

Agenda – Standards of Conduct Committee

Meeting Venue: For further information contact:

Committee Room 2 – Senedd

Meriel Singleton

Meeting date: Tuesday, 13 June 2017

Committee Clerk

Meeting time: 09.30

0300 200 6565

SeneddStandards@assembly.wales

(Private pre-meeting 09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Papers to note

(9.30)

Lobbying: Briefing paper on Lobbying Registers in Ireland and the European Parliament

(Pages 1 – 7)

Lobbying: Public Affairs Cymru – Code of Conduct on Lobbying

(Pages 8 – 10)

3 Inquiry into Lobbying: Evidence Session 5

(09.30– 10.00)

(Pages 11 – 21)

Research Briefing

SoC(5)–06–17 Paper 1 – Consultation response from Wales Council for Voluntary Action (WCVA)

Anna Nicholl – Director of Strategy and Sector Development, WCVA

David Cook – Policy and Engagement Officer, WCVA

Anne Meikle – Head, WWF Cymru



4 Lobbying: Evidence Session 6

(10.00 – 10.30)

(Pages 22 – 24)

SoC(5)–06–17 Paper 2 – Consultation response from Association of Professional Political Consultants (APPC)

Mark Glover – Chair of the APPC

Cathy Owens – Welsh Member of the APPC Management Committee

5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

(10.30)

Item 6

6 Inquiry into Lobbying: Consideration of evidence received

(10.30 – 11.00)

Y Gwasanaeth Ymchwil | Research Service

Standards of Conduct Committee

Lobbying Registers: Ireland and European Parliament

Research Briefing

This paper provides background briefing on how the registers of lobbyists work in Ireland and the European Parliament. The briefing was requested following the Committee's evidence session with the Registrar for the UK Register of Consultant Lobbyists (Alison Joy White) and Scottish Lobbying Registrar (Billy McLaren).

Ireland

In March 2015 the [Regulation of Lobbying Act 2015](#) (the Act) was signed into law by the President of Ireland. The Act provided for: the establishment of a register of persons who carry out lobbying activities; a code of conduct to carry out lobbying activities; and restrictions on involvement in lobbying by certain former designated public officials.

Administration of the register

The [Register of Lobbying](#) is administered and maintained by the [Standards in Public Office Commission](#), an independent body chaired by a former High Court judge. The role of the Commission is to: act as the Registrar for Lobbying; develop and oversee the web-based public register; deal with matters for decision; implement the code of conduct; provide guidance and promote understanding of the system; exercise powers to investigate; issue fixed payment notices for minor breaches; make provision for offences for significant breaches; and to provide Annual Reports to the Oireachtas.

Organisations required to register

Organisations are required to register if they are carrying out lobbying activities. This is determined by ascertaining if: the organisation is communicating either directly or indirectly with a "Designated Public Official" about "a relevant matter¹" and the organisation is one of the following:

¹ Other than a specifically exempted matter.

- A third party being paid to communicate on behalf of a client (where the client is an employer of more than 10 full time employees or is a representative body or an advocacy body which has at least one full-time employee);
- An employer with more than 10 employees where the communications are made on its behalf;
- A representative body with at least one employee communicating on behalf of its members and the communication is made by a paid employee or office holder of the body;
- An advocacy body with at least one employee that exists primarily to take up particular issues and a paid employee or office holder of the body is communicating on such issues; and
- Any person communicating about the development or zoning of land.

For the purposes of the Act, Designated Public Officials are listed as: Ministers and Ministers of State; TDs (Teachta Dála) and Senators; MEPs for constituencies; Members of Local Authorities; Special Advisers; Secretaries General and Assistant Secretaries in the Civil Service; and Chief Executive Officers and Directors of Services in Local Authorities

A “relevant matter” is one which relates to:

- The initiation, development or modification of any public policy or of any public programme;
- The preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws); or
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds².

