



**A Summary of Responses to the Cabinet Office's Consultation  
Document  
"Introducing a Statutory Register of Lobbyists"**

Presented to Parliament  
by the Minister for Government Policy  
by Command of Her Majesty

July 2012

Cm 8412

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# 1. Introduction

1. This document provides a summary of responses to the Cabinet Office's consultation document, *Introducing a Statutory Register of Lobbyists*, issued on 20 January 2012, and sets out the next steps in terms of policy development. It is not intended to set out revised policy proposals, which will be developed taking into account this evidence, and which will be published in the form of a White Paper and draft Bill during this session of Parliament.

Paper copies of this document can be obtained from:

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## 2. Background

2. The Government is committed to introducing a statutory register of lobbyists. Following the May 2010 election, the Government said, in *The Coalition: Our Programme for Government*:
  - *We will regulate lobbying through introducing a statutory register of lobbyists and ensuring greater transparency*<sup>1</sup>.
3. The Government's aim is to increase the information available about lobbyists without unduly restricting lobbyists' freedom and ability to represent the views of the businesses, groups, charities and other individuals and organisations they represent or to deter members of the public from getting involved in policy making.
4. The consultation document, *Introducing a Statutory Register of Lobbyists*<sup>2</sup>, was published to gather evidence from experts in the field and members of the public. It asked a number of specific questions, the answers to which will help inform the drafting of the White Paper and legislation that will be brought forward to meet the Government's commitment to introduce a statutory register of lobbyists. The consultation closed on 20 April 2012. In addition to the written consultation, the Political and Constitutional Reform Committee (PCRC) held five oral evidence sessions<sup>3</sup> on the Government's proposals. Summaries of the evidence heard in those sessions are included at Annex E to this document.
5. The Government will take all responses and suggestions into account before bringing forward legislation, which will be fully debated by Parliament before it becomes law.

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<sup>1</sup> *The Coalition: Our programme for government*, Section 16 Government Transparency, pg 21. Available from: [www.cabinetoffice.gov.uk/media/409088/pfg\\_coalition.pdf](http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf)

<sup>2</sup> *Introducing a Statutory Register of Lobbyists*. Available from <http://www.official-documents.gov.uk/document/cm82/8233/8233.pdf>

<sup>3</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/publications/>

### 3. Conducting the Consultation Exercise

6. The consultation process used a consultation document which was made available through the Cabinet Office website. Printed copies were available on request.
7. During the consultation period, Cabinet Office officials met with both Unlock Democracy and the Alliance for Lobbying Transparency. The Minister for Political and Constitutional Reform spoke on the subject at a series of events and details of these can be found at Annex B.
8. The number and categories of respondents were as follows:

<b>Respondent Category</b>	<b>Number</b>	<b>Percentage of total</b>
Campaign Groups	9	3.5
Civil Society	34	13
Company	34	13
Private Individuals, this includes one MP	79	30.5
Regulators and NDPBs	3	1
Representative Body /Trade Association	80	31
Think Tank/Research Group /Academic	10	4
Trade Union	10	4
<b>TOTAL</b>	<b>259</b>	<b>100%</b>

9. Annex A provides details of the respondents; and Annex C summarises the questions included in the consultation. As is common with these exercises, some respondents answered in general terms rather than specifically addressing the questions posed in the consultation paper. For the purposes of this consultation response, the Civil Society category includes charities, aid agencies, and religious organisations among others.

## 4. Summary of Responses to the Consultation Questions

10. There were two hundred and sixty responses received from stakeholders who answered the consultation questions. The responses received from the twelve-week consultation have provided a valuable insight into the concerns of a broad range of stakeholders interested in the issues of accountability and transparency with regards to lobbying. The Government would like to thank respondents for taking the time to share their views.
11. The majority of respondents welcomed the Government's commitment to achieve greater transparency in the lobbying industry and were supportive of a statutory register of lobbying interests.
12. There was a definite overlap between the responses on definition and scope. In particular, the definition presented an issue for many respondents and there was a widespread recognition that arriving at the right definitions would be fundamental to the effectiveness of the register. The overarching theme that emerged was that the proposed definition was narrow and it was also stressed by a number of respondents that until the definition is clear, it would be difficult to determine other factors raised by the subsequent questions, especially scope. There was also considerable support for consistency in application to ensure equal treatment of all parties.
13. In keeping with the emerging theme on definitions, the predominant view expressed under the question of scope was that a wider scope was preferred but that this should not result in disproportionate burdens.
14. There was general consensus that it was difficult to address the question of information to be provided without clarity on definition and scope. But the majority of respondents favoured the disclosure of financial information alongside other basic information.

15. The proposed quarterly register updates proved the favoured option but there was also strong support for an annual return.
16. The majority of those who responded to the question of additional functions made reference to a code of conduct. However, there was a clear split of opinion between those who favoured a code and those who did not.
17. The question of how the register should be funded caused another definite split in opinion with the same number of respondents favouring public funding as those who favoured industry funding. There was strong support for a system of fee charging provided that its structure did not present a barrier to lobbying.
18. There was strong support for sanctions to apply to the register. The possibility of drawing a distinction between wilful and administrative non-compliance was a popular discussion point.
19. On the question of who should run the register, over half of respondents to this question favoured an independent body.
20. While the eight main questions asked in the Consultation Paper generated a broad variety of responses, one hundred and eighteen respondents took the opportunity to make additional comments on other subjects. These are set out in the other themes section on page 24.



## 5. Responses to Specific Questions

### Question 1 - Definition of Lobbying and Lobbyist

21. 205 responses addressed the question of definition, on which the Government had proposed the following: “Lobbyists should mean those who undertake lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client”. The categories of respondents are set out below:

70 - Trade Association / Representative Body	(34%)
52 - Private Individual	(25.5%)
29 - Civil Society	(14%)
27 - Company	(13%)
10 - Trade Union	(5%)
10 - Think Tank / Research Group / Academic	(5%)
6 - Campaign Group	(3%)
1 - Regulator and NDPB	(0.5%)

22. The prevalent theme to emerge from the responses to question 1 was that the proposed definition for lobbyist was narrow and needed further clarity. Respondents acknowledged that reaching a definitive description was a difficult task and that much time could be spent engaged in what many described as a “circular argument”. Many felt that it was more important to define “lobbying” as an activity rather than “lobbyist”.

23. 46 respondents were of the opinion the definition was narrow and should be widened to include other types of lobbyist, not just those described as third party. Most of the respondents felt that lobbying activity was the same whether the lobbyist was in-house or acting for a third party. However, 19 respondents felt the Government proposed definition was preferable.

24. 41 respondents said that further exploration of the benefits of including other types of lobbyist would be beneficial in providing clarity on the definition.
25. 33 respondents concluded that in-house lobbyists should be included in the definition as they made up the largest percentage of the industry and to exclude them would be detrimental to the wider transparency being sought. Concerns were expressed over the fact that a small consultancy would be required to register but a large company employing in-house lobbyists would not.
26. 31 respondents said there should be no exclusions and that all parties should be treated equally; that everyone who lobbies should be included in the definition as there was no difference in the activity of lobbying, whether paid or not, third party or in-house. Similarly, there is no difference in the activity of lobbying whether it is by a charity, an NGO, a company or a trade union. Several views warned of a risk of abuse of loopholes if registration applied to some and not others. However 22 replies came from those who felt registration should only apply to those who are paid to lobby or who make profit from lobbying.

