

Agenda – Y Pwyllgor Safonau Ymddygiad

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 2 – y Senedd Meriel Singleton
Dyddiad: Dydd Mawrth, 13 Mehefin Clerc y Pwyllgor
2017 0300 200 6565
Amser: 09.30 SeneddSafonau@cynulliad.cymru

(Cyfarfod preifat cyn y prif gyfarfod 09.15–09.30)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau
(09.30)

2 Papurau i'w nodi
(9.30)

Lobio: Papur briffio ar Gofrestrau Lobio yn Iwerddon a Senedd Ewrop

(Tudalennau 1 – 7)

Lobio: Materion Cyhoeddus Cymru – Cod Ymddygiad o ran Lobio

(Tudalennau 8 – 10)

3 Ymchwiliad i Lobio: Sesiwn dystiolaeth 5
(09.30– 10.00)

(Tudalennau 11 – 23)

Papur briffio gan y Gwasanaeth Ymchwil

SOC(5)–06–17 Papur 1 – Ymateb i'r ymgynghoriad gan Gyngor Gweithredu
Gwirfoddol Cymru

Anna Nicholl – Cyfarwyddwr Strategaeth a Datblygu'r Sector, Cyngor Gweithredu
Gwirfoddol Cymru

David Cook – Swyddog Polisi ac Ymgysylltu, Cyngor Gweithredu Gwirfoddol Cymru

Anne Meikle – Pennaeth WWF Cymru



4 Ymchwiliad i Lobïo: Sesiwn Dystiolaeth 6

(10.00 – 10.30)

(Tudalennau 24 – 26)

SoC(5)–06–17 Papur 2 – Ymateb i'r ymgynghoriad gan Gymdeithas yr Ymgynghorwyr Gwleidyddol Proffesiynol

Mark Glover – Cadeirydd Cymdeithas yr Ymgynghorwyr Gwleidyddol Proffesiynol
Cathy Owens – Aelod o Bwyllgor Rheoli Cymdeithas yr Ymgynghorwyr Gwleidyddol Proffesiynol, yn cynrychioli Cymru

5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol:

(10.30)

Eitem 6

6 Ymchwiliad i Lobïo: Trafod y dystiolaeth a ddaeth i law

(10.30 – 11.00)

Y Gwasanaeth Ymchwil | Research Service

Y Pwyllgor Safonau Ymddygiad Cofrestrau Lobio: Iwerddon a Senedd Ewrop

Briff Ymchwil

Mae'r papur hwn yn cynnwys gwybodaeth gefndirol ar sut mae'r cofrestrau o lobïwyr yn gweithio yn Iwerddon a Senedd Ewrop. Gofynnwyd am y papur briffio hwn yn dilyn sesiwn dystiolaeth y Pwyllgor â Chofrestrydd Cofrestr y Lobïwyr Ymgynghorol y DU (Alison Joy White) a Chofrestrydd Lobïo yr Alban (Billy McLaren).

Iwerddon

Ym mis Mawrth 2015, cafodd [Deddf Rheoleiddio Lobïo 2015](#) (y Ddeddf) ei llofnodi yn gyfraith gan Arlywydd Iwerddon. Mae'r Ddeddf yn darparu ar gyfer: sefydlu cofrestr o bersonau sy'n gwneud gweithgareddau lobïo; cod ymddygiad i wneud gweithgareddau lobïo; a chyfyngiadau ar rai cyn-swyddogion cyhoeddus dynodedig i gymryd rhan mewn lobïo.

Gweinyddu'r gofrestr

Caiff y [Gofrestr Lobïo](#) ei gweinyddu a'i chynnal gan y [Comisiwn Safonau mewn Swyddi Cyhoeddus](#), corff annibynnol o dan gadeiryddiaeth cyn farnwr yr Uchel Lys. Rôl y Comisiwn yw: gweithredu fel Cofrestrydd ar gyfer Lobïo; datblygu a goruchwyllo'r gofrestr gyhoeddus ar y we; delio â materion ar gyfer penderfynu; gweithredu'r cod ymddygiad; darparu canllawiau a hyrwyddo dealltwriaeth o'r system; ymarfer pwerau i ymchwilio; cyhoeddi hysbysiadau talu sefydlog ar gyfer mân achosion o ddiffyg cydymffurfio; gwneud darpariaeth ar gyfer troseddau ar gyfer achosion arwyddocaol o ddiffyg cydymffurfio; a darparu Adroddiad Blynyddol i'r Oireachtas.

