be used as a frame for understanding why instances of discretionary enforcement (i.e. informality) occurred at London 2012. After all, Baldwin (2000) notes that UK regulators are not especially inclined to use the full force of their legal powers, preferring a discretionary approach. The findings of this research will consider the extent to which Trading Standards’ collective norms for business engagements (including discretion), and the intention of staff to support them, was carried over to London 2012.

To do this, I asked participants to characterise their responses on behalf of the organisation they represented, which enabled me to identify norms at the organisational level that could have affected the regulatory relationship with businesses at London 2012. The various formal and informal mechanisms that characterised agency interactions in the regulatory
constellation were highlighted in order to provide an explanation for how the ODA implemented the new advertising and trading regulations (RQ2) and the effect this had on regulatory engagements with small firms (RQ3). CR prescribes that these mechanisms be identified as generative mechanisms, which are explained in the next section.
3.3.3 Generative mechanisms

In this thesis, I am probing into what drove the interactions between regulators in the regulatory constellation when implementing (RQ2), and enforcing (RQ3) the new Olympic advertising and trading regulations at the London 2012 Olympics. As these were not only driven by the agents involved, but also influenced by material factors (e.g. the LOPGA 2006; 2011), the events (observable at the actual level) that led to the implementation of the advertising and trading regulations (RQ2) were complex and involved compound underlying factors (occurring at the empirical level). To aid me in understanding the multitude of formal and informal interactions between the agents, as well as the relevant causality of events, I utilised the concept of generative mechanism, as defined in CR.

Generative mechanisms are central to CR because they are the means through which causal powers are exercised, leading to an event at ‘the actual level’. According to Blundel (2007), generative mechanisms define the way or ways in which causal powers are exercised that lead to an event detectable to a human observer. When isolated, generative mechanisms enable ‘deep explanation’ of the complex relationships between powers, structures, and tendencies (Fleetwood, 2013) and therefore why events occur in society (Jennings and Mole, 2011). According to Jennings and Mole (2011) the use of generative mechanisms provides powerful explanations of causality; more so than reductionist ontologies such as objectivism and subjectivism grounded in the Humean tradition. However, causal powers and/or generative mechanisms do not necessarily manifest themselves empirically in the same way each time or with any regularity (Tsoukas, 1989). Thus, because society (reality) is reproduced and transformed by the activities of multiple interacting agents/social structures, each capable of acting differently, novel and unexpected events are always possible (Kitching, et al., 2015). Easton (2010, p.120) backs this notion by suggesting, “…
[occasionally] the ‘real’ world breaks through and sometimes destroys the complex stories that we create in order to understand and explain the situations we research”.

### 3.3.4 Emergence

The constant reproducing and transformative effect on social structures of multiple interacting agents’ activities is often referred to as emergence. Specifically, emergence refers to social structures existing within Bhaskar’s (1978) social world that cross between strata and combine with other social structures or agents, creating a new social structure or event (Jennings and Mole, 2011; Mole, 2011). The new object is qualitatively different from any of the initial, independent structures, and possesses new properties – new structure, new causal power, new generative mechanism – that arise from, but cannot be reduced to, the properties of their originators (Sayer, 2000; Danermark, et al., 2002; Jennings and Mole, 2011). Because reality is an open system, social structures (e.g., the written regulations and legislation) combine and emerge unpredictably. The extent that such social structures influence agents at the empirical level depends on their legal power; thereby, leading to various events occurring at the actual level. In my research such events include the observable engagements between ODA staff and small firm owners-managers, the outcome of which depends greatly on the decision making of the ODA agents. In addition, because of the plasticity of agents and their ability to learn and form strategies (i.e. to deal with steering from oversight bodies like DCMS), ODA staff likely transformed and reproduced the same social structure (i.e. the LOPGA) differently from each other and also differently over time (referring to Madureira, 2007).

Emergence is particularly important when considering the coming together of public sector Olympic regulators (e.g. the ODA), non-Olympic regulators (Trading Standards), and private entities (i.e. small firms and LOCOG). Public/private partnerships in large, publicly funded projects, like the Olympics, can be challenging, especially as the agents employed
by the relevant organisations can interpret contractual agreements and other formal instructions differently based on their own wants and needs (Fleetwood, 2013). An example of such a project was the Millennium Dome whereby the government, aiming to raise money from corporate sponsorship, contracted with private corporations to construct and run the Dome (a form of deep sponsorship). The differing priorities of corporate and public entities gave rise to numerous challenges for the construction and running of the Dome, despite it being a primarily publicly-funded project (Anderson, 2000; McGuigan, 2003). How the mixing of public and private interests affected the regulatory chain of the Olympic advertising and trading regulations (e.g. the differing priorities between the ODA and LOCOG) is discussed in the findings (section 4.2.1).

3.3.5 Tendencies

Overall it is the notion of an open system, combined with the concept of an intransitive domain that sets CR apart from the idea of positivism as an explanatory tool for ascertaining why events occur rather than identifying what those events are. Positivism assumes society – and by extension reality - is a closed system that is readily accessible, and allows for experimental closure (needed to form generalisations). Because this research is informed by CR, society is considered an open system, thus experimental closure is almost impossible (Sayer, 1992).

Hence, it is more important to find plausible patterns amongst mechanisms leading to the generative mechanism/s (i.e. the tactics of formal and informal interactions) which result in certain events (Harré, 1970 cited in Fleetwood, 2013). These patterns are not generalisations, instead they are tendencies which may or may not manifest themselves in the empirical domain (Tsoukas, 1989), but which seek to explain the occurring event at the actual level.
Tsoukas (1989, p.558) summarises the critical realists’ search for explanation at both the theoretical and the practical level:

In conclusion, an idiographic organisational study, conducted within a realist perspective, moves concurrently on two tracks. On the first track it is “up in the clouds”, dealing with abstraction and theoretical conceptualisation of the issues at hand. By contrast the second track is “down to earth”, looking for the differentia specific of the cases, namely by investigating the existing contingencies and their interaction with the postulated mechanisms.

Thus the findings of this research are unlikely to be reproducible either in the study of another mega event (e.g. Tokyo 2020) or in the everyday (non-Olympic) context, as the patterns and generative mechanism will likely manifest and shape regulatory outcomes differently than what is seen here. However, uncovering certain tendencies during London 2012 can inform future discussions of the regulator-small firm relationship (e.g. the influence of news media on regulators’ OI) or the organisation of future mega events (e.g. the effect of formal and informal interactions between organisers).

3.4 Research design

3.4.1 Introduction

The following is the research design section which starts with a justification of the selection of intensive research methods and the use of case study. Then, I outline the process of the empirical data collection using document analysis (formal mechanisms) alongside face-to-face and telephone interviews (formal and informal mechanisms). Finally, the way the collected data was analysed is discussed.

3.4.2 Intensive vs extensive research methods

Sayer (2000, p.19) argues that CR “endorses or is compatible with a relatively wide range of research methods”. The choice of method depends on the nature of the object of study and
what one intends to learn (Sayer, 2000). This research focuses on finding causal explanations for how and why the Olympic advertising and trading regulations were implemented and enforced in the way they were at London 2012. Given the research problem I am addressing, I have used intensive research methods, focussed on individual agents in context using interviews, ethnography and qualitative analysis, rather than extensive research methods (i.e. formal questionnaires and statistical analysis which look for regularities).

Intensive research methods cannot be used to form generalisations (absolute truth) in the same way that extensive ones can. The principal reason for this is that the qualitative research methods used for the intensive are indicative to ontological positions (e.g. CR and interpretivism) that prescribe the world as an ‘open system’. In this CR study I strive instead for external validity, otherwise known as transferability (Yin, 2014), whereby the results of this research, set in the Olympic context of London 2012 can inform the discussion about the regulator-small firm relationship both in the everyday (non-Olympic) context, and at other mega-events (e.g. the 2020 Olympic Games in Tokyo).

3.4.3 Case study

This thesis is based around the ‘event case study’ of the London 2012 Games, where the primary interest is the ODA’s perspective of implementing and enforcing the new Olympic advertising and trading regulations. The event case study also reflects the views of other bodies in the wider Olympic regulatory constellation; for example, JLARS (a “sectoral regulator operating in the same sector” [Rommel, 2009], Trading Standards (a “sectoral regulator in another sector” [Rommel, 2009], and the UK Government - specifically DCMS and the Cabinet Secretariat for London 2012 (both “general regulators” [Rommel, 2009]).
3.4.3.1 Why case study?

The method of case study was chosen for a number of reasons, including that it is the most common research method employed by other critical realists (Fleetwood, 2013; Easton, 2010; Mutch, 2007; Kitching, et al., 2015) because it is well suited to providing explanations for social phenomena (Madureira, 2007). Yin (2014) also supports the use of case studies as they have a distinct advantage when a how and/or why question is being asked in a context that the researcher has little control over. However, the fact that case study research method is the typical approach used by critical realists does not automatically mean that it is suitable for my research; additional justification is needed.

The use of a case study approach, combined with a CR ontological position when investigating the interactions between organisations (i.e. the ODA and small firms) is supported by Easton (2010, p.123, emphasis added) who notes, “A critical realist case study approach is well suited to relatively clearly bounded, but complex, phenomena such as organisations, interorganisational relationships, or nets of connected organisations”. Furthermore, Yin (2014) argues that a case study approach provides a key opportunity not only to understand a phenomenon in-depth but also to investigate it within its real-life context. Henceforth, considering Yin’s (2014) position, the case study approach fits the overall aim of this thesis which is: to investigate the regulators’ perspective of engagements with small firms when operationalising a new regulatory chain (i.e. rule-making, licensing, monitoring, and enforcement) as seen in the case of the London 2012 Olympic Games.

Additionally, the research questions of this thesis, particularly around the implementation (RQ2) and enforcement (RQ3) of the London 2012 advertising and trading regulations can be better understood when articulated using a case study approach which emphasises the influence of social/cultural norms on the actions of individual respondents; thus allowing for the identification and explanation of emergent causal powers that determined the regulatory
relationship with business at London 2012. For example, the research considers formal, legally powerful mechanisms (social structures) such as the LOPGA 2011 against informal mechanisms (e.g. the discretionary actions of the regulatory agents). Furthermore, Easton (2010) notes that the use of a case study approach when answering the research questions of a thesis can better facilitate the identification and discussion of a generative mechanism – a key requirement of CR research.

Understanding the generative mechanism requires detailed empirical data on which to base any argument. An advantage of using the case study research strategy to gather such in-depth data was highlighted by Verschuren (2003) who suggested that the method of case study allows for ‘iterative-parallel research’, i.e. moving back and forth between diverse stages of the research project. Thus, it allowed me to go back and collect more data in order to achieve the necessary saturation of data for the identification of tendencies used to form the generative mechanism (Easton, 2010). This flexibility was one of the major benefits of case study research for this thesis, and is one not shared by other research methods, for example surveys.

3.4.3.2 Why London 2012?

Within the case study of London 2012, the new Olympic advertising and trading regulations were only applicable in the 27 event zones, each one containing at least one sporting venue (e.g. a stadium). The process of mapping out the Olympic event zones occurred during what the ODA organisers (Interviewee #1 and Interviewee #4) called the ‘implementation’ phase, which predominantly occurred between 2010 and early 2012 and involved the detailed planning and design of a set of enforceable regulations tailored to London 2012\(^\text{15}\) in line with the prescriptions of the LOPGA (2006; 2011). The regulations were enforced according

\(^{15}\) These new tailored regulations were set out in the ‘Detailed Provisions for Advertising and Trading Regulations’ at London 2012.
to each zone’s event period, determined by the timing of the relevant sporting events during the Olympics and Paralympics.

The background and specifics of the implementation and enforcement of the regulations have been discussed extensively in the preceding chapters of the thesis: e.g. in the introduction, section 1.4 lays out the context of the Olympics and the relevant regulatory bodies of interest, and in the literature review, section 2.6 lays out the legislative context and relevant formal structures. As a result, to avoid repetition it was deemed more pertinent to discuss why the case of London 2012 was chosen for this research here, rather than lay out a summary case study.

At the onset of this research I identified a lack of understanding of the regulators’ side of the regulator-small firm relationship, as well as the ‘regulation as burden’ rhetoric which was prevalent in academic literature, albeit one-sided sounding (please see literature review, section 2.6). I was interested in finding out more about the interactions between regulators and small firms, and also about the way regulations get implemented and enforced but was constrained by the timescale of a PhD. As a result, choosing the case study that was going to inform my research was a particularly challenging and time consuming aspect of this thesis. I conducted extensive reading around a variety of regulatory contexts (e.g. planning and building regulations, environmental regulations, and food standards) before pinpointing the case of the London 2012 Olympics.

London 2012 was chosen because it yielded the following three advantages. Firstly, because of the velocity of incoming Olympic-related regulation, the regulatory chain and the interactions between agencies in the regulatory constellation - as well as subsequent engagements with small firms - could all be investigated by exploring a period of time that was relatively short (Rommel, 2009; McGillivray and Frew, 2015). Secondly, the speed at
which the new Olympic-related regulation was implemented meant that the temporal
dynamics of consultations, policy outputs, amendments, and conflicts between bodies in the
regulatory constellation would be more apparent than normal because the time gaps between
the events were shorter, helping me understand regulators’ behaviour during the
implementation of the new regulations (RQ2). Finally, prior research of advertising and
trading regulations at London 2012 exclusively saw these as a strict burden on local
businesses, yet none of those studies (e.g. James and Osborn 2011a; 2011b) were followed
up on after the event to see what actually happened, nor was any research conducted from
the regulators’ perspective of enforcing these new regulations (RQ3).

Additionally, while this research does not engage in discussions outside of the event case
study, the choice of London 2012 allowed for perspectives from entities outside of the case
study boundary to be considered as they were useful for understanding regulators’
engagements with small firms (both in Olympic and everyday, non-Olympic setting). For
example, the research drew on perspectives from members of Trading Standards, a non-
Olympic regulator. These perspectives were relevant because the arm of the ODA
responsible for implementing and enforcing the Olympic advertising and trading regulations
was made up of staff (e.g. senior management and enforcement officers) that almost
exclusively had a Trading Standards background and/or were directly seconded from that
organisation. The perspectives gained from the interviewed members of trading standards
highlighted an important link between how respondents’ everyday experiences of
organisational life in trading standards informed their thinking when enforcing the Olympic
advertising and trading regulations.

3.4.4 Secondary data collection

Documents related to the case study were considered as relevant sources of information and
are thus given the ontological status of ‘social structures’, influencing (but not determining)
the decision-making of agents (Sayer, 1992; Easton, 2010). The relevant documents, which set out the formal mechanisms of interactions between the bodies operating in the Olympic regulatory constellation and the small firm regulatees, were (mostly) analysed prior to interviewing participants; although some documents were acquired later as they were provided by interviewees. For example, Interviewee #10 (General London Assembly) sent over transcripts, minutes and other highlights from the Olympic Plenary meetings (run from 2005 – 2012) where all aspects of the Games were discussed (including advertising and trading regulations) by a number of key stakeholders, including the Mayor of London (first Ken Livingston then Boris Johnson).
**TABLE 2: SECONDARY DATA DOCUMENTS**

<table>
<thead>
<tr>
<th>Sources used</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental communications relating to the public consultations when planning Olympic advertising and trading regulations</td>
<td>Consultation on the regulations on advertising activity and trading around London 2012; Government Response to Consultation on the regulations on advertising activity and trading around London 2012; Designation of the Olympic Route Network Consultation</td>
</tr>
<tr>
<td>Minutes to meetings (published online)</td>
<td>Minutes to Olympic Plenary Meetings 2005 – 2012; Minutes to London Olympic Games and Paralympic Games (Amendment) Bill</td>
</tr>
<tr>
<td>Policy documents relating to the Government’s expectations of the Games in terms of its supposed impact on local small firms</td>
<td>A systematic review of about 25 London 2012 government-related documents released between 2004 – 2012, these included: ‘Preparing your business for the Games’ and ‘Is your business ready to compete?’</td>
</tr>
</tbody>
</table>
The most important documents for the research were the various legal acts (e.g. the LOPGA 2006; 2011): analysing these developed my knowledge of the legislative context (see section 2.6). One of the principle contributions of this thesis is to empirically research the regulator-small firm relationship at London 2012 after the event, rather than relying (solely) on the legal architecture of the Games prior to the event. Nevertheless, Rommel (2009) notes that a strong understanding of the legislative context is important for mapping a regulatory constellation (RQ1), while Yin (2014) adds that analysing documentation is useful for developing situational questions that can be asked in the interview stage.

Furthermore, aside from developing situational questions, undertaking an initial document analysis resulted in two distinct advantages for the primary data collection phase of this study. First, undertaking the document analysis prior to interviewing respondents helped me to speak the ‘language’ of the participants (jargon, acronyms, etc.) so that I sounded convincing and knowledgeable. It also allowed the respondents to converse with me in a similar manner to which they speak in their everyday organisational life, lowering the power distance between researcher and interviewee so that more candid responses could be obtained. Second, the knowledge gained from the initial document analysis allowed me to take advantage of chance meetings and networking opportunities with respondents. I was not fortunate enough to stumble across contacts by chance, unlike Ram’s (2001) story about meeting a key contact on the train, indicative of opportunism. However, I took advantage of social media – particularly LinkedIn – as a networking tool for securing participants. The specific way I did this is elaborated on later in section 3.4.7.
3.4.5 Primary data collection methods

The research design of this thesis used qualitative, in-depth\(^{16}\), semi-structured interviews with a total of seventeen face-to-face (eleven) and telephone (six) interviews. The method of interviews, when combined with the secondary data collection, allowed for methodological triangulation (Easterby-Smith, et al., 1991), underpinning the analysis, discussions and conclusions of this thesis. Yin (1994; 2014) also adds that the use of multiple sources of data collection enhances the ‘construct validity’ of case study findings.

Yin (1994) also notes that interviews are principally important sources of information in case studies. As I performed the interviews, I obtained “contextually rich personal accounts, perceptions, and perspectives”, in line with Bloomberg and Volpe (2008). Interviews allowed me to explore participants’ perceptions, experiences and feelings (Oppenheim, 2000), which was instrumental in answering the research questions posed by this thesis, particularly as I looked to uncover how regulatory agents engaged in certain actions (e.g. enforcement) at a past event (London 2012).

Undertaking in-depth interviewing was not without challenges, given that the advantages and limitations of interviewing are mostly dependent on the abilities of the researcher. Denscombe (2007) notes that researchers undertaking interviews should possess a number of skills including: listening skills, emotional intelligence (i.e. sensitivity to the feelings and body language of the participant), and being non-judgmental. To ensure rapport between interviewer and interviewee, I often travelled to respondents so as not to inconvenience them. Most interviews took place either at the interviewee’s work place or a convenient location.

\(^{16}\) Defined as: “Open-ended questions and probes yield in-depth responses about people’s experiences, perceptions, opinions, feelings and knowledge. Data consist of verbatim quotations with sufficient context to be interpretable” (Patton, 2002, p.4).
near where they lived. One unexpected challenge I encountered was that some respondents wanted to meet in coffee shops and bars which were very noisy and made the audio recording difficult, although not impossible, to transcribe. If at any time I did not understand the response given from the interviewee, I repeated answers back and sought clarification to ensure accurate data interpretation. It was also important to clearly define any concepts used in order to avoid ambiguity and vagueness. Such good interview practices were developed during the pilot study.

Additionally, I provided each respondent with a ‘Participant Information Pack’ – see appendix 1. The participant pack was disseminated via email, prior to the interview, and a hard copy was also given to the interviewee at the beginning of each interview. The pack gave full details of the study (objectives, purpose and value of study), ethical considerations, and mine and my supervisor’s contact details. Such information allowed the respondent to give informed consent (Oliver, 2008). All participants were also provided with a consent form (Appendix 2) which they all signed prior to their interviews. Later, section 3.5.1.6 of the research outlines the ethical considerations taken for this study.

3.4.6 Research sample

A purposive, snowball sample method was used to access the seventeen interview respondents secured for this study. The sample size of this study is appropriate because the total number of respondents responsible for delivering the Olympic advertising and trading regulations was small, particularly those responsible for the implementation of the new Olympic regulations (interviewee one and four were solely responsible for overseeing the implementation and enforcement). As such, suitable and quality data were collected to support this study. That said, the findings of this thesis could have been enhanced further if more ‘boots on the ground’ enforcement officers from London 2012 were found, something I expand upon in section 6.5. However, the ODA was long since closed when I began this
research and many Trading Standards staff that worked at London 2012 had left the service due to large-scale cuts (section 1.4.1.1), making the sample size deficiencies here unavoidable.

I initially targeted senior participants\textsuperscript{17} to take part in the study as their high position allowed them to speak more knowledgably on behalf of their organisation. Some of these high-level contacts were interviewed during the pilot interview phase so that they could give me access to further key participants and additional internal documentation early in the data collection process. For example, Interviewee \#7 (JLARS) was interviewed in the pilot stage and put me in contact with Interviewee \#1 and Interviewee \#4 who turned out to be the most important interviewees for this research as they were responsible for the overall delivery of advertising and trading regulations at London 2012. Additionally, Interviewee \#10 was able to pass a significant amount of documentation and minutes to meetings which informed my knowledge of context surrounding London 2012.

Interviewing high level contacts in the pilot stage posed a risk as I was still testing the interview questions and hadn’t gained tacit knowledge from speaking to a number of participants (I was much better at interviewing by the end of the study than I was at the beginning). However, the benefit of interviewing senior contacts in the pilot stage was that the data collection was completed in a timely manner (November 2015 – May 2016) because those senior contacts introduced me to specific, often key, contacts at an early stage.

In terms of the spread of interviews across the regulatory constellation, Rommel (2009) advocated that research be made up of respondents representing organisations across the regulatory constellation (Figure 2).

\textsuperscript{17} Directors, heads of organisations, and managers
Looking at Rommel’s (2009) structure of a regulatory constellation (Figure 1) the supranational level (e.g. the IOC) was not considered in this study due to the focus of this thesis being the regulator – small firm relationship at the national level (UK). Furthermore, in terms of the subnational level, the local level of regulatory delivery at London 2012 was encapsulated under the responsibilities of the ODA enforcement officers on the ground. Henceforth, the perspective of regulators enforcing the regulations on the ground (the subnational level) could be captured through interviews with ODA enforcement officers and programme managers. Consequently, when interviewing respondents from the ODA, it was important to gain the perspective of both senior management (responsible for co-ordinating the delivery of advertising and trading regulations at national level) and enforcement officers (responsible for business engagement at subnational level). Additionally, the respondents were taken from organisations operating in four areas of the regulatory constellation (Table 3).
### TABLE 3: SECTIONS OF THE REGULATORY CONSTELLATION OF INTEREST

<table>
<thead>
<tr>
<th>Research group</th>
<th>Description</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sectoral regulator</td>
<td>Regulatory body directly responsible for the regulatory chain of Olympic advertising and trading regulations</td>
<td>The ODA</td>
</tr>
<tr>
<td>Sectoral regulator in the same sector</td>
<td>Regulatory body responsible for Olympic regulation, but not that of advertising and trading regulations</td>
<td>The JLARS</td>
</tr>
<tr>
<td>General Regulator</td>
<td>Responsible for the overall delivery of the London 2012 Olympic Games, with an oversight of the regulatory bodies</td>
<td>The DCMS</td>
</tr>
<tr>
<td>Sectoral regulator in another sector</td>
<td>Non-Olympic entity (e.g. non-Olympic regulator, trade association, local authority)</td>
<td>Trading Standards</td>
</tr>
</tbody>
</table>
A full list of the respondents for this study has been included in Table 4.