### **Alternate Definitions**

27. 39 respondents favoured the Australian definition, with many stating that it provided the greatest transparency without being overly burdensome.
28. 7 replies suggested adopting the model contained in the European Transparency Register and a further 4 favoured the U.S. definition. 16 stakeholders provided an alternate definition of their own.

### **Additional Comments**

29. Responses generally endorsed the Government's clear view that the interaction between a constituent and their MP should not be classified as a form of lobbying. There were also comments from respondents suggesting types of work which should be excluded from the definition of lobbying. These included

responses to consultations, appearances at select committees, legal advice and where the stakeholder has been approached by the Government.

30. A strong theme to emerge from particular respondent groups was that they already face sufficient regulation and any further regulation may become disproportionate and costly. On this basis some suggested an express exclusion for their stakeholder group from the definition of lobbyist. The general position was that while their particular respondent group should enjoy exclusion, other respondent groups should be included in the definition.

## Question 2 – Scope; who should be required to register?

31. 213 responses addressed the question of the register’s scope. It should be noted that scope is largely contingent on definition and as such there is necessarily a significant overlap between question 1 and 2; similar themes are therefore discussed. The categories of respondents are set out below:

67 - Trade Association/ Representative Body	(31%)
55 - Private Individuals	(26%)
32 - Civil Society	(15%)
31 - Company	(14.5%)
10 - Trade Union	(4.5%)
8 - Think Tank / Research Group / Academic	(4%)
8 - Campaign Group	(4%)
2 Regulator or NDPB	(2%)

32. 136 respondents suggested that smaller organisations such as small charities and businesses and those doing pro-bono work should be exempt from registration. The main reason given was that generally, these smaller organisations do not have the same resources or turnover as their larger counterparts and may suffer a financial barrier as a result. There was a strong view that there should not be disproportionate burdens amongst parties covered by a register.

33. 123 stakeholders said that the proposed scope was too narrow. 81 respondents said that all paid lobbying activity should be registered as it made no difference if the lobbyist was in-house or third party, the same activity was being undertaken. The argument that it would be known what an in-house lobbyist would be lobbying on was strongly challenged. Respondents argued that a number of different subjects could be discussed; several examples given said a large supermarket representative could be discussing anything from food hygiene to planning laws.

34. 42 respondents believed that trade unions, charities and think tanks should be included; again, the argument presented was that it made no difference who was lobbying; it was the fact that the lobbying activity would be the same that was important.

35. 18 respondents said that meetings between an MP and their constituent should be exempt and a further 8 said that lobbying by a member of the public should also be excluded as it could discourage engagement with their elected representative.

36. 13 replies said that small businesses should be exempt. The argument being that it was spurious to compare a small sole-trader making a representation to a professional lobbyist or one employed in-house to lobby.

### **Additional Comments**

37. A number of replies commented on some of the information contained in the Impact Assessment. The main theme was that it underestimates the number of companies with in-house public affairs staff.

38. Another theme to emerge was that those who are members of the Association of Professional Political Consultants (APPC) are required to register public affairs work done on a pro bono basis.

39. Respondents also emphasised that a statutory register should not create a lower standard than one which already exists.

### **Question 3 – What information should be provided on the register?**

40. 195 responses were received on the question of what information registrants should provide to go on the register. It should be noted that several respondents felt they could not provide a definitive answer to question 3 until the definition under question 1 was established. The categories of respondents are set out below:

70 - Private Individuals	(36%)
51 - Trade Association/ Representative Body	(26%)
27 - Company	(14%)
21 - Civil Society	(11%)
10 - Trade Union	(5%)
7 - Campaign Group	(3.5%)
6 - Think Tank / Research Group / Academic	(3%)
3 - Regulator or NDPB	(1.5%)

41. 77 respondents stated that there needed to be financial information registered; as how much money was being used for a lobbying purpose was central to the transparency being sought.

42. 51 replies supported the provision of the following information:

- who is the lobbyist;
- who met with who;
- the subject discussed;
- when the meeting took place; and
- financial information

43. A further 19 supported the same approach but with the inclusion of whether the lobbyist had been a Member of the House of Commons or Lords, a Minister, Special Adviser or senior Civil Servant. Another 10 respondents agreed with this information but said financial information should not be included, citing the reasons set out in paragraph 45 below.

44. Many respondents felt that just stating a meeting took place would not ensure sufficient transparency. They favoured the inclusion in the register details of those that attended the meeting, when it took place and a summary of what was discussed (including financial information).
45. 49 respondents said that financial information should not be on the register. Among the concerns stressed were that it would breach commercial confidentiality leading to a possible damage to competition, that it was irrelevant to what was discussed and that a pro-bono approach could be used and abused by those not wishing to publish financial information.
46. 30 respondents were in support of the government proposals stating they were proportionate and struck the right balance.

#### **Additional Comments**

47. There was an issue raised concerning the publication of staff lists from those organisations involved in high profile or publically contentious issues, such as animal testing. They shared a concern that individual staff may be put at risk of harm should their identities be revealed on a publically accessible register.
48. Several respondents felt that the person being lobbied should bear responsibility for providing the information, which should also include details of any informal meetings. Respondents who made this link also suggested that the government provision of data, for example, through the website [data.gov.uk](http://data.gov.uk), could be improved.
49. Following on from this theme, respondents, especially those who already submit returns of information, emphasised that duplication of information must be avoided.

## Question 4 – Frequency of updates to the register.

50. 136 responses were received on the question of how often the register should be updated. It should be noted that several respondents felt they could not provide a definitive answer to question 4 until it is decided what information is to be provided under question 3. The categories of respondents are set out below:

49 - Trade Association/ Representative Body	(36%)
30 - Private Individuals	(22%)
22 - Company	(16%)
17 - Civil Society	(12.5%)
9 - Trade Union	(6.5%)
5 - Campaign Group	(4%)
2 - Think Tank / Research Group / Academic	(1.5%)
2 - Regulator or NDPB	(1.5%)

51. 51 respondents agreed with the proposed quarterly return. A further 4 also agreed with this but said that it should not apply to smaller organisations such as small businesses and charities as it may be overly burdensome.

52. 28 replies supported annual returns, generally in keeping with existing reporting requirements placed on companies.

53. 8 stakeholders suggested live and continuous updates and that this should be done online, which could help minimise cost.

54. The following other time periods were suggested:

- Weekly (2);
- Fortnightly (4);
- Monthly or every 28 days (6);
- Bi-annual (3);
- Every two years (1); and
- Every parliamentary session (1)



## Question 5 – Should there be any additional functions?

55. 79 responses were received on the question of additional functions linked to the register; the categories of respondents are set out below:

30 - Trade Association / Representative Body	(38%)
15 - Company	(19%)
12 - Private Individual	(15%)
9 - Civil Society	(11%)
7 - Trade Union	(9%)
3 - Think Tank / Research Group / Academic	(4%)
3 - Campaign Group	(4%)
0 - Regulator and NDPB	(0%)

56. In response to the Government's proposal that the register should be a register of activity, not a complete regulator for the industry, the issue of whether a statutory code of conduct was appropriate split opinion. 12 respondents stated that a statutory code of conduct was unnecessary while a further 12 said that it should be an additional function.