There are a number of “excepted or exempted communications” which are not regarded as lobbying activities:

- Private affairs: Communications by or on behalf of an individual relating to his or her private affairs about any matter other than the development or zoning of any land apart from the individual’s principal private residence;
- Diplomatic relations: Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or other international intergovernmental organisations;
- Factual information: Communications requesting factual information or providing factual information in response to a request for the information;

² Other than the implementation of any such policy, programme, enactment or award or any matter of a technical nature only.

- Published submissions: Communications requested by a public service body and published by it;
- Trade union negotiations: Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members;
- Safety and security: Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State;
- Oireachtas committees: Communications which are made in proceedings of a committee of either House of the Oireachtas;
- Communications by Designated Public Officials or public servants: Communications by a designated public official in his or her capacity as such; communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body;
- Governance of Commercial State bodies: Communications by or on behalf of a commercial state body made to a Minister who holds shares in, or has statutory functions in relation to, the body, or to designated public officials serving in the Minister's department, and which are made in the ordinary course of the business of the body; and
- Policy working groups: Communications between members of a relevant body appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it.

The Register

The lobbying register is a web-based public registry of information. There is no charge for organisations/individuals to register. At the time of writing there are 1620 organisations/individuals [registered](#). Registrants are required to provide the following information on the register:

- Organisation name;
- Business address and contact details;
- Main business activities;
- Name of the person with primary responsibility for lobbying; and
- Company Registration Office Number/Charitable Registration Number.

Registrants are required to make 'returns' to record lobbying activity. There are 3 returns periods per year with assigned deadlines (1 September–31 December: returns due 21 January/1 January–30 April: returns due 21 May/ 1 May–31 August: returns due 21 September). Each return must include information on who was lobbied; the subject matter of the lobbying and intended results; type and extend of activity; the name of any person in the

organisation who is or was a designated official and carried out lobbying activity; client information (if relevant).

Contraventions and sanctions

Part 4 of the Act deals with contraventions and enforcement. There are a number of contraventions:

- Lobbying without registering;
- Failure to submit a return by deadline (including nil return);
- Providing inaccurate/misleading information;
- Failing to comply with an investigation; and
- Obstructing an investigation.

The consequences for non-compliance with the Act include fixed payment notices (for late returns), investigation of possible contraventions, prosecution, and fines and/or imprisonment.

Additionally, there are post-employment restrictions for some public officials.

European Parliament and Commission

The [Transparency Register](#) was set up as a joint scheme by the European Parliament (EP) and the European Commission (EC) in 2011 through an [Interinstitutional Agreement \(IIA\)](#). The register applies to all interest groups engaging in activities carried out with the objective of influencing the law-making and policy implementation processes of the EU institutions. The scope of the register covers all activities (with a couple of exceptions³) carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and decision making processes of the EU institutions, irrespective of where they are undertaken and the channel or medium of communication used.

The Interinstitutional Agreement between the European Parliament and the European Commission sets out the rules and principles on which the Transparency Register is based. The first Agreement (signed in June 2011) was reviewed after two years. The revised Agreement was adopted in April 2014.

The Register

The register is currently voluntary, but there are [proposals to make it mandatory](#). It is a publicly available, searchable resource, and there is no fee for registration. There are a

³ Activities not covered are outlined in points 9, 10, 11 and 12 of the Interinstitutional Agreement.

number of incentives that may offered by the European Parliament to encourage registrants to register:

- Further facilitation of access to its premises, its Members and their assistants, its officials and other staff;
- Authorisation to organise or co-host events on its premises;
- Facilitated transmission of information, including specific mailing lists;
- Participation as speakers in committee hearings; and
- Patronage by the European Parliament.

Incentives offered by the European Commission to registrants may include:

- Measures with regard to the transmission of information to registrants when launching public consultations;
- Measures with regard to expert groups and other advisory bodies;
- Specific mailing lists; and
- Patronage by the European Commission.