**Table 4: Full List of Respondents**

<table>
<thead>
<tr>
<th>Alias Code</th>
<th>Organisation</th>
<th>Position &amp; Job Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviewee #1</td>
<td>Olympic Delivery Authority (ODA)</td>
<td>Programme Manager Advertising and Trading for the Olympic Delivery Authority</td>
</tr>
<tr>
<td>Interviewee #2</td>
<td>Local Authority Olympic Resilience Team (LAORT)</td>
<td>Programme Manager</td>
</tr>
<tr>
<td>Interviewee #3</td>
<td>Chartered Trading Standards Institute (CTSI)</td>
<td>Senior Policy Maker</td>
</tr>
<tr>
<td>Interviewee #4</td>
<td>Olympic Delivery Authority / Department for Communities Culture Media and Sport (ODA/DCMS)</td>
<td>Integration and Stakeholder Manager - ODA (Dec 2011 - Oct 2012) &amp; Senior Policy Officer, Government Olympic Executive - DCMS (Oct 2009 - Nov 2011)</td>
</tr>
<tr>
<td>Interviewee #5</td>
<td>Hackney Council</td>
<td>Advisor for Growth Boroughs initiative</td>
</tr>
<tr>
<td>Interviewee #6</td>
<td>Chartered Trading Standards Institute (CTSI)</td>
<td>Director of Policy</td>
</tr>
<tr>
<td>Interviewee #7</td>
<td>Joint Local Authority Regulatory Services (JLARS)</td>
<td>Interim Head of JLARS</td>
</tr>
<tr>
<td>Interviewee #8</td>
<td>Chartered Trading Standards Institute (CTSI)</td>
<td>Commercial Director</td>
</tr>
<tr>
<td>Interviewee #9</td>
<td>Cabinet Secretariat for London 2012/ Better Regulation Delivery Office (BRDO)</td>
<td>Head of Cabinet Secretariat/ Assistant Director</td>
</tr>
<tr>
<td>Interviewee #10</td>
<td>Greater London Authority (GLA)</td>
<td>Senior Manager</td>
</tr>
<tr>
<td>Interviewee #11</td>
<td>Better Regulation Delivery Office (BRDO)</td>
<td>Senior Manager</td>
</tr>
</tbody>
</table>
3.4.7 Gaining access to data

I gained access to several participants through the social media site LinkedIn by running key word searches (e.g. Olympic, ODA, advertising and trading) which brought up a list of LinkedIn members who had used the key words in their personal profiles. I emailed the contacts directly using contact details available on their LinkedIn profile. In most cases the emails did not solicit a response, so I followed up by a phone call (using the email as an introduction) to convince the person to be part of the study.

There was surprisingly little rejection from the participants who I called possibly because, as became apparent in the interviews, they perceived the Olympics as the highlight of their career. Also, at the time I had already gained significant knowledge of the relevant regulations and the legal context of the Games, which possibly inspired confidence in the participants. I only needed to approach participants directly at the beginning of the interview process. Later on in the research I gained access to interviewees through an introduction
from another respondent. A couple of respondents sought me out because my research aligned with their professional interests.

3.4.8 Qualitative data analysis

NVivo 10 software was used to facilitate the coding of the seventeen interviews. Nvivo’s core functions are: to manage data, manage ideas, query data, model responses graphically and produce reports from data (Bazeley, 2006). In the first instance, Nvivo helped me organise my data, which was spread over 15+ hours of interviews and over two hundred pages of transcript, into one project file. Nvivo provided a systematic format to ensure each line of the transcript is scrutinised and also helped me manage ideas by allowing the creation and storage of notes and memos. Additionally, Nvivo made it easy to retrieve information meaning that time was not lost in looking for data as it was all stored within the same programme.

The data collected was analysed in line with the metatheoretical position of CR. According to Sims-Schouten, et al. (2007), critical realists deem that language constructs our social realities. However, these constructions are theorised as being influenced by actions in the material world. Thus, critical realists challenge the notion that the discursive is the central focus of the data analysis. Rather, material practices should also be given their own ontological status that is independent, but relative to, discursive practices. Therefore, using qualitative data analysis informed by CR, I was able to consider why respondents drew upon certain discursive practices. I used the extra-discursive to characterise the context the respondent operates within, allowing certain discursive practices to be more easily understood and to position interviewees’ ‘talk’ within the materiality that they had to negotiate. In other words, critical realists operating in the intransitive domain see material practices (extra discursive) as having an influence on what is said by the interviewee (e.g. when the respondent recalls the way he/she engaged an infringing small business at London
Sims-Schouten, et al. (2007, p.103) suggest that contextualising what participants said by considering the influence that material practices is an ethical stance “[…] in the sense that analysing participants’ talk without considering their material existence does not always do justice to the participants’ lived experience”.

Other methods to analyse the data were considered and subsequently dismissed, for instance Archer’s (1995) morphogenetic approach - another mode of data analysis favoured by critical realists. The approach is primarily used when assessing change in longitudinal studies, for example, studies of change management in organisations over a number of years. Thus, for the purpose of this research, which is temporally fixed, the morphogenetic approach was deemed unsuitable.

3.4.9 Thematising data analysis

In order to identify the key themes, I first organised the data based on initial notes taken when transcribing the interviews. The process helped me become more intimate with the data and consider how it fit with the overall aim of the study. Second, after re-reading the transcripts, I re-thematised and identified key words and phrases in order to understand the data, a process known as open coding. Open coding is when “the codes are fairly descriptive and are likely to involve labelling chunks of data in terms of their content” (Denscombe, 2007, p.98). At this stage, coding was unstructured and twenty seven codes had been identified in relation to the themes.

These codes were then reduced by an iterative process of rereading the transcriptions and looking for overlaps in coding. The result was a reduction, down to five initial themes clearly defined in table 5, made up of meso-level concepts focussed on explaining why the Olympic advertising and trading regulations were implemented and enforced in the way they were. The themes in table 5 illustrate selective coding which is “focused on just the key
components, the most significant categories […] focusing attention on just the core codes, the ones that have emerged from open and axial coding as being vital to any explanation of the complex social phenomenon” (Denscombe, 2007, p.98).

**Table 5: Initial themes**

<table>
<thead>
<tr>
<th>No</th>
<th>Theme</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regulatory constellation</td>
<td>Clusters of regulators and stakeholders</td>
</tr>
<tr>
<td>2</td>
<td>Implementing advertising and trading regulation</td>
<td>The mechanisms that denote relations between organisations in a regulatory constellation, as well as the way such interactions influenced the implementation of the Olympic advertising and trading regulation.</td>
</tr>
<tr>
<td>3</td>
<td>Enforcing advertising and trading regulations</td>
<td>Formalisations of regulatory practice, compared to everyday (non-Olympic) regulation, and informal practices of enforcement officers (whose actions deviated from the written regulations).</td>
</tr>
<tr>
<td>4</td>
<td>Regulators’ typification of small firms and street traders</td>
<td>How regulators typify small firms in terms of their likelihood to infringe legislation</td>
</tr>
<tr>
<td>5</td>
<td>Members’ discussions of burden on business rhetoric (Olympic and non-Olympic)</td>
<td>The extent that the burden on business rhetoric influenced regulatory delivery at London 2012</td>
</tr>
</tbody>
</table>

The key concepts from the literature review were then revisited and used to categorise the themes, in the form of axial coding. Axial coding is when “a researcher looks for relationships between the codes - links and associations that allow certain codes to be subsumed under broader headings and certain codes to be seen as more crucial than others” (Denscombe, 2007, p.98).
Table 6 below is made up of three main categories indicative of the research questions: ‘regulatory state’, ‘regulator-small firm relationship’, and ‘organisational identity (OI)’; each category was ascribed to themes linked to the literature as discussed in the next section.

**Table 6: Categorisation**

<table>
<thead>
<tr>
<th><strong>Regulatory State</strong></th>
<th><strong>Regulator – small firm relationship</strong></th>
<th><strong>Organisational Identity (OI)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Olympic Advertising and Trading Regulatory Regime</td>
<td>Regulator’s typification of small firms Implementing advertising and trading regulation Enforcing advertising and trading regulations</td>
<td>Members’ discussions of burden on business rhetoric (Olympic and non-Olympic)</td>
</tr>
</tbody>
</table>

### 3.5 Linking data coding to literature

The initial themes shown in table 5 were developed from the empirical data collected (in-depth interviews). The research questions and key concepts of the literature review were then used as a guiding tool to categorise the codes into thematic groups (table 6). Next, literature on the regulatory state, regulator – small firm relationship and organisational identity was revisited in order to relate my findings to what is known from academic literature (see table 7). Additionally, key supporting themes (linked to the initial themes in table 5) were added.
<table>
<thead>
<tr>
<th>Themes</th>
<th>Examples of literature</th>
<th>Supporting Themes (relevant to main theme)</th>
<th>Examples of literature</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulatory state</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Regulator – small firm relationship</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementing advertising and trading regulation</td>
<td>Formal mechanisms of interactions (autonomy and control) in regulatory constellation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scfarpf, 1994; Doern, 1999; Hall, et al., 2000; Verhoest, 2002; Black, 2003; Rommel, 2009; Doern and Johnson, 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Informal interactions (autonomy and control) in regulatory constellation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Misztal, 2000; Ram, et al., 2001; 2007; Rommel, 2009; Down, et al., forthcoming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Informal regulatory practices (e.g. discretion)</td>
<td>Misztal, 2000; Ram, et al., 2001; 2007; Marlow, 2003; Marlow, et al., 2010; Down, et al., forthcoming.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Organisational Identity**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Political pressure</td>
<td>Gilad, 2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td>News media influence on organisational identity</td>
<td>Kjærgaard, et al., 2011</td>
</tr>
</tbody>
</table>

**Regulatory State**

The first category is the regulatory state which provides a framework that can be used to form a descriptive analysis of stakeholders involved in delivering the advertising and trading regulations for London 2012 (RQ1). Such analysis of the regulatory state is important for two reasons. First, the interplay and overlaps between the multiple regulatory agencies create a methodological consequence for researchers as the research object needs to be a regulatory constellation, rather than (solely) a single organisation in the regulatory regime (Rommel, 2009). Second, Easton (2010, p.119) notes that in CR studies “the key entities involved, their
powers, liabilities, necessary and contingent relationships should be provisionally identified” before more detailed explanation of why certain phenomena occurred in the context under investigation.

Within the regulatory state, the regulatory chain is operationalised by clusters of regulators. It is these clusters that Rommel (2009) states should be the object of study since the way that regulations are planned and enforced is the result of the relations between the multiple, interdependent organisations. Therefore, one theme was identified under this category, i.e. the regulatory constellation. The purpose of this theme was to analyse the Olympic advertising and trading regulatory regime under investigation, highlighting overlaps between regulators (RQ1).

**The regulator – small firm relationship**

The second category is ‘the regulator-small firm relationship’ with the first theme being regulators’ typification of small firms and street traders. The purpose of this theme was to draw together data from the interviews that showed how regulators of new Olympic advertising and trading regulations typified small firms in terms of their likelihood of complying with the new legislation (i.e. LOPGA, 2006; 2011), with the members of the ODA adjusting their delivery of regulation accordingly.

The second theme was ‘implementing advertising and trading regulation’, a process indicative of the interactions (autonomy and control) between the national level regulatory bodies of the Olympic advertising and trading regulatory constellation. According to Scfarpf (1994) the most obvious manifestations of autonomy and control are formal mechanisms (e.g. written mandates). However, in line with Misztal’s (2000) view that social reality is a balance between formality and informality (e.g. face-to-face interactions), this research also sought to uncover both written and unwritten mechanisms of autonomy and control. Previous
research (e.g. Doern, 1999 and Doern and Johnson, 2006) mapped regulatory constellations and focused only on formal mechanisms (e.g. contracts and mandates) to determine the relations between agencies. Later research by Rommel (2009) explicitly called for empirically driven research that discusses the informal, as well as formal mechanisms, of autonomy and control in a regulatory constellation.

The third theme, ‘enforcing advertising and trading regulations’, was created with the purpose of aiding discussions of the formality – informality span when the new Olympic advertising and trading regulations were enforced. Again, based on the view of Misztal (2000) that formality and informality are not dualistic but rather occur simultaneously and/or interdependently, here the way regulators of Olympic advertising and trading legislation formalised some of their practices in response to the new Olympic legislation while maintaining other informal practices is of central interest. Alongside Misztal’s (2000), a number of other studies of the informality - formality span inspired and shaped this area of my thesis. For instance, in regards to the introduction of new regulation, Ram, et al. (2001) discussed the effect of the ‘regulatory shock’ of the National Minimum Wage on small firms and the consequent effects on the commonly observed practice of informality. In terms of formality - informality dynamics in larger organisations (relevant to this research which focuses on the ODA – a national regulator), Marlow (2003, p.532) argued that “informality in large businesses is a subversive activity only ever at the discretion of management who can assert authority at any time”.

**Organisational Identity**

The final category that will inform the discussions that this thesis poses is ‘organisational identity’ (OI). Specifically, I will consider the effect the burden on business rhetoric had on
OI at the ODA, influencing the way that the organisation’s members delivered the Olympic advertising and trading regulations at London 2012.

The burden on business rhetoric, identified in the literature related to the category ‘regulator – small firm relationship’, reflects the view of a number of stakeholders (e.g. the news media and policy makers) that regulation often burdens small businesses. Olympic advertising and trading regulation was seen as particularly constraining to local small firms (James and Osborn, 2011a). Past research of the regulator-small firm relationship has typically focused on the small firm’s perspective, often concluding that small firms are more likely to be non-compliant with regulations and are disproportionally burdened compared to large firms (e.g. Sommers and Cole, 1985; Fairman and Yapp, 2005). Other, more recent research argues that the small firm-regulator relationship is more complex (e.g. Kitching, 2007; 2016; Kitching, et al.; 2015; Down, et al., forthcoming). For example, Kitching, et al. (2015) argues that regulation often has an enabling effect on businesses, rather than (solely) a constraining one.

The subthemes related to the theme of burden on business focussed around the influence news media had on OI (Kjærgaard, et al., 2011) at the ODA, and how political pressure and fear (e.g. of reputational damage) affected ODA members’ decision-making (Gilad, 2015). Finally, I considered how an organisation’s (i.e. Trading Standards) efforts to restructure OI affected members’ decision-making and actions. For example, the reconceptualisation of Trading Standards’ OI informed Trading Standards members’ engagement with local businesses at London 2012.

3.5.1 Ensuring the quality of research process

Descriptive validity

Descriptive validity relates to the factual accuracy of the account produced by the researcher. In other words, descriptive validity must ensure that the researcher does not simply make up
or distort information, particularly relating to events and specific situations. To help with the accuracy of my content, I disseminated some of my findings through publication in TS Review (Walsh and Duignan, 2017), no comments were made as to the factual accuracy of my work.

**Interpretative validity**

Qualitative research is fundamentally interpretative, whereby the focus is on comprehending the phenomena from the perspective of the participants. Therefore, when analysing interpretative data I have taken into account the language and the context of respondents (Hammond, 2013) set against their actions in context to capture the underlying meaning of the obtained responses.

However, interpretative validity could be perceived as a weakness in my study as I have asked participants to recall their actions and decisions from three years ago as the interviews were performed in 2015. Thus, their memories and interpretations of what happened in the past may have been distorted, akin to old war stories. Fleetwood (2013) notes that agents transform events based on their wants and needs and that these transformations become more extreme over time. Distortion of interpretation is a research risk for qualitative research studies, especially those that look to explain past events. Thus, because of the interpretative nature of my study, I can only take limited steps to avoid distorted interpretative validity; for instance, by transcribing interviews and sharing them with the participants so that they can review their answers and/or analysing interview responses in light of previously reviewed documentation, minutes of meetings, etc.

**Theoretical validity**

Theoretical validity, fundamentally, entails consensus on concepts and terms that are commonly adopted within the community of researchers relating to a phenomenon. This is
akin to Yin’s (2014) construct validity and relates to the appropriateness of the information rather than accuracy of facts or interpretations. Yin (2014) suggests three tactics for increasing construct validity: using multiple sources of evidence, establishing a chain of evidence (documentation and interviews from across the regulatory constellation), and reviewing the case study report by key respondents.

**Evaluative validity**

Evaluative validity is akin to what Yin (2014) terms as the test of reliability. The objective of evaluative validity or reliability is to ensure that errors or biases are minimised to the extent that, were the researcher to follow the same procedures in undertaking the same study, he/she would arrive at the same set of findings or conclusions. Thus, documentation of the procedure or use of protocol is important. To ensure evaluative validity I produced a detailed project specification for the study so that in the unforeseen circumstance that I may not be able to fulfil the research, someone else could complete the study with more or less the same results.

**3.5.1.1 Addressing ethical concerns**

In adopting qualitative inquiry, particularly case study research, I faced ethical issues relating to the collection of information as well as analysis and dissemination. I was aware of these ethical considerations and took steps to address those concerns. Such steps included submitting my study to the Anglia Ruskin Ethics Committee for review (approval was given to engage in primary data collection). Next, I sent every respondent a participant pack which included details about the study, how the data would be used, and specifying that the participant could withdraw from the research (appendix 1). Enclosed in the participant pack I also added a consent form (Appendix 2) which all participants signed. The consent form included my supervisors’ contact details in case of a complaint and withdrawal information.
The form also assured the participants that their responses would be confidential and anonymous.

3.6 Conclusion

This chapter presented the methodology and research design used for my study and is underpinned by the research questions and what was uncovered in the literature review (chapter 2). The research design and methodology were explained in sufficient detail so that data collection could be repeated. In the next two chapters I discuss the findings of the empirical data collection.
Findings Chapters – Preface

The following two chapters of the thesis lay out the findings of my research, a narrative that emerged from interviews with respondents intertwined with theoretical reflections.

Chapter four provides the foundation to the findings by discussing the characteristics of the Olympic advertising and trading regulatory constellation which were indicative of the way the new regulations were planned and implemented for London 2012. Thus, this chapter addresses the first research question which asked for an analysis of the main features of the regulatory environment relevant for the operationalising of the Olympic advertising and trading regulations. In my findings I noted similarities between the regulatory environment observed during the Olympics and Rommel’s (2009) regulatory constellation, underpinned by a wide array of both formal and informal practices. The chapter delves into such practices in response to the second research question, which asked for a better understanding of the interactions between the various regulators. A degree of formalisation was introduced by the new Olympic legislation (LOPGA) and the establishment of new regulatory bodies (e.g. ODA, LOCOG), as well as the need to create a significant regulatory infrastructure within a limited time and space. For example, formal requirements were put in place to assess the so called Games Readiness of bodies responsible for organising the event. However, this was coupled by the new regulatory bodies’ staff who, driven by their own concerns, often chose to engage amongst themselves informally (e.g. ODA staff’s interactions with local authorities when mapping out enforcement zones for the new advertising and trading regulations).

Chapter five subsequently focusses on the relationship between Olympic regulators and small firms. In response to the third research question, the chapter seeks to shed light on the typification of small firms by regulators and the resultant effect of such typification on the
regulator-small firm relationship. Street traders were found to be significant in highlighting ODA staff’s risk-based treatment of small firms, due to the anticipated risk of obstruction and ambush marketing posed by them. As a new Olympic Street Trading Licence was introduced for the duration of the Games, ODA management had to adopt a new approach, a mixture of formal and informal tactics, to ensure these micro businesses were compliant with the new regulations. With the spotlight on the Olympics, regulators felt compelled to preserve the integrity of what they called Brand UK, which led to the creation of a militant reporting structure (Gold-Silver-Bronze command) with the aim to allow for an audit trail and accountability. At the same time, and again with Brand UK in mind, the ODA used discretionary practices to avoid negative publicity (e.g. educating small businesses in advance and talking to businesses during the Games). While this mixture of formal and informal tactics was in response to the new regulations, it was also indicative of the identity of Trading Standards, and so reflected tendencies that transcended from the everyday to the new world of the Olympics.
Chapter 4 – The Implementation of the Olympic Advertising and Trading Regulations

4.1 Introduction

This chapter focusses on the way that the Olympic advertising and trading regulations were implemented for London 2012. The implementation, or planning as respondents sometimes called it, was the product of the formal and informal interactions between agents in the organisations that made up the Olympic regulatory constellation. In terms of the characteristics of the Olympic regulatory constellation, the main body responsible for advertising and trading regulations was the Olympic Delivery Authority (ODA). The ODA’s engagements with other members of the Olympic advertising and trading regulatory constellation - e.g. local authorities and central government - had an emergent effect on the way that the new Olympic regulations were implemented and ultimately enforced.

Interactions in a regulatory constellation are a function of the formal as well as the informal exchanges between the agents employed by the organisations making up the constellation. The formal relates to the procedural, impersonal, and universalistic ‘rules’ which governed interactions in the Olympic advertising and trading regulatory constellation. The informal signifies “…agents enjoying the relative freedom in the interpretation of their roles’ requirements” (Misztal 2000, p.8), and so relates to unwritten customs, tacit understandings, and negotiations between agents employed within organisations (e.g. the ODA and local

---


19 Emergence refers to social structures existing within Bhaskar’s (1978) social world that cross between strata and combine with other social structures or (most likely) agents, creating a new social structure or event (Jennings and Mole, 2011; Mole, 2011). The new object is qualitatively different from any of the initial, independent structures, and possesses new properties – new structure, new causal power, new generative mechanism – that arise from, but cannot be reduced to, the properties of their originators (Sayer, 2000; Danermark, et al., 2002; Jennings and Mole, 2011).
authorities). Both styles of interaction (formal and informal) occur in balance: for instance Elias (1996 cited in Misztal, 2000) points out that the process of informalisation occurs in the context of the continuous tendency towards formalisation in the public sphere. Such tendencies towards formalisation are driven by the growing reliance of organisations on legal and administrative ways of solving problems which in turn accelerates formalisation further (Misztal, 2000).