57. The main reason given by those who disagreed with a code of practice was generally that they were already signed up to wider industry codes of conduct and that adherence to a further code would be disproportionate and add undue administrative burdens. However, respondents already participating in Trade Association Forum code, felt that if a statutory code were to be introduced, it should mirror this.

58. Comments from those who agreed that there should be a code of practice included, that it would strengthen transparency, that any statutory code should be the only code for the whole industry, and that the register operator should establish the code.

59. Suggestions from 19 respondents included that the register's operator must be permitted to monitor the data and its accuracy to ensure compliance, have the

power to investigate and audit non-compliance, and should hold training and awareness events and advise on best practice.

60.9 respondents said the register should have no additional functions and 2 replies said it should be the decision of the register's operator as to what additional functions it should have.

### **Additional Comments**

61. There were several replies which gave other suggested functions. These included undertaking annual reviews to ensure greater transparency; including lobbying activity as a footprint in any published legislation to show where lobbying has altered proposals or clauses; and making the register fully public and available on-line, a popular suggestion which will be discussed in greater detail under the additional themes section on page 27.

## Question 6 – How should the register be funded?

62. 164 responses were received on the question of how the register should be funded; the categories of respondents are set out below:

51 - Trade Association / Representative Body	(31%)
50 - Private Individual	(30.5%)
23 - Company	(14%)
22 - Civil Society	(13.5%)
8 - Trade Union	(5%)
5 - Campaign Group	(3%)
4 - Think Tank / Research Group / Academic	(2.5%)
1 - Regulator and NDPB	(0.5%)

63. There was a definite split in opinion amongst those respondents who responded to question 6.

64. 57 respondents favoured funding from the public purse, generally suggesting this approach would provide greater transparency and independence, leading to a greater capability to investigate impropriety effectively.

65. Equally, 57 respondents favoured an industry funded register, the general theme being that there was existing pressure on the public purse and public funds could be better spent elsewhere.

66. 11 respondents felt the register should have no fees or government support, drawing comparisons with the European Transparency Register, while 4 suggested a shared approach between the lobbying industry and government funding.

## **Fee levels**

67. 30 respondents agreed that there should be fees charged to those registering and that those fees should generally be scaled depending on the size of the organisation or company, its annual turnover and the number of people employed to lobby. Replies from 12 respondents suggested an annual registration fee similar to the approach of the Association of Professional Political Consultants (APPC).
68. There was a strong response from 34 respondents who emphasised that any fees charged must be kept to a minimum and must present no financial barrier to lobbying.

## **Additional Comments**

69. Several responses said that charities and small businesses should be exempt from any registration fee, suggesting that inclusion would create a cost barrier and may be disproportionate.
70. Several respondent groups commented that if they were to be included in the scope for a lobbying register they should be exempt from paying fees; the main reason given was that they already pay fees to other membership bodies and further fees for registration may present a barrier.
71. There was a suggestion from respondents that only those who are paid lobbyists or those who make a profit from lobbying activity should pay registration fees.

## **Question 7 – What sanctions would be appropriate?**

72. 132 respondents addressed the question of sanctions. The categories of respondents were as follows:

50 - Trade Association / Representative Body	(38%)
28 - Private Individual	(21%)
22 - Company	(17%)
15 - Civil Society	(11%)
8 - Trade Union	(6%)
5 - Campaign Group	(4%)
3 - Think Tank / Research Group / Academic	(2%)
1 - Regulator and NDPB	(1%)

73. 60 respondents expressed support for the proposal that sanctions should be put in place. Only five respondents stated explicitly that they did not think that sanctions would be appropriate.

### **Types of Offences**

74. A number of respondents addressed the question of the types of behaviour which should attract sanctions. There was broad agreement that this should include:

- Failure to register;
- Late registration;
- Failure to update information; and
- Provision of incorrect information.

75. 10 respondents (predominantly those from representative bodies/trade associations) felt that a distinction should be made between behaviour which resulted from an administrative oversight and behaviour which was indicative of intentional non-compliance.

76. There was also broad agreement that the onus for compliance (and, therefore, the sanctions for non-compliance) should fall to the individuals or bodies carrying out the lobbying. A small percentage of respondents felt that the Ministers, MPs and senior officials who were being lobbied should also be subject to sanctions in cases where the individual or body lobbying them had failed to comply fully with the statutory requirements of the register.

### **Types of sanctions**

77. Respondents were much more divided over the form which sanctions should take.

78. 21 respondents (mostly from representative bodies and trade associations) stressed the need for sanctions to be proportionate (taking into account the scale of the offence and/or the size or turnover of the organisation or individual guilty of the offence).

79. 40 respondents suggested that sanctions should include, or be limited to, civil sanctions, usually fines. Suggestions for the size of the fines varied from 'unlimited' to a proportionate approach which would use the scale and type of offence or the size/turnover of the offending party to determine the figure to be paid.

80. 34 respondents felt that sanctions should include the possibility of de-registration and/or disqualification from all lobbying activity.

81. 13 respondents felt that criminal sanctions should be made available, with imprisonment an option in the most egregious cases.

82. Other suggested sanctions included:

- ‘Naming and shaming’;
- Loss of Parliamentary passes (where these were held); and
- A prohibition on offenders subsequently holding senior positions on state boards etc.

### **Possible Models**

83. 17 respondents suggested that the Companies Act would provide a good model for a sanctions regime. Section 451 was cited by several of these:

*S.451 Default in filing accounts and reports: offences*

*(1) If the requirements of section 441 (duty to file accounts and reports) are not complied with in relation to a company's accounts and reports for a financial year before the end of the period for filing those accounts and reports, every person who immediately before the end of that period was a director of the company commits an offence.*

*(2) It is a defence for a person charged with such an offence to prove that he took all reasonable steps for securing that those requirements would be complied with before the end of that period.*

*(3) It is not a defence to prove that the documents in question were not in fact prepared as required by this Part.*

*(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 5 on the standard scale.*

84. 6 respondents suggested that the Australian approach to sanctions (under which the only sanction available for non-compliance is deregistration) would be a useful model.

### **Additional Issues**

85. Several respondents stressed the need for those registering to have clarity regarding the sanctions regime and support to enable them to comply with it – including a possible grace period at the start of the new regime to avoid penalising those who had not yet adjusted to the requirements of the register. Other suggestions included giving those registering the opportunity to correct their mistakes; and a robust appeals procedure.

## Question 8 – Who should run the register?

86. 137 respondents addressed the question of who should run the register. The categories of respondents were as follows:

44 - Trade Association / Representative Body	(32%)
37 - Private Individual	(27%)
18 - Civil Society	(13%)
22 - Company	(16%)
5 - Trade Union	(3.5%)
5 - Think Tank / Research Group / Academic	(3.5%)
5 - Campaign Group	(4%)
1 - Regulator and NDPB	(1%)

87. 71 respondents expressed the view that the register should be run by an independent body. 17 respondents specified that this should mean independent of Government and/or Parliament; 19 respondents specified that this should mean independent of the lobbying industry.

