

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON PROPOSALS FOR A LOBBYING TRANSPARENCY BILL
From: HEAD OF DEMOCRATIC AND LEGAL SERVICES		
Date: 3 August 2015	Ref: CH/GG	

1. **PURPOSE OF REPORT**

- 1.1. The purpose of this report is to seek homologation by Committee of the Council's Response to the Scottish Government's Consultation on Proposals for a Lobbying Transparency Bill.
- 1.2. The closing date for the Response was 24 July 2015.

2. **BACKGROUND**

- 2.1. The Scottish Government undertook a Consultation on proposals for a Bill on Transparency in Lobbying. The proposals sought to introduce a register of lobbyists who engage directly with Members of the Scottish Parliament and Scottish Ministers. A separate statutory regime operates in respect of the UK Parliament. The aim of the Consultation paper was to help inform development of a Lobbying Bill. The Scottish Parliament's Standards, Procedures and Public Appointments Committee held an enquiry into lobbying and it subsequently reported a number of recommendations, some of which the Scottish Government has taken forward.

3. **PROPOSALS**

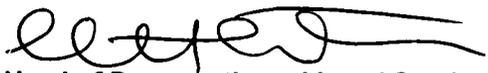
- 3.1. The Scottish Government proposes that an online register of lobbyists should be established and that both commercial and in-house lobbyists be required to register details of pre-arranged meetings and events with MSPs and Ministers. This is unlike the UK system where only commercial lobbyists are required to register. It is proposed that the legislation will coincide with the introduction of a Code of Practice for lobbyists setting out advice on expected standards of behaviour. The scheme would include enforcement mechanisms, including criminal sanctions, for transgressions for the scheme.
- 3.2. The Scottish Government will consider its proposals for a draft Bill in light of the responses received and thereafter introduce a Bill for the Scottish Parliament's consideration.

4. **COUNCIL'S RESPONSE TO THE CONSULTATION PAPER**

- 4.1. A copy of the Response is appended hereto.

5. **RECOMMENDATION**

- 5.1. The Committee is asked to homologate the Council's Response as detailed in the Appendix to this Report.



Head of Democratic and Legal Services

A copy of the Consultation Paper is available in the Members' Library.



Consultation on Lobbying Transparency

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

North Lanarkshire Council

Title Mr Ms Mrs X Miss Dr *Please tick as appropriate*

Surname

Murray

Forename

June

2. Postal Address

Civic Centre		
Windmillhill Street		
Motherwell		
Postcode ML1 1AB	Phone 01698 302239	Email hendryc@northlan.gcsx.gov.uk

3. Permissions - I am responding as...

Individual // Group/Organisation
 Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis. Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site). Are you content for your response to be made available?

Please tick as appropriate

Yes

No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Question 1 – Do you agree that the Government’s three core principles are appropriate to inform the delivery of an effective and proportionate lobbying registration regime in Scotland?

Comments Yes – we support the general aims of the Bill

Question 2 – Do you agree that a publicly available register of lobbyists should be introduced in Scotland?

Comments Yes – a register of lobbyists will increase transparency in decision making processes

Question 3 – Do you agree that no fee should be payable by lobbyists for registering or updating the register?

Comments Yes – fees would discourage registration and be contrary to the principle of open and participative democracy.

Question 4 – What are your views on whether the onus to register should lie with individuals who lobby as part of their work, or organisations who lobby?

Please provide reasons in support of your response.

Comments We believe that the onus should be placed on organisations to avoid the potential for error/ duplication

Question 5 –Should both consultant lobbyists and in-house lobbyists be required to register?

Please provide reasons in support of your response.

Comments We agree that it is essential to capture the full picture relating to lobbying activity in Scotland.

Paragraph 17 of the Consultation defines an in-house lobbyist as ‘an individual within an organisation who lobbies MSPs or Ministers as part of their work.’ It is, however, unclear whether elected members of local authorities would fall within this definition. We note that the Government agrees with the Committee’s recommendation that citizens, or groups of citizens, engaging with MSPs and Ministers on their own behalf, should not have to register. It is not clear whether elected members, acting on a constituent’s behalf, would fall within the scheme.

Local authority officers engage with government on a regular basis on a variety of matters. Additionally, meetings may take place between public servants in response to statutory consultations. Communications between officers of local authorities/elected members and MSPs/Ministers fall within the FOI scheme. We believe that imposing an additional regime on local authorities is unnecessary.

We therefore believe that elected members and officers of local authorities should be exempt from the scheme.

Question 6 – Should any types of in-house lobbyist be exempt from registration?

Please provide reasons in support of your response.

Comments See answer 5 above. Additionally, we would suggest that the impact of maintaining the register must not be unduly burdensome for small businesses and charities.

Question 7 – Do you agree that the register should cover the lobbying of MSPs and Ministers?

Please provide reasons in support of your response.

Comments Yes – to exclude direct contact with MSPs acting in a ministerial capacity would undermine the purpose of establishing a register.

Question 8 – What types of communication do you think should be covered by a statutory register?

Comments We agree that face to face communication should trigger a requirement to register, however, it is not clear why a video conference or indeed a telephone call would not also be included.

Question 9 – Do you agree with the Government's view that paid lobbyists should be required to register?

Please provide reasons in support of your response.

Comments Yes, this approach seems proportionate, however, the scheme should also apply to lobbyists acting on a pro bono basis.

Question 10 – Do you agree that the register should also allow for voluntary registration by lobbyists not required to register?

Please provide reasons in support of your response.

Comments Yes – we support the principle of voluntary registration.

Question 11 – What are your views on what kind of information each lobbyist should be required to provide on registration?

Please provide reasons in support of your response.

Comments We agree that sufficient detail is required to make registration meaningful without registration becoming unduly burdensome for organisations and support the recommendations set out in the Standards, Procedures and Public Appointments Committees First Report (2015).

Question 12 – How often should lobbyists be required to provide a return detailing their lobbying activity?

Please provide reasons in support of your response.

Comments A six month return would appear to be appropriate.

Question 13 – Do you agree that the Parliament should introduce a Code of Practice for lobbyists setting out guidance on the registration regime and expected standards of behaviour?

Please provide reasons in support of your response.

Comments A clearly defined Code of Practice will ensure that lobbyists adhere to the standards expected of them and will also benefit the public at large in promoting transparency.

Question 14 – Do you agree that a register should include the facility for lobbyists to indicate if they already subscribe to any industry Codes of Conduct?

Please provide reasons in support of your response.

Comments We agree with the above.

Question 15 – Do you have any views on the Committee's proposals for who should be responsible for upkeep and oversight of the Register?

Comments No comment.

Question 16 – Do you have any views on what enforcement mechanisms and sanctions should be available in connection with the registration regime?

Please provide reasons in support of your response.

Comments We agree with the proposals set out in the consultation paper.

Question 17 – Do you have any views on whether Parliament, by resolution, should be able to adjust the scope and operation of the registration regime once established?

Comments No comment.

Question 18 – Do you have any views on whether there could be impacts on equalities groups as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

Comments No comment.

Question 19 – Do you have any views on whether there could be any additional costs or other implications for businesses as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

Comments No comment

Question 20 – Do you have any other comments on the general operation of a register of lobbyists, or on any of the proposals put forward by the Committee or the Government?

Comments No