At London 2012, the legal and administrative drivers of formalisation were determined by the promises made to the IOC when the UK government signed the Host City Contract (HCC) in 2005. These promises were enshrined into UK law when the London Olympic Paralympic Games Act (LOPGA) was passed in 2006. This act gave the ODA a legal mandate to push through changes to UK law in the form of the new Olympic advertising and trading regulations. These new regulations temporally (for the duration of the Games) and spatially (in and around the Olympic event zones) overrode non-Olympic (everyday) laws and reallocated local authority resources (particularly those of Trading Standards services) to the implementation and enforcement of these.

However, the ODA rarely (if ever) used the full force of their legal mandate in their engagement with stakeholders. Instead, the ODA’s interactions (particularly with local authorities) were typically the product of face-to-face encounters. This type of arrangement occurred because of two key problems faced by the organisers of London 2012. First, the UK had never hosted a mega event on the scale of London 2012, with such rigorous advertising and trading regulations attached (a problem faced by most ‘Host Cities’ of the Olympic Games and the FIFA World Cup). Second, the new regulations had to be

---

20 See section 2.6 for more detail.
21 The London Olympic and Paralympic Games ran from 25th July till 9th September dates.
22 Event Zones are areas within which advertising and trading is subject to control by the Regulations. The Event Zones are set out in a series of detailed maps. These can be viewed online at the London 2012 website at www.london2012.com/eventzonemaps.
implemented from scratch incorporating the differences between the towns and cities hosting Olympic sporting events across the UK. For example, when mapping out the event zones where the new regulations would be enforced, the differences between each town/city hosting an event (e.g. geographical location/demographics) meant that the maps had to be tailored for each area. In order to adapt the maps, the ODA engaged with stakeholders (in particular local authorities) aiming to draw on their local knowledge.

In summary, this chapter uses three sections to focus on the interactions – both formal and informal – that drove the implementation of the new Olympic advertising and trading regulations at London 2012. First, the regulatory landscape at London 2012, indicative of the low risk tolerance that central government set for the Games, is discussed. Second, the ODA’s decision-making (in terms of the autonomy and control) is looked at and a comparison made to another body charged with regulatory delivery at London 2012, the Joint Local Authority Regulatory Services (JLARS). Finally, the emergent effect that the ODA’s relations with other bodies in the regulatory constellation (particularly local authorities) is examined.

4.2 The regulatory constellation of London 2012

The regulatory environment at London 2012 followed the ruling logic of the regulatory state. According to Jordana and Sancho (2004, p.296) the regulatory state “involves a myriad of highly-specialised organisations, where each organisation has its own legal mandate and its own goals”. These clusters of organisations, together making up the regulatory state, are known under different names: regulatory constellations (Rommel, 2009), institutional constellations (Jordana and Sancho, 2004), the post-regulatory state (Scott, 2004), and regulatory regimes (Doern, 1999; Hood, et al., 2001). Commonality in the formality –

---

23 Local knowledge is also denoted as ‘tacit understandings’, a form of actual (informal) engagement.
informality underpinnings of Rommel’s (2009) ‘regulatory constellation’ and this research made that term a natural choice.

Hood, et al. (2001, p.62) noted the organisations making up a regulatory constellation have overlapping responsibilities which “creates checks and balances allowing for a back-up in case of under-performing regulatory agencies”. There were numerous bodies involved in the organisation of London 2012. Many of these organisations were created for the purposes of the Games and then disbanded later in 2014 (e.g. the ODA, LOCOG and Government Olympic Executive).

4.2.1 Assessing Games Readiness

The formation of so many new bodies to provide checks and balances was indicative of the lower risk tolerance the UK Government had for the Games as Interviewee #2 (Programme Manager, LAORT) explained:

> We host large complex events in the UK all the time but we don’t normally set up things like an Olympic Security Directorate, we don’t set up a LOCOG, we don’t set up an ODA, a Government Olympic Executive… all these things. I think that there was a mass of acceptance of the reduced risk tolerance, there are times when the whole Olympic architecture was established that I think there was an acceptance… one, of the complexity of the task; two, of the importance of it [the Games to the UK’s reputation] and that it [the Games] needed to be done right and done well.

However, the creation of so many new bodies, whilst ensuring effective checks and balances, led to duplication and complexity for the organisers. Interviewee #9 (Head of Cabinet Secretariat for London 2012)\(^ {24}\), whose role was to ensure the readiness of the bodies organising London 2012\(^ {25}\), felt it was “… a miracle that we ever managed to pull it off”

---

\(^ {24}\) Reporting to Tessa Jowell (Minister for Olympics) and David Cameron (Prime Minister).

because of the “complex, multiple, and duplicative” way in which readiness was assessed.

At the same time though, she highlighted the need for formal assurances - her comment below illustrates the government’s need for the organisations delivering the Games to produce formal written confirmations of Games Readiness:

To answer those questions of readiness it is not enough for me to look over the table into the whites of someone’s eyes to see – are they telling me the truth here – we had so much money, our reputation as the UK was reliant on this working out, therefore, we had to document that readiness.

These formal assurances, required of local authorities, were passed on to the Cabinet Secretariat for London 2012 by LAORT, an intermediary between the central government and local authorities. However, in terms of determining whether local authorities were ready, LAORT (headed by Interviewee #2) had a more informal approach to Games Readiness. Interviewee #2 explained that his view was that local authorities were already undertaking similar activities (in terms of delivery, scale and involving legal and regulatory obligations) for a number of other major events; the only difference being that the Olympics (particularly in terms of regulatory obligations) required more rigorous planning. In terms of the process LAORT took to assuring local authorities readiness, Interviewee #2 explained:

Our question that we put to every local authority Chief Executive for a host area was that ‘you don’t necessarily need to assure anybody else, but we would be interested in hearing from you…. Or you would need to be able to assure yourself that your authority can do all the things that it needs to do.’ And very often we would get a confirmation from a Chief Executive that would say, ‘Thank you, yep noted.’ Because what no one was realistically going to do was to sit there and hand over a piece of paper and say, ‘Yep, I am absolutely assured that we are ready to go.’ Therefore, all we can say is that we are assured that we have taken all reasonable precautions to be the Games thing [Games ready], just because, you know, you can’t issue a promise like that, and certainly it is very dangerous to do so.

Therefore, while the central government required formalised Games Readiness documentation, LAORT took the view that “written promises are no more reliable that verbal
assurance” (Interviewee #2). As a result, in formally signing off the local authorities’ readiness, it would seem that LAORT was ‘vouching’ for the local authorities based on their informal self-assurances of readiness. In other words, while it is not suggested that LAORT were against the notion of Games Readiness, their approach meant that the application of the central government’s requirement for formal (written) assurance was less formal in practice.

Taking a step back, the wider background of preparations for the Olympics was that of a ‘state of exception’ (section 2.6), a context of a low tolerance to risk. Based on what has been previously written about the Games (e.g. Marrero-Guillamón, 2012; James and Osborn, 2011a; 2011b) one may have expected high formalisation and stringent implementation and enforcement of regulation. Interestingly, unpacking the processes of Games Readiness demonstrated the simultaneous occurrence of formality and informality in the context of the interactions between central government and local authorities when organising London 2012. On the one hand, the formalised approach of Games Readiness described by Interviewee #9 meant that there were checks and balances maintaining central government’s formal control over local authorities. On the other hand, the approach used by LAORT, the body set up to exercise that formal control, which worked with local authorities on a day-to-day basis, simultaneously supressed those checks and balances by vouching for local authorities; similar to Misztal’s (2000) notion that informality is the essential element in constructing trust relationships that leads to cooperative working partnerships. Here the trust between agents in LAORT and local authorities, manifested in unwritten verbal assertions on the local authorities’ readiness, was later transformed by LAORT into formal (written) assurance to central government (represented by the Cabinet Secretariat).

Therefore, the resulting interactions between the central and local government were neither formal nor informal, instead shaped by both. Games Readiness was a process aimed at creating shared meaning between central and local government in terms of the readiness to
host the Games. While it was based on ‘procedural, universalistic rules’ (Misztal, 2000), the element of trust between the various agents meant the final result was achieved through an amalgamation of both formal and informal interactions.

### 4.2.2 Olympic Committee meetings

As discussed in the literature review (section 2.6), the legislative context around the Olympics was indicative of a state of exception. New sets of rules were created (e.g. LOPGA), new organisations set up (e.g. ODA) and new relationships were forged in response to the heightened reputational, financial and security risks. In terms of relationships, the organisers’ lack of experience in hosting an event on the scale of the Olympics led to an increased collaboration between the central government (here represented by DCMS) and local authorities. For example, DCMS relied heavily on the local authorities’ tacit (informal) understanding of their local areas and used their knowledge to inform planning of the Games.

Such engagements occurred at formal Olympic Committee meetings which Interviewee #2 (LAORT) also attended. Interviewee #2 referred to these meeting as a direct parallel/cousin of the COBRA process (meetings held at Cabinet Office Briefing Room A), which typically occurs in response to national or regional crises (e.g. terrorist attacks). Local authorities at such meetings would normally be represented by the Mayor of London (Boris Johnson at the time) whose office would then feedback information and requests to them. This ‘intermediator’ approach is unique to local authorities; for example, the police have a seat at the typical COBRA meetings and are not represented by the Home Office. In contrast, Interviewee #2 explained that at the Games, “local authorities were represented at every single Olympic Committee meeting,” which was significant:

> The effect of that [local authorities being at the meeting] was a lot more transparency [between stakeholders]. It also meant that there were some good sensible people around the
table and it meant that when there were issues, for example around crowd safety or about boring things like refuse collection, and basic local government services and things around… If there has been any issues around community cohesion, around other less well understood areas, around what local authorities do, you have the people there that can fix it and who could represent the sector appropriately and say what they can do as well as what they can’t do. (Interviewee #2)

The inclusion of local authorities in the Olympic Committee meetings demonstrated a shift in the formal relations between central government and the local authorities, indicative of the Olympic state of exception (section 2.6.2). In a non-Olympic (everyday) context local authorities in and around London are kept at arms-length by central government disseminating information through an intermediator (the Mayor of London). However, in the Olympic context local authorities were brought closer which allowed for informal, cooperative relations through the medium of face-to-face communications.

Therefore, in terms of the relationships between regulators during the Olympics (RQ2), superficially one could argue that the interactions between the bodies organising the Games was characterised by increased formalisation (e.g. the processes of Games Readiness and the Olympic Committee meetings). However upon closer inspection, the dynamic between formality and informality in the Olympic context was actually more balanced; particularly as members of DCMS felt the need to use others’ knowledge and experience in the organisation of the Games. While the interactions in the regulatory constellation remained indicative of formal relations (the Olympic Committee meetings), the proliferation of bodies invited to advise the government meant that local authorities, usually seen as subordinate, were given an opportunity to engage in face-to-face interactions equalising their status (Misztal, 2000) for the duration of the Games.
DCMS were not the only body using the local knowledge of councils more prevalently in the run up to the Games: organisers of Olympic advertising and trading regulation (the ODA) relied heavily on these tacit understandings as well; discussed below.

4.2.3 The Olympic Delivery Authority (ODA)

The ODA had two responsibilities at London 2012: firstly, to oversee the construction of the infrastructure needed to host the Games (e.g. stadiums and the Olympic Village), and secondly, to implement and enforce the Olympic advertising and trading regulations. Two people were responsible for the overall implementation and enforcement programme for advertising and trading regulations at London 2012:

- Interviewee #1, Programme Manager, Advertising and Trading Regulations
- Interviewee #4, Integration and Stakeholder Manager

Despite the government’s lower risk tolerance for the London 2012 Olympics (indicative of the formalisations around Games Readiness), ODA organisers (Interviewee #1 and Interviewee #4) enjoyed relative freedom in their roles to implement the regulations as they saw fit (indicative of Miztel’s [2000] definition of informality). Such freedom was indicative of the way the ODA was controlled by supervisory organisations (DCMS) and had a significant impact on the effectiveness of the Olympic advertising and trading regulatory constellation in enacting the regulatory chain.

The ODA was set up similarly to independent regulators (e.g. the Competition Commission) in that it was “given powers to set standards, issue licences, prohibit unauthorised supply, and enforce legal requirements” (Thatcher, 2002 cited in Rommel, 2009, p.8). Governments create independent regulators for a range of reasons; for example to show ‘credible

---

26 The regulatory chain refers to rule-making, licensing, monitoring, and enforcement (Majone, 1997; Hansen and Pedersen, 2006; Christiensen and Laegreid, 2006; Rommel, 2009).
commitment’ to investors as the goals and objectives of an independent regulator are much more long term than politicians’ who have a very short time horizon, namely the next election (Gilardi, 2002). In a similar way, the IOC was an investor-like stakeholder for the Games organisers. The IOC’s priorities revolved around the protection of their intellectual property and by extension members of its TOP Sponsorship Programme (e.g. Coca Cola and McDonalds)27. Therefore, in terms of the UK government’s relationship with the IOC: “the biggest thing was to protect against ambush marketing” (Interviewee #4, ODA); leading to the setup of the ODA as an independent regulatory body to demonstrate commitment towards the IOC.

An independent regulator, the ODA was subject to limited ministerial steering. Therefore, as planning began for the new Olympic regulations, there was little formal instruction from, for example, the Minister for Sport, other government departments, or from the various pieces of legislation and documentation (e.g. HCC, 2005; LOPGA, 2006; or IOC Technical Manuals). As a result Interviewee #1 and Interviewee #4 at the ODA had to construct the Olympic advertising and trading regulations from scratch and made autonomous decisions (albeit based on advice from local authorities):

When I started at the ODA, all we had was the Act, which basically said, “regulations around trading to be enforced by the ODA. Regulations around advertising to be enforced by the ODA.” That was literally all that was there! (Interviewee #1, ODA)

4.3 Autonomy – ODA versus JLARS

Another body charged with regulatory delivery - the Joint Local Authority Regulatory Services (JLARS) – differed from the ODA in the level of autonomy assigned to them by DCMS. JLARS was responsible for all other regulation (environmental protection, food standards, and health and safety) across the five London Boroughs (Greenwich, Hackney, 

27 See section 2.6 for more information.
Newham, Tower Hamlets, and Waltham Forrest, together known as the ‘Host Boroughs’) where most Olympic events took place (Growth Boroughs, 2013).

Like the ODA, JLARS was set up with a similar hands-off approach from central government, as Interviewee #14 who conceived and headed the body from 2011 until its closure in 2013 explained:

No one particularly managed me. They [ministers] said ‘Get on, you’ll either sink or swim.’ To be honest there wasn’t a tremendous amount of support from the politicians. They said, ‘You’re the one doing it, it’s your project.’

JLARS opted for a democratic decision-making approach - an intriguing contrast to the ODA, which used a more autocratic approach. Decision-making on regulatory implementation at JLARS was the product of agreements between secondees from each of the Host Boroughs, while any secondees at the ODA (e.g. from Trading Standards) were not involved in decision-making. JLARS’ secondee approach was adopted so that the local authorities could have formal representation and participate in decision-making relating to regulatory delivery at London 2012. Regulations agreed upon by local authorities’ secondees at JLARS could be standardised across the Host Boroughs to ensure consistent enforcement. Additionally, in terms of reducing complexity, JLARS channelled the disparate local authorities’ wants, needs, and priorities (in terms of regulation) into a single, agreed ‘voice’ that could be communicated to government. In effect, the presence of multiple local authorities each with their own perspectives and priorities was indicative of Black’s (2003) information state whereby too much information slows down and erodes decision-making. Therefore, the setup of the JLARS was indicative of DCMS trying to reduce the amount of information it had to respond to, thus quickening central government’s decision-making.
However, seconding decision-making representatives was not without its challenges, not least because some local authorities were resistant to hosting the Games. Interviewee #7 (Interim Head of JLARS in 2010) discussed the challenges JLARS faced in its early days:

> There was also a kind of, in some cases, antipathy towards the notion of the Olympics anyway, so [local boroughs were saying] you know, ‘This is really disruptive and it’s not going to help the local people […].’

Interviewee #7’s comment on some councils’ attitude towards the Olympics is attuned to the notion that hosting mega events (like the Olympic Games) is not typically congruent with local authorities’ goals, and instead, according to Duignan (2017) corresponds more with the priorities of central government and the IOC themselves. For instance, when looking at the various stakeholders’ priorities, Hall (2006) points out that governments (here represented by DCMS) often use mega events to promote their country to a global media audience, as well as to improve the public image of politicians. However, in signing the HCC (2005) “the UK had to effectively secede its national sovereignty to the IOC for the period of the Games” (Interviewee #9 – Cabinet Secretariat for London 2012/BRDO). Giving such power to the IOC and enshrining it into British law (e.g. the LOPGA 2006) meant that the IOC’s priorities, mainly the success of its TOP sponsorship Programme, were met. However, Duignan (2017) notes that while historically the priorities of the IOC and its sponsors have been met globally, local businesses and communities have been somewhat marginalised by the Games since Sydney 2000 (when advertising and trading regulations were first introduced). For example, some small firms in London could not access the increased number of tourists visiting the city because of restrictions on advertising and trading, with Interviewee #14 commenting that at times these areas around the Olympic Park were like a ‘ghost town’. Thus, for the local authorities whose “priorities focus on […] improving the lives of their residents [including local businesses]” (Interviewee #6, Policy Director, CTSI) it was unsurprising that some resistance from councils was felt towards the Games.
In addition to the threat of marginalisation for local small firms, Interviewee #7 commented that money (or rather the perceived uneven distribution of it) was also a key cause for resistance from local authorities:

Money was a big part of that [resistance] and if I remember rightly I think they sort of perceived that Newham were taking the lion’s share of all the cash and why should they help Newham.

JLARS was given a budget of £5 million with the majority going to Newham council, the borough where the Olympic Stadium and most high profile events were based. Therefore, Newham provided most of the enforcement staff and were seen by the other councils as benefitting disproportionately. This was a particularly pertinent issue considering these local authorities at the time were facing 40% so-called ‘austerity’ cuts to their public funding (CTSI, 2015).

Interviewee #7 suggested that, while demonstrating resistance to the new structure and the Games being imposed on them, councils saw the JLARS as a place “to get shot of people who were maybe not the best staff or were regarded as being a bit troublesome” (Interviewee #7). The result was low commitment from some local authorities, which was demonstrated through some seconded representatives and senior management from the councils not showing up for the meetings at JLARS:

I set up a regular meeting with all of the heads of regulatory services and they really didn’t like it! … So they just wouldn’t show up for the meetings. So certainly not all Boroughs were represented well in JLARS.

Other challenges, indicative of the ‘small-world nature of local authority politics’ (Interviewee #14), rather than of formal resistance, were personnel frictions between JLARS staff. Based on the geographical proximity of the five Host Boroughs which provided secondees, the regulator was made up of staff who had pre-existing relationships which, while often provided opportunities for collaboration, also occasionally came with its failings.
These shortcomings spilled over into the Games planning, resulting in some in-fighting at the JLARS. Interviewee #7 gives an example:

There was one guy who worked in JLARS who felt that his wife had been treated really badly by the head of another service, you know… it was on that level at times. Which is pretty frustrating when you’re looking at the Olympic Games…. You know, a massive global event!

Interviewee #7 had the power to forego the democratic decision-making process at JLARS, bypass the local authorities, and implement the regulations without their agreement. Such power came from a legal document: the Delegation Sharing Agreement[^28] which gave Interviewee #7 (and later Interviewee #14) the option to nominate officers who could deliver the regulations without the need to consult the local authorities. As Interviewee #7 put it:

Ultimately we could have just said, ‘fine, forget it then we’ll go and employ people and you [local authorities] will give them the authority.’ And for some of them [local authorities], I think they would have quite liked that, because they could have done a proper conscious pivot on their involvement with it [Olympics].

The ‘conscious pivot’ would have allowed local authorities to disassociate themselves with the planning of the Games regulations across the Host Boroughs. However, Interviewee #7 noted that, as long as the local authorities stayed formally connected to the JLARS (in that they each had a member of staff seconded in, were invited to meetings, and were provided the minutes/agenda), this connection “made it very hard for them to be undermining of the Games because they were involved. […] If they raised any serious obstacles, we were able to say, ‘Well, you are not coming! If you don’t come around the table, how can you expect to be heard or to have a voice?’”

Therefore, despite the significant resistance at JLARS, the Delegation Sharing Agreement (a tool for exercising formal control [Misztal, 2000]) was not used. Instead, formal relations were indicative of a representative approach (giving councils a stake in the Games success/failure) meaning that local authorities could not create a separation between themselves (an exclusively non-Olympic body) and the JLARS (an Olympic body). Had such a separation between the councils and JLARS existed, local authorities could have put up barriers of resistance to the Games without damaging their own reputation by framing themselves as an exclusively non-Olympic organisation.

Overall, this section demonstrates JLARS’ interactions with local authorities as being indicative of the political games being played behind the scenes by the organisations responsible for planning London 2012. Here, stakes at play were not limited to the preparation of the event, but extended beyond that to the reputation of the bodies in their everyday (non-Olympic) context – particularly those organisations (e.g. local authorities) that were having to operate in both the Olympic and everyday (non-Olympic) contexts.

4.4 Informal relations – the ODA’s engagements with local authorities

This section of the PhD discusses the effectiveness of micro-engagements between the ODA and local authorities, indicative of constructing “trust relationships” (Misztal 2000, p.3) between their staff. Such discussion relates explicitly to RQ2 of this thesis, denoting the informal mechanisms used by ODA organisers in their interactions with non-Olympic regulators.

In contrast to the arrangement of JLARS, the ODA was setup so that Interviewee #1 and Interviewee #4 were solely responsible for decision-making with secondees brought in only on an advisory basis or to undertake specific tasks. The aim was to avoid the “potential clashes of policy and priority from the different local authorities” (Interviewee #1) seen at
JLARS, which could have delayed the new regulations that were fast-tracked in order to meet the deadline of the opening ceremony.

However, while the ODA had the legal power to “go it alone and make the regulations” (Interviewee #1) without local authorities’ input, Interviewee #1 and Interviewee #4 saw the councils’ local knowledge as a key ingredient to implementing the new Olympic advertising and trading regulations in a way that didn’t leave any ‘loop holes’ and that didn’t unnecessarily burden local businesses.

The ODA’s interactions with local authorities, drawing on their tacit understandings of local areas to inform the implementation of the new regulations, was similar to DCMS’s interactions with local authorities: the product of co-present communication. However, instead of those meetings taking place as part of a predominantly formalised process (e.g. Olympic Committee meetings) both Interviewee #1 and Interviewee #4 referred to the ODA’s meetings with local authorities more casually as a road show. This road show involved both Interviewee #1 and Interviewee #4 visiting each local authority where an Olympic sporting event was being held for face-to-face engagements (with some councils being visited numerous times).