Sefydliadau sydd angen cofrestru

Mae'n rhaid i sefydliadau gofrestru os ydynt yn gwneud gweithgareddau lobïo. Pennir hyn drwy ganfod: a yw'r sefydliad yn cyfathrebu naill ai'n uniongyrchol neu'n anuniongyrchol gyda "Swyddog Cyhoeddus Dynodedig" ynghylch "mater perthnasol" ac a yw'r sefydliad yn un o'r canlynol:

¹ Heblaw am fater penodol sydd wedi'i eithrio.

- Trydydd parti sy'n cael ei dalu am gyfathrebu ar ran cleient (lle mae'r cleient yn gyflogwr o fwy na 10 cyflogai llawn amser neu'n gorff cynrychioliadol neu'n gorff eirioli sydd ag o leiaf un cyflogai llawn amser);
- Cyflogwr sydd â mwy na 10 cyflogai lle gwneir y gwaith cyfathrebu ar ei ran;
- Corff cynrychioliadol gydag o leiaf un cyflogai yn cyfathrebu ar ran ei aelodau a bod y cyfathrebu yn cael ei wneud gan gyflogai a delir neu ddeiliaid swydd sy'n rhan o'r corff;
- Corff eirioli gydag o leiaf un cyflogai sy'n bodoli'n bennaf i ymdrin â materion penodol a bod cyflogai cyflogedig neu ddeiliad swydd yn y corff yn cyfathrebu ar faterion o'r fath;
- Unrhyw berson sy'n cyfathrebu ynghylch datblygu neu barthau tir.

At ddibenion y Ddeddf, rhestrir Swyddogion Cyhoeddus Dynodedig fel a ganlyn: Gweinidogion a Gweinidogion Gwladol; TDs (Teachta Dála) a Seneddwyr; ASEau ar gyfer etholaethau; Aelodau o Awdurdodau Lleol; Cynghorwyr Arbennig; Ysgrifenyddion Cyffredin ac Ysgrifenyddion Cynorthwyol yn y Gwasanaeth Sifil; a Phrif Weithredwyr a Chyfarwyddwyr Gwasanaethau mewn Awdurdodau Lleol

“Mater perthnasol” yw un sy'n ymwneud â'r canlynol:

- Cychwyn, datblygu neu addasu unrhyw bolisi cyhoeddus neu unrhyw raglen gyhoeddus;
- Paratoi neu ddiwygio unrhyw gyfraith (gan gynnwys is-ddeddfwriaeth fel offerynnau statudol ac is-ddeddfau); neu
- Dyfarnu unrhyw grant, benthyciad neu gymorth, contract neu gytundeb ariannol arall, neu unrhyw drwydded neu awdurdod arall yn ymwneud ag arian cyhoeddus².

Mae nifer o “gyfathrebu wedi'u heithrio neu esemptio” nad ydynt yn cael eu hystyried yn weithgareddau lobio:

- Materion preifat: Cyfathrebu gan neu ar ran unigolyn sy'n ymwneud â'i faterion preifat ei hun ynghylch unrhyw fater heblaw am ddatblygiad neu barthau unrhyw dir heblaw am brif breswylfa preifat yr unigolyn;
- Cysylltiadau diplomyddol: Cyfathrebu gan neu ar ran gwlad neu diriogaeth dramor, yr Undeb Ewropeidd, y Cenhedloedd Unedig neu sefydliadau rhynglywodraethol rhyngwladol eraill;
- Gwybodaeth ffeithiol: Cyfathrebu sy'n gofyn am wybodaeth ffeithiol neu'n darparu gwybodaeth ffeithiol mewn ymateb i gais am y wybodaeth;
- Cyflwyniadau wedi'u cyhoeddi: Cais cyfathrebu gan gorff gwasanaeth cyhoeddus ac wedi'i gyhoeddi ganddo;

² Heblaw am weithredu unrhyw bolisi, rhaglen, deddfiad neu ddyfarniad o'r fath neu unrhyw fater o natur dechnegol yn unig.