At the time of writing, there are 11,216 [registrants in the register](#). The breakdown of organisations is shown in Table 1 below.

Table 1: [Statistics for the Transparency Register \(Europa.eu\)](#)

Professional consultancies/law firms/self-employed consultants	1301
In-house lobbyists and trade/business/professional associations	5563
Non-governmental organisations	2932
Think tanks, research and academic institutions	838
Organisations representing churches and religious communities	48
Organisations representing local, regional and municipal authorities, other public or mixed entities etc.	534
Total	11216

Administration of the register

The Joint Transparency Register Secretariat (JTRS) is made up of a team of officials from the European Parliament (EP) and the European Commission (EC). It operates under the coordination of the Head of the Transparency Unit in the European Commission Secretariat-General with the Council as an observer. The JTRS is in charge of the day-to-day management of the system; it offers help-desk services, issues and updates guidelines for registration, undertakes data quality checks, handles alerts and complaints received, coordinates IT development and maintenance, and carries out awareness-raising activities. The Secretariat issues an [Annual Report](#) on the Transparency Register, its content and the way in which it is developing.

Registrant information

Registrants are required to provide a wide range of information:

- The name of the organisation or self-employed individual;
- The section of registration (type of organisation by category);
- Contact details;
- Details of the person with legal responsibility and person in charge of EU relations;
- The goals/remit of the organisation;
- Details of specific activities covered by the register (e.g. main EU initiatives, policies and legislative files followed by the organisation/relevant policy implementation, public relations and communication activities/participation in EU structures and platforms/high level groups (EC)/Consultative committees/expert groups (EC), Intergroups and industry forums (EP);
- The number of people involved in the activities listed in the previous bullet point;
- Details of persons accredited for access to European Parliament premises;
- Fields of interest;
- Membership and affiliation; and
- Financial data (including estimate of the annual costs related to activities covered by the register, and the most recent financial information about funding received from EU institutions).

By registering, an organisation has automatically signed the Transparency Register [Code of Conduct](#), which sets out the rules for all those who register and establishes the underlying principles for standards of behaviour in all relations with the EU institutions.

Contraventions and sanctions

The Interinstitutional Agreement sets out a range of measures available to the JTRS in the event of non-compliance with the code of conduct. These are summarised in Table 2 below.

Table 2: [Measures available in the event of non-compliance with the code of conduct](#) (from Interinstitutional Agreement)

Type of non-compliance	Measure	Publication of measure in the register	Formal decision to withdraw access to European Parliament premises
Non-compliance, immediately corrected	Written notification acknowledging the facts and their correction.	No	No
Non-cooperation with JTRS	Removal from the register, de-activation of the authorisation for access to EP premises and loss of other incentives.	No	No
Inappropriate behaviour	Removal from the register, de-activation of the authorisation for access to EP premises and loss of other incentives.	No	No
Repeated and deliberate non-cooperation or repeated inappropriate behaviour and/or serious non-compliance	<p>a. Removal from the register for one year, and formal withdrawal of authorisation for access to EP premises</p> <p>b. Removal from the register for two years, and formal withdrawal of authorisation for access to EP premises</p>	Yes, by decision of the Secretaries General of the EP and EC.	Yes, by decision of College of Quaestors.

Agenda Item 2.2 Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct Committee SoC(5)-06-17 PTN2

Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct Committee

SoC(5)-06-17 PTN2

Code of Conduct for Public Affairs Cymru

Mission Statement of Public Affairs Cymru

Established in October 2006 Public Affairs Cymru (PAC) is a membership organisation for public affairs professionals in Wales. Members come from a wide variety of backgrounds – commercial public affairs agencies, PR companies, the voluntary sector, trade associations, advocacy groups and professional bodies who all share a common desire to ensure that public affairs and lobbying activities are undertaken professionally and responsibly.