The priority of these meetings was to gather information from local authorities, particularly in terms of drawing the enforcement maps of event zones, and engendering trust between the ODA and local authorities’ staff. The ODA’s tactic of using co-present (informal) interactions to construct what Misztal (2000) called trust relationships between organisational members highlights the preference of some managers for co-present communications, forsaking the convenience of email and even telephone calls for what the Economist once described as “eyeball to eyeball contact” (The Economist, 1995 cited in Misztal 2000, p.1]). For example, McKenney, et al. (1992) noted that face-to-face meetings
reduce the risk of uncooperative behaviour between partners and create a platform for solutions to be found and enacted.

In the more recent context of London 2012, Interviewee #4 noted that these meetings helped when “engaging local authorities that were more sceptical about the Games”. For example, Greenwich Council were concerned about the costs of enforcing the new advertising and trading regulations, which Interviewee #4 was able to remedy quickly by allocating ODA funds to pay for the secondment of trading standards officers to the Games.

4.4.1 Informality and the emergent effect on event zone mapping

This section elaborates further on the way that the co-present communications between the ODA and local authorities shaped the mapping of Olympic event zones. The original maps were the product of the formal written guidance on mapping the event zones. For example, IOC technical guides for advertising and trading regulations suggested event zones be placed within the ‘Last Mile’ 29 (Figure 3).

29 ‘Last Mile’ was defined as “the walking route that delivers ticketed spectators to all London 2012 competition venues from designated transport hubs and back again” (IOC, 2005).
However, mapping the event zones within the Last Mile, essentially taking the written guidance at hand and applying it, could not have worked at the Games due to the geographical differences between towns and cities hosting the events. For example, while the Last Mile worked in urban spaces (e.g. London), “the wide spaces of Weymouth meant a Paddypower sign can be seen from miles away” (Interviewee #4, ODA). Therefore, the event zone had to be designed in a way that was bespoke to each of the 47 event zones’ geographical areas. Interviewee #1 and Interviewee #4 were not well acquainted with the particularities of each city/town/borough and therefore they relied on the knowledge of the local authorities:

Local councils and local knowledge was the only way we could have done those maps and got them as good as they were. There were still flaws in them, but frankly me sitting in my ivory tower in London saying Weymouth do this or Greenwich do that, this is right, this is not right, is not something that would have been nearly as successful. (Interviewee #4, ODA)
On the one hand, meeting each local authority on a face-to-face basis was time-consuming compared with the top down decision-making that could have occurred if the ODA only enforced the regulations inside the Last Mile. On the other hand, being able to draw on the councils’ local knowledge transformed the mapping of event zones, as Interviewee #4 explained:

Where local authorities were absolutely brilliant was in saying, ‘You want to stretch that a little bit’; ‘You don’t need to worry about that’; ‘No one goes there’. We also got really local insights - we had advice about frequent car boot sales that could affect things and they would say ‘You might want to include that’. (Interviewee #4, ODA)

Interviewee #4’s explanation above points out the advantages of relying on such informal engagements for mapping out the event zones at London 2012, but there were also limitations to the ‘road show’ approach. It was the local authorities’ Trading Standards service that would give advice on mapping the event zones to the ODA. However, the size and experience of staff at Trading Standards services across England and Wales differed (and still does at the time of writing this PhD) significantly, with several respondents having picked up on the uneven sizing of these services. For example, ‘football cities’ (e.g. Newcastle and Manchester) were used to hosting Premier League football matches on a bi-weekly basis, so in terms of organisation “they understood what we asked, and they had a few questions, job done” (Interviewee #4). And in terms of enforcing trading regulations at these types of events, “they had seen it all before, to them a normal England home match was worse than all of the Olympics for illegal trading” (Interviewee #2, LAORT). However, other councils, predominantly due to their small size required a significant commitment in terms of time from Interviewee #1 and Interviewee #4:

Weymouth and Portland Borough Council were tiny, absolutely tiny, their trading enforcement may be one [person] and their advertising a half [person] […]. We had to spend a lot of time down in Weymouth. We had a good three-hour train journey quite
consistently for two reasons: one, they are tiny [in terms of their trading standards service], but, two, the area we had to map was huge – absolutely huge!

The effect of this was threefold: first, Weymouth and Portland Borough Council needed what Interviewee #4 called ‘a lot of hand holding’ in terms of support for planning the way that the advertising and trading regulations would be delivered. Second, the lack of existing Trading Standards enforcement staff meant that officers needed to be seconded in from other authorities and thus they lacked local knowledge. Third, because the area covered was vast, the already restricted resources were stretched and staff did not necessarily perform at their best. These three limitations led to what were subsequently considered mistakes in the mapping of the Weymouth and Portland event zones which Interviewee #4 explained as follows:

We messed up on the regulations the map for Weymouth which wasn’t as big as it should be. […] So, I mean obviously Weymouth is sailing and sailing is an enormous distance and through lack of local knowledge, we didn’t use the entire area. Some of the competitive zone where they were actually sailing wasn’t covered by our event zone. […] So that was quite a big boo boo and we are quite open about it. But if there was any kind of ambush in that space, we would have had to rely on existing law, which would have been rubbish. […] That comes back to local knowledge but I think we did share with Weymouth at the time. […] So that was a real risk for us at the time.

Therefore, the reliance here on actual (informal) engagements meant that the quality of those engagements was somewhat dependant on local authority Trading Standards services’ financial and human resources. The notion that the amount of resources from local authority Trading Standards affected their engagements with the ODA is reminiscent of other academic research taken from the small firm’s perspective of the regulator - small firm relationship. For example, Blackburn and Ram (2006) found that the regulator – small firm relationship was determined by the business’s resources (financial, human resources, and technological), while Collis (2008) noted that small firm compliance was dependant on its staff’s compliance experience.
4.5 Formal relations – the consultation process

This section of the findings discusses the formal mechanisms that the ODA and DCMS used in their interactions with wider stakeholders (RQ2a). Particular focus is given to the consultation process: a structured, legally circumscribed process, which was published in the public domain (DCMS, 2011c). The consultation followed the ODA’s road show for mapping the event zones. It occurred in 2011, lasted 12 weeks, and was headed up by DCMS who were targeting the views of the wider stakeholders affected by the Games, such as local authorities, trade associations and local and large businesses. According to DCMS (2011c), the consultation sought respondents’ views on the following:

The scope of advertising activity and trading which we propose to regulate, the areas within which the regulations will apply (which we called the ‘event zones’) and the time periods during which the regulations will be in force (which we called the ‘event periods’).

The consultation process was important because it enabled the organisers to reach a wider sample of respondents as opposed to solely relying on informal co-present communications methods discussed in the previous section. For example, while only 51 responses were received, the consultation was made available to a sample of 600 stakeholders.

The expanded sample of respondents increased the opportunity for organisers to draw on the tacit knowledge of respondents to adapt the inbounded regulations in a way that was less time consuming than the road show approach to mapping the event zones. For instance, the respondents raised issues/queries, further transforming the social structure that was the written regulations - indicative of emergence (Bhasker, 1979). As such, the responses to the consultation triggered further considerations at the ODA and led to more specific writing

---

30 Government response to Advertising and trading regulations for London 2012 (DCMS, 2011c)
31 Referring to the Detailed Provisions for Olympic Advertising and Trading Regulations at London 2012
of the regulations (e.g. closing loop holes). Interviewee #4 provided some examples as follows:

So we consulted on it and we got some excellent feedback… Things like if you go to a hole in the wall and get some money out, is that outdoor trading? If you go to an outdoor toilet, one of those cubicles, and you put 10 pence in, is that outdoor trading? Smoking: if you go to a bar/pub and you go into the pub and you buy your drink but then you drink it outside because you want a fag, does that constitute outdoor trading? These are the technical horrible questions where you don’t actually think the risk is too high, but you have to consider whether that should be within the regs or not. (Interviewee #4)

Additionally, the consultation process and the production of an ‘official’ written response by DCMS (2011c), were solid, reproducible social structures that could be used by the ODA and DCMS to demonstrate that the views of wider stakeholders (e.g. local businesses, communities and trade associations) were taken into account. Thus, the consultation process validated the acceptance of the ODA’s Olympic advertising and trading regulations through the lack of rejection of the regulations from stakeholders despite the low response rate (51 responses from 600 requests), as Interviewee #4 put it:

We only had fifty-one responses to the consultation which potentially links to people’s profits, so you do think, “Well, we’ve probably, actually, we’ve answered their questions and they feel broadly comfortable with this.” (Interviewee #4, ODA)

However, while the validation of the regulations, or at least a lack of resistance, was important for the ODA and DCMS, ultimately what determined the outcome of the regulations was the requirement to protect the IOC and its sponsors from ambush marketing, as such any resistance from these stakeholders could have been ignored by the ODA. The precarious state of consultations for the Olympic Games has been discussed in some prior critical studies of mega events. For example, Faulkner, et al. (2001) likened the process to a

---

‘false democracy’ whereby recommendations from local stakeholders, particularly small businesses and local communities, can be disregarded in favour of protecting the priorities of large corporate sponsors. Interviewee #9 (Cabinet Secretariat London 2012/BRDO) admitted that, to some extent, this was no different at London 2012:

Frankly it wouldn’t have mattered if three-quarters of the people responded and opposed the restrictions around wearing t-shirts, bringing certain products in, and setting up stalls to sell products outside. Whether stakeholders agreed with it or not those type of things wouldn’t have made that much difference at all because [there are] certain things as a host country you need to do.

Therefore, the formal consultation process can be theorised as a social structure, derived through emergence, whereby inputs (feedback) from the relevant stakeholders influenced the implementation of the new regulations to the extent the responses correlated to the priorities of the human agents of Olympic bodies (e.g. at the ODA, DCMS and the IOC). Going back to Interviewee #4’s point earlier, while the consultation’s main contribution was to validate the approach taken by ODA, due to the lack of resistance to the new set of regulations, it also highlighted areas for fine-tuning the regulations. Thus, the consultation process further transformed the Olympic advertising and trading regulations, resulting in a more purposeful and detailed set of rules that was an amalgamation of both stakeholder responses and the objectives of the human agents making the final decision.

The completion of the consultation process signified the end of planning for the Olympic advertising and trading regulations. The resulting rules that emerged from the interactions (formal and informal) of the organisations in the Olympic advertising and trading regulatory constellation were ratified as a new document called the ‘Detailed Provisions for Advertising and Trading Regulations at London 2012’– the written rules which dictated how advertising and trading regulations were to be enforced at London 2012.
Overall, this chapter provides an empirical demonstration of the formality-informality span at play within the context of event planning. Here, the balance between formal and informal interactions helped organisers solve the two major challenges of implementing new Olympic advertising and trading regulations. Firstly, the organisers lacked tacit experience in delivering a mega event with such stringent advertising and trading regulations attached. Secondly, the differences between the towns and cities hosting Olympic sporting events had to be incorporated into the creation of the new enforcement maps.

Such balance revolved around simultaneously formalising the interactions between the bodies of the regulatory constellation and mediating personalised relations. Formalisation focussed on bringing the interactions of the bodies in the regulatory constellation more in line with the explicit rationality of bureaucratic rules and conventions (e.g. Games Readiness, Olympic Committee Meetings). Concurrently, staff within the organising bodies (ODA and DCMS) increased the less visible (but equally important) informal interactions (e.g. co-present communication and ‘vouching’ for other bodies’ readiness) bringing fluidity to the implementation process, and reducing delays that often occur in bureaucracies.
Chapter 5 – The Enforcement of Olympic Advertising and Trading Regulations

5.1 Introduction

This chapter looks at the way the ODA (populated predominantly by Trading Standards’ secondees and managers with a Trading Standards background) enforced the new Olympic advertising and trading regulations at London 2012. Particular attention is paid to uncovering the combination of formal and informal practices that were used in the enforcement of the incoming regulations and the resultant effect on regulatory engagements with local small firms.

In this chapter formalisation relates to the way regulators adapted their enforcement practices during the Games in line with the requirements of the London Olympic Paralympic Games Act (2006; 2011) (LOPGA) and the Detailed Provisions for Advertising and Trading Regulations at London 2012. Both set out a broad overview of what owner-managers could and could not do when running their businesses during the London Olympic and Paralympic Games. Informal enforcement practices, i.e. ODA staff (enforcement officers and managers) enjoying relative freedom in their roles (Misztel, 2000), leading to discretion (Prosser, 2010), are denoted in this chapter as any deviation from the written rules of the LOPGA and the Detailed Provisions.

Prior to the Games it was believed by some academics (e.g. James and Osborn, 2011b), trade associations (e.g. FSB, 2012), and media outlets (e.g. The Mirror, 2012; The Independent, 2012) that advertising and trading legislation at London 2012 would be enforced in a heavy handed manner because of the power and scope of the LOPGA. Such powerful regulations

---

33 For more information see legislative context in section 2.6.
were viewed by some academics (e.g. James and Osborn, 2011a; Louw, 2012) as having the potential to marginalise local small firms, restricting them from economically benefiting from the Games (e.g. taking advantage of the increased number of visitors). However, these studies overlooked the contrast between the new regulations and the customary way that UK regulators “typically enforce regulation in a non-transparent, discretionary manner” (Baldwin, et al., 2000, p.8). Such a contrast became evident at the ODA, where the highly prescriptive legislative context clashed with its staff’s conception of the ODA’s organisational identity.

Populated by staff that either had a background at, or were directly seconded from Trading Standards, the ODA’s organisational identity was based around being ‘proportionate and representative’ (Interviewee #1, Interviewee #4 and Interviewee #6); mirroring that of Trading Standards (see section 1.4.1.1). As a result, ODA’s managers found themselves in a position to implement and enforce regulations that were stringent and forceful, while having an identity that was characterised by an aspiration to support businesses to achieve compliance, rather than perfunctory enforcement. As a result, small firms faced a regulator who had a set of potent regulations at their disposal, initially expected to make full use of them, but who instead often opted for a discretionary, informal approach in the run up to and during the Olympics. In practice, that meant a relationship which, in addition to the formal interactions, had an educational element (e.g. disseminating informative leaflets to businesses to aid compliance), supportive element (e.g. adapting mode of communication to the needs of different small firms) and a discretionary element (i.e. ODA employees’ flexibility in the decisions taken in individual cases).
5.2 Olympic Street Trading Licence - background

Street traders are a type of small businesses who were instrumental in shedding light on the relationship between regulators and small businesses. Due to the perceived risk that street traders posed during the Olympics (that is of obstruction and ambush marketing), they were of central interest to the relevant regulatory bodies in the run up to and during the Games, especially the ODA. Furthermore, enforcement practices in and around the London event zones were partially affected by overlaps in responsibility between the various regulatory bodies: e.g. Transport for London (TFL) and ODA. Such notions of overlapping responsibility within the regulatory constellation (RQ1) and the resultant effect on the regulator-small firm relationship demonstrate the interactions between the ODA and street traders as more complex than is appreciated in prior research (e.g. James and Osborn, 2011a).

In terms of overlapping regulatory responsibility, the ODA shared responsibility for people movement with TFL. TFL was tasked with organising the routes fans took from transport hubs to the event zones, fan parks, and stadiums. The ODA’s responsibility to the IOC and to the central government was firstly, to protect London 2012 from ambush marketing, and secondly, to ensure businesses did not obstruct the flow of people. For instance, the ODA aimed to prevent street traders from setting up in and around entrances and exits to underground stations, or shops, restaurants and bars from blocking parts of the pavement with sandwich boards, tables and chairs.

Street traders in London were typified by the ODA as an unpredictable entity as they often didn’t trade out of a fixed location, allowing them to set up in and around event zones to take advantage of the crowds of people drawn by the Games. Therefore, as part of that typification (RQ3) street traders were viewed by the ODA as more likely to obstruct people movement in such busy areas and thus had their everyday street trading licences revoked for the Games. In place of those everyday licences, the ODA introduced the Olympic street trading licence,
which enabled only certain approved traders to operate within event zones for the duration of the Games. Due to the limited number of new licences granted, unsuccessful applicants had to shut down for the duration of the event or move to a more peripheral location away from the event zones. At the same time, implementing the Olympic street trading licence led to some unexpected challenges for the ODA, mainly stemming from having to engage and communicate the additional compliance requirements to what were extremely small businesses whose operations were steeped in informality (Ram, et al., 2001).

5.2.1 Olympic Street Trading Licence - pre-games rhetoric

In the build up to the Olympic Games, some of the rhetoric around Olympic street trading licences (James and Osborn, 2012) stated that the restrictions on street trading went beyond the requirements of the Host City Contact (HCC), which asked for “clean, advertisement-free stadia and the creation of legislation to prevent ambush marketing” (HCC, 2005). James and Osborn (2011a) also argued that there was no legitimate justification for going beyond the requirements of the HCC and unnecessarily removing a significant amount of street trading activities from the Olympic event zones. Some policymakers also expressed concerns that the additional licencing would “force [street traders] to close down for the Games” (Olympic Plenary Meeting, 2011). Similar concerns, that the Olympic advertising and trading regulations would be enforced in a heavy handed manner, were expressed by some stakeholders (policymakers, media, and trade associations). For example, in the news media there were numerous articles which discussed the “crack down on ambush marketing” (BBC, 2012b) even giving tongue-in-cheek reassurances that London 2012 organisers had “…no plans to check sports stars' pants for hidden adverts” (Evening Standard, 2012). Therefore, the anticipation prior to the Games was for a strained one-sided relationship between regulators and small firms, driven by the force of the imposed new Olympic
regulations, and dominated by a regulator (ODA) whose main priorities would clash against the wellbeing of local businesses.

LOCOG, a private organisation set up by DCMS to oversee the planning and development of the Games, seemed to co-enact the notion that the new Olympic advertising and trading regulations would be enforced in a heavy-handed manner. Interviewee #1 pointed out that “LOCOG’s priorities were basically to the sponsors [members of IOC TOP Sponsorship Programme]” and thus its agents had a motive to reinforce the pre-Games expectation that ODA officers would be heavy handed when enforcing the Olympic advertising and trading regulations. An example of LOCOG co-enacting the notion of heavy handed enforcement can be seen in the organisation’s communications with the news media, which often reiterated the power of the Olympic advertising and trading regulations. For example, in an interview for the Committees of Advertising Practice (CAP), who write and maintain advertising codes for the Advertising Standards Authority (ASA), a member of LOCOG explained: “Our legal rights are very wide and therefore any ‘Olympic’-themed campaign is likely to infringe them - even if it doesn’t refer explicitly to the Games” (CAP, 2012). Furthermore, in that same interview, it was also interesting that the LOCOG member referred to the LOPGA 2006, rather than the amended LOPGA 2011 - the LOPGA 2006 utilised stronger wording than the 2011 amendment; for example, LOPGA 2006 called on the police (as well as Trading Standards) to enforce the regulations (something subsequently taken out of the 2011 Act).

In another interview, Lord Sebastian Coe, Chairman of LOCOG, felt the need to overstate the advertising and trading regulations to include banning spectators from wearing clothing not branded by an official sponsor (something that was beyond the scope of the LOPGA 2006).
You probably wouldn't be able to [walk in] with a Pepsi T-shirt because Coca-Cola are our sponsors and they've put millions of pounds into this project [...] It is important to protect those sponsors. (Sebastian Coe, BBC Radio 4, 2012 cited in The Guardian, 2012)

The LOCOG line of communications was confronted by statements issued by other stakeholders: e.g. Michael Payne (former Marketing Director at the IOC) commented that “the ODA’s overzealous enforcement of brand protection risked damaging the Games.” He elaborated as follows:

The rules were never intended to shut down the flower shop that put pot flowers in an Olympic rings in the window, or the local butcher who has put out his meat in an Olympic display. (Michael Payne, 2012 cited in the Independent, 2012)

The connection made by Michael Payne between the Olympic advertising and trading regulations and their effect on local businesses was often brought up by commentators and academics in the run-up to the Games, particularly in regards to the new street trading licence, seen as an example of the Games having a negative effect on local small businesses (Louw, 2012; James and Osborn 2012; 2011a; 2011b). This was not the first time small businesses were perceived as being marginalised by the organisers of the Games. In 2007, a large population of small businesses (over 300) and communities were displaced from Stratford, London to allow for the building of the Olympic Village site. The story around their displacement was often re-run by media outlets in the build up to the 2012 Olympics (e.g. BBC, 2006; 2007; The Guardian, 2007; 2008; Evening Standard, 2011). Raco and Tunney (2010), whose study focused on the displacement of those small businesses and communities, argued that organisers had labelled them as ‘blank slates’ that did not, from the organisers’ perspective, engage in socio-economic activities of enough value to warrant protection and whose activities were an invisible ‘quotidian’ (referring to Lefebvre, 2000 cited in Raco and Tunney, 2010).
The expectation that street traders would be similarly seen as ‘blank slates’ can be interpreted from the arguments of James and Osborn (2011b) who described the additional licensing for street traders as part of the organisers’ alleged strategy to remove less desirable businesses from view, creating a cleaner space that focussed more attention on the official sponsors. By co-enacting the rhetoric of heavy handed enforcement, LOCOG agents fuelled the belief that street traders would be seen in a similar way, typified as ‘blank slates’, with little socio-economic value (RQ3). However, the notion that the Olympic street trading licence was there to marginalise local businesses, part of an overly protectionist approach towards the interests of the IOC and members of its TOP Sponsorship Programme, was against the views of the ODA, as elaborated in the next section.

5.2.2 Olympic Street Trading Licence - burden and benefit

From the ODA’s perspective, attitudes towards street traders were more complex than described in previous research focusing on the Olympic street trading licence (e.g. James and Osborn, 2011a; 2011b; 2012; Louw, 2012; Girginov, 2012). On the one hand, Interviewee #4 felt that “the point of peddlers34 is that they move with their ware… they are flexible businesses that can trade anywhere and they work on their own”. For example, ordinarily (in a non-Olympic context) street trading licences in London are easily available from local authorities which allow people to practice their trade anywhere in the city. The relative freedom of street traders meant that they were viewed by the ODA as having a greater chance of causing security issues by congregating in areas that interrupted people movement. For example, Interviewee #14 explained that in London barriers were set up to

---

34 ‘Peddler’ was a term used by Interviewee #1 and Interviewee #4 to denote street traders. The Pedlars Act 1871 definition of pedlar (also spelled as peddler) is still relevant today: “The term “pedlar” means any hawker, pedlar, petty chapman, tinker, caster of metals... or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men’s houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered”.

lead fans from transport hubs to the Olympic event zones (e.g. Stratford Underground and Overground to the Olympic Park). Because of those barriers, there was concern that street traders would congregate in and around the transport hubs as this was “logically the only place they could go where they could engage the masses of fans coming for the Games” (Interviewee #14).