- Trafodaethau undeb llafur: Cyfathrebu sy'n ffurfio rhan neu'n ymwneud yn uniongyrchol â thrafodaethau ar delerau ac amodau cyflogaeth a wnaed gan gynrychiolwyr undeb llafur ar ran ei haelodau;
- Diogelwch: Cyfathrebu datgeliad a allai fod yn fygythiad i ddiogelwch unrhyw berson neu ddiogelwch y Wladwriaeth;
- Pwyllgorau Oireachtas: Cyfathrebu a wneir yn nhrefodion pwyllgor naill Dŷ'r Oireachtas;
- Cyfathrebu gan Swyddogion Cyhoeddus Dynodedig neu weision cyhoeddus: Cyfathrebu gan swyddog cyhoeddus dynodedig yn rhinwedd ei swydd; cyfathrebu gan weision cyhoeddus (neu'r rhai sy'n rhan o gontract gan gorff gwasanaeth cyhoeddus) a wnaed yn y swydd honno ac yn ymwneud â swyddogaethau'r corff gwasanaeth cyhoeddus;
- Llywodraethu Cyrff Gwladwriaeth Masnachol: Cyfathrebu gan neu ar ran corff gwladwriaeth masnachol i Weinidog sy'n dal cyfranddaliadau mewn, neu sydd â swyddogaethau statudol yn ymwneud â, y corff, neu'r swyddogion cyhoeddus dynodedig sy'n gwasanaethu yn adran y Gweinidog, ac a wneir yn nhrefn arferol busnes y corff;
- Gweithgorau polisi: Cyfathrebu rhwng aelodau o gorff perthnasol a benodwyd gan Weinidog, neu gan gorff gwasanaeth cyhoeddus, at ddibenion adolygu, asesu neu ddadansoddi unrhyw fater o bolisi cyhoeddus gyda'r bwriad o adrodd i'r Gweinidog neu'r corff gwasanaeth cyhoeddus ar hynny.

Y Gofrestr

Mae'r gofrestr lobïo yn gofrestr gwybodaeth gyhoeddus ar y we. Ni chodir tâl i sefydliadau/unigolion gofrestru. Ar adeg ysgrifennu, mae 1,620 o sefydliadau/unigolion wedi [cofrestru](#). Mae angen i gofrestryddion ddarparu'r wybodaeth ganlynol ar y gofrestr:

- Enw'r sefydliad;
- Cyfeiriad a manylion cyswllt y busnes;
- Prif weithgareddau'r busnes ;
- Enw'r person sydd â'r cyfrifoldeb pennaf dros lobïo;
- Rhif Swyddfa Cofrestru'r Cwmni/Rhif Cofrestru'r Elusen.

Mae gofyn i gofrestryddion lenwi 'ffurflenni' i gofnodi'r gweithgareddau lobïo. Mae tri chyfnod ffurflenni y flwyddyn gyda dyddiadau cau penodol (1 Medi – 31 Rhagfyr): dychwelyd ffurflenni erbyn 21 Ionawr / 1 Ionawr – 30 Ebrill: dychwelyd ffurflenni erbyn 21 Mai / 1 Mai – 31 Awst: dychwelyd ffurflenni erbyn 21 Medi). Rhaid i bob ffurflen gynnwys gwybodaeth am bwy gafodd ei lobïo; mater pwnc y lobïo a'r canlyniadau a fwriadwyd; math a graddau'r gweithgaredd; enw unrhyw berson yn y sefydliad sydd neu oedd y swyddog dynodedig ac a wnaeth y gweithgareddau lobïo; gwybodaeth am y cleient (os yn berthnasol).

Torri rheolau a sancsiynau

Mae Rhan 4 o'r Ddeddf yn ymdrin â thorri rheolau a gorfodi. Mae sawl achos o dorri rheolau:

- Lobïo heb gofrestru;
- Methu â chyflwyno ffurflen erbyn y dyddiad cau (gan gynnwys 'cofnod dim / nil return');
- Darparu gwybodaeth anghywir/camarweiniol;
- Methu â chydymffurfio ag ymchwiliad;
- Rhwystro ymchwiliad.

Mae'r canlyniadau o beidio â chydymffurfio â'r Ddeddf yn cynnwys hysbysiadau talu sefydlog (ar gyfer ffurflenni hwyr), ymchwilio i dorri rheolau posibl, erlyn, a dirwyon a/neu garchar.

Yn ogystal, mae cyfyngiadau ar ôl cyflogaeth ar gyfer rhai swyddogion cyhoeddus.