Public Affairs Cymru recognises that lobbying and public affairs activity is an entirely legitimate and a vital part of Welsh democracy and its members are committed to:

- Safeguarding the reputation of the public affairs profession;
- Encouraging best practice amongst public affairs professionals;
- Promoting wherever possible the work of public affairs professionals operating in Wales

The Code of Professional Conduct

For the purposes of this Code of Professional Conduct, lobbying is defined as: “All activity associated with representing the interests of a client, employer or organisation as regards any matter of public policy. This includes the provision of information and advice, as well as the actual advocacy of a point of view.”

All members of PAC are expected to behave in accordance with this Code and to ensure that they meet all its provisions in their professional activity. The most important benefit attached to compliance with the terms of the Code of Professional Conduct is that the lobbying/government relations/public affairs profession in Wales will both be professional and ethical, and seen by others as being professional and ethical. That is of inestimable value to all practitioners, in whose interest it is that policy makers and the public alike perceive their profession as reputable, legitimate and of a high standard.



From May 2017 PAC has created a new membership system whereby every member of PAC, both Full members and Associate members, must sign the Code on an annual basis as part of the joining process with individuals signing a copy of the Code when they become a member of PAC. A full list of PAC members will be published on the PAC website. PAC undertakes to review the Code on an annual basis at our Annual General Meeting.

Full members of PAC (not associate members) are expected to comply by the following standards of Professional Conduct:

1. Members of PAC are expected to take care to ensure that none of their professional activities or behaviour causes, or has the potential to cause, damage to the reputation of PAC itself or to their profession more generally.
2. Members are expected to deal with clients, employers, organisations and all the institutions of government honestly, transparently and with integrity.
3. Members are expected to take reasonable steps to establish that information supplied by them to clients, employers and organisations or to public office-holders and press is factually accurate and honest. Members are expected to not knowingly mislead elected public office holders, their staff or officials.
4. Members are expected to observe a positive duty in all their professional dealings to disclose the identity of their client, employer or organisation and to be open in providing other information when requested (within the normal boundaries of commercial confidentiality). Any PAC member which routinely sells public affairs commercial services (excepting trade or representatives bodies) will lodge a publicly available list of clients with PAC.
5. Members are expected to advise their client, employer or organisation if they believe that the objectives or activities of their client, employer or organisation may be unethical, illegal or contrary to good professional practice and not to take action to further such objectives or activities.
6. Members are expected to ensure that any financial relationships involved in their professional dealings could not reasonably be construed as being potentially illegal or dishonest.
7. Members are expected to provide information on the cost and value of hospitality provided to public office-holders if the public office-holders concerned request such information.
8. Members are expected to take care to keep entirely separate, and to be seen to do so, their professional activities and responsibilities and their personal and individual membership of, and involvement in, political parties, pressure groups, related organisations and other political causes.
9. Members are expected to neither hold nor seek to obtain permanent passes which confer entitlement to access (or other privileges) to elected public office holders, their staff or officials for use. No Full member of PAC is allowed to hold a pass to the Assembly in any capacity.



10. Members are expected, while in the National Assembly for Wales, Welsh Government or any other parliamentary or governmental building to observe the rules and procedures of that institution. Any PAC member which routinely sells public affairs commercial services will respect the National Assembly as an institution and undertake not to use the Assembly estate as a marketing initiative either by direct company marketing or attending events speculatively with the purpose of attracting new clients.

11. In relation to the process of drafting manifestos, members will not exploit their roles within a political party, nor indeed their membership of a political party, to seek advantage for those for whom they lobby or represent professionally.

Document is Restricted

Inquiry into lobbying



A response from WCVA

1. WCVA is the national membership organisation for the third sector in Wales. Our vision is for a future where the third sector and volunteering thrive across Wales, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing.
2. WCVA works with a range of national specialist agencies, county voluntary councils and other development agencies, to provide a support structure for the third sector in Wales. We have over 3,000 members, and are in touch with many more organisations through a wide range of national and local networks.