On the other hand, while the ODA typified street traders as being more at risk to obstructing people movement compared to other types of small firm – e.g. businesses with a fixed location (in response to RQ3a), they did not perceive the additional Olympic Street Trading Licence as solely a burden on those businesses. In the same way that Kitching, et al. (2015) conceptualised regulation as being both a burden and benefit to businesses, here the ODA perceived the Olympic street trading licence as having a positive outcome for some street traders; particularly for traders characterised by the ODA as local to the areas in and around event zones. As Interviewee #4 explained, “The additional licensing protected vulnerable local street traders from having their market flooded by opportunist competitors travelling in from around the country to profiteer from the Games.” For example the Royal Parks, which were used during the Games, had a number of regular and established traders. On a number of occasions Interviewee #4 referred to the “happiness” that these businesses felt with the Olympic Street Trading Licence as it protected them from being inundated by outsiders drawn to the area by the Games and the additional footfall it brings. Furthermore, Interviewee #1 said that she felt “a responsibility to authorise as many traders as possible”.

Therefore, even though the ODA’s typification of street traders as potentially more problematic in terms of obstructing people movement (RQ3a) led to the introduction of an additional layer of compliance for street traders (RQ3b), Interviewee #1 and Interviewee #4’s comments about “protecting existing street traders” and “feeling a responsibility towards those businesses” is indicative of them typifying these firms as businesses that
needed to be protected rather than as ‘blank slates’. Such dichotomy - the pre-Games rhetoric versus Interviewee #1 and Interviewee #4’s actual views - was a contrast that was often pointed out in the interviews for this research. For example, both Interviewee #1 and Interviewee #4 were keen to put across that the ODA’s engagements with businesses was indicative of a ‘proportionate and representative’ approach whereby discretion could be applied to minor infringements (RQ3c). Interviewee #1 and Interviewee #4 were aware of the negative commentary surrounding the new street trading licence (and Olympic advertising and trading regulations generally). Thus, it could be considered that their responses were indicative of Dutton and Dukerich’s (1991) notion that organisational members overtly defend their beliefs or aspirations in the event of contrasting representation (e.g. by the news media). Such a notion is important as it shows how, even in the rigid regulatory context of London 2012, managers of the ODA adapted interactions with street traders in response to concerns raised by wider stakeholder (e.g. politicians, news media and academics). Furthermore, Interviewee #1 and Interviewee #4’s responses show how they pushed back against the rhetoric of heavy handed enforcement that was often supported by other entities in the regulatory constellation (i.e. LOCOG).

5.2.3 Olympic Street Trading Licence - challenges of regulating street traders

ODA managers wanted to apply a ‘proportionate and representative’ approach to their engagements with street traders (Interviewee #1). However, they found that the route to getting local street traders licensed to trade at the Games was tortuous, mainly due to the constraints faced by Interviewee #1 and Interviewee #4 in communicating with the street traders’ community, indicative of them not being organised under the umbrella of a trade association.

Peddlers were really difficult, because they lacked an organised trade association… they were a scattered bunch and quite disorganised (Interviewee #1).
The unstructured nature of street traders had already made them an unpredictable entity in society (referring to Misztel, 2000). For instance, street traders didn’t have a physical location and most had no employees, with Interviewee #14 labelling them as often being ‘one-man-bands’ - thus they were very nimble businesses that could trade across the city. Misztel (2000) notes that unpredictability in a social system is a problem that can be solved using the two tactics of formal and informal interactions. However, the ODA’s formal interactions with businesses (e.g. disseminating information about the new Olympic advertising and trading regulations) typically occurred through the medium of trade association meetings. For example, Interviewee #4 visited the Advertising Association before the Games to talk about the inbounded advertising and trading regulations. She was then able to share concerns and discuss ambush marketing with various businesses: some were official sponsors (Adidas) while others posed a risk of engaging in ambush marketing (NIKE and Paddy Power). As Interviewee #4 put it: “The advertising association was really great for engaging members from both sides [official sponsors and non-sponsors]. Because we had that engagement none of them could really say, ‘well that’s not fair’ because they all were at the association meeting” (Interviewee #4).

Contrastingly, the lack of an organised trade association for street traders meant that the ODA had to disseminate information about the new Olympic street trading licence individually to the hundreds of street traders that operated in and around what were termed the “Host Boroughs” (Interviewee #5, Growth Boroughs). The result was numerous, repetitive engagements between the ODA and street traders, most often on a one-to-one basis. Those engagements typically occurred on the phone, with the ODA having to regularly listen to traders’ complaints about the new licence whilst relying on those (sometimes angered) traders to pass on messages and information within their own informal networks of street traders. Interviewee #4 gave an example of one such conversation:
We kept saying to him, ‘Could you please let as many people that you know who are also peddlers, could you share with them? ‘And he kept saying ‘Ah, I think this is awful! (Referring to the new street trading licence) But we were like ‘Well, share this with other people (peddlers) and, come back to us with more of a consensus of your views.

Additionally, beyond their lack of an organised trade association, street trading firms are at their core steeped in informality. For example, they have very few formal structures that characterise their day-to-day operations (e.g. a physical location) with the exception of their everyday (non-Olympic) street trading licence. However, even that licence is not particularly restrictive as it allows the traders holding it to operate across London, rather than in the specific Borough the licence is granted. Therefore, as well as the challenge of communicating a constant message about the inbounded Olympic regulations to the affected street traders, Interviewee #1 and Interviewee #4 struggled to even locate these businesses and their owners (who typically lived away from the central areas of London they traded in). Therefore, to place the onus on street traders to come to them, and to streamline the process for traders to apply and receive their new licence, the ODA had invested significantly in a new website and a bespoke database to manage that newly-introduced online application process. The new online application introduced a new layer of formality to the interactions with street traders; in an attempt to address unpredictability (referring to Misztel, 2000) and complexity for street traders applying for the new Olympic licence. However, street traders seemed to prefer to post their applications (in the same way they do when applying for the standard non-Olympic street trading licence). Moreover, traders were slow in submitting their applications, resulting in a bottleneck just before the Games which put a strain on the ODA’s resources:

We tried to keep everything as simple as possible and only ask for very basic, basic information... However a lot of the people making the applications were not necessarily IT
When the application process opened applications trickled in... then as it got closer to ‘Games Time’ everybody applied all at once! Massive! (Interviewee #1) The last minute bottleneck of applications was more indicative of the general challenges that small firms face in complying with regulation. For instance, Blackburn and Ram (2006) noted that small firm compliance with regulation is dependent on their available resources (financial, human capital and technological). Indeed, organisers of the Games were well aware of the issues small firms faced in regulatory compliance, especially when compared to larger businesses.

If you are a small firm, then quite frankly you don’t have a compliance officer that is working for you that can tell you what does this [regulation] mean to me? Can I go and pitch up a mile away? (Interviewee #9, Cabinet Secretariat for London 2012/BRDO)

In addition to the practical findings, the Olympic Street Trading Licence can be linked back to the metatheoretical position of CR that informs this research, as it serves to empirically demonstrate the notion of norm circles in the context of London 2012, as well as to align Elder-Vass’s (2012) principles with those of Misztel (2000), i.e. the formality-informality span. For instance, published academic research, policy outputs, and news media reports, as well as extra-discursive factors (e.g. the unstructured nature of street trading firms) and personal circumstances (e.g. Interviewee #1 and Interviewee #4’s feeling that they were obligated to protect street trading businesses) all informed regulatory staff’s decision-making. Those decisions (and associated actions) determined the ODA’s engagements with street trading firms, visible at the empirical level of Bhaskar’s (1978) social world. Such engagements resembled Misztel’s (2000) view of using the two tactics of informality and formality to solve problems in society. For instance, the outcome of both Interviewee #1 and Interviewee #4’s commitment to the ‘proportionate and representative’ identity resulted in the formalisation of interactions with street traders (e.g. the Olympic street trading licence), that simultaneously occurred alongside the informal dissemination of information about the
new licencing (e.g. micro engagements with individual street traders).

5.3 Formalisation of regulatory practice: Gold-Silver-Bronze command

In order to structure the enforcement of the new Olympic advertising and trading regulations in a way that Interviewee #1 and Interviewee #4 could control, the system of ‘Gold-Silver-Bronze command’ was introduced by the ODA. Gold-Silver-Bronze was a command structure used to record and escalate infringements of the advertising and trading regulations at London 2012. Invented by the police services in 1985, Gold-Silver-Bronze command is a system for officers to follow to “ensure that a sudden, critical incident is managed appropriately and in a consistent manner which could stand up to the scrutiny of any subsequent investigation” (Home Office, 2016). Examples of these incidents include riots, acts of terrorism, severe weather events, and epidemics (London Metropolitan Police, 2016 cited in Home Office, 2016).

London 2012 was the first time such a command system was used for the enforcement of regulation and was described as a “militaristic command system” by Interviewee #1. Interviewee #1 and Interviewee #4 ran Gold command out of the Main Operations Centre at Canary Wharf and were ultimately responsible for enforcement decisions. The system worked by Bronze command (enforcement officers on the ground) recording all infringements (photos, videos) in real time on tablets and relaying this information up the chain of command to Silver, and subsequently Gold, depending on the severity and complexity of the infringement. In exceptionally complex cases Gold command also had access to ODA’s lawyers.

Part of the reason why Interviewee #1 favoured the use of this command structure was because it allowed for potential ambushes of sponsors to be dealt with before the infringement became public and garnered too much attention from the media. Quick
decisions needed to be made on what constituted a criminal infringement under the LOPGA. The command system acted as a mechanism of formal control, ensuring that decisions taken at the Gold and Silver levels were actioned by Bronze on the ground, and that “all the officers enforced in the way that the ODA wanted the regulations enforced” (Interviewee #1). As well as being a deterrent to potential ambushers of the Games, Gold-Silver-Bronze command (a visible and auditable enforcement practice) demonstrated the ODA’s ability as a regulator to protect the Games from ambush. This demonstration from the ODA was aimed at central government and LOCOG who managed relations with the IOC, and who in turn prioritised the protection of their official sponsors. This need for the ODA to show it was doing something to protect what both Interviewee #1 and Interviewee #4 denoted as Brand UK was one of the reasons behind the formalisations of regulatory practice seen at the Games (e.g. Gold-Silver-Bronze command).

5.3.1 Protecting Brand UK – the importance of visible enforcement practices

Positive media exposure is one of the benchmarks by which a mega event’s success is measured by politicians (Hall, 2006). Considering the UK invested in excess of £9 billion to host the 2012 Olympics Games, which were broadcast in 220 territories with a projected audience of 3.6 billion people (London 2012 Global Broadcast report, 2012), the importance of positive media exposure to the UK Government is hardly surprising. In terms of avoiding negative media exposure, Interviewee #9 stated that central government was particularly concerned that the “UK’s national image could be damaged if it failed to protect official sponsors from ambush marketing.”

The term Brand UK was often used at the ODA when discussing national image. One of Interviewee #1 and Interviewee #4’s main concerns was that a serious ambush of the Games would define people’s memory of London 2012, as had happened in prior Games. For example, a series of ambushes, particularly by Nike, led to Atlanta being remembered for
such behaviour (Girginov, 2012). The legacy of Atlanta 1996, referred to several times in the interviews, influenced Interviewee #1 and Interviewee #4’s decisions making in regards the extent they should formalise enforcement practices. Consequently, the power of the LOPGA, enshrined in criminal statute, and its influence as a social structure on agents’ decision making was increased. Some respondents, particularly those who occupied roles more detached from the advertising and trading regulations, expressed concerns around whether the new regulations were ethical. For example, Interviewee #7 (JLARS) noted:

I think philosophically and even morally, with some of the restrictions, you are thinking, ‘Well, you are using criminal statutes to effectively give protection to your sponsors, and there are civil remedies available for them really…” and the control of public space that this requires, you know left me and a lot of people I know, a lot of others, a bit uncomfortable (Interviewee #7).

However from Interviewee #4’s perspective, the extensively reported ambush marketing stories from Atlanta 1996 transcended her personal concerns about the ethics of the inbounded advertising and trading legislation; justifying the formalisations of regulatory practice:

I think, we were scratching around for evidence that what we were doing was right. So we used to quite often talk about the Atlanta Games and ambush marketing and that’s part of the reason why the IOC put these demands on all host cities from that time forward.

(Interviewee #4)

Furthermore, from Interviewee #1’s perspective, the importance placed upon preventing ambush marketing (because of its potential to damage Brand UK) meant that the ODA had to enforce the regulations in a visible manner, or as Interviewee #1 put it, “To show that the ODA was doing everything it could to meet the promises made to the IOC.” The benefit of Gold-Silver-Bronze command – a formalisation of regulatory practice compared to the everyday – was that the process allowed the ODA to document enforcement decisions in a way that would stand up to the scrutiny of any potential investigations post-Games (i.e.
recording infringements and enforcement outcomes in writing and pictures). Thus, the reasoning behind the formalisation of enforcement practice (i.e. the ‘regulatory shock’) at London 2012 included a combination of factors. First, the LOPGA was set in a criminal statute which enabled regulators to take quicker enforcement decisions. Second, robust documentation of infringements was required to withstand the scrutiny that any potential investigations could bring. Finally, the ODA had to convince the IOC and central government that it was protecting official sponsors and the national reputation of Great Britain – Brand UK. However, protecting Brand UK was not solely dependent on preventing ambush marketing. Brand UK could also be negatively affected by media reporting of over-zealous enforcement, particularly towards local/smaller businesses. Therefore, while the ODA had to ostentatiously demonstrate that it was doing everything it could to avoid ambush marketing, it also had to avoid heavy-handed treatment of local businesses and street traders.

The challenge of regulating in a way that was visible to some stakeholders (central government and the IOC) and not others (the media) was not a problem past host cities have had to face. For example, some previous host cities ‘gold plated’ the advertising and trading regulations preventing any and every advertiser and trader from conducting business within a wide space around venues and for a long period of time. In 2004 the Athens Olympic and Paralympic organising committee cut the number of billboards around the city, clearing 10,000 from buildings and city rooftops (DCMS, 2011b). At the Beijing 2008 Olympics not only was the media state controlled, but advertising and trading legislation was intended to leave a legal legacy showing that China could protect Intellectual Property (DCMS, 2011b). As a result, heavy-handed enforcement was deemed to be in the interest of China’s national image.

In contrast to what was seen previously (most recently at Beijing 2008), and in keeping with the view that overly zealous enforcement practices could damage Brand UK, the ODA took
a more measured approach to enforcing the advertising and trading regulations. One way that this was done was in the ODA’s initial engagements with businesses\textsuperscript{35}. These initial engagements included handing out colourful leaflets that used everyday language to give what Interviewee #1 described as “clear instructions about what constituted an infringement”, and essentially contained snippets of the written regulations governing advertising and trading. The leaflets were handed out prior to the Games and during the event predominantly to permanent businesses (e.g. restaurants, bars, and shops) as these could not be moved for the event, unlike those street traders who had their every-day street trading licences revoked.

Figure 4: Leaflets denoting infringements of advertising and trading regulations.

\textsuperscript{35} Initial engagements are denoted as interactions with businesses prior to the Games to give information about the inbounded regulations and first contact with a business that is infringing the regulations during the event.
The leaflets contrasted the hard, militaristic rhetoric (Marrero-Guillamón, 2012) that surrounded the other formalisations of regulatory practice, e.g. Gold-Silver-Bronze command. Instead, the leaflets represented a less formal social structure that was aimed at influencing small firm owners by “reminding them of the regulations” (Interviewee #4), while setting out the regulations in “plain English” (Interviewee #1). The leaflets were indicative of ODA management’s knowledge that small firms typically have less access to compliance professionals to interpret the regulations.

As such, these leaflets signified a “visual representation” (Kjærgaard, et al., 2011)36 of the ODA’s philosophy of engaging businesses in a ‘proportionate and representative’ way (Interviewee #4), whereby the focus was on educating businesses under the initial presumption that “the vast majority” that infringe the regulations do so unwittingly (Interviewee #1). Interviewee #1 elaborated further, “The leaflets were aimed at the vast majority of businesses which may fall unintentionally foul of the regulations and we used these to educate them in a non-threatening way.” Education was at the core of ODA’s

---

approach prior, and even during, the Games, even though ultimately the responsibility lies
with the businesses to make sure they are compliant with current legislation.

The way that the ODA viewed business engagement was very similar to that of Trading
Standards in an everyday non-Olympic regulatory context. Interviewee #3 (Senior Policy
Maker at the CTSI) outlined Trading Standards’ view on business engagement, indicative of
its own ‘proportionate and representative’ organisational identity.

We still engage in what you might call hard-core enforcement, especially when it involves
criminal elements and products that are potentially dangerous to consumers. However, we
also see ourselves as a business support service for the vast majority of businesses that
want to comply with the law.

Interviewee #6, CTSI Policy Director, elaborated further on the notion that regulators’
business engagement should be a mix of business support and enforcement:

We see businesses as split between outright criminals (where hard-core enforcement occurs),
those that operate in the grey area - doing whatever they can get away with, and the majority
of businesses, and those who want to comply with the law, but just need a little bit of help
getting there. (Interviewee #6, referring to Hodges, 2011).

The fact that the ODA’s views on business engagement mirrored the Trading Standards’
‘proportionate and representative’ organisational identity is not surprising considering that
the majority of staff at the ODA had a Trading Standards background, or were seconded
directly form the organisation; for instance, Interviewee #1 had spent eight years at Trading
Standards prior to joining the ODA.

Such a shared view between staff at the ODA and Trading Standards shows how the social
norms of Trading Standards staff transcended the Olympic/non-Olympic context. In other
words, the now (albeit temporary) ODA staff viewed local small firms in the same way they
would when enforcing everyday (non-Olympic) regulation at Trading Standards, an insight
specifically relevant for understanding the typification of small businesses by regulators
(RQ3a). The outcome of such typification was that the engagements between ODA staff and small firms (RQ3b) was indicative of Baldwin, et al.’s (2000, p.8) assertion that UK regulators “typically enforce regulation in a non-transparent, discretionary manner”.

Such a view contradicts the generally accepted view of existing research of Olympic advertising and trading regulations at London 2012 (e.g. James and Osborn 2011a; 2011b; 2012; Louw, 2012). Such studies exclusively focussed on formal social structures (e.g. the LOPGA 2006) to shape their discussions, painting a picture of ODA officers engaging in a more pathological style of enforcement. As such, I argue that some researchers’ sole focus on the formal is a fallacy that has led them to effectively assume that the regulatory practice of enforcement officers would not deviate from the written instructions of the LOPGA and other written docs. Put another way, prior studies fail to recognise that the ODA is populated by human agents who have the option to deviate from written instructions in their decisions and actions. Therefore, in order to paint a more complete picture, the next section of this chapter discusses those deviations, indicative of informality (Marlow, 2003), adopted by ODA managers and enforcement staff (RQ3d). Additionally, the next section will seek to offer an explanation of why such regulatory practices occurred.

5.4 Informality – the ODA’s actual engagements with local small businesses at London 2012

The informal practices that were adopted by ODA staff in their enforcement of the new Olympic advertising and trading regulations were driven by two main factors. First, the way enforcement officers made sense of the ODA was shaped by the training they were given when seconded to the organisation. Second, ODA managers feared damaging what they called Brand UK, which could occur through instances of heavy handed enforcement
drawing the public and media spotlight away from the sporting events onto the regulators’ activities and engagements with local small businesses.

5.4.1 Training of enforcement staff at London 2012

The training of staff was an important moment for the ODA. It gave Interviewee #1 and Interviewee #4 the opportunity to convey ODA’s priorities to seconded agents who would be enforcing the regulations on the ground during the event. Additionally, the training period, spread over four full day sessions and a number of test events, allowed the seconded Trading Standards officers to see the similarities between the ODA and Trading Standards (in terms of the ‘proportionate and representative’ identity) reflected in the activities and priorities of the ODA. The effect was a re-confirmation, as used by Kjærgaard, et al. (2011), of Trading Standards’ organisational identity for those officers now operating in the Olympic context. Furthermore, the training provided had a two-fold impact. On the one hand, the training sessions aided seconded enforcement officers to construct their understanding of the ODA (sensemaking). On the other hand, the test events helped demonstrate the ‘proportionate and representative’ identity at the ODA to external stakeholders operating in the regulatory constellation (sensegiving).

5.4.1.2 Sensemaking whilst sensegiving – training of ODA enforcement officers and test events

The ODA had no history prior to 2008: it was created for the purpose of the Games and disbanded shortly after. Thus upon joining the ODA seconded enforcement officers had a condition of identity ambiguity (Corley and Giora, 2004) whereby they had not yet constructed their understanding of the ODA, nor had they yet made sense of the ODA’s organisational identity. Interviewee #4 elaborates on the notion of the training events being an opportunity to convey the priorities of the ODA to seconded enforcement officers.
The point of the training and test event was for: one, enforcement officers to know what the regulations were; and two, to ensure that they would approach them in a reasonable way. So the learning and the training, and the materials that we gave them, we tried to arm them up as much as possible to say, “Keep this proportionate – it’s information more than anything.” (Interviewee #4)

Interviewee #4’s comments about the training events being about “ensuring officers apply the regulations in a reasonable way” showed her communicating a message that corresponded with the seconded agents’ daily experiences at Trading Standards. Therefore, management and enforcement officers in the ODA were quickly able to establish shared meaning about the ODA (Fiol, 2002). Because of the similarities between Trading Standards and the ODA, indicative of the shared organisational identity, secondees did not have to re-construct their understandings of everyday experiences for the ODA. Interviewee #15 (ODA Silver Command), who attended the training sessions, reflected on the correlation between the working practices at the two organisations:

There was little difference [between the ODA and Trading Standards]. It was all about trying to maintain a level playing field and we fall back on the legislation only as a last resort. You always get some rogue traders that are trying to rip people off and they won’t listen to what people are saying and we do prosecute them from time to time and that is the right thing to do. But we always […] work with businesses to see compliance before we are seen to be heavy handed. (Interviewee #15)

Following the training events, scenarios-based test events were held, observed by civil servants from DCMS. In these scenarios ODA enforcement officers demonstrated the approach they would take in various situations where businesses disregarded or infringed the Olympic advertising and trading regulations. These test events gave more clarity to Olympic organisers (e.g. ODA management and LOCOG) as well as DCMS policy makers as to how enforcement officers would engage with businesses before and during the Games. For example, Interviewee #1 remarked on the responses of DCMS civil servants assessing a test event:
I distinctly remember that when we did the very first tester, the Civil Servants involved were absolutely blown away by the approach. It wasn’t a case of, you know, “Clear off, not allowed to do that, grab your stuff.” It was, “Did you know that these regulations are in place?” It was about just talking to people and explaining. And I mean that’s what we do; you know, we can talk to people, we’re not robots.