Senedd Ewrop a'r Comisiwn Ewropeaidd

Sefydlwyd y [Gofrestr Tryloywder](#) fel cynllun ar y cyd rhwng Senedd Ewrop (SE) a'r Comisiwn Ewropeaidd (CE) yn 2011 drwy [Gytundeb Rhyngsefydliadol \(CRS\)](#). Mae'r gofrestr yn gymwys i bob grŵp â diddordeb sy'n gwneud gweithgareddau sydd â'r nod o ddylanwadu ar brosesau deddfu a gweithredu polisiau yn sefydliadau'r UE. Mae cwrpas y gofrestr yn cynnwys pob gweithgaredd (gyda rhai eithriadau³) a wnaed gyda'r nod o ddylanwadu'n uniongyrchol neu'n anuniongyrchol ar lunio neu weithredu polisi a phrosesau penderfynu yn sefydliadau'r UE, waeth ble cânt eu gwneud a'r sianel neu'r cyfrwng cyfathrebu a ddefnyddiwyd.

Mae'r Cytundeb Rhyngsefydliadol rhwng Senedd Ewrop a'r Comisiwn Ewropeaidd yn nodi'r rheolau a'r egwyddorion y mae'r Gofrestr Tryloywder yn seiliedig arnynt. Cafodd y Cytundeb cyntaf (a lofnodwyd ym mis Mehefin 2011) ei adolygu ar ôl dwy flynedd. Cafodd y Cytundeb diwygiedig ei fabwysiadu ym mis Ebrill 2014.

Y Gofrestr

Mae'r gofrestr yn wirfoddol ar hyn o bryd, ond mae [cynlluniau i'w gwneud yn orfodol](#). Mae'n adnodd chwiliadwy sydd ar gael yn gyhoeddus ac nid oes ffi i gofrestru. Mae nifer o gymhellion y gellir eu cynnig gan Senedd Ewrop i annog cofrestryddion i gofrestru:

- Hwyluso mynediad i'r safle, ei Aelodau a'u cynorthwyr, ei swyddogion a staff eraill;
- Awdurdod i drefnu neu gyd-gynnal digwyddiadau ar y safle;
- Trosglwyddo gwybodaeth yn haws, gan gynnwys rhestrau postio penodol;
- Cymryd rhan fel siaradwyr mewn gwrandawriadau pwyllgor;
- Nawdd gan Senedd Ewrop.

Gall y cymhellion a gynigir gan y Comisiwn Ewropeaidd i gofrestryddion gynnwys:

³ Amlinellir y gweithgareddau nad ydynt wedi'u cynnwys ym mhwyntiau 9, 10, 11 a 12 o'r Cytundeb Rhyngsefydliadol.

- Mesurau mewn cysylltiad â throsglwyddo gwybodaeth i gofrestryddion wrth lansio ymgynghoriad cyhoeddus;
- Mesurau mewn perthynas â grwpiau arbenigol a chyrff cynghori eraill;
- Rhestrau postio penodol;
- Nawdd gan y Comisiwn Ewropeaidd.

Ar adeg ysgrifennu, mae 11,216 o [unigolion cofrestredig ar y gofrestr](#). Mae dadansoddiad o'r sefydliadau yn Nhabl 1 isod.

Tabl 1: [Ystadegau ar gyfer y Gofrestr Tryloywder \(Europa.eu\)](#)

Ymgynghoriaethau hunangyflogedig	proffesiynol /cwmnïau cyfreithiol/ymgyngorwyr	1301
Lobïwyr mewnol a chymdeithasau masnach/busnes/proffesiynol		5563
Sefydliadau anllywodraethol		2932
Melinau trafod, sefydliadau ymchwil ac academaidd		838
Sefydliadau sy'n cynrychioli eglwysi a chymunedau crefyddol		48
Sefydliadau sy'n cynrychioli awdurdodau lleol, rhanbarthol a threfol, endidau cyhoeddus neu gymysg eraill, ac ati		534
Cyfanswm		11216

Gweinyddu'r gofrestr

Mae Ysgrifenyddiaeth y Cyd-gofrestr Tryloywder (JTRS) yn cynnwys tîm o swyddogion o Senedd Ewrop (SE) a'r Comisiwn Ewropeaidd (CE). Mae'n gweithredu o dan gydgysylltiad Pennaeth yr Uned Tryloywder yn Ysgrifenyddiaeth Cyffredinol y Comisiwn Ewropeaidd gyda Chyngor Ewrop fel arsylwr. Y JTRS sy'n gyfrifol am reoli'r system o ddydd i ddydd; mae'n cynnig gwasanaethau desg gymorth, yn cyhoeddi ac yn diweddarau canllawiau ar gyfer cofrestru, yn cynnal profion ansawdd data, yn ymdrin â rhybuddion a chwynion a ddaw i law, yn cydlynu gwaith datblygu a chynnal TG ac yn gwneud gweithgareddau codi ymwybyddiaeth. Mae'r Ysgrifenyddiaeth yn cyhoeddi [Adroddiad Blynyddol](#) ar y Gofrestr Tryloywder, ei chynnwys a'r ffordd y caiff ei datblygu.