WCVA is pleased to have the opportunity to respond to the Standards of Conduct Committee's inquiry into lobbying. This is a key issue for many third sector organisations that are working to influence and achieve positive change in Welsh society; it is therefore crucial that WCVA's members and wider third sector networks have an opportunity contribute to policy development.

3. WCVA has consulted with our members and third sector networks to help build this response.
4. First we offer our recommendations, followed by answers to each question asked by the Committee.

Recommendations

5. The UK Government should be asked to respond to the Harries Commission report on the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (also known as the Lobbying Act).
6. A standard definition of 'lobbying' would be useful to aid clarity among the public as to what lobbying is and does.
7. Welsh Government should consider publishing meetings that Cabinet Secretaries and Ministers have with those who seek to influence them.
8. The idea of a register of lobbyists needs to be explored further in order to assess its suitability.

Is there a need for change?

9. We are pleased that the previous Welsh Government committed to [a different direction](#) on lobbying to the UK Government, and hope that this continues through the fifth Assembly.
10. Lobbying rules applicable to the UK Government remain a concern despite the recent introduction of [Grants Standard 6](#), which seems to remove the anti-lobbying clause of February 2016 that prohibited those in receipt of grant funding from UK departments from seeking to influence UK Government or Parliament.
11. Concerns about the UK Government's Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act remain. In our [2013 response](#) to the Political and Constitutional Select Reform Committee consultation on the Act, we said that we understood the UK Government's decision to promote transparency in this area; however we also said:
 - The Act's definition of 'activities for election purposes' is so broad it could capture a range of day-to-day activities charities carry out as part of their campaigning and policy/advocacy work
 - Day-to-activities of charities could be considered 'for election purposes' and caught by the rules.
 - A charities' ability to react to important policy developments could be undermined.These concerns persist both in Wales and in Scotland, as [this work](#) from our sister organisation SCVO demonstrates.
12. The UK Government has yet to respond to Lord Hodgson's 2015 [review](#) of the Lobbying Act. It would be useful if the Assembly could take on board issues identified within this review and approach UK Government, requesting them to make their thoughts clear.

What do you understand by the term 'lobbying'?

13. In our guidance, [How to lobby the National Assembly](#), WCVA uses the term 'lobbying' to mean 'any contact with those in power that is designed to influence their actions in some way'. This includes the submission of petitions, briefing papers, letters and consultation responses, plus campaigning, meeting with AMs and giving oral evidence to committees. Being able to influence legislation, policy and practice has meant the third sector in Wales has made positive contributions to wellbeing.
14. However, lobbying is sometimes seen as a dubious activity due to the poor reputation of professional lobbyists - people who are paid, usually by businesses, to influence policy or legislation on the behalf of the group or individual who has hired them.

15. There can be a grey area between organisations who have hired their own staff as lobbyists and third sector employees who may, among other duties, seek to influence politicians.

16. A standard definition of lobbying that the public can understand, along the lines of that in point 12 would help shift the negative perception of what lobbying is and does.

How is lobbying regulated at the moment?

17. Lobbying is regulated by the Charity Commission for England and Wales and the Transparency on Lobbying, Non-Party Campaigning and Trade Union Administration Act of 2014. The expected value for civil servants are set out in the Civil Servants Code and for Ministers in the Ministerial Code. Within the Assembly, there is the non-statutory Guidance on Lobbying and access to Assembly Members, and the Standards of Conduct Committee carries out the functions of Standing Order 22, governing the relationships Assembly Members have with outside organisations.

Do you consider yourself a lobbyist?

18. Whether we would consider ourselves to be lobbyists depends on the definition of lobbying. If it is any form of activity that is aimed at influencing decision-making, as per WCVA's definition, influencing is a core part of what we do. During our strategic review process last year, one of the biggest messages we received from our members is that they wanted WCVA influencing positive change to be a fundamental function of what we do as an organisation.

