

Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct Committee

SoC(5)-03-17 P1

Standards of Conduct Committee

SoC(5)-03-17 P1 (4 April 2017) – Consultation response from the Registrar of Consultant Lobbyists

QUESTION

To assist with its inquiry, the Committee would welcome your views on whether the Assembly's current arrangements relating to lobbying are sufficiently robust and fit-for-purpose for the Fifth Assembly and in particular;

- Is there a need for change?
- What do you understand by the term lobbying?
- How is lobbying regulated at the moment?
- Do you consider yourself a lobbyist? How is lobbying regulated within your sector at the moment? E.g. if you are a private business, third sector, professional organisation.
- Have you encountered any problems with the current arrangements?
- 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?
- What would you consider to be the impact of introducing a new regime to deal with lobbying?

RESPONSE

SeneddStandards@Assembly.Wales

I have been appointed to be the Registrar of Consultant Lobbyists in accordance with the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 [PROVIDE LINK]. The UK Register opened on 26 March 2015, and I am pleased to submit a response to the inquiry being conducted by the National Assembly of Wales' Standards of Conduct Committee.

As Registrar, I take no view about the legislation itself or its success in addressing the objectives set by Ministers-these are matters for Government. However, I am pleased to comment on the facts and experience of establishing the Register from a zero base, interpreting the legislation and its continued operation and stakeholder engagement. I would be happy to engage further with the Committee if this would be helpful to its inquiry.

In brief, the Act applies only to those VAT-registered organisations or individuals that directly communicate with Ministers and Permanent Secretaries about some aspects of UK Government business on behalf of a paying client. It does not apply to the Welsh Government, and as Registrar, I am not required to make any decisions or determinations about the latter.

Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct Committee

SoC(5)-03-17 P1

There are many definitions of the term “lobbying”. As far as the Act is concerned, the definition provided is as follows:

“...a person carries on the business of consultant lobbying if—

(a) in the course of a business and in return for payment, the person makes communications within subsection (3) on behalf of another person or persons,

(b) the person is registered under the Value Added Tax Act 1994, and

(c) none of the exceptions in Part 1 of Schedule 1 applies...” and

“...the communications within this subsection are oral or written communications made personally to a Minister of the Crown or permanent secretary relating to—

(a) the development, adoption or modification of any proposal of the government to make or amend primary or subordinate legislation;

(b) the development, adoption or modification of any other policy of the government;

(c) the making, giving or issuing by the government of, or the taking of any other steps by the government in relation to,—

(i) any contract or other agreement,

(ii) any grant or other financial assistance, or

(iii) any licence or other authorisation; or

(d) the exercise of any other function of the government...”.

In the event that the Welsh Government decided to introduce legislation in this area, I would be pleased to work with its appointed officials to share my own experience of setting up and operating the Register. I am aware from feedback from stakeholders that an area of concern for them is the increasing burden of compliance for those organisations required to conform to multiple regulatory regimes across different jurisdictions. With this in mind, I am about to commence working with the Lobbying Registrar for Scotland, as the Scottish Government moves forward with its new registration regime.

I have already extended an invitation to the Welsh Standards Commissioner and/or a Member of the Committee to attend my stakeholder event on 8 February.

ALISON J WHITE

Registrar