Gwybodaeth am y cofrestryddion

Mae'n rhaid i gofrestryddion ddarparu ystod eang o wybodaeth:

- Enw'r sefydliad neu'r unigolyn hunangyflogedig;
- Adran cofrestru (math o sefydliad yn ôl categori);
- Manylion cyswllt;
- Manylion y person sydd â chyfrifoldeb cyfreithiol a'r person sy'n gyfrifol am gysylltiadau UE;
- Nodau/cylch gwaith y sefydliad;
- Manylion y gweithgareddau penodol a gwmpesir yn y gofrestr (e.e. prif mentrau, polisiau a ffeiliau deddfwriaethol yr UE ac yna gweithgareddau gweithredu polisi, cysylltiadau cyhoeddus a chyfathrebu perthnasol/cyfranogiad yn strwythurau a llwyfannau yr UE/grwpiau lefel uchel (CE)/pwyllgorau ymgynghorol/grwpiau arbenigol (CE), rhyng-grwpiau a fforymau diwydiant (SE));
- Nifer y bobl sy'n cymryd rhan yn y gweithgareddau a restrir yn y pwynt bwled blaenorol;
- Manylion y bobl a achredwyd i gael mynediad i safle Senedd Ewrop;
- Meysydd o ddiddordeb;
- Aelodaeth a ymlyniad;
- Data ariannol (gan gynnwys amcangyfrif o'r costau blynyddol sy'n gysylltiedig â gweithgareddau a gwmpesir gan y gofrestr, a'r wybodaeth ariannol ddiweddaraf ynghylch arian a gafwyd gan sefydliadau'r UE).

Drwy gofrestru, mae sefydliad wedi llofnodi [Cod Ymddygiad](#) y Gofrestr Tryloywder yn awtomatig, sy'n pennu rheolau i bawb sy'n cofrestru ac sy'n sefydlu egwyddorion sylfaenol ar gyfer safonau ymddygiad ym mhob cysylltiad â sefydliadau'r UE.

Torri rheolau a sancsiynau

Mae'r Cytundeb Rhyngsefydliadol yn pennu ystod o fesurau sydd ar gael i'r JTRS mewn achos o ddiffyg cydymffurfio â'r cod ymddygiad. Mae crynodeb yn Nhabl 2 isod.

Tabl 2: [Mesurau sydd ar gael mewn achos o ddiffyg cydymffurfio â'r cod ymddygiad](#) (o'r Cytundeb Rhyngsefydliadol)

Math o ddiffyg cydymffurfio	Mesur	Cyhoeddi mesur yn y gofrestr	Penderfyniad ffurfiol i wahardd mynediad i eiddo Senedd Ewrop
Diffyg cydymffurfio, wedi'i gywiro ar unwaith	Hysbysiad ysgrifenedig yn cydnabod y ffeithiau a'u cywiro.	Na	Na
Dim cydweithrediad â'r	Tynnu enw oddi ar y	Na	Na

JTRS	gofrestr, tynnu awdurdod i gael mynediad i SE a cholli cymhellion eraill.		
Ymddygiad amhriodol	Tynnu enw oddi ar y gofrestr, tynnu awdurdod i gael mynediad i SE a cholli cymhellion eraill.	Na	Na
Diffyg cydymffurfio dro ar ôl tro ac yn fwriadol neu ymddygiad amhriodol sawl gwaith a/neu achos difrifol o ddiffyg cydymffurfio	<p>a. Tynnu enw oddi ar y gofrestr am flwyddyn, a thynnu awdurdod i gael mynediad i safle SE yn ffurfiol</p> <p>b. Tynnu enw oddi ar y gofrestr am ddwy flynedd, a thynnu awdurdod i gael mynediad i safle SE yn ffurfiol</p>	Ie, yn ôl penderfyniad Ysgrifenyddion Cyffredinol SE a CE.	Ie, yn ôl penderfyniad Coleg y Quaestors.

Eitem 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.

Mae cyfyngiadau ar y ddogfen hon

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

Eitem 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