

**Committee on  
Standards in  
Public Life**

## **Lobbying Seminar**

### **Summary Note**

**Thursday 21 September 2023  
10 am - 12 noon**

**1 Horse Guards Road, London, SW1A 2HQ**

## Attendees

### *Committee on Standards in Public Life*

- Lord (Jonathan) Evans, Chair
- The Rt Hon Lady (Mary) Arden
- The Rt Hon Ian Blackford MP (remote)
- Ewen Fergusson
- Baroness (Simone) Finn
- Professor Gillian Peele (remote)
- Professor Mark Philp, (Chair, CSPL Research Advisory Board)

### *External Participants*

- Professor Robert Barrington, Anti-Corruption Practice (Politics), School of Law, Politics and Sociology, University of Sussex
- Alex Farrow, Director of Influencing and Engagement, National Council for Voluntary Organisations
- Duncan Hames, Director of Policy & Programmes, Transparency International UK
- Dr Sue Hawley, Executive Director, Spotlight on Corruption
- Simon Madden, Director of Propriety and Ethics, Propriety and Constitution Group, Cabinet Office
- Alastair McCapra, Chief Executive Officer, Chartered Institute of Public Relations
- John Penrose MP, Prime Minister's Anti-Corruption Champion (2017-2022)
- Lord (Eric) Pickles, Chair, Advisory Committee on Business Appointments
- Dr Samuel Power, Senior Lecturer (Politics), School of Law, Politics and Sociology, University of Sussex
- Harry Rich, Registrar of Consultant Lobbyists

### *Also attending*

- Catriona Marshall, Head of ACOBA & OCPA
- Tommaso Rabitti, Press, John Penrose MP

### *CSPL Secretariat*

- Lesley Bainsfair, Head of Secretariat
- Nicola Richardson, Senior Policy Adviser
- Elliot Ammar, Senior Policy Adviser
- Amy Austin, Policy Adviser
- Maggie O'Boyle, Press Officer<sup>1</sup>

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<sup>1</sup> Maggie O'Boyle provides part-time press support to the Civil Service Commission, the House of Lords Appointments Commission, the Office for the Commissioner for Public Appointments and the Committee on Standards in Public Life.

## **Introduction**

Lobbying is an important and legitimate aspect of public life in a liberal democracy - the right of individuals, businesses, and interest groups to make representations to government and elected officials is essential. Whether recommending solutions, providing evidence or highlighting concerns, input from a range of stakeholders can make for better government decisions.

It's important that the level of access and influence to key decision makers is fair, proper and transparent. Unfair and improper access, real or perceived, damages public trust in decision making.

This seminar explored how the current lobbying rules are working in practice, particularly the transparency and governance arrangements for lobbying. It also considered whether All Party Parliamentary Groups (APPGs) could be used as a vehicle for improper access and influence by commercial lobbyists and hostile state actors.

## Summary of discussion

The Committee wanted to ensure all participants were able to conduct an open and candid discussion around lobbying. As a result, the following summary note does not attribute comments or views to any particular individual or organisation.

### How the system works & issues with the current process

#### Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

The aim of the current system is for greater transparency around lobbying, while recognising the contribution it can make to informing policy and practice.

The 2014 Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act not only covers the interactions of consultant lobbyists with government, but also captures accountants, lawyers, and management consultants who have lobbied government on behalf of their clients.

However, the Act excludes:

- in-house lobbyists ;
- communications between consultant lobbyists and special advisers; and
- consultant lobbyists who are not registered for VAT (i.e. turnover is less than £85k per year), including consultants employed by foreign companies and state actors.

In each case, participants questioned whether these were defensible exclusions. One participant highlighted that the exclusion of in-house lobbyists makes the UK system exceptional - of a list of 22 lobbying registers from OECD member countries, 18 include in-house lobbyists

There was also a concern that an organisation or individual who is able to demonstrate that lobbying is not the main function of their business does not need to register as a consultant lobbyist. For example, think tanks may operate in a similar way to consultant lobbyists but are not captured by the Lobbying Act. Some participants said that this ambiguity around the 'incidental exemption' should be addressed.

#### Accessibility and quality of data

We heard that the level of data that registrants are required to provide to the Office of the Registrar of Consultant Lobbyists lacks detail. This makes comparisons with government transparency data difficult. Failings around transparency in the register make it easy for bad actors to find loopholes to exploit. Some participants felt that if the system is to create greater transparency and confidence, there needs to be a much clearer and more accessible database that allows anyone to view lobbying activity.