88. 23 respondents suggested that the register should be run by an existing body (largely for reasons of cost); only 8 said that a new body was preferable. The existing bodies which were most commonly suggested were as follows:

- The Electoral Commission (22);
- CSPL (6);
- The Information Commissioner (5); and
- UKPAC (5).

### Additional Comments

89. There was strong support among trade associations for the register to be run by the Trade Association Forum, but a recognition that greater clarity would be needed about the scope of the register (in particular, whether it would include trade associations) before a firm decision could be taken about this.



90. Other suggestions included being run by the Cabinet Office, the Solicitors Regulation Authority, and the Association of Professional Political Consultants.

91. Several comments indicated a preference for the body running the register to be accountable to Parliament in some form.

## Other Themes

92. Of the 260 respondents to this consultation, 118 took the opportunity to offer additional comments on other themes not covered by the consultation questions.

The categories of respondents were as follows:

40 - Trade Association / Representative Body	(34%)
26 - Private Individual	(22%)
19 - Company	(16%)
14 - Civil Society	(12%)
7 - Campaign Group	(6%)
5 - Trade Union	(4%)
5 - Think Tank / Research Group / Academic	(4%)
2 - Regulator and NDPB	(2%)

93. The overarching theme from the additional comments was that the register should be on-line and publically available and accessible at all times. On-line functionality should include updates, search and browse options, and filtering by client organisation, by issue or by category of organisation.

94. The main reasons given were that an on-line register would allow anyone to view information on it at any time, it would keep administrative costs to a minimum and above all, it would aid maximum transparency.

95. Concerns were also raised by a large number of respondents who said they could not identify the problem that the register was aiming to solve. Many drew comparisons with recent media coverage of lobbying activity and questioned whether a register would have a significant impact on lobbyists' behaviour.

96. Additional themes raised in several responses included:

- those in receipt of Government funding or grants should not be allowed to then use that money to lobby or lobby at all;
- the lobbying register should apply to the entire United Kingdom; and
- the system for providing parliamentary passes to lobbyists should be reviewed and reconsidered, as there is opportunity for abuse.

## **6. Next Steps**

7. Taking into account this evidence, the Government will now develop revised policy proposals with the intention of publishing a White Paper and draft Bill during this session of Parliament. As part of this process, Government officials intend to meet with a number of respondents to make sure that their points have been fully understood and would be open to meeting any other respondents if they request to do so.

## **Annex A – List of Respondents**

Below is a list of all those who submitted a written response to the ‘Introducing a Statutory Register of Lobbyists’ via the designated mailbox or postal address.

### **Campaign Group**

1. Unlock Democracy - Alexandra Runswick
2. Countryside Alliance - James Legge
3. TaxPayers’ Alliance - Jonathan Isaby
4. Who’s Lobbying - Rob McKinnon
5. Civil Service Pensioners Alliance
6. 38 Degrees
7. Spin Watch - Tamasin Cave
8. Alliance for Lobbying Transparency
9. Joe Egerton - Justice in Financial Services

### **Civil Society**

10. Association of Chief Executives of Voluntary Organisations - Alex Massey
11. Action on Smoking and Health (ASH) - Amanda Sandford
12. Catholic Agency for Overseas Development (CAFOD) - Ann Lindsay
13. Campaign to Protect Rural England - Ben Stafford
14. Scottish Council for Voluntary Organisations - Charlotte McNeill
15. National Council for Voluntary Organisations - Chloe Stables
16. Friends of the Earth West Midlands - Chris Crean
17. One East Midlands - Claire Chapman
18. RSPCA - Claire Robinson
19. Wellcome Trust - Annie Colgan
20. Scottish Churches Parliamentary Office - David Bradwell
21. Cats Protection - Dominic Sullivan
22. Energy Action Scotland - Elizabeth Gore
23. Diabetes UK - Fiona Twycross
24. Churches’ Legislation Advisory Service - Frank Cranmer
25. Sheila McKechnie Foundation - Harmit Kambo
26. Salvation Army - Helen Cameron
27. League Against Cruel Sports - Joshua Kaile
28. Localise West Midlands - Karen Leach
29. Arthritic Association - Lynda Scott-Williams
30. Caritas Social Action Network - Liam Allmark
31. Index on Censorship - Michael Harris
32. Voluntary Organisations’ Network North East - Natalie Maidment
33. RNIB - Andy Pike
34. Methodist Church, the Baptist Union of Great Britain and the United Reformed Church - Rachael Lampard
35. Stonewall - Richard Lane
36. Action on Hearing Loss
37. Keighley Shared Church
38. WSA Welsh Sport Association
39. Jewish Leadership Council
40. Scottish Churches Committee
41. Royal Society of Edinburgh
42. Sheffield for Democracy
43. Democracy Matters

## **Company**

44. Communicate Research LTD - Andrew Hawkins
45. Camelot Group - Ann Dawson
46. Ranelagh International LTD - Anna Wolffe
47. Hanover Communications - Charles Lewington
48. Whitehouse Consultancy LTD - Chris Whitehouse
49. Rowan Public Affairs LTD - Craig Carey-Clinch
50. Emma Taggart
51. MHP Communications - Gavin Devine
52. Pagoda Public Relations - Ian Coldwell
53. Thompsons Solicitors - Jennie Walsh
54. Perspectiva Consultations - Karen Freel
55. Weber Shandwick - Jon McLeod
56. Central Lobby Consultants - Mike Hale
57. Eighteen07 - Miles Windsor
58. Keene - Peter Woodman
59. PubAffairs group - Phil Murphey
60. Insight Public Affairs - Poonam Arora
61. DLA Piper - Michael Pretty
62. Experian - Paul Lever
63. Public Affairs Company - Richard O'Callaghan
64. B.P -Richard Ritchie
65. Imperial Tobacco Ltd - Richard Ross
66. Edelman UK - Chris Rumfitt
67. KW Communications LTD - Sarah Kostense-Winterton
68. Connor McGrath Associates
69. Fulcrum compliance
70. Bellenden Ltd
71. Double Scotch Consulting
72. The Altitude Consultancy
73. Newgate Communications - Simon Nayyar
74. Management Consultancies Agency - Alan Leaman
75. Mark Adams OBE
76. Political Lobbying and Media Relations - Kevin Craig
77. Lionel Zetter

## **Private Individual**

78. Mrs A J Smith
79. Albert Knight
80. Andii Bowsher
81. Andrew Keeble
82. Andy Hay
83. Angus Langlands
84. Angus Logan
85. Anne Snow
86. A P Rothbart
87. Bene't Steinberg
88. Brian Hayhow
89. Mr B Herring
90. Catherine Stopes
91. Charles Mansell
92. Chas Griffin
93. Christopher Townsend