19. One of WCVA's functions under the National Assembly for Wales' Third Sector Scheme is to facilitate the sector to have its voice heard by the Welsh Assembly. This can be by seeking sector opinion to incorporate into a consultation response such as this; or by facilitating a meeting between the sector and a Cabinet Secretary, Minister or official. In this context, we are not directly a lobbying organisation, but help others to lobby.

20. Many WCVA members have staff whose role includes trying to influence policy and legislation. We doubt that many of them would consider themselves lobbyists, as such work tends to be just a small part of a wide range of other considerations; however influencing positive change to support their vision and mission is an important element of activity for many of them.

Have you encountered any problems with the current arrangements?

21. We are not aware that the sector has any issues with current arrangements for lobbying the Assembly.

22. However, The Harries Commission issued [a report](#) detailing negative impacts of the UK Government's Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act on non-governmental organisations. They state that sector organisations were confused about the 'ambiguity of the definition of regulated activity' which may have led to awareness-raising activity not taking place for fear of

contravening the regulations.

23. We refer the Committee back to points 11 and 12 of this response for more comment on our ongoing concerns around the Lobbying Act.

Are there any areas you consider to be unregulated in this area which pose a risk to the accountability and reputation of governance in Wales?

24. We note that the First Minister has previously said members of the Assembly do not meet with commercial lobbyists. However, it would help accountability and transparency if meetings that Cabinet Secretaries and Ministers have with people who may seek to influence them were to be published online regularly.

25. Welsh Government does not always publish an analysis of consultation responses and feedback on how suggestions have been responded to. When it then takes a particular course of action, this lack of analysis can lead to a gap in understanding as to why that action has been chosen.

What would you consider the impact of introducing a new regime to deal with lobbying?

26. A register of lobbyists, coupled with the publication of meetings outlined in point 16 and a standard definition of lobbying as discussed in point 10, could help make the lobbying process more transparent and demonstrate the impact it has. Work would need to be done to fully assess the suitability of this idea.

27. However, if a register were introduced it should not mean making controls on lobbying more restrictive and reducing the access that people have to Assembly Members.

Discussion

28. We will be pleased to discuss these or any other points relating to this consultation response with the Standards Committee, Cabinet Secretaries or Ministers if requested.

David Cook
Policy Officer
WCVA
dcook@wcva.org.uk

31.1.17

Agenda Item 4

Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct Committee
SoC(5)-06-17 P2

association of professional **political consultants**

INQUIRY INTO LOBBYING BY
NATIONAL ASSEMBLY OF WALES' STANDARDS OF CONDUCT COMMITTEE

RESPONSE BY THE ASSOCIATION OF PROFESSIONAL POLITICAL CONSULTANTS (APPC)

INTRODUCTION

1. The APPC, which has over 75 public affairs organisations in membership, welcomes the Committee's inquiry into the current arrangements relating to lobbying at the National Assembly of Wales and specifically whether those arrangements remain fit for purpose.
2. A number of APPC's members are based in Wales and those that are not may well act on behalf of clients in respect of the National Assembly of Wales.
2. The APPC believes 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 provided that it is open and transparent. This is why, for over 20 years, the APPC has provided a public register of our members' clients and consultants. APPC's register is publicly available at www.appc.org.uk.
3. Noting the Committee's reference to the introduction of lobbying legislation in Westminster and Scotland, the APPC would like to reiterate its support in principle for those statutory registers, providing that they apply equally to all those who engage in lobbying on a professional basis. We welcome the fact that this will be the case in the Scottish Parliament's register, but continue to criticise the Westminster register for its failure to do so.
4. Our response seeks to reflect the views expressed by our members following the publication of the consultation paper. Inevitably, with such a large number of consultancies in membership, it is not possible to write a response which reflects the views of all members on every point. Where there is a divergence of views on significant issues, our response seeks to reflect that.