Therefore, while the training of newly seconded enforcement officers helped them to make sense of the ODA as a similar entity to Trading Standards, the test events also helped give sense (Kjærgaard, et al., 2011) to external stakeholders by articulating the fundamental elements of the ODA’s version of the ‘proportionate and representative’ organisational identity which favoured the “promotion of compliance through information, advice and cooperation” (Interviewee #4). The ODA’s organisational identity is intertwined with the organisation’s overall priorities for the enforcement of regulation during the duration of the Games. The priorities were identified by Interviewee #4 as, “authorising trading, licences, managing the enforcement of the Games, and to come away without any sort of real negative press”. The focus on the headlines was indicative of what Interviewee #1 described as “the huge fear” that enforcement officers could be seen by the media (news and social) as being heavy handed on local businesses. This fear resulted in discretionary enforcement practices (i.e. a focus on education and communication with businesses), discussed in further detail in the next section.

5.4.2 Discretionary enforcement practices at London 2012

The ODA engaged businesses, particularly local small ones, using discretionary enforcement practices because of the concern that heavy-handed enforcement of regulations onto small businesses could be seen as favouring big businesses at the expense of small ones. The risk of being portrayed in the media in such a way, effectively as agents of the big corporations

---

37 External stakeholders are bodies that operate in the regulatory constellations (e.g. policy makers, trade associations and other Olympic bodies).
to the detriment of smaller businesses, was at the forefront of ODA management’s minds. They perceived their work as supplementary to the operations of the Games, and wanted to ensure that their services were outside of the media spotlight so as not to take away from the impact of the Olympics as a sporting event. Interviewee #1 explained their perspective as follows:

It was very, very important that reputationally we got this right. There was a huge, huge fear in government that we were going to have people out there ripping stuff down, bullying small traders and being aggressive... that would have detracted from actually what was a sporting event. So it was massive, and massive for the ODA that this did not happen, because [the UK did] such a wonderful job in building a most beautiful park, and at Games time basically my team could have ruined all that good work. (Interviewee #1)

In addition to the concern for the esteem of the Olympics as a whole, in the course of interviewing the respondents, it transpired that there was a more specific concern for the reputation of the organisation the individual respondents represented. Considering the connection between the ODA and Trading Standards (due to ODA staff’s background), Interviewee #1 made a link between the enforcement practices employed by ODA during the Olympics and the resulting effect any publicity (positive or negative) could have had on Trading Standards’ reputation (Interviewee #1). Management and enforcement officers were particularly keen to avoid corroborating the burden on business rhetoric (section 2.4 of literature review) associated with the impact that regulators, Trading Standards included, had on businesses, especially small ones. Such acute awareness among some of the respondents was reflected in Interviewee #15’s acknowledgement that “people perceive regulators as a burden on business.” Interviewee #1 expanded as follows:

My background is in Trading Standards. I know all about burdens on business, I know all about the kind of, you know, the horrible local authority, bureaucracy - and all that nonsense.
Interviewee #1’s viewpoint was mirrored by other respondents from Trading Standards, who conveyed their assumption that the organisation was (and still is) seen by its wider stakeholders (policy makers, news media, and trade associations) as a policing regulator whose activities included “regularly visiting businesses, kicking down doors and confiscating goods” (Interviewee #6). While Trading Standards’ approach to business engagement in the late 90’s – early 2000’s was not so extreme, the rhetoric that their, and other regulators’, activities were burdensome on businesses was widespread in the right wing media (e.g. Daily Mail 2000a; 2000b; 2001). In light of the prevalent negative discourse, and possibly incentivised by the significant financial cuts seen since 2008 (40% cuts in incoming resources causing staff numbers to halve [CTSI, 2015]), Trading Standards went through a major process of reconceptualising its organisational identity, denoted by Interviewee #6 as a ‘philosophical shift’. In order to convince policy makers of the value (economic or otherwise) of the trading standards industry, the regulator re-focused on adopting and projecting a new organisational identity, or as Interviewee #1 and Interviewee #6 separately put it, of being ‘proportionate and representative’. As a result, the risk of corroborating the burden on business rhetoric at the Games was seen as having the potential to damage those efforts, and also to lead to further cuts in the trading standards industry post Games by fueling the Government’s deregulation agenda. Or as Interviewee #6 put it, “the government, with their cutting red-tape initiatives, thought the best way of cutting red-tape was to cut our budgets.”

Thus, in terms of understanding the organisational behaviour of the ODA, driving delivery of advertising and trading regulations at London 2012, the ODA’s enforcement of Olympic regulation was determined by, on the one hand, them having to demonstrate their ability to protect the event from ambush marketing to external stakeholders. On the other hand, they were fearful of corroborating the burden on business rhetoric, which would not only damage
Brand UK, but further harm the reputation of the trading standards industry – already operating within an embattled reality. Thus, the everyday concerns of ODA staff, articulated by multiple respondents in this study, were augmented by the media spotlight on the games and political pressures. Furthermore these concerns, occurring at the empirical level of Bhaskar’s (1979) social world, seemed to transcend the two contexts – the everyday and the Olympic. This led to London 2012 having a context that was not completely separate and independent to the everyday, but rather fuelled by it, which was reflected in the interactions between the ODA and local small firms during London 2012.

5.4.3 Enforcement in practice

Driven by the multiple concerns around damaging Brand UK and Trading Standards’ reputation, the ODA resorted to utilising discretionary enforcement practices in line with the approach demonstrated to policy makers (i.e. DCMS) during the test events. Discretionary practices included enforcement officers saying to infringing small firms and street traders (under instructions from Gold/Silver command): “I’m going for a walk and when I get back in 10 minutes this stuff needs to be out of here” (Interviewee #4). In practice, the majority of infringements that officers dealt with on the ground were mainly relatively minor and did not warrant a heavy-handed approach. As Interviewee #15 explained:

A lot of the offences were for stupid stuff like builders’ vans being parked so that they would be on the TV, basically to advertise their building company. We just told them to move along and they did.

An example of the extent to which the ODA used discretionary (informal) enforcement practices came from Interviewee #4. She recounted one of her “biggest challenges” involving the owner of a local restaurant on the West Ham end of the Olympic Park who put up infringing posters advertising his restaurant. Interviewee #4 explained that “when enforcement officers went to take the posters down, someone was filming as a way to get
publicity and show these big enforcement officers tearing it all down and restricting local business”. Instead of allowing enforcement officers to be seen ripping down the posters, Gold command instructed the enforcement staff to leave the posters and ultimately walk away – therefore tolerating a small ambush of the Games in exchange for avoiding what they deemed a risk of negative publicity.

This style of enforcement, used by the ODA during the Olympics and ordinarily used by Trading Standards, was indicative of Baldwin, et al.’s (2000) observations of the way UK regulators generally enforce regulation – possessing substantial executive powers but often not using these, and instead opting for discretionary enforcement. Such discretionary (informal) enforcement practices were driven by Interviewee #1 and Interviewee #4 in Gold command. The required approach was then passed on to enforcement officers on the ground (through a mixture of training and instruction), rather than being the product of deviant behaviour at Bronze level. Looking back, Interviewee #4 summarised that there were:

… eight hundred and ninety-six contraventions of those regulations during the two week period of the Olympics and two week period of the Paralympics. That’s a lot of contraventions and I think there were no prosecutions. (Interviewee #4)

5.5 Conclusion

The point here is not that some transgression has been uncovered, but that even in the most rigid of legislative contexts, set in the most powerful of criminal statutes, human agents’ power of discretion and interpretation ultimately determined the ODA’s engagements with small firms at London 2012 (RQ3). ODA staff’s use of both formal (RQ3c) and/or informal (RQ3d) tactics to solve the problem of operationalising the regulatory chain at the Olympics was driven by mechanisms (Fleetwood, 2008) that included both non-Olympic norm circles (“individual human agents who are committed to endorsing and enforcing the norm in their personal relationship with others” [Archer and Eldar-Vass, 2012, p.100]) and
external social structures. The resultant combination determined the interactions between the ODA and local small firms.

The findings of this research are of interest to a variety of stakeholders vested in regulation as it discusses the behaviours and perspective of regulators when inbounding a new regulatory chain, in this case advertising and trading regulations for the London 2012 Olympic Games. For example, the balance between formal and discretionary practices is important for policy-makers when setting new regulations. Even though the formal structures set for the Olympics (e.g. LOPGA) were stringent and omnipotent, in practice the implementation of the regulations did not lead to a single prosecution, testament of the power of the informal, on-the-day tactics used by the ODA. Additionally, small firms and trade associations may be able to see regulators not as lifeless institutions, but as a collection of individuals driven by the need for self-accentuation and the sense they make of their own organisations. Such an approach could improve the relationship between regulators and small firms and lead to better collaboration, while reducing the infamous burden on business, both in practice and in the prevalent discourse.
Discussion Chapter Preface

The generative mechanism of balance

Before moving onto a discussion of the contributions to knowledge that this thesis makes, it is important to first understand the key explanatory factors at play: the means through which causal powers (e.g. the LOPGA) were exercised in the empirical level leading to observable events at the actual level of Bhaskar’s (1979) social world. The findings of this research point to the dualism between formality and informality as providing such explanation.

Regulatory outcomes at London 2012 are theorised in this research as being the result of the way ODA managers’ interpret, or reinterpret, the formal regulations in the light of the discussions within the regulatory constellation and/or in negotiation with small firms. The resultant interactions (either within the regulatory constellation or with small firms) are both formal and informal in nature. For example, the outcome of ODA managers’ need to be seen as protecting the Games from ambush marketing, as instructed by the LOPGA, led to the introduction of Gold-Silver-Bronze command which formalised the recording of infringements (see section 5.3). Simultaneously, managers’ concerns (linked to their experience at Trading Standards) about corroborating the burden on business rhetoric meant that in reality Gold command often facilitated discretionary, informal enforcement tactics (see section 5.4). As a result, ODA’s management and officers on the ground had a number of tactics at their disposal that they could use in accordance with the outcome of their subjective and objective experiences. I found that a mixture of formal (i.e. LOPGA, written regulations, command structure) and informal (i.e. discretionary practices) tactics were used to achieve the priorities that the ODA had set for itself prior to the beginning of the Games (section 3.4.7). The use of both formal and informal tactics helped shape the interactions of the ODA with small businesses. The outcome at the end of the Games was 896 recorded
infringements at London 2012 with no prosecutions (Interviewee #4, ODA) which ODA management recognised as congruent with their objectives (Interviewee #4, ODA).

Thus, the balanced use of formal and informal tactics, either when interacting with other members of the Olympic regulatory constellation or with small firms, is the generative mechanism\textsuperscript{38} underpinning the contributions made by this research. Balance relates to the synchronisation of formal and informal tactics (referring to Misztel, 2000) used by the ODA that shaped interactions within the regulatory constellation (RQ1 and RQ2) and engagements with local small firms (RQ3). The recognition of the generative mechanism of balance helps provide a deep explanation of the regulator-small firm relationship at London 2012, showing it as more complex than what is recognised in earlier research (e.g. James and Osborn 2011a; 2011b; Gauthier, 2014). For example, such prior studies that framed the new regulations as burdensome or draconian (section 2.6) were based on discussions that were either exclusively focussed on the formal (e.g. The LOPGA, The Olympic Charter, the HCC) or were purely theoretical (e.g. Gauthier, 2014).

By recognising the formality-informality dynamic, the findings of this thesis can be argued as being broadly consistent with Ram, et al.’s (2001) notion of the regulatory shock, whereby the jolt of new regulatory requirements spurred business owners to formalise the way they recorded staff pay and working hours, which was similar to what was seen in this study of regulators’ behaviours. For example, ODA managers were shocked into formalising the recording of infringements (see section 5.3). Such formalisation of regulatory practice was catalysed by the prescribed legal architecture of the Games (e.g. the LOPGA and HCC), the

\textsuperscript{38} Generative mechanisms define the way or ways in which causal powers are exercised that lead to an event detectable to a human observer (Blundel, 2007).
intense media spotlight on London 2012’s organisers, and (to some extent) the performative
achievement of their non-Olympic organisational goals (e.g. section 5.3.1)

Another study that has strong links to this thesis is Rommel (2009) who called for research
of a regulatory constellation that highlights the informal interactions between bodies in a
constellation, rather than the formal ones. In analysing the interactions between Olympic
regulatory bodies (RQ1) and in discussing the formal and informal mechanisms used by
regulators for the implementation of the relevant regulations (RQ2), this research explicitly
responds to Rommel’s (2009) call to discover the ‘informal’. In addressing this, we can now
see that informal practices drove the operationalisation of the regulatory chain during the
Olympics alongside formal structures, and therefore were instrumental in interactions
amongst regulators, and in subsequent engagements with businesses.

At the same time, Rommel (2009) implies the discovery of the informal supresses/nullifies
what is recorded formally, and so prescribed the pursuit of the actual above the formal. In
other words, discussions that solely respond to Rommel’s calls would only tell us ‘what’
happened (e.g. what discretionary practices occurred) rather than answering questions of
‘how’ and ‘why’ such phenomena arose. To answer these more complex questions this study
recognises that formality and informality are two interdependent tactics that shaped
regulatory outcomes during the Games. The extent either/both tactics were employed
depended on agents’ commitment to endorsing and enforcing their pre-existing (non-
Olympic [everyday]) social norms, which in turn manifested into observable decisions and
actions from managers and enforcement officers in the strata of reality that Bhaskar (1979)
calls the actual (i.e. engagements between ODA enforcement officers and local small
businesses).
Chapter 6 – Discussion

6.1 Introduction

This thesis has sought to address the following research aim: to investigate the regulators’ perspective of engagements with small firms when operationalising a new regulatory chain (i.e. rule-making, licencing, monitoring, and enforcement) as seen in the case of the London 2012 Olympic Games. The empirical analysis in chapters four and five explored the way that legislation (e.g. the LOPGA) was shaped into enforceable regulations, as well as the interactions between the bodies of the Olympic regulatory constellation and local small firms. Interestingly, the findings of this research highlighted that the interactions amongst the different institutional bodies and between regulators and small firms were a mixture of both formal and informal interactions, intertwined to achieve regulators management’s objectives, which in turn were influenced by both individuals’ concerns and the wider expectations of the IOC and central government. So despite the formal omnipotence of the Olympic advertising and trading regulations, it was the human factor that played the key role in operationalising the new regulations.

6.1.2 Statement of my contribution to knowledge

At first glance the social world of London 2012 seems to be separate and independent of the everyday [non-Olympic] context, with Olympic laws temporally and spatially overlapping non-Olympic ones. However, this research demonstrates that the context of the Games was not completely separate and/or independent from the everyday. Rather, ODA staff (who mostly seconded, or had a background working for Trading Standards) based their decisions and actions on an amalgamation of their everyday [non-Olympic] experiences, as well as the influence of both Olympic and non-Olympic social structures (in the real level). Such decisions determined the ODA’s interactions within the Olympic regulatory constellation
(RQ1 and RQ2) and ODA staff’s subsequent engagements with local businesses at Games Time (RQ3).

This new insight shows that the interactions, decision making and actions of the human agents responsible for implementing and enforcing the Olympic advertising and trading regulations at London 2012 emerged in two distinctive ways. Firstly, by passing through the strata (the empirical, real, and actual) of their indigenous social world (London 2012). Secondly, between what at first glance appear to be distinctive social worlds: the everyday (non-Olympic) and the Olympic. In other words what motivated and concerned ODA staff in their normal everyday roles passed with them as they came to work at London 2012, sometimes even superseding the requirements of the formal legislation and regulations that were supposed to govern their interactions both in the Olympic regulatory constellation and with businesses.

This new insight into the way that ODA staffs’ behaviours emerged from two different social worlds is unique in CR research. In CR research, emergence epitomises the unpredictability of agents’ responses to social structures. In other words, social structures that exist within Bhaskar’s (1979) social world can cross between strata and combine with other social structures, or (most likely) agents’ interpretations, to create new social structures or events (Jennings and Mole, 2011; Mole, 2011). However, traditionally this process occurs within the strata of a single social world.

My findings also show that the constant reproducing and transformation of social structures were not confined to a single social world. London 2012 was a one-off mega event that overlapped the everyday (non-Olympic) context. However, the priorities of Trading Standards crossed into the Olympic social world within the minds of ODA staff (most of whom were directly seconded, or had previously worked for Trading Standards) who shared
a collective sense of identity as Trading Standards staff that they often endorsed and enforced in the social world of London 2012.

The chapter explores the implications of this theoretical contribution. First, I discuss the effect of the overlapping social worlds on the interactions the ODA had within the Olympic regulatory constellation when implementing the new advertising and trading regulations (RQ1 and RQ2). Second, the implications of my theoretical contribution to the ODA’s regulatory relationship with small firms at Games Time is considered. Third, the practical implications and relevance of this study are discussed. Finally, the chapter finished with a discussion of this research’s limitations and opportunities for future research.

6.2 Theoretical contribution

6.2.1 Contributions related to the regulatory constellation

This research, which has investigated interactions between the human agents employed by organisations operating within a regulatory constellation, and engagements between the ODA and local small firms, shows that the written (formal) prescriptions of Olympic advertising and trading legislation and regulation were subject to interpretation by regulatory staff. Such interpretations manifested themselves in different ways throughout the process of implementing, and later enforcing the new regulations, and in different parts of the regulatory constellation. That regulators interpret legislation is not a new observation (see Baldwin, et al., 2000) but it should be noted that existing research on regulation as burden to business fails to recognise the fluidity and mutability of regulation in practice. In my findings, I have seen regulation as being dynamic and flexible in response to organisations’ external environment, and in line with regulatory staff’s conception of social norms.

For instance when studying the wider Olympic regulatory constellation, some obvious deviations from formalisation were noted in the interactions between the Cabinet Secretariat
and LAORT. As the government faced high uncertainty in anticipation of the Olympics, it requested a formal sign-off of local authorities’ Games Readiness. However, LAORT’s employees, in their role as mediators between local authorities and the government, pushed back against the increasing formalisation and the proliferation of bureaucracy by entering into informal trust agreements with local authorities. LAORT’s manager, Interviewee #2, gave his own view that readiness can never be formally assured, a view set against the influence of the Games Readiness process (a social structure). The outcome was that while Interviewee #2’s team signed off the readiness of local authorities, this was based on verbal assurances between himself and councils leaders; thus LAORT vouched for the local authorities’ readiness.

Such an outcome shows the process of Elder-Vass’s (2012) ‘norm circles’ occurring at the empirical level of Bhaskar’s (1979) social world driving decision-making that led to outcomes visible in the actual level (the event of London 2012). Furthermore, section 4.2.1 of the findings showed how the proliferation of bureaucracy, indicative of increased formalisation (here being Games Readiness), was resisted by human agents who desired flexibility and saw trust relationships as part of the unwritten rules of doing business together (indicative of their social norms in the everyday, i.e. Non-Olympic social world).

Less obvious interplays were found in the interactions between the ODA and local authorities when implementing the new advertising and trading regulations (RQ2). Here the generative mechanism of balance between formality and informality was indicative of what Misztel (2000, p.5) described as the way people “mediate between the particularism of personalised relations and the impersonality of formal structures”. Section 4.4 of the findings highlighted such subtle interplays as ODA managers, striving to find certainty in a social system characterised by unpredictability, relied on developing closer links with local authority staff to draw on their tacit understandings of the local areas. Additionally,
Interviewee #1 and Interviewee #4 used more personable (informal) interactions to navigate resistance and antipathy to the Games from local authority leaders who were worried that they would have to contribute to the cost of organising the Olympics from their own, everyday budgets.

As a result, the balance of interactions between the ODA and local authorities shifted towards the informal, characterised by micro-level, face-to-face engagements. Such interactions were similar to those discussed by Mckenney, et al. (1992) who noted that co-present communication reduces the risk of uncooperative behaviour (e.g. as seen in the JLARS) and helps build understanding that mitigates uncertainty. While micro-engagements, such as those between the ODA and local authorities, do not demonstrate the full spectrum of informality at the implementation stage of the regulations, they present an intriguing insight into the unseen complexities of implementing new legislation as enforceable regulation. The implication of using informal interactions with local authorities for the ODA was building a better working relationship and bringing councils that were initially sceptical about the impact of the Games, not least the anticipated financial strain, on board. Perhaps, as a result of understanding the positive impact informal relations had in this specific case, face-to-face informal engagements between regulators and other institutional bodies are to be encouraged on a wider basis, and in different contexts. While this sounds intuitive, informal collaboration is not readily encouraged, as evident from the initial approach towards preparation for Games Readiness which was contrastingly formal and did not rely on human interaction as much.

6.2.2 Contribution – regulators’ interaction with small firms

ODA staff’s perspective of, and behaviours towards, businesses was shaped by a number of factors. These included the sense they made of Trading Standards, their original employer, and its embattled reality (section 5.4.2); the sense they wanted to give of a ‘proportionate
and representative’ approach to Olympic regulatory enforcement; the need to preserve Brand UK (section 5.3.1); and their own desire to contribute positively to the smooth running of the Games, viewed as the pinnacle of their careers by a number of respondents. All of these factors, largely characteristic of the everyday world of regulatory enforcement for these employees, affected the operationalisation of the advertising and trade regulations in the world of the Olympics. Furthermore, the nature of the factors at play for individual regulators and for the collective ODA meant an increase in discretionary practices, and a focus on collaboration and education of businesses as a preventative measure, rather than solely prosecution.

Therefore, at Games Time, the ODA’s business engagements, while driven by the formal structure of the written regulations, were also shaped by a combination of negotiation and a broad interpretation of the written regulations. The balance between such formal and informal interactions was the result of the ODA seeking to fulfil the priorities of both central government and the IOC, while simultaneously trying to avoid confrontational engagements with local businesses. Thus, the regulator-small firm relationship at London 2012 was characterised by Interviewee #1 and Interviewee #4’s attempts to establish an audit trail of the ODA doing everything it could to avoid ambush marketing, while simultaneously engaging in discretionary enforcement practices. In other words, they set up structures (e.g. Gold-Silver-Bronze command), while actively trying to avoid accusations of heavy-handed treatment of businesses in the media that was seen to corroborate the burden on business rhetoric.

More generally, expanding our understanding of the regulators’ behaviour and perspective is important as regulatory behaviours determine the nature of engagements with small firms, shaping the impact of regulation on small firm performance. As this thesis focussed on the way regulatory staff adapted their practices when implementing and enforcing a new regulatory chain, it complements other research that investigates the direct and indirect ways
that new regulatory requirements affect small firm performance. For example, this research shows that the actions of regulators do not necessarily correspond to the new written rule-of-law, and that regulatory managers’ wider concerns - such as not wanting to corroborate the burden on business rhetoric for fear of having their organisation’s budgets cut - impact engagements with businesses.

Here, similar to other qualitative studies of the regulator-small firm relationship, human agency has been found to be a key determinant of regulatory outcomes. For example, the findings of this research showed that the organisers’ (e.g. the Cabinet Secretariat’s) relative lack of experience in hosting mega-events in the UK, and their awareness of previously failed Olympic Games (e.g. Atlanta 1996), gave rise to observable formalisations of interaction in the Olympic regulatory constellation (e.g. Games Readiness, see section 4.2.1). Conversely, the concerns of ODA managers and enforcement staff about “damaging brand UK” (Interviewee #1, Interviewee #4) underlined instances of informal engagements between enforcement officers and local small businesses during the Games, some of which led to outright deviation from the written regulations (e.g. walking away from an infringing business, see section 5.4.3).