94. Dr. Clive Sneddon
95. Cris Ramis
96. David Blofeld
97. Dr. David Schley
98. David Strange
99. David Thomas
100. Derek Robertson
101. Diana Ball
102. Emma Catterall
103. Frank Abel
104. Geoffrey Rider
105. Gordon Gee
106. Graham Benjamin
107. Helen Carver
108. Helen McCreary
109. Herbert Potter
110. Ian Crossley
111. Ian Harvey
112. Jane Birkby
113. Joe Berry
114. John Ball
115. John Asher
116. John Coles
117. John Moisson
118. Kathleen BM Davies
119. Keith Wark
120. Lynette Gribble
121. M.H. Crawford
122. M J Connigale
123. Margaret Mayes
124. Mark Boleat
125. Mark Ramsdale
126. Matthew Knowles
127. Dr. Maximilian Holland
128. Michael Higgins
129. Michael Pictor
130. Mike Spinney
131. Mirko Draca
132. Dr Nicola Ansell
133. Dr Peter Burrows
134. Peter Davis
135. Paul Espley
136. Peter Litherland
137. Revd. Peter J. Mott
138. Peter English
139. Peter Rose
140. Peter Stopp
141. RA Bowie
142. Richard Sangster
143. Ros Jarvis
144. Sally Cook - Student
145. Susanna Rees
146. Stuart Smith
147. Stuart Reddaway
148. Simon Hale

- 149. Simon Cramp
- 150. Mr T T Broomhill
- 151. Tim Soane
- 152. Valerie Coast
- 153. William Shutt
- 154. Mr and Mrs Dunford
- 155. Mr Willett

### **Private individual - MP**

- 156. Caroline Lucas, MP for Brighton Pavilion

### **Regulator / NDPB**

- 157. Charity Commission - Caroline Cooke
- 158. Entrust - The Environment Trust Scheme Regulatory Body
- 159. Information Commissioner's Office

### **Representative Body /Trade Association**

- 160. British Chambers of Commerce - Abigail Morris
- 161. Confederation of UK Coal Producers - David Brewer
- 162. Joint Radio Company - Adrian Grili
- 163. Society of Parliamentary Agents - Alastair Lewis
- 164. National Association of British and Irish Millers - Alexander Waugh
- 165. Tobacco Manufacturers Association - Ben McArdle
- 166. British Marine Federation - Andrew Harries
- 167. Building Societies Association - Andrew Hopkins
- 168. Cleaning and Support Services Association - Andrew Large
- 169. British Electrotechnical & Allied Manufacturers' Association
- 170. Association of the British Pharmaceutical Industry - Audrey Yvernault
- 171. Scotch Whisky Association - Beatrice Morrice
- 172. Local Government Association - Bella Reid and Carolyn Downs
- 173. Optical Confederation - Ben Cook
- 174. RadioCentre - Ben Walker
- 175. Royal Society of Chemistry - Bristow Muldoon
- 176. Professional Contractors Group LTD - Celia Surtees
- 177. Bingo Association - Cherry Hosking
- 178. Motorsport Industry Association - Chris Aylett
- 179. Cosmetic, Toiletry and Perfumery Association - Chris Flower
- 180. Food Storage and Distribution Federation - Chris Sturman
- 181. Surface Engineering Association - Dave Elliot
- 182. International Union of Aerospace Insurers - David Gasson
- 183. Kennel Club - Denisa Delic
- 184. Producers Alliance for Cinema and Television Ltd - Emily Davidson
- 185. Ewen Cairns - Law Society of Scotland
- 186. Federation of Private Residents Association - Robert Levene
- 187. Federation of Small Businesses - Holly Conway
- 188. UK Deans of Science - Prof Ian Haines
- 189. Immigration Law Practitioners' Association - James Davison
- 190. National Caravan Council - Jeremy Morton
- 191. British Vehicle Rental & Leasing Association - Johnathan Humphries
- 192. Federation of Awarding Bodies - Karen Daws



193. Freight Transport Association - Karen Dee
194. Tourism Alliance - Kurt Janson
195. Trade Association Forum - Linda Cavender
196. British Hospitality Association - Martin Couchman
197. Association of Professional Political Consultants - Mary Shearer
198. Association of British Credit Unions Limited - Matt Bland
199. Construction Products Association - Michael Ankers OBE
200. Law Society - Michael Birtwistle
201. Society of British Gas Industries - Mike Foster
202. SELECT - Newell McGuinness
203. British Retail Consortium - Nicola Heath
204. Mineral Products Association - Nigel Jackson
205. Social Enterprise UK - Ólöf Jónsdóttir
206. Co-operatives UK - Ólöf Jónsdóttir
207. British Property Federation - Patrick Clift
208. Chemical Business Association - Peter Newport
209. UK Cleaning Products Industry Association - Philip Malpass
210. CBI - Richard Maughan
211. Association for Scottish Public Affairs - Alastair Ross
212. Society of European Affairs Professionals - Gary Hills
213. International Capital Market Association - John Serocold
214. CIPR
215. Public Relations Consultants Association
216. British Insurance Brokers Association
217. City of London Law Society
218. Public Affairs Cymru
219. UK Public Affairs Council
220. Institute of Chartered Accountants in England and Wales
221. Institute of Directors
222. Federation of Small Businesses
223. Association of Consulting Actuaries
224. Association of Train Operators
225. Council of Mortgage Lenders
226. British Medical Association
227. Federation of Environmental Trade Associations LTD
228. British Coatings Federation
229. Universities UK
230. British Computer Society
231. Home Builders Federation
232. The Association of Taxation Technicians, Low Incomes Tax Reform Group, Chartered Institute of Taxation
233. The British Association for Counselling and Psychotherapy
234. Society of Biology
235. Road Haulage Association - Sonia Purser
236. Chemical Industries Association - Simon Marsh
237. Sport and Recreation Alliance - Simon Butler
238. The Association of Private Client Investment Managers and Stockbrokers - Sheena Gillet
239. The Bureau of Investigative Journalism - Melanie Newman

### **Think Tank/Research Group/Academic**

240. Reform - Andy Haldenby
241. Social Market Foundation - Ian Mulheirn

- 242. Foundation for Information Policy Research - Nicholas Bohm
- 243. Institute of Economic Affairs - Sam Collins
- 244. Policy Connect - Peter Barrett
- 245. Transparency International UK - Rachael Davies
- 246. Full Fact
- 247. Million+
- 248. Dr. John Hogan, College of Business, Dublin Institute of Technology,  
Professor Gary Murphy, School of Law and Government, Dublin City University and  
Dr. Raj Chari, Department of Political Science, Trinity College Dublin
- 249. Prof. Justin Fisher

**Trade Union**

- 250. Royal College of Midwives - Amy Leversidge
- 251. National Association of Schoolmasters Union of Women Teachers - Chris Weavers
- 252. Associated Society of Locomotive Engineers and Firemen - Dave Gould
- 253. Chartered Society of Physiotherapy - Donna Castle
- 254. National Union of Journalists - Frances Rafferty
- 255. Association of Teachers and Lecturers (Scotland) - Keith Robson
- 256. UNISON - Ben Kind
- 257. Royal College of Nursing - Sarah Lane
- 258. National Farmers Union - Nick von Westenholz
- 259. TUC - Nigel Stanley

In addition to the above, campaign groups submitted petitions and responses:

<b>Campaign Group</b>	<b>Details</b>
Unlock Democracy	Over 7,000 signatories supported a petition and letter
38 Degrees	Over 66,000 signatories supported their statement
Avazz	over 400 signatories supported the statement