It was suggested that a simple solution would be to increase the level of data provided in government department transparency releases. [Canada](#)<sup>2</sup> and the [USA](#)<sup>3</sup> provide examples of how data can be presented in an easy and accessible way. In Ireland, the onus is on both parties to declare interactions; any individual, company or NGO that seeks to directly or indirectly influence [designated public officials](#)<sup>4</sup> on policy or legislative matters must declare it on the [register of lobbying activity](#)<sup>5</sup>.

### *Special Advisers*

The government has committed to extending transparency obligations to include all Directors General, Finance and Commercial Directors, and Senior Responsible Owners in the government's Major Projects Portfolio.<sup>6</sup> However, the government did not accept that the transparency obligations should be extended to special advisers. There was a view that this is a major loophole because the business of lobbying government often starts with special advisers. By its nature, the relationship between special advisers and ministers can be close and influential.

### *Other evidence gaps*

Ministers are usually constituency MPs and as part of their responsibilities they may be lobbied, as MPs, on issues which relate to their role as a government minister. These interactions will not be recorded by civil servants and therefore will not be part of a department's transparency return. Nonetheless, there is an expectation in the Ministerial Code of upholding the highest standards and if any meeting or interaction relates to government business, ministers are obliged to declare it.

Opposition MPs are often lobbied by individuals, businesses and other organisations ahead of general elections. However, these interactions, which may affect a new government's approach to particular policy or legislative programme, are not covered by any transparency obligations.

## **How big a problem is improper access and influence by commercial lobbyists and hostile state actors in All Party Parliamentary Groups?**

In the context of improper access and influence, some participants viewed APPGs as a serious problem. Others regarded them as an interest group to be managed by government ministers and civil servants.

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<sup>2</sup> Office of the Commissioner of Lobbying of Canada, Register of Lobbyists, accessed 29 September 2023, <https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/guest>

<sup>3</sup> United States, House of Representatives, Lobbying Disclosures, accessed 29 September 2023, <https://disclosurespreview.house.gov/>

<sup>4</sup> Standards in Public Office Commission (Ireland), Who are the Designated Public Officials (the lobbied)?, accessed 29 September 2023, <https://www.lobbying.ie/help-resources/information-for-dpos/guidance-for-local-authority-members/who-are-the-designated-public-officials-the-lobbied/>

<sup>5</sup> Standards in Public Office Commission (Ireland), Search the Returns Register, accessed 29 September 2023, <https://www.lobbying.ie/app/home/search>

<sup>6</sup> UK government, 2023, Strengthening Ethics and Integrity in central government, <https://www.gov.uk/government/publications/strengthening-ethics-and-integrity-in-central-government>

One approach would be to take a risk-based approach when assessing whether particular APPGs are a vehicle for improper access and influence - one should consider:

- the political reputation and standing of the APPG's members;
- the area or issue the APPG is concerned with;
- where and how often APPG members undertake foreign travel; and
- how the APPG is funded and organised (for example, given the additional burden on an MP's expenses of running an APPG, offers to fund or organise them can be welcomed by MPs).

Participants were more concerned with the informal contacts established as a result of APPG activity, than the reports and meetings associated with them. However, it would be difficult to frame rules to police and govern these interactions.

Whilst new parliamentary rules and the Lobbying Act capture some of the funding and governance issues, there was still some concern that some APPGs were not always operating in the public interest, or wholly transparent. For example, is it appropriate for external secretariats to prepare suggested oral parliamentary questions for their members to ask particular ministers or government departments?

Further steps to improve propriety and transparency could be taken without the need for legislation: the use of prescribed lists of foreign funding sources and appropriate foreign travel destinations; and additional political party rules governing MPs' membership of APPGs.

### **Improving transparency and compliance**

#### **Do government reforms to the quality and timeliness of departmental transparency returns go far enough, or are further enhancements necessary?**

Most participants welcomed the improvements to transparency measures set out in *Strengthening Ethics and Integrity*, such as the intention to move from quarterly to monthly departmental returns.<sup>7</sup> However, the changes were not considered sufficient to rebuild public trust in the system that regulates lobbying. The absence of an accountability mechanism also negatively impacts public trust. For example, it was not clear who would hold departments and ministers to account if they failed to disclose the necessary information in a timely manner.