**Emergence across social worlds (from the everyday / non-Olympic to the Olympic)**

The findings of this research support the argument that organisational identity was a key driver for emergence across social worlds from the everyday to the Olympic. Most ODA staff identified with, and had a vested interest in, Trading Standards. That meant their everyday concerns and the factors that influenced them (e.g. budgetary cuts to the trading standards industry) transcended this specific context (augmented by the media spotlight and political pressures around the Games) when staff seconded/came to work in the Olympic context.
At London 2012, Interviewee #1 and Interviewee #4 wanted to portray the ODA as a regulator that had a closer working relationship with business, emphasising on education over (but not instead of) stringent enforcement. A manifestation of the ‘proportionate and representative’ identity that Trading Standards were keen to exhibit around that time could be seen in the ODA’s engagements with businesses when handing out leaflets (section 5.3.1). The information was presented simply and spelled out what was, and was not, an infringement. The ODA also engaged in informal interactions when they felt necessary: for example, with street traders when trying to disseminate knowledge of the Olympic Street Trading Licence (section 5.2.3).

The ‘proportionate and representative’ organisational identity was a key part of the Trading Standards’ philosophical shift (section 5.4.1), simultaneously occurring in the run up to the Games. The principle driver behind the change at Trading Standards was the view that its external stakeholders (e.g. policy makers, trade associations, and the news media) saw Trading Standards as a policing regulator, epitomising the burden on business rhetoric. Because the ODA was made up from current and former staff of Trading Standards, London 2012 became a stage for demonstrating the ‘proportionate and representative’ identity to those external stakeholders. ODA managers also feared that if enforcement officers were seen in the news media as heavy handed on local small firms, this had the potential to damage the reputation of Trading Standards. Furthermore, reinforcing the burden on business rhetoric was likely to further fuel the idea of over-regulation. Thus it could fit with the then-Conservative government’s deregulatory agenda and so posed a threat of further budget cuts.

The philosophical shift was not only in response to the risk of financial cuts though. There was a retaliation to the burden on business rhetoric at the human level, as ODA staff felt a need to resist the negative news media coverage surrounding Olympic advertising and trading regulations. Stories in the news media in the run up to the Games solidified the
pervasive and powerful image of Trading Standards (in its role as an everyday regulator) or the ODA (as an Olympic regulator) as the enemy of the small firm. As suggested by other studies, news media exercise considerable influence over the way organisations are known and made sense of, not only by their members, but also by their external audiences (Deephouse, 2000; Einwiller, et al, 2010). Such an unfavourable depiction was incongruent with ODA staff’s own identity, beliefs, and aspirations which led them to take steps to counter that representation.

The conflicting views between the way ODA staff made sense of their organisational identity (section 2.5) and the image portrayed by the media prompted the ODA to craft a visual identity in an attempt to align the two. For example, the leaflets circulated by the ODA, which clarified the new-coming regulations by means of simplified drawings and language, offered a visual representation of the ODA’s intent to adopt a supportive approach during the Olympics. Additionally, at the later stage of enforcement of the regulations during the Games, the ODA developed a preference for dealing with infringing businesses using overtly discretionally practices, albeit guided by Gold command (section 5.3). These interactions were purposely handled in a softer way than was prescribed by the LOPGA: for instance, telling firms to “move along” (Interviewee #15, ODA), rather than imposing the full power of the regulations immediately, signified ODA’s aspiration to be seen as considerate of small businesses.

The approach adopted by ODA during the Olympics was indicative of Baldwin, et al.’s (2000, p.8) broad description of the way UK regulators “typically enforce regulation in a non-transparent, discretionary manner”. Furthermore, my findings suggest that due to the prevalence of vilification around the proportionality of regulatory engagements with local small firms in the build up to the Olympics, the regulator’s identity crossed over from the everyday (Trading Standards’) into the Olympic (ODA’s) context, which was a prerequisite
of the increased levels of discretionary practices used during the Games. Such an argument, that regulators’ non-Olympic *concerns* affected their Olympic ones, could also be seen in light of Luther Tucker and Son’s famous quote, ‘It’s easy to get the boy out of the country but much more difficult to get the country out of the boy’. In other words, Trading Standards’ staff were temporally and spatially placed in a new unpredictable context, and they were not inclined to drastically alter their behaviour or engage in actions that were incongruent with their beliefs, particularly when under the scrutiny of the hostile media.

Therefore while the role of human agency has been instrumental in the discussion around the divergence between written legislation and actual regulatory enforcement, the findings of my research show the role human agency plays in regulatory engagements with small firms is even more nuanced in a mega-event context (vs in the everyday), due to the combination of two social worlds, being the everyday and the Olympic. Both social worlds were open systems populated by plastic, fallible agents who had their own concerns and subjective understanding of social norms. As the agents (i.e. regulators) crossed over from the everyday to the Olympic context, their identity and beliefs were carried over as well, but were now shaped by the newly encountered social structures in the new context. Therefore, the forces of *transcendence* and *emergence* together with the agents’ norm circles have all played a role in shaping the intricate outcome which dictated regulators’ engagements with small firms at London 2012.

Given the complexity of the everyday and the Olympic open systems, my findings are not generalisable but have rather uncovered tendencies (section 3.3.5) that can be applied beyond the case of London 2012. New regulatory chains that protect intellectual property and official sponsors’ interests are common in modern mega events (e.g. the Olympic Games and the FIFA World Cups). As such, I expect that any regulator facing the context of a mega
event would be in a similar position of transcending the social world of the everyday to that of the mega event and therefore would undergo an emergent transformation.

At the same time, because the context of the everyday is unique to each country, the convergence of the everyday and the mega event social worlds is expected to play out differently at each mega event. Considering Olympic Games before and after London 2012, we can begin to see diverse outcomes of the convergence of the everyday and Olympic strata. For example, at Beijing 2008 the enforcement of advertising and trading regulations was much more inflexible than at London 2012. The everyday context was characterised by Chinese firms’ antipathy for copyright, with pervasive allegations of counterfeiting of Western products and brands. As a result, local regulators were driven by the intention to achieve a legal legacy and demonstrate that China could protect intellectual property, which led to the much more zealous enforcement of the advertising and trading regulation at Beijing 2008 (DCMS, 2011b). Conversely, at Rio 2016 Duignan and McGilivray (writing in *The Conversation*, 2016), who observed street trading activities during the event, discussed the ‘free reign’ given to street trading firms in and around the Olympic event zones. As street traders made up a much higher proportion of businesses in Rio than London, supressing them could have been seen as unenforceable.

Taken as a whole the findings of this research demonstrate the nuances in the regulator-small firm relationship at London 2012, characterised by the complex interactions between human agents that had certain concerns, and were influenced by new social structures, that emerged from the social worlds of both London 2012 and the everyday. Next I discuss the practical relevance of the findings of this research as well as who - and what organisations - would be interested.
6.3 Contribution to mega event literature

The notion of *transcendence* (between social worlds) further highlights the complexity of the delivery of the new Olympic advertising and trading regulatory chain; much more so than is suggested by prior research. The identification of additional layers of complexity is useful for a number of reasons. Firstly, this research suggests that organisers of future mega events should consider the everyday priorities of organising staff when assessing the potential impacts of new mega event regulation on local businesses and communities, as I have seen that regulatory employees’ commitment to everyday (non-Olympic) social norms significantly affected their behaviour and the relationship with small firms. Secondly, beyond the Olympics, parties interested in regulation (e.g. policy makers, trade associations, small firm owners, and academics) can draw on the insights into regulatory behaviour and perspective, especially around the operationalisation of a new regulatory chain, a labour intensive and unpredictable process. Specifically for regulatory policy makers and managers, the findings of this research could inform the development of Parliamentary discussion around everyday and/or newly introduced regulation – something that the CTSI has expressed an interest in regarding this thesis and the future research that comes from it.

Overall because of the focus on regulatory behaviours, this study reveals complexities in the regulator-small firm relationship that go far beyond the findings of previous research of the London 2012 regulatory context. Such studies concluded that the Olympics operate under a veil of securitisation and that the interests of the IOC and its sponsors are prioritised over and above those of the indigenous businesses. My research tells a more intricate story. For instance, in contrast to Raco and Tunney’s (2010) earlier criticism against London 2012 organisers’ treatment of small businesses, ODA managers didn’t see local small firms as “blank slates” that had too little social and economic value to warrant protection. Rather, the impact of the new advertising and trading regulations on local small firms featured
prominently in the thoughts of both Interviewee #1 and Interviewee #4 at the ODA. Understandably, such concern for small businesses may not have been purely driven by altruistic sentiments, as the factors behind the regulators’ behaviour and perspective of small firms were complex and included, amongst others, the need for accentuating the individuals’ own and collective achievement. Nevertheless, the resultant impact on the relationship with small firms was that of adaptability of the communication with different types of businesses, a focus on education prior the event and discretion on the day to ensure that small firms were not disproportionately negatively affected by the incoming regulations.

While research on Olympic advertising and trading regulation needs to move on from being solely focussed on its consideration of formal entities (e.g. the written legislation) as reliable indicators of regulatory outcomes, I am not suggesting that pre-event studies of the Olympic advertising and trading regulations are stripped of all merit. For example, James and Osborn (2011a; 2011b; 2012) expertly broke down the convoluted wording of the HCC, Olympic Charter, and the LOPGA into understandable language while still giving a detailed analysis of the possible implications of the new legislation; probably why so many other studies fall back onto this body of work to base discussions of the regulator-small firm relationship (e.g. Gauthier, 2014, and Piątkowska, et al., 2015). Additionally, works that connect the Olympic advertising and trading regulations to wider social theory provide an excellent wider narrative of the political and social impacts of the Games; an example being Marrero-Guillamón’s (2012) connection of London 2012 to Agamben’s (2005) “state of exception”. All of these studies have provided me with a solid understanding of the context of operation of the regulators that I was interested in. Being able to appreciate the legislative, political, financial and ethical pressures faced by the regulators, both collectively and individually, has allowed me to rationalise the behaviour and decisions made during the operationalisation of the new Olympic regulations.
At the same time, post-Olympic studies that rely on the prescriptions of pre-event studies are of little value to my research interests due to their use of secondary statistics only and/or lack of empirical data. For example, Gauthier (2014) concluded that the 896 contraventions of the Olympic advertising and trading regulation were bad for business but provided very little further elaboration. No comparison was made with other Olympics or with a similar period outside the context of the Games. Furthermore, no discussion was offered of what caused the contraventions, or indeed how they were dealt with, before making an assumption of the impact on business. The findings of my research show that the high number of contraventions was indicative of the formalisation in recording infringements (as a consequence of the introduction of the Gold-Silver-Bronze command). However, no follow-up prosecutions occurred due to the underlying informal practice of discretionary enforcement. Therefore, these balanced formal and informal interactions with businesses were much more complex than the ‘bad for business’ label suggests. Even despite the possible element of bias in the interviewed regulators’ responses, who naturally may have been inclined to show the positive side of their business engagement activities, my retroductive study shows how the new Olympic advertising and trading regulations both enabled and constrained businesses at London 2012. For example, while the Olympic Street Trading Licence restricted many street traders from trading in the event zones (as per the aim of the licence), it also created market opportunities and exclusivity for the ones who were granted a licence. Kitching, et al. (2015) similarly conveyed that regulation can benefit compliant businesses whilst penalising noncompliant competitors.

Furthermore, in neglecting human agency, previous studies effectively considered staff within the ODA as unthinking machines, oblivious to reason, and fully confined within the prescriptions of social structures. In reality, the findings of this research point out that Olympic regulators (managers and enforcement officers) were human agents: fallible, with
concerns for their physical well-being, performative achievement, and collective ‘norms’ (formed by their experience working for Trading Standards). As such the way they understood and acted on the formal legislation and instruction from the IOC and central government (e.g. DCMS) was much more complex than prior research suggests.

However, it seems that despite their limitations, prior studies of Olympic advertising and trading regulations have so far shaped the general consensus of the burden on business rhetoric. Subsequently in probing the regulators’ behaviour and perspective, this research has revealed a more nuanced picture, indicative of the more balanced way the ODA interacted with businesses, as well as the previously unrecognised complexities of unpacking formal legislation into enforceable regulations. The data collected in my thesis supports the notion that the regulator-small firm relationship is much more intricate than what is immediately observable at the actual level – where studies that exclusively focus on the formal sit.

6.4 Practical relevance of my findings

The findings of this research suggest that the regulator-small firm relationship at London 2012 was the result of complex interactions between human agents who were influenced by social structures which emerged from the two social worlds of London 2012 and the everyday. Taken as a whole, the findings of this research would be relevant, not only to the regulators themselves, but also to a variety of stakeholders with an interest in regulation (e.g. policy makers, small firms, trade associations, and academics). For example, the notion that regulatory managers and officers’ perceptions of their own, and their organisations’, identity can manifest into factors that considerably affect the regulatory relationship with business would have significance for the various bodies in the regulatory constellation (from small firms to policy-makers).
6.4.1 Practical relevance to Trading Standards and the CTSI

The focus on regulatory behaviours of staff in the ODA has already made this research particularly interesting to the Chartered Trading Standards Institute (CTSI) policy making team. CTSI’s attraction to this research is its depiction of mostly Trading Standards staff engaging with small firms (albeit while working under the umbrella of the ODA at London 2012); an under-researched phenomenon.

The findings of this research could help CTSI better understand its staff’s behaviour and viewpoint which could inform in-house decision making. Institutional bodies like Trading Standards often conduct internal research activities of their performance and staff’s perspective of the organisation. The findings of this research, specifically those that highlight the impact self and organisational identity has on the actions and decision making of regulatory staff, could be used to enrich such internal studies (i.e. annual workforce surveys39). For example, a better understanding of managers and enforcement officers’ behaviour and perceptions of businesses could allow CTSI to ask more targeted questions in their surveys and/or provide context in their interpretation of the results. Having a glimpse of staff’s response to change in a harsh external environment could also aid CTSI in their human capital, resource management or even strategic internal conversations. For example, if the focus on education of businesses and use of discretionary methods were to be increasingly replicated in future operationalisation of new regulations, Trading Standards would require employees with specific talent and high commitment at the strategic level.

Furthermore, the findings of this thesis could provide insights into the trading standards industry: an industry that has endured significant turmoil recently and, being at the forefront of policy makers’ minds, is due to see more change. Trading Standards have seen substantial

budget cuts and staff losses since 2010 justified by the notion that the organisation’s activities are particularly burdensome to businesses (see section 5.4.2). According to Interviewee #6 (Director of Policy at CTSI), the wider stakeholders’ view that Trading Standard’s activities hamper businesses (more so than other institutional bodies) stems from a mismatch between what policy makers and trade association members think Trading Standards activities entail and what the service actually does. Interviewee #6 elaborated further:

“One of the things that we struggle with in terms of Trading Standards is there's very little research available […] meaning that discussions about trading standards policy tend to be based on anecdotes. In a lot of cases that means it's based on historical anecdotes. (Interviewee #6)

As such, capturing regulatory behaviour from Trading Standards employees at London 2012 - where they were arguably expected to create burden for small firms (James and Osborn, 2011a; 2011b) but instead attempted to use a more subtle approach – provides CTSI not only with useful insight around staff’s behaviour, but can also serve to inform the argument around regulators being a burden on business or not. CTSI have already expressed an interest in using the findings of this thesis and future papers to inform their own arguments/research at policy level around the impact trading standards have on businesses. My research illustrates a mixed picture where a trade-off was sought between ensuring compliance and small firm wellbeing. For example, while the Olympic Street Trading Licence introduced a new formal requirement for small firms to abide by, in practice licencing was executed with the specifics of street traders in mind (see section 5.2). Moreover, the street traders who secured the new licence saw their trade safeguarded against opportunist traders who could have flooded the Olympic zones where it not for the Olympic Street Trading Licence. A simple example, the new Olympic licence shows regulators’ profound concern for ensuring compliance while protecting the wellbeing of small firms and the wholesomeness of Brand
UK. The example could inspire CTSI to explore other areas where they already are, or could be, achieving similar results in their relationship with small firms.

Furthermore, and unintentionally, this research thesis draws attention to Trading Standards’ philosophical shift as a ‘proportionate and representative’ regulator that aims to work with businesses. This philosophical shift was spurred by the hope to achieve favourable publicity and negate the adverse opinion of Trading Standards prevalent in the media and amongst policy-makers/budgetary decision-makers. The results of my study seem to resonate with the efforts made by Trading Standards’ employees in their stride to provide a service to small firms that is not burdensome. Therefore, CTSI could hopefully use my thesis to instigate some vital conversations that can preserve and even improve the trading standards industry. It may be beneficial for the CTSI to take the research further by looking into the impact of formal vs informal practices on regulatory compliance, small firm behaviour and costs to the service.

6.4.2 Practical relevance to other stakeholders

The insights of this research could be relevant to policy-makers, and more specifically to the Better Regulation Delivery Office (BRDO), an institutional body which strives to improve the quality and consistency of regulatory engagements with business. The BRDO could be interested in my study’s suggestion that the extent the regulatory relationship with business becomes more (or less) formal depends on the way the regulatory bodies’ staff want it to be perceived by its wider stakeholders (e.g. policy makers and the news media). Furthermore, as was the case with the ODA, undesirable rhetoric in the news media can trigger organisational members (here ODA staff) to actively resist representations in the media which are incongruent with their own identity, beliefs and aspirations (Elsbach and Kramer, 1996). Such resistance (discussed in section 5.4.2) played a part in ODA managers’ decision to pursue informal, discretionary practices and therefore had a fundamental impact on
regulatory enforcement at London 2012. In other words, regulatory agents’ perception of their own self, and organisational identity had a direct impact on businesses, alongside formal written regulation. The BRDO could consider these findings in light of their efforts to streamline current regulation and/or introduce new legislation. Keeping regulatory staff’s individual and organisational identity in mind could allow the BRDO to encourage more informal, face-to-face interactions with businesses as discretionary practices often have the potential to be more effective in achieving compliance as section 4.4 earlier suggests.

Additionally, the informal practices fuelled by regulatory staff’s commitment to their everyday (non-Olympic) norm-circles (Elder-Vass, 2012) are of significance to small firms when determining the resources (financial, technological and human capital) the business needs to commit to achieve regulatory compliance. Explicitly, such significance does not necessarily equate to businesses being (or not being) burdened. In fact, by putting a human face on the regulator, metaphorically speaking, my research shows that small businesses should not necessarily focus on the burden-on-business rhetoric, but would be more effective and efficient if they actively work with regulators to achieve compliance. As evident from regulators’ behaviour and perspective during the Olympics, regulators, and more specifically Trading Standards, are keen on safeguarding the interests of small firms, albeit driven by their self-interest of avoiding negative publicity. As highlighted in other studies (e.g. Dutton and Dukerich, 1991; Kjaergaard, et al, 2011) and reinforced by my own findings, at both individual and organisational level regulatory staff are often practically oriented and have shown keenness to achieve results, using a variety of tactics, which if recognised by small businesses, can enhance the regulatory relationship and aid cooperation from both sides.

Another stakeholder that could be interested in my research is the media. My findings diverge from the prevalent rhetoric widely popular around Games time which revolved around regulation being a strict burden on business and the idea that regulators strived to
further the cause of large sponsors at the expense of incumbent small traders. While managers at ODA affirmed that their primary objective was to counter ambush marketing, they were flexible in their approach to small businesses and used a large degree of discretion (section 5.4). Driven by their concern for protecting Brand UK and their own self and organisational identity, regulatory staff worked hard to neuter the media’s negative attention. These findings add to recent studies which show that regulation’s effect on business is more complex than previously thought and provides a mixture of burden and benefit to businesses (e.g. Kitching, et al., 2015). Though probably a naive thought, some in the media might consider revising their version of the burden-on-business rhetoric in light of the new body of research, which is gaining significance.

In fact, academics might also be interested in my findings as my study, albeit coming with certain limitations (see section 6.5), adds to the broader body of work that highlights the more nuanced implications from regulation on small businesses (e.g. Kitching, et al., 2015; Kitching, 2016; Pollard, et al., 2017; Down, et al., forthcoming). Not only have I seen the importance of recognising the positive outcomes of regulation alongside the negatives, but also it has become evident that studying the informal, discretionary tactics employed by regulatory staff adds to the understanding of the regulators’ behaviour and perspective. As I found the balance between formality and informality was an integral part of the operationalisation of the Olympic trade and advertising regulations, I believe it deserves further academic attention in order to unravel the complexities of the regulatory relationship with small firms in different contexts.

Furthermore, thinking about the context of my research, I wondered if my findings could be transferrable to future Olympics and useful to future hosts of the Games. While I can speculate that the transcendence noted in my findings (whereby regulators underwent the process of emergence from the everyday social world to the Olympic social world) would
be applicable to regulators at future Games, it would be nonsensical to attempt to predict the outcome of such *transcendence* and *emergence*. As seen in section 6.2.2 each host country has its unique everyday which is a key determinant to the outcome of regulation during the actual Games. As a result, other than the obvious recommendation for a strong consideration of the specifics of the everyday social world where local regulators operate, my study unfortunately has little to offer in terms of tendencies that could be useful for future non-UK organisers of the Olympics.

### 6.4.3 Typification of small firms

As well as being useful to various stakeholders, the findings of this research illustrate specific regulatory behaviours towards small firms not apparent in other studies that focussed on the small firm perspective. One such behaviour was the way ODA managers and enforcement officers typified local small firms in terms of their likelihood to be non-compliant, or engage in problematic activities during Games Time, adjusting the regulatory relationship with those deemed to be higher risk businesses.

At London 2012 ODA managers determined that street traders posed a substantial enough risk to the Games to justify the enactment of additional regulatory controls (the Olympic Street Trading licence), targeted specifically at reducing the number of street traders at the event (see section 5.2). Street traders were deemed by ODA managers as higher risk businesses because they were perceived to be more likely to infringe the advertising and trading regulations by potentially selling counterfeit goods and/or setting up their stalls in such a way as to interfere with the flow of people moving from transport hubs (e.g. Tube stations) to the event zones (see section 5.2.1). Such a view was down to street traders’ freedom to ply their trade anywhere across London, making them an unpredictable entity in a social system (London 2012) that was characterised by heightened risk aversion of organisers and central government (see section 4.2).
Having introduced the Olympic Street trading licence, a formalisation tactic (referring to Misztel, 2000) which went beyond the requirements of the HCC (James and Osborn, 2011b), the ODA faced the challenge of communicating those new requirements to street trading firms. It was impossible to find effective formal channels of communication to reach street traders en-mass. Thus, Interviewee #1 and Interviewee #4 had to resort to the “tortuous task” (Interviewee #1) of relying on predominantly informal tactics of interaction with street traders (micro engagements). Such interactions involved the two of them having to personally verbally communicate the regulations to the traders themselves, and asking them to “spread the word about the street trading licence” (Interviewee #1) within their own networks.