## **Campaign Text**

### **Unlock Democracy**

*We have three main concerns with the government's current plans:*

- 1. The definition of who a lobbyist is too narrow and excludes most of the industry (Tesco could be exempt; small shops lobbying via a trade body would not).*
- 2. The plans will only require lobbyists to register who they are, but not what they are lobbying for, who they are lobbying or how much money they are spending on lobbying.*
- 3. The register must be publicly funded so that alleged improprieties can be properly investigated.*

### **38 Degrees**

#### **Stop Secret Lobbying**

##### **Call on David Cameron to introduce a proper ban on secret lobbying**

*A ban on secret lobbying would help weed out this kind of sleaze where you can pay for dinner with the Prime Minister. New rules could force politicians to reveal who they're meeting and what they talked about. That's why 38 Degrees members have been campaigning to bring in these rules for ages.*

*After the MP expenses scandal, public pressure pushed all the parties to make big promises about tackling lobbying. But now it's time to write the new laws, Cameron is has come up with weak rules that won't solve the problem.*

*If we speak up together now, we can push him to go much further and bring in a real ban not a token gesture. Sign the petition now.*

### **Avazz**

#### **48 hours to stop the secret lobby**

- I am concerned that the current proposal doesn't cover "in-house" lobbyists and would allow lobbyists to keep crucial info hidden.*
- A robust register needs to show who is lobbying whom, what they are seeking to influence and how much money the lobbyists are spending.*
- The EU and US already have stronger lobbying laws than this -- we should set global best practice instead of lagging behind.*
- This proposal is an opportunity to respond to your citizens' concerns about the access of special interests to our elected representatives -- honour us by incorporating significant changes addressing the points above.*

## **Annex B – List of Meetings during Consultation Period**

Since the consultation opened officials have met with both Unlock Democracy and the Alliance for Lobbying Transparency. The Minister for Political and Constitutional Reform has spoken on the subject at the following events:

- CIPR (Chartered Institute of Public Relations) Public Affairs Meeting: 21 February.
- UKPAC: The Way Forward for the Lobbying Industry: 23 February.
- Trade Association Forum Annual Conference: 23 February.
- Hansard Society: Should Lobbying be Transparent?: 29 February
- PRCA Public Affairs Group Meeting: 26 March.
- Unlock Democracy Public Event in Birmingham: 11 April.

# Annex C – Consultation Questions

The key issues on which views were invited are summarised below.

## Definitions

- What definition of lobbying should be used?
- How should lobbyists be defined?

## Scope

- Should lobbyists or firms acting on a pro bono basis be required to register?
- Should organisations such as Trade Unions, Think Tanks and Charities be required to register?
- How can public participation in the development of Government policy best be safeguarded?

## Information to be included in the register

- Should the register include financial information about the cost of lobbying and about any public funding received?

## Frequency of returns

- Should returns be required on a quarterly basis?

## Additional functions

- Should the register's operator have any additional functions besides accurately reproducing and usefully presenting information provided by the registrants?

## Funding

- Should the lobbying industry meet the costs of the register and any associated functions?

## Sanctions

- Should penalties for non-compliance apply? If so, should they be broadly aligned with those for offences under company law?

## The register's operator

- Who should run the register – a new body or an existing one? What sort of body should it be?

## **Annex D – Consultation Criteria**

The consultation document and the consultation process have been planned to adhere to the Code of Practice on Consultation, and are in line with the consultation criteria, which are:

- Formal consultation should take place at a stage when there is scope to influence policy outcome.
- Consultation should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- Consultation exercise should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

# Annex E – Summaries of the Evidence Heard by the Political and Constitutional Reform Committee

## Introducing a statutory register of lobbyists

The Committee launched its inquiry into the Government's consultation, *Introducing a Statutory Register of Lobbyists*, on 20th January.

1. The Committee held its **first evidence session** on 2nd February and heard from witnesses with a range of strong views on lobbying regulations.
2. Its **second evidence session** was on 1st March when it heard from those who have been closely involved with the UK Public Affairs Council.
3. The **third evidence session** was held on 15th March, the session heard from the three self-regulatory bodies for public affairs professionals and to explore their views on the scope of the Government's proposals for a statutory register of lobbyists.
4. The **fourth evidence session on 22 March** was to hear from those who could be required to be on a statutory register of lobbyists depending on the Government's final definition of lobbying activity. The session explored how existing charity, trade union and legal work could be affected by the requirement to register.
5. The **fifth evidence session on Thursday 26 April 2012** was to hear from an academic expert in lobbying regulations in other countries, and from the owner of a website that collates and presents data on Ministerial meetings. The session explored how publication of data on Ministerial meetings could be made more user friendly, and whether any existing models of regulation in other countries could be applicable to the UK.
6. **The sixth and final evidence session on Thursday 17 May 2012** was to hear from the Minister for Political and Constitutional Reform, **Mark Harper MP** on the rationale for the Government proposals for introducing a statutory register of lobbyists. The session examined the evidence for the Government's proposals, and explored whether the proposals are likely to stop future scandals in lobbying.

## First Evidence Session

Evidence heard from **Tamasin Cave (Written & oral evidence)**, **Lionel Zetter (Oral evidence)**, and **Justin Fisher (Oral evidence)** on **2 February 2012**.

### Tamasin Cave, SpinWatch and the Alliance for Lobbying Transparency

- Unhappy with the Government's proposals for a statutory register of lobbyists and queried the Cabinet Office's transparency on this issue.
- Believed the consultation paper must be "amended to properly reflect public concerns over lobbying, with accurate information on the industry, and a fuller and more balanced account of the options for, and potential benefits of, a register of lobbyists".
- **In favour of a register** as it would try to increase Government accountability, transparency and public trust in decision making.
- Found that the **definition and scope** of lobbying in the consultation paper were too narrow – the register should include in-house lobbyists. Lobbying should be defined as a professional lobbying activity, which means that you are explicitly paid to lobby.
- "Whoever is carrying out the activity defined as lobbying is a lobbyist, whether they work for a trade union, in-house, an agency or a charity. I am a lobbyist. I work for a non-profit company. I do not think there is a distinction. Public concern is largely with in-house lobbyists." All these categories should be registered.
- She agreed with the Government that registration **should not create an undue burden** on lobbyists but the register should include information on issues lobbied on as well as listing lobbyists' names, clients and whether they have previously held senior public office.
- Felt that it should be **Government funded**.

### Lionel Zetter, Professor of Political Science, Brunel University

- Said that the **Cabinet Office proposals were widely welcomed by the industry**. They are proportionate and a good starting point. A statutory register is a good foundation on which to build.
- "The majority of people in the public affairs industry, such as it is, are in favour of a statutory register. The reason for that is I think because most of us already belong to a voluntary register, but there really will never be universality without some element of compulsion."
- Recognised that all the political parties were committed to bringing into being a statutory register.
- Felt that the European Parliament statutory register could be a good model.
- The **scope** is too narrow and that it should not be restricted simply to multi-client agencies (people who lobby on behalf of third-party advocates).
- Definition: Lobbying is about developing policy and making sure that that policy is brought to the attention of key opinion formers and key decision makers. It is talking to civil servants, talking to special advisers and looking to influence and inform them.
- **Agreed with charging** but not disproportionately.