EXECUTIVE SUMMARY

- **The APPC welcomes the proposed publication of the diaries of Welsh Government Ministers.**

- The APPC believes that such publication will be sufficient to ensure transparency in respect of the National Assembly of Wales, possibly accompanied by the publication of Assembly Members' diaries.
- The APPC believes that, following such publication, there is little or no need for any further regulation and that the case for a separate register has certainly not been made.
- Should the National Assembly of Wales wish to consider a separate register of lobbying, the APPC would recommend that it should apply equally to all lobbyists, and that it should not be bureaucratic or costly. The APPC would also recommend strongly that the National Assembly of Wales should certainly wait until the effectiveness of the Scottish Parliamentary Register has been evaluated.

THE COMMITTEE'S QUESTIONS

1, Is there a need for change?

The First Minister, in response to a question in the Senedd in December 2016, announced the proposal for Welsh Ministers to publish their Ministerial diaries on a quarterly basis in arrears so that people scrutinising the Welsh Government can know who has met whom. Alongside the publication of how decisions have been made, this will give a strong degree of transparency.

APPC welcomes the proposed publication of Ministerial diaries, and notes the further proposal that AMs should also publish their diaries.

If any further action is required, it needs to provide a level playing field of lobbyists, making similar demands on both in-house as well as consultant lobbyists. This means that, as well covering lobbyists who work for multi-client agencies, the far larger number of lobbyists who work for law firms, management consultancies, planning consultancies, think tanks, trade associations, trade unions, charities, NGOs and in-house for businesses, should also be covered by any regulation or register. To exclude such lobbyists would mean any regulation or register would fail to improve transparency and build public confidence.

Any further actions or regulations need to be proportionate and not overly burdensome in terms of bureaucracy and in terms of cost.

Any regulation or register should exclude lobbying by individuals, so there should be an exemption for "the normal activity between constituents and MPs"

2. What do you understand by the term lobbying?

The APPC has adopted the following definition:

Lobbying means in a professional capacity making any oral or written communication (including an electronic communication) to any member of the Government, advisers or officials or member of either House of Parliament or their staff or advisers with regard to the formulation, modification, or adoption of legislation; the formulation, modification, or adoption of any rule, regulation, order, policy, or position; the administration of any Government programme or policy,

including the negotiation, award, or administration of a contract, grant, loan, permit, or license; or any other official act or decision.

In brief, lobbying activities are undertaken with a view to influencing public policy, Government decisions or legislation. 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, provided that it is open and transparent.

The APPC considers a lobbyist to be anyone who undertakes lobbying [by reference to the definition above] or anyone who advises others on lobbying or lobbying campaigns and strategies, or who plans and prepares those campaigns and strategies.

How is lobbying regulated at the moment?

Lobbying is self-regulated by public affairs organisations choosing to join the APPC or a similar organisation.

The APPC’s rigorous self-regulatory regime requires members to adhere to its Code of Conduct, to carry out an annual Code compliance procedure, and to provide an updated entry to the APPC Register every quarter, listing the names of clients and consultants. Any complaint of an alleged breach of the Code of Conduct is dealt with by the independent Centre for Effective Dispute Resolution under the terms of APPC’s Complaints & Disciplinary Rules & Procedures.

3. Do you consider yourself a lobbyist?

The APPC is the self-regulatory and representative body for professional political organisations, most of which are consultancies. These organisations carry out a full range of public affairs services for clients or members, which may well include lobbying.

4. Have you encountered any problems?

Whilst this does not apply to the APPC itself, we should like to point out that none of the “lobbying scandals” of the last few years have involved “lobbyists”, but rather journalists and politicians. Again, this would support our view that there is no immediate need for regulation.

5. Are there any areas you consider to be unregulated which pose a risk to the accountability and reputation of governance in Wales?

There are none of which we are aware.

6. What would you consider to be the impact of introducing a new regime to deal with lobbying?

This would depend on the nature of the regime and whether the impact would be assessed from the point of view of the Welsh Government, the National Assembly of Wales, citizens or practitioners.

APPC
January 2017