

## Introducing a Register of Lobbyists in Wales

Y Pwyllgor Deisebau | 19 Mehefin 2018  
Petitions Committee | 19 June 2018

### Research Briefing:

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Petition number: P-05-818

Petition title: Introducing a Register of Lobbyists in Wales

Text of petition:

We call on the National Assembly for Wales to introduce a Statutory Register for Lobbyists in Wales.

This Petition follows a trend in both Scotland and Ireland towards increased openness around political lobbying.

Lobbying is a legitimate and valuable activity. It is a crucial part of a healthy democracy. The words lobbying and lobbyist can have negative connotations, implying deals done behind closed doors. The reality is that the more voices that inform the Government and the Assembly's thinking in Wales, the more informed politicians are to legislate, to develop new policy and to scrutinise. For this reason, and on the basis that the Assembly is founded on principles of openness and accessibility, lobbying should be actively encouraged. It is positive how open and accessible and willing to engage the Assembly and Government already are. No action should be taken that will change this or indeed put people off approaching politicians on any issue.

## Background

### The Standards Committee Inquiry

The **Standards Committee** of the National Assembly for Wales agreed to look at lobbying in Wales as its first piece of substantial work in the fifth Assembly. There have been a number of developments since the last time the Assembly looked at lobbying Westminster began operating a **register of professional lobbyists** in 2015 and Scotland passed legislation establishing a lobbying register in 2016.

The Committee held an open call for evidence and heard from a broad range of witnesses and published its report in January 2018. It concluded that lobbying needs to be part of an ongoing dialogue in an engaged and open democracy. It stated:

It is apparent from the evidence gathered that there is no easy answer to the questions of how to define or share information about lobbying. There is no doubt that there are groups seeking to influence politicians, and that it is in the public interest to establish the impact of this influence. However, the Committee has concluded that there is insufficient evidence at present regarding how best to share this information once it has been obtained.

The findings of the report are an interim position. The Committee felt it is crucial to learn from experience and gather further evidence of best practice. The Scottish legislation is in its infancy and the Committee has stated that it will closely monitor what happens there and the review of its legislation in 2020. The Committee also found that careful attention must also be paid to developments in Westminster.

The Committee **recommended** that:

- the Assembly Commission works with a group of Assembly Members to develop a pilot scheme of voluntarily **disclosing AMs meetings with lobbyist and interest groups** with an evaluation to be undertaken in 2020.
- the Assembly Commission ensure all **National Assembly staff security passes are deactivated on their last day of employment**. This would ensure that no lobbyist holds a National Assembly pass making it easier to maintain the reputation of the Assembly as an institution which allows fair and equal access to all.
- information about **all Assembly Member sponsored events held on the Assembly Estate** and not just those events in public spaces is included within the calendar. This will ensure

that the National Assembly is displaying its commitment to the utmost transparency, and enable the public to see what events are being held on the Estate.

- **research** is commissioned by the Assembly Commission, mapping out routes of influence to build an informed evidence base and consider alternative, and potentially more effective ways to increase transparency other than a Statutory register.
- the relevant sections of the [Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014](#) which apply to Wales are considered by a Committee of the National Assembly for Wales once the [Wales Act 2017](#) is enacted.

### Work in the fourth Assembly

In the fourth Assembly the then Presiding Officer wrote to the then Standards of Conduct Committee in May 2012 regarding lobbying. She asked the Committee to undertake a review to consider the (lobbying) regime that the Assembly had in place as it relates to Members and, if necessary, make recommendations about any additional arrangements that might be needed to strengthen them.

As part of this review, the adequacy of arrangements for cross party groups was also considered.

Subsequently, the Standards Commissioner carried out a wide ranging consultation on the issue of lobbying. He concluded that the arrangements in place regulating lobbying of Assembly Members were essentially **sufficiently robust and fit for purpose**.

The then [Standards Committee agreed with the Commissioner's findings, and made recommendations to reinforce the arrangements for the future](#). The Committee focused its approach on the activity of lobbying, rather than lobbyists. It was thought that lobbying was clearer to define rather than the interaction of 60 members with a wide range of representatives from Welsh civic society.

Through its recommendations the Committee sought to introduce a 'made in Wales' approach to address the activity of lobbying. The Committee believed that transparency regarding the meetings of professional lobbyists was needed without any unnecessary burden on the public purse. The Committee recommended that the Assembly adopted [guidance on lobbying and access to Members](#), which the Assembly did by resolution on 26 June 2013.

The Committee also recommended that the Presiding Officer reviews this guidance every three years.

## Legislation elsewhere in the UK

The [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014](#) was [introduced to the House of Commons on 17 July 2013](#). It received Royal Assent on 30 January 2014. Various sections of the Act were commenced at difference times but as of June 2016, all aspects of it are in force.

The Act introduced a **statutory register of consultant lobbyists** and establishes a **Registrar** to enforce the registration requirements. Election campaign spending by those not standing for election or registered as political parties is more heavily regulated as a result of the Act. There are also additional legal requirements placed on trade unions in relation to their obligation to keep their list of members up to date.

- It establishes a **register of professional lobbyists** and a **Registrar of lobbyists** to supervise and enforce the registration requirements;
- It changes the **legal requirements for people or organisations who campaign in relation to elections**, but are not standing as candidates or a registered political party; and
- It changes the **legal requirements in relation to trade unions' obligations** to keep their list of members up to date.

[Part 1 of the Act extends](#) to the whole United Kingdom. The requirement to register applies to all consultant lobbyists engaged in lobbying **UK Government Ministers and Permanent Secretaries**, regardless of where the lobbying takes place or where the consultant lobbyist is based.

However, **Part 1 does not make any provision in relation to those who lobby the Devolved Administrations** and Legislatures. It deals only with **reserved matters**.

[The Lobbying \(Scotland\) Act](#) was passed in March 2016 establishes a **Lobbying Register**. The Bill requires the Clerk of the Parliament to establish and maintain a register containing information about three separate categories of person: active registrants; inactive registrants and voluntary registrants. The Bill sets out the information which must be entered into the register, including the individual's or company's name and address and information relating to the lobbying activity (person lobbied, date of lobbying etc). The information required to be recorded differs between active registrants, inactive registrants and voluntary registrants.

The Scottish Parliament is required to publish guidance on the operation of the Act and must publish, and from time to time review, a Code of Conduct for lobbyists.

## The Northern Ireland Assembly

Chapter 3 of the Northern Ireland Assembly [Code of Conduct](#) prohibits paid advocacy. Members of the Legislative Assembly (MLAs) may not advocate or initiate any cause or matter, either in proceedings of the Assembly or in any other manner, in consideration of any payment or benefit in kind. This recognises the role that lobbying by some organisations can play in informing MLAs. However, it also emphasises the need to ensure there is no suspicion of improper influence over the Assembly and MLAs' relationship with lobbyists must not do anything which breaches the code.

Appendix 1 of the Code of Conduct also contains Guidance for MLAs dealing with lobbyists.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.