**Justin Fisher**, Lobbyist and author of “Lobbying: the Art of Political Persuasion”

- “If the Government’s proposals were to go no further-and that would be a mistake-a practical solution might be to combine this register with the existing data on meetings with ministers.”
- Thought that self-regulation could work and that the Government’s proposals are “wholly inadequate”.
- **Scope:** The proposal only covers a very small part of the industry and that it should be widened and include charities: “There is no evidence whatsoever that multi-client agencies are a particular problem. The differentiation between them and lobbying by in-house, charities and so on, such as NGOs, is irrelevant.”
- Thought that “one of the significant problems” with the UKPAC register was that it did not cover a significant portion of the industry – it does not cover the in-house industry or charities.
- Unclear about **funding** but seemed to think it should be Government funded.

## Second Evidence Session

Evidence heard from **Mark Ramsdale (Written & oral evidence)**, **Mark Adams (Written and Oral evidence)**, and **Elizabeth France (Written on behalf of UKPAC & oral evidence)** on **1 March 2012**.

### **Mark Ramsdale**, Public Affairs and Policy Consultant

- **Agreed with the Government** when it states in its consultation that "lobbying serves an important function in politics - by putting forward the views of stakeholders to policy makers, it helps in the development of better legislation. But it needs to be open and transparent." It will make information about who is lobbying more authoritative and easily accessible.
- **Welcomed the register** because by appearing on a register, a lobbyist or their employer or clients is demonstrating their commitment to transparency.
- Felt that the **scope** was too narrow and that all lobbyists, regardless of whether they practice independently, in-house or as part of an agency, should appear on a register. This would include charitable bodies, trade unions and religious groups.
- Said it should not include those that are lobbying on a constituency issue.
- Argued that the **definition** should make clear to whom it applies and stand up to legal scrutiny. If you are a lobbyist, you lobby irrespective of the issue, and there should be no "good cause" clause.
- He endorsed the UKPAC definition: "Lobbying means, in a professional capacity, attempting to influence, or advising those who wish to influence, the UK Government, Parliament, the devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence".
- The register should be used alongside a regulatory framework, adherence to codes of practice, and appropriate sanction regime.
- Failure to register and behave ethically should result in **penalties**.
- **Funding**: there could be a regulatory body out there that is self-funding. There shouldn't be a cost to the taxpayer.

### **Mark Adams**, standup4lobbying

- He **supported the process that the Government intends to follow** although has said the consultation is "shameful". He said that "the vast majority in the public affairs industry-certainly those that I have spoken to, anyway-welcome the Cabinet Office consultation. It provides a focus to enable us to make clear that we are committed to transparency".
- It is important for the lobbying profession to be regulated effectively but is not convinced that statutory regulation will be any more effective than self-regulation.
- The **scope** is too narrow - It is a "fundamental error" that the proposals apply principally to multi-client lobbying companies as it will capture only a small proportion of the overall number of professional lobbyists.
- **Scope**: Everybody who lobbies on a professional basis should be on the statutory register.

- **Definition:** A lobbyist is someone who lobbies, and anyone who lobbies should be on a statutory register of lobbyists. Lobbying is an attempt, directly or indirectly, to influence public policy as set by public bodies. Public affairs practice encompasses lobbying.
- The Government should pay attention to the responses and be open about the representations they receive.

**Elizabeth France**, Chair, UK Public Affairs Council

- Agreed with the Government that lobbying is a legitimate activity in an open and democratic society but thinks its proposed solution (including **definition and scope**) is limited in scope.
- **Emphasised that first the definition (activity of lobbying) needs to be decided and then think about exemptions.**
- **UKPAC definition:** "Lobbying means, in a professional capacity, attempting to influence, or advising those who wish to influence, the UK Government, Parliament, the devolved legislatures". In addition, it could be an attempt to modify policy or to get some change in direction.
- **Scope:** If you have somebody there whose primary job is lobbying, whose job description says that is what they do, they should be included in the register. She thinks the register has to be universal, as broad as we can make it and she doesn't believe in "good cause" exemptions from the register
- "If we are going to have a statutory register, it needs to be straightforward, it needs to be simple, it needs to be enforceable, and it needs to cover everybody who meets the definition."
- **A register needs to be combined with a code of practice – She suggests a hybrid where the register showed whether a particular entrant on the register was signed up to a code of practice, which code of practice and who enforced it.**
- **Funding:** Thinks that if there is a fee to pay to join the statutory register and you are a small lobbying firm you may not be able to afford to join a professional body in addition to going on the statutory register. This could result in fewer people signing up to bodies that have ethical standards and codes of practice, which their members must comply with.
- **Sanctions: She is content for there to be powers of enforcement but does not specify what these would be.**

### **Third Evidence Session**

Evidence heard from, **Francis Ingham**, Chief Executive, Public Relations Consultants Association, **Jane Wilson**, Chief Executive Officer, Chartered Institute of Public Relations and **Helen Johnson**, Chair, Association of Professional Political Consultants on **15 March 2012**.

#### **Francis Ingham**, Chief Executive, Public Relations Consultants Association

- Welcomed the Government's proposal for a statutory register, saying it was essential to improving transparency and public confidence in the industry. However, found the Government's proposal to have a very narrow definition, which is "not only unfair to the people who will be covered, but ... will also fail to meet the Government's objectives"
- Did not believe that the responsibility for holding a register should rest with UKPAC. The body should be an independent body funded via the industry.
- Noted that ministerial diaries could be improved considerably; "they are frequently late or inaccurate". Said it would be a good thing for ministerial private offices to be a bit more open about who they meet.

#### **Jane Wilson**, Chief Executive Officer, Chartered Institute of Public Relations

- Saw lobbying as an essential part of the democratic process with an important part to play in the relationship to freedom of speech. By being more open and transparent the lobbying industry can be "better understood and ultimately accepted".
- Felt that a register that omits in-house lobbyists would not achieved increased knowledge and accountability. A register that covers all lobbyists and provides reasonable levels of accurate information could assist in making the process of lobbying better understood.
- Believed that Government attempts to register lobbyists should be complementary to industry structures of self-regulation
- Lobbyists are those seeking to influence public policy and doing so in a professional capacity, regardless of who you work for and what kind of organisation they are.
- Said that getting the definition right is important as it will influence every other decision that is made of who is included, the scope of the register and ultimately who runs it. It will influence the size, it will influence the funding
- Felt that the register should be run by an independent body and funded by the industry, but you could have good cause exemptions. UKPAC could be considered.

**Helen Johnson**, Chair, Association of Professional Political Consultants

- Did not oppose statutory registration but did not agree that the register need only extend to lobbyists who are acting on behalf of a third party. The sector is largely self-registered: “the vast majority of lobbyists are not working for multi-client firms, they are working in-house or for charities or think-tanks, unions, law firms”.
- Argued that if a register were to be introduced, it should apply universally to all those who lobby on a professional basis.
- Suggested a narrow definition of lobbying could be triggered by direct contact or interaction with institutions of government or legislators. A broader definition of lobbying should include advising clients on how to make that direct contact themselves.
- Said that trying to set any kind of threshold based on percentage of time etc. would be fraught with difficulty.

## Fourth Evidence Session

Evidence Heard from **Ben Kernighan**, Deputy Chief Executive, National Council for Voluntary Organisations, **Nigel Stanley**, Head of Campaigns and Communications, Trade Union Congress and **John Wotton**, President of the Law Society, gave evidence on **22 March 2012**.