ODA management devoted sizeable resources to disseminating information about the Olympic street trading licence due to their fear of being seen as corroborating the burden on business rhetoric; despite subjecting street traders to additional compliance requirements. In the interviews conducted for this research ODA staff were keen to convey that they cared about street traders; “wanting to authorise as many as possible” (Interviewee #1). Furthermore, ODA managers believed that the temporary licence did not purely constrain street traders, rather the new regulatory requirement was seen to benefit those who were able to comply. For example, the overriding view from ODA staff was that the Olympic Street Trading licence protected local small businesses from traders from across the country, attracted by the Games’ increased footfall (see section 5.2). Such insights, albeit from the perspective of ODA managers who likely wanted to depict themselves in a positive way, corresponded to Kitching, et al.’s (2015) discussion of the burden and benefit of regulation who noted that regulation can benefit the performance of compliant firms in relation to their non-compliant competitors.
Overall, the information presented here depicts the balance of interactions in the regulator-street trader relationship as heavily weighted at both extremes of the Misztel’s (2000) formality-informality spectrum. On the one hand, the introduction of the new Olympic street trading licence was representative of an intensive formalisation of regulatory practice. On the other hand, ODA managers had to engage street traders using extremely time consuming, informal micro-interactions with often disgruntled business owners.

The relationship the ODA had with permanent businesses was much less tumultuous. For example, in communicating the Olympic advertising and trading regulations to permanent businesses (e.g. shops, restaurants and bars) the ODA was able to go through large trade associations like the Federation for Small Businesses (FSB) and local ones such as the Greenwich Trade Association. Equally, when engaging with advertisers who may have been inclined to attempt to ambush the Games, Interviewee #4 was able to go through the Advertising Association (see section 5.2.3).

The insights here around the way the ODA typified small firms at London 2012 could be useful to managers in Trading Standards and the Food Standards Agency - whose remit of responsibilities often brings them into contact with street traders (e.g. street food operators). Due to budget cuts and staff shortages, these institutions are less likely to be able to afford lengthy engagements with businesses when operationalising a new regulatory chain which could lead to increased spates of non-compliance from traders and/or forcing these businesses to incur costs in order to interpret and understand the new requirements. For example, paying professional services firms or Trading Standards for advice would arguably further fuel the burden on business rhetoric, particularly given the notion that small businesses are disproportionately affected by regulation.
6.5 Limitations of the study

In this section I reflect on the limitations of this study, based on what could have been done differently. The identification of limiting factors has been used to inform further opportunities to study regulators’ behaviour and perspective of small firms beyond this thesis.

The principle limitation of this work is that the study could have captured more perspectives from the ODA brand protection officers on the ground during London 2012. While such respondents were interviewed, the majority of the respondents for this study occupied senior management and policy making roles (see table 4: full list of respondents). The focus on senior respondents was, on the one hand, due to those staff having a high level oversight of the regulatory chain of Olympic advertising and trading regulations. As such the respondents for this research were often in charge of key elements of the Games organisation. For example, Interviewee #4 was responsible for implementing the Olympic advertising and trading regulations, while Interviewee #1 was responsible for overseeing the subsequent enforcement during Games time.

On the other hand, because this was a historic study of a past event, I struggled to identify and trace many of the lower level brand protection officers who were seconded into the Games. The reason for that was that Trading Standards – the body ODA brand protection officers seconded from – cut some 50% of its staff since the Games. Thus, many of the Olympic brand protection officers no longer worked for the Trading Standards service by the time data was collected for this thesis. While the senior respondents interviewed gave invaluable information, they didn’t personally engage with businesses during enforcement at Games time\textsuperscript{40}. Therefore respondents like Interviewee #1 and Interviewee #4 were not

\textsuperscript{40} While Interviewee #1 and Interviewee #4 had direct involvement with small firms in the run-up to the Games (e.g. while disseminating information on the Olympic Street Trading Licence), during the duration of
able to discuss regulatory engagements with small businesses beyond the decisions they made in Gold command and fed down to the brand protection officers (Silver and Bronze). As such, because not enough Silver and Bronze level enforcement officers were interviewed, the extent to which instructions from Gold command were executed, or deviated from, by enforcement officers cannot be commented on in this thesis.

Furthermore, while the findings of this research recognised the typification of small firms based on risk (street traders versus permanent businesses), the typology of small firms that made up the permanent businesses is broad. Capturing more perspectives from the Silver and Bronze level could have shown a more detailed picture of regulatory typification of business. Such an illustration could have included the identification of different regulatory behaviours in relation to permanent businesses (shops, restaurants and bars). Furthermore, getting more street level data could have shown whether ODA officers perceived and behaved differently when facing different types of owner managers (e.g. Black, Asian and Ethnic Minority [BAEM] owners).

In terms of geography, while this research highlighted geographical differences and challenges in the implementation (RQ2) of the new Olympic advertising and trading regulations (see section 4.4.1), my findings could not fully show such detail when the regulations were being enforced (RQ3). For instance, while ODA managers aimed for the Olympic advertising and trading regulations to standardise business engagements, there were likely subtle differences in the regulatory relationship with small firms between diverse locations like London and Weymouth, and even between London boroughs (e.g. Greenwich versus Tower Hamlets). Capturing the different ways that regulators on the ground interpreted and enforced the Olympic advertising and trading regulations, depending on the

the Games they oversaw enforcement via the Gold-Silver-Bronze structure and so had little contact with businesses.
area they were in, would not only have more precisely shown the regulator-small firm relationship at London 2012, it would also have shown whether the location of an area affected officers’ behaviour and perspective of small firms.

As a result, future research, whether that of other mega events hosted in the UK, or a study set in the everyday context (e.g. the way that trading standard officers engage with small firms), could focus on the enforcement officers themselves. A better understanding of regulators’ staff would likely extend the insights made in this research of regulatory tendencies towards small firms. Thus the next section, focused around my short-to-medium-term research agenda, discusses potential future research and other projects linked to this thesis.

6.6 Areas for future research and the author’s research agenda

Having retroductively explored regulators’ behaviours and perceptions of small firms in a mega event context, this research opens up several avenues to further study the regulatory relationship with business. Broadly speaking, such research will continue to embrace the agenda of REBEL: a £250,000 ESRC project with which this study is affiliated. REBEL is a project aimed at counteracting widespread concerns about regulation as a strict burden to businesses, particularly small ones. The original REBEL project team was made up of Prof Simon Down, Prof Jane Pollard, Dr Paul Richter, and Prof Monder Ram who “worked intensively with 12 high-growth firms in the North East and East Midlands in the environmental services, bio-pharma, media and security sectors over three years analysing the temporal and spatial dynamics of small firm regulatory behaviour” (Newcastle University, 2012).

My research carried on from the work of the original REBEL project team, investigating the regulators’ perspective of engagements with small firms. The outcome was a set of unique
and interesting theoretical (section 6.2) and practical (section 6.4) contributions, further bolstering the status of human agency as central to the regulator-small firm relationship. The next step is extending the insights made by this thesis, resulting in impactful research outputs to institutions like Trading Standard (who have expressed a keen interest in my research journey so far) and filling the gaps left by this research (identified in section 6.6).

Some of this post PhD research has already started. In April 2017 Prof Simon Down, Dr Paul Richter and I (representing Anglia Ruskin University) recruited a bursaried PhD student, Umberto Lanzone, who we are supervising jointly. Umberto’s PhD seeks to investigate the impact service budget cuts are having on the trading standards industry, especially in light of the charges Trading Standards have recently introduced to businesses in exchange for advice, a move spurred by the need to make up for budget shortfalls. The partnership with CTSI on Umberto’s PhD came about because of the close links I developed with the CTSI leadership team while undertaking primary data collection for this thesis. Such links have enabled me to write about the findings of this research in the Journal of TS Review (August 2017), and for me to consult on internal research that CTSI’s policy making team undertake (e.g. reviewing methodologies and interview questions in the summer of 2016).

Because of the access I have gained at Trading Standards, the institution will also be at the core of the first follow-up study of this thesis, focussing on enforcement officers’ behaviour and perspective of small firms. Addressing the missed opportunities in section 6.6, I would strive to gain a better insight on Trading Standards enforcement officers on the ground to allow for a better understanding of their typification of businesses and how that affects the relationship with small firms. More specifically, I would be interested to find out whether the type of business they are engaging (e.g. shops, bars, restaurants) and/or the owner-manager (including members of BAEM communities) are central to such typification and the resultant impact on the regulatory relationship. In the case of BAEM businesses, such
findings would be interesting when set alongside Ram, et al.’s (2001) work on the dynamics of informality which found some BAEM businesses were less adaptable to the regulatory shock of new statutory requirements and emergent legislation changes because their firms were operated in a highly informalised way. For example, of the businesses Ram, et al. (2001) interviewed, two Indian restaurants were staffed by family members that worked, and were paid, flexibly according to the requirements of the business based on a perception of duty towards other family members in the business, which was not congruent with the new national minimum wage legislation.

Another research study will follow up on Down, et al. (forthcoming) who pose and seek to address the question of who (or what) the powerful actors driving small firms to compliance are. Down, et al. are considering the regulator, the rule of law or “some non-regulatory business reasons - including customer requirements, market and quality signalling, the retention and attraction of staff” (Down, et al., forthcoming, p.1). Taking the question further, and in light of the insights made in this thesis, one could consider who or what the powerful actors driving regulatory behaviours of Trading Standards staff are. Possibilities to explore are the rule of law, unfavourable political conditions (e.g. cuts to services’ budgets), or insufficient/inadequate human resources with managers and officers adapting their approach based on short-term constraints. It would also be interesting to find out to what extent the rhetoric of burden (linked to staff’s perceptions of their self and organisational identity) plays a role in shaping the Trading Standards regulatory relationship with business.

Coming back to the mega event context, there is scope to investigate the way that subsequent host cities of the Olympic Games implement and enforce advertising and trading regulations. Such research could be useful to the IOC as a resource to aid with tailoring the advice given to Host Cities in the Olympic Technical Manuals. It would also be interesting to other Olympic stakeholders (e.g. policy makers, news media, trade associations, small firms and
academics) as it challenges the notion that Olympic advertising and trading regulations are based solely on the wording of the enacted legislation for that event (e.g. LOPGA in the case of London 2012). Mega event legislation is a starting point that tends to be transformed by the concerns and social norms of regulatory staff in organising bodies. Therefore, human agency is of considerable importance when planning mega event regulation which brings it to the forefront of my research aspirations.

**Closing remark**

From a personal perspective, this research has taken me on a path that has been winding and perilous at times but that has allowed me to expand my knowledge of regulation, which has been fascinating given the backdrop of the Olympics, a glamorous time associated with surpassing one’s self. Having reached the concluding paragraph I also feel I have participated in my own personal Olympics, four years filled with mixed emotions, the birth of my three children, successes and stagnation at times, but in terms of the research nothing compares to the thrill of meeting fellow students, academics, and respondents and finding out what people’s perspectives on the different issues raised in this thesis are. I am looking forward to the next chapter where I can hopefully take this study further, and I cannot wait to see where the research takes me.
Appendix 1 Participant Information Pack

Research Study

New Olympic Regulations and their Effect on Small Firms: The Case of London 2012

About the study

This research explores the regulators’ perspective of the regulator - small firm relationship set within the case of the London 2012 Olympic Games. This historical study investigates the process of planning, enacting, and enforcing Olympic advertising and trade regulations and the effect these had on the regulators’ engagement with local small firms (small firms operating in and around Olympic event zones). Specific areas of interest include:

- Investigating the processes of planning, enacting, and enforcing Olympic advertising and trade regulations for the London 2012 Olympic and Paralympic Games;
- Exploring the interactions (relations, autonomy, and control) between Olympic and non-Olympic regulatory stakeholders when setting aside non-Olympic regulations and replacing them with Olympic ones;
- Understanding the regulators’ perspective of engaging with local small firms when planning and enforcing Olympic regulations.

Researcher

Lewis Walsh (MBA)
Associate Lecturer / Doctoral Researcher
Anglia Ruskin University
Institute for International Management Practice (IIMP)
Lord Ashcroft International Business School (LAIBS)
Cambridge Campus
East Road
Cambridge
CB1 1PT
Participant Information Sheet

This participant information provides a brief summary of key information relating to this research project.

Section A: The research project

1. Title of project:

New Olympic Regulations and their Effect on Small Firms: The Case of London 2012

2. About the study

This historical research looks into the way that Olympic advertising and trade regulations were planned, implemented and enforced during London 2012, and how it affected the regulatory engagement of small firms.

- Investigating the processes of planning, enacting, and enforcing Olympic advertising and trade regulations for the London 2012 Olympic and Paralympic Games;
- Exploring the interactions (relations, autonomy, and control) between Olympic and non-Olympic regulatory stakeholders when setting aside non-Olympic regulations and replacing them with Olympic ones;
- Understanding the regulators’ perspective of engaging with local small firms when planning and enforcing Olympic regulations3.

3. Purpose of study:

This study is part of a PhD research project at Anglia Ruskin University

4. Name of supervisors:

- Prof. Simon Down (Anglia Ruskin University, Cambridge, UK)
- Dr Brynn Deprey (University of Connecticut. Storrs, USA)
- Dr Stephanie Russell (Anglia Ruskin University, Cambridge, UK)

5. Why Have I been asked to participate?

I am inviting respondents who were either directly or indirectly involved the operationalisation of Olympic advertising and trade regulations. Also, I am inviting respondents who can give a perspective on the effect these new Olympic regulations had on regulators’ engagements with local small firms.

6. How many people will be asked to participate?

In total the research will aim to interview a total of 20 – 25 respondents

7. What are the likely benefits from taking part?
This study will likely produce two key areas of benefit:

I. **To better understand the processes of setting aside everyday (non-Olympic) advertising and trade regulations and replacing them with Olympic ones.** The requirements and prescriptions of the IOC and UK Government are outlined in a number of documents (e.g. The Olympic Charter, The Host City Contract, and the London Olympic and Paralympic Games Act). However, the way that these requirements were operationalised for the London 2012 Games and the way regulators overcame the challenges associated with setting aside existing regulations that were indicative of day-to-day life for small firms is not an area covered in previous academic research.

By exploring the process of operationalising Olympic regulations and the associated challenges to regulators this research may help inform future local and national policy decisions for future mega-events held in the UK and abroad. Furthermore, the findings of this research could be used to showcase good regulatory practice amongst UK regulators when overcoming the challenges associated with planning, and enforcing new regulation.

II. **Investigating the phenomenon of regulation from the regulators’ perspective of the small firm - regulator relationship**: Most prior studies adopt a one-sided conception of regulation as a burden to small businesses. Although more recent research has shown regulation to be an enabling force as well as a constraining one, most previous academic research is undertaken from the perspective of the small firm. However, this research focuses on the regulators perspective, seeking to understand the complexities of the small firm – regulator relationship. As such, the outcome of this research will likely contribute to the limited knowledge around the regulators’ perspective in small firms-regulators engagements.

Furthermore benefits to the participant will be as followed:

I. For all participants, a **full final report with study outcomes and recommendations** will be provided.

II. Opportunity to be part of a unique study for London 2012; and contribute a valuable perspective in relation to the study focus

8. **Can I refuse to take part?**

You can refuse to take part without giving a reason.

9. **Has this study received ethical approval?**

The study has ethical approval from an ethics committee at Anglia Ruskin University

10. **Has the organisation where you are carrying out the research given permission?**

The research is historical in nature and most of the individuals do not now work for the organisation they did work for at the time, hence it is not applicable. Where individuals do work at the same organisation permission will be sought through the individuals at the time.
11. Source of funding for the research,

Institute of International Management Practice (IIMP), Lord Ashcroft International Business School, Anglia Ruskin University, Cambridge.

12. What will happen to the results of the study?

The results of the study will be analysed on Anglia Ruskin University Cambridge campus, and stored securely under a password protected virtual environment. Data collected will be published within the PhD research, in academic journals, conferences, and other sources within the academic domain. At all times, data and everyone who partakes in the study is completely anonymous.

13. Contact for further information

Lewis Walsh
Doctoral Researcher, Institute for International Management Practice (IIMP)
Anglia Ruskin University

LinkedIn Profile: http://uk.linkedin.com/pub/lewis-walsh/4a/1a1/47/
Section B: Your participation in the research project

1. What will I be asked to do?

You will be asked to take part in a semi-structured, face-to-face interview with the researcher that will take between 30 minutes and one hour.

Nb. – In the event that you are unavailable for a face-to-face interview then a telephone interview can be conducted

2. Will my participation in the study be kept confidential?

All details to be kept anonymous (unless the participant specifically states they are happy to be named); all personal and professional details kept securely – where only the researcher has access to research participant information. Any confidential details required i.e. disability and financial information shall be kept in accordance to the Data Protection Act 1998. This will apply to ALL research approaches, methods, phases and stakeholder groups subject to research.

If you have any questions relating to anything in this information sheet; please feel free to contact Lewis Walsh using the contact details provided in this document.

3. Use of Quotes

Quotes from interviews will be used in the research.

4. Use of recording equipment

Interviews will be recorded (with participants permission) and kept securely on a password protect server at Anglia Ruskin University campus. All participants will remain completely anonymous unless they specifically state they are happy to be named.

You will be provided with a brief description of the procedure of the primary data collection – including: date, time, place, and agenda. The key details within this form should also answer any more issues.

The researcher will send the raw audio file for your agreement before any data is analysed.

If you would like to retract anything you say from the audio, please notify the researcher by May 2nd 2016 and this will be taken out of the data to be analysed.

N.B. Before any data is published, the researcher aims to ensure all research participants are comfortable with the responses they have provided

5. Will I be reimbursed travel expenses?

Not applicable – the researcher will travel to participants or engage via telephone

6. Are there any possible disadvantages or risks to taking part?
None.

7. Agreement to participate in this research should not compromise your legal rights

Agreement to take part in this research study does not affect your statutory rights.

8. You can withdraw, even after being interviewed as part of the study.

You can withdraw, even after being interviewed as part of the study.

If recorded, the researcher will send the raw audio file for your agreement before any data is analysed.

If you would like to retract anything you say from the audio, please notify the researcher and this will be taken out of the data to be analysed.

N.B. The last approximate time that it will be possible to withdraw your data from the study will be May 2\textsuperscript{nd} 2016.

9. Whether there are any special precautions you must take before, during or after taking part in the study?

None

10. What will happen to any information/data that are collected from you?

All data/information samples will be kept securely on a password protect server at Anglia Ruskin University campus. All participants will remain completely anonymous unless they specifically state they are happy to be named.

11. Contact details for complaints.

If participants have any complaints at any point in the research please contact Prof Simon Down

If you feel that your complaint needs to be taken further please contact: complaints@anglia.ac.uk; Postal address: Office of the Secretary and Clerk, Anglia Ruskin University, Bishop Hall Lane, Chelmsford, Essex, CM1 1SQ.

YOU WILL BE GIVEN A COPY OF THIS TO KEEP,

TOGETHER WITH A COPY OF YOUR CONSENT FORM ON THE DAY
Appendix 2: Participant Consent Form

PARTICIPANT CONSENT FORM

Name:

Title of the project: New Olympic Regulations and their Effect on Regulators’ Engagements with Small Firms: The Case of London 2012

Main investigator and contact details:

Lewis Walsh
Doctoral Researcher, Institute for International Management Practice (IIMP)
Anglia Ruskin University

LinkedIn Profile: http://uk.linkedin.com/pub/lewis-walsh/4a/1a1/47/

1. I agree to take part in the above research. I have read the Participant Information Sheet for this study.

I understand what my role will be in this research, and all my questions have been answered to my satisfaction.
2. I understand that I am free to withdraw from the research at any time, without giving a reason.

3. I am free to ask any questions at any time before and during the study.

4. I understand what will happen to the data collected from me for the research.

5. I have been provided with a copy of this form and the Participant Information Sheet.

6. I understand that quotes from me will be used in the dissemination of the research.

7. I understand that the interview will be recorded.

Data Protection: I agree to the University\textsuperscript{41} processing personal data which I have supplied.

I agree to the processing of such data for any purposes connected with the Research Project as outlined to me*

Name of participant (print)………………………….Signed……………………Date………………

PARTICIPANTS MUST BE GIVEN A COPY OF THIS FORM TO KEEP

ADD DATE AND VERSION NUMBER OF CONSENT FORM.

---

I WISH TO WITHDRAW FROM THIS STUDY.

If you wish to withdraw from the research, please speak to the researcher or email them at XXX stating the title of the research.

You do not have to give a reason for why you would like to withdraw.

Please let the researcher know whether you are/are not happy for them to use any data from you collected to date in the write up and dissemination of the research.

\footnote{\textsuperscript{41}“The University” includes Anglia Ruskin University and its Associate Colleges.}
**Reference List**


BBC, 2007. *Olympic evictions loom*. [online] BBC. Available at:

BBC, 2012a. *Fury over Olympics’ market effect*. [online] BBC. Available at:

BBC, 2012b. *Advertising ‘no-go zone’ in Cardiff criticised*. [online] BBC. Available at:


Department for Culture Media and Sport, 2011a. *Regulations about advertising activity and trading in open public places during the Olympic and Paralympic Games 2012*. 


interdependence inside the regulatory process. London: Routledge.


International Olympic Committee (IOC), 2010. Olympic charter. Lausanne: IOC.


James, M., and Osborn, G., 2012. The Sources and Interpretation of Olympic Law. Legal Information Management, 12(02), pp80-86.


Majone, G. 1997. From the positive to the regulatory state: causes and consequences of changes in the mode of governance. *Journal of public policy*, 17(02), 139-167.


Olympic Plenary Meeting, 2007a. *Olympics Delivery Authority LOC\(G\), LDA, Neale Coleman & Olympic Host Boroughs*. Transcript and Minutes of Grand Committee Meeting. 15 February 2007. [online] Available at:

Olympic Plenary Meeting, 2007b. *Olympics Delivery Authority*. Transcript and Minutes of Grand Committee Meeting. 25 April 2007. [online] Available at:

Olympic Plenary Meeting, 2008. *Olympics*. Transcript and Minutes of Grand Committee Meeting. 5 March 2008. [online] Available at:

Olympic Plenary Meeting, 2011. *LOC\(O\)G and O\(D\)A*. Transcript and Minutes of Grand Committee Meeting. 19 October 2011. [online] Available at:

Olympic Plenary Meeting, 2012. *Q&As with LOC\(O\)G & LLDC*. Transcript and Minutes of Grand Committee Meeting. 14 November 2012. [online] Available at:


The Pedlars Act, 1871, Section 3.