For some, it was difficult to see how government departments ensured a diversity of perspectives when formulating policy and legislation. The variety of stakeholders included in departmental transparency returns illustrated this challenge around equal access to key decision makers.

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<sup>7</sup> UK government, 2023, Strengthening Ethics and Integrity in central government, <https://www.gov.uk/government/publications/strengthening-ethics-and-integrity-in-central-government>

Notably, participants criticised the absence of a timeline from government for instituting their proposed changes, particularly the development of a central database to search transparency returns. The government's rejection of recommendations widening the scope of transparency releases to include special advisers was also regarded as unsatisfactory.

The quality of information provided by departments is of crucial importance. We heard that in recent transparency returns for the Department for Levelling Up, Housing & Communities, the topic of at least thirty meetings was described as 'discussed levelling up'. One suggestion was that any meeting recorded in a department's transparency return should state the rationale, noting how the public interest is served.

Whilst the rules are clear that communications involving government ministers and relevant stakeholders have to be declared, it was suggested that informal engagement should also be included within the framework of departmental returns. In this context, participants also highlighted the risk posed by political party donors, who may be rewarded with significant facetime with current or future government ministers. These interactions are not necessarily captured by current transparency obligations.

### **Is a ban on lobbying by ex-ministers a sensible solution? Was the recommendation made by this Committee on ACOBA too broad?**

Participants discussed challenges concerning the 'revolving door' between the senior civil service and organisations outside the public sector, including those appointments not covered by ACOBA. Legislation would give the relevant bodies sufficient regulatory powers to tackle any impropriety around business appointments. Nonetheless, some participants felt a lot could be achieved without the need for statute.

Participants said ministers and senior civil servants should know when they start working for a government department what the post-employment obligations will be. This would set expectations from the outset.

The government has now committed to a Ministerial Deed, which would legally bind government Ministers to the Business Appointment Rules after leaving government.<sup>8</sup> Such obligations are already in civil servants' contracts, but participants felt further adjustments were necessary to ensure compliance.

In the context of the lobbying ban in the Business Appointments Rules and how long any ban should last, participants suggested that the utility of an ex-minister to a potential employer is usually limited because knowledge of government business usually ceases to have any tangible value beyond two years. Participants suggested that the influence of an ex-Prime Minister or ex-minister of one of the high offices of state, arguably extends beyond two years. As such, a ban on lobbying could be implemented on the basis of the risk posed to the public interest - though determining the level of risk, and how long that risk lasts is complex.

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<sup>8</sup> UK government, 2023, Strengthening Ethics and Integrity in central government, <https://www.gov.uk/government/publications/strengthening-ethics-and-integrity-in-central-government>

## Summary of key themes

The seminar helpfully explored different viewpoints. The issue of risk resonated and there was a sense among participants that lobbying and the public's trust in the system that regulates it, could be significantly strengthened without statutory intervention.

There were several areas in which participants suggested scope for change:

- lobbying register and what's encompassed in the lobbying process;
- All Party Parliamentary Groups;
- departmental transparency returns; and
- ACOBA and the issuing of contracts for Ministers and Senior Civil Servants.

Concerns relating to lobbying were:

- improper influence and the effect it has on public interest and policy making;
- transparency and public trust - although these are difficult to influence directly, they are central to accountability; and
- fairness - does the regulatory framework around lobbying guarantee fair access to government, and how do we ensure we are getting a range of perspectives?

Whilst there have been encouraging signs from the government in their response to three reports on ethics and integrity in central government, lobbying remains a contested issue<sup>9 10</sup>. Those in power will need to keep adapting their approach.

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<sup>9</sup> UK government, 2023, Strengthening Ethics and Integrity in Central government, <https://www.gov.uk/government/publications/strengthening-ethics-and-integrity-in-central-government>

<sup>10</sup> Committee on Standards in Public Life, 2022, Upholding Standards in Public Life, <https://www.gov.uk/government/publications/upholding-standards-in-public-life-published-report>; PACAC, Propriety of Governance in Light of Greensill, <https://publications.parliament.uk/pa/cm5803/cmselect/cmpubadm/888/report.html>; and Nigel Boardman, A review into the development and use of Supply Chain Finance in government, <https://www.gov.uk/government/publications/findings-of-a-review-into-the-development-and-use-of-supply-chain-finance-in-government>