**Ben Kernighan**, Deputy Chief Executive, National Council for Voluntary Organisations

- Saw lobbying as an essential part of democracy and believed it is right that outside interests inform public policy process, noting that the Government often wants to be influenced by charities and will frequently seek their views.
- Recognised that there was a need to regulate lobbying activity in order to prevent further ambiguity and mistrust of the political system.
- Believed that charities lobbying government were different in a number of ways from other types of lobbyists. Principally as they are: accountable to a board of trustees; legally required to act for public benefit, and regulated in their lobbying activity by the Charity Commission.
- Did not think charities should be part of the register as proposed since “it is pretty self-evident who it is that charities are lobbying for”.
- Believed that two key things were missing from the proposals: a clear setting out of the standards of professional conduct for lobbyists (code of conduct), and clarity on who is lobbying whom.
- Concerned about the regulatory burden, both in terms of time and costs. Any proposal “would need to be proportionate if charities were to be involved”.
- Noted that the definition of who was a lobbyist was critical. We could not register the members of even the major charities because you would have a register of most of the population of the United Kingdom! An answer could be “somebody who perhaps spent most of their time on lobbying activity”.
- Agreed with Nigel Stanley that including financial disclosure in any register of lobbyists was important. This could be done in broad bands to provide some sense of what resources are going into the influencing process.

**Nigel Stanley**, Head of Campaigns and Communications, Trade Union Congress

- Argued that the register seems to be being advanced to solve a number of different problems and there are, therefore, a number of different agendas getting confused.
- Felt that there is a broad concern that people with wealth and power have superior access to decision makers over others but there are also rather precise and narrowly focused concerns about the role of third-party lobbyists.
- Felt that unions “have been singled out”, along with charities and think-tanks.
- There is a missing category of groups as well: the rise of what you might call campaign groups that are not charities, not unions, not professional lobbyists,

- Believed there is a particular problem with lack of transparency around professional lobbyists: “We would support much more disclosure about [lobbyists], their clients, the issues they are lobbying on and their finances”.
- Said there is problem of who needs to be registered noting that anyone who works on policy in the TUC may well meet a minister and could therefore be classified as a lobbyist.
- Stated that the real onus for transparency should be on those being lobbied.
- Said that one cannot attempt to use a register for dealing with a whole number of different problems: “you can’t put a screw in with a hammer”.
- Could see a strong role for a register for a specific group of paid-for third-party lobbyists, noting that it becomes problematic when one goes wider to include a “random list of organisations”.
- Did not object to being part of a register if absolutely everybody was on it, but could see problems with defining who everybody is and what organisations are covered.
- Said that adding political parties to the register would be “bizarre”.
- Felt it is important to include financial disclosure in any register of lobbyists. This could be done in broad bands to provide some sense of what resources are going into the influencing process.

**John Wotton**, President of the Law Society

- Noted that the Law Society is very supportive of the principle of transparency in lobbying.
- Thought there should be an exemption for legal advice and representation, which is the case with the European Transparency Register.
- Felt that a voluntary register would present a number of difficulties. Notably: it would be possible for people to engage lobbyists who are not on the register and so bypass the transparency process; and it is difficult to square with client confidentiality. Mr Wotton provided the example of the voluntary provisions of the European Transparency Initiative.
- Argued that a statutory register would be preferable.
- Stated that lobbying has not become a very big activity for lawyers in the UK, noting that very few law firms have identified a specific public affairs or lobbying activity.
- Felt that, where organisations are lobbying on their own behalf, they should not have to register, saying that “it is only where there is a client involved that there is an additional need for transparency”.
- Said that where lobbying is only incidental to other activities this should not be registered saying “there may be some scope for a de minimis or incidental lobbying type of exemption”.
- Thought that aspects of the UKPAC definition are perhaps unduly broad.



- Said that in relation to lawyers and barristers, the detailed and principle-based professional code of ethics under which the industry operates should be a sufficient safeguard. And could see that it could well be useful if other lobbyists also had an appropriate code of conduct.
- Would not favour, though, a lobbying regulator
- Not sure that the level of fees should be set by reference to the size of the organisation.
- Said it could be cumbersome to administer a time threshold system for deciding who should register.

## Fifth Evidence Session

Evidence heard from **Dr Raj Chari**, Lecturer in Political Science, Trinity College Dublin, and author, *Regulate Lobbying: A Global Comparison*, and **Rob McKinnon**, Who's Lobbying, on **26 April 2012**.

**Dr Raj Chari**, Lecturer in Political Science, Trinity College Dublin, and author, *Regulate Lobbying: A Global Comparison*

- Noted that from a global comparative perspective the proposals are quite narrow. In particular the lobbyists covered would be professional consultancies solely and thus exclude in-house lobbyists, in-house corporate lobbyists, trade associations, NGOs and other organisations, which most other legislations in the world would consider to be lobbyists.
- Said that other jurisdictions, particularly the United States and Canada, require more detailed disclosure than the UK proposals. For example on who you were lobbying, who the members of your organisation are, which ministries you want to lobby and how much money is being spent on your lobbying activity.
- Thought the proposals were wanting in terms of having specific rules for “cooling off periods”. That is restrictions on Ministers and senior officials moving into the lobbying industry after leaving public office.
- Noted that in the European Commission’s (voluntary) register the percentage of in-house lobbyists and trade associations that are registered, that would represent about 50% of all of those that are registered. NGOs and think-tanks would represent about 30%, other religious organisations and academic organisations about 10%. The uptake of registering professional consultancies in the European Commission has been very low (around 10% to 15%) and this is mirrored in other jurisdictions.
- Highlighted that it is very difficult to fine someone based on breaking a code, per se, because it could be somebody’s interpretation based on another.
- Gave the example of Canadian legislation where if you were found to have broken the rules, you can get a maximum of up to a \$200,000 fine and up to two years’ imprisonment
- Felt that defining lobbyists on the basis of % of time spent lobbying was very difficult and open to misinterpretation.
- Said that in North America-the general rule is that if any attempt is made to influence political decisions that should be recorded.

## **Rob McKinnon, Who's Lobbying**

- Concerned that the Government's proposals do not cover what issues are being lobbied on.
- Said that Government provision of information on ministerial meetings could be improved: "we are still waiting for the last seven months of government meetings". Moreover there are over 24 department websites you need to visit to find this information and each department publishes its data in a slightly different format
- Explained that in the Who's Lobbying database of the almost 8,000 meetings that were declared by departments only 18 of those meeting included a lobbying firm. That is less than a quarter of a percent of all of the government meetings. In comparison political and economic think-tanks have been mentioned in 163 meetings. So there are almost 10 times as many references of meetings with think-tanks compared with lobbying firms.
- Noted that if executed correctly, the actual financial cost of providing a register should be fairly low.
- Recommended that any proposal from Government should require that any time a legal entity is mentioned, if it is a company, that the company number be provided, if it is a charity, that the charity number be provided, and if it is registered in a different jurisdiction, that the jurisdiction and the registration number in that jurisdiction be provided. Otherwise there will be concerns about the ability to analyse and report on this information.



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