

Note of the discussion with stakeholders on a possible model for a register of lobbying activity – 18 December

Background

Attendees were provided with a copy of draft recommendations that the Committee sought to road-test with them in advance of moving to report publication. This included an early model of a lobbying register.

Observations below are not attributed but are intended to give a flavour of discussions which resulted in changes being made to the draft recommendations before they were finalised. Where comments did not feed into the form of the final recommendations, the points made are analysed and addressed in the body of the Committee's report. It should also be noted that there are issues which do not fall within the Committee's remit on which the Committee is not in a position to make recommendations.

Attendees

The attendees were as follows:

- John Downie, Scottish Council for Voluntary Organisations
- Peter Duncan, Association of Professional Political Consultants
- Nicholas Dunn-McAfee, Public Relations Consultants Association
- Andy Myles, Scottish Environment Link
- Allana Parker, Epilepsy Scotland
- Juliet Swann, Electoral Reform Society

Bill Thomson, Commissioner for Ethical Standards in Public Life in Scotland, was also in attendance and commented at the end specifically on the compliance regime proposed by the Committee.

Note of discussion

- language is important – individuals would not describe themselves as lobbyists, or consultant lobbyist. Recognised terms include policy advocates and communications consultants. Many would consider themselves to be seeking to share information as opposed to undertaking targeted lobbying.
- the recommendations could be strengthened if they covered civil servants, government agencies and government special advisers.
- the recommendations could be strengthened if they required MSPs to publish their diaries.

- a precautionary approach received support, specifically taking action in advance of, or as a deterrent to, inappropriate lobbying activity.
- the recommendations should include an emphasis on access to ministers and potentially look at a review of the Ministerial and Civil Service Codes.
- further consultation on the specifics of the proposals is required and any bill could include a binding requirement to consult whenever further changes are proposed to the register.
- a register seeking to require in-house lobbyists to register based on a threshold of the level of contact with MSPs would not cover very effective in-house lobbyists who do not meet politicians regularly but the limited contact they have can bring real influence to bear.
- there could be disincentives for organisations to contact MSPs directly if it meant they would be required to register, meaning they might be more likely to seek to use commercial lobbyists. This would be an unintended consequence.
- a number of organisations already publish details, on a voluntary basis, of the names of staff that work for them as commercial lobbyists, so this element of the recommendations (requiring names of commercial lobbyists on a register) would not be an additional administrative burden.
- if a threshold for registration included the number of meetings in the previous 12 months, or the information to be registered included meetings, then guidance would need to make clear whether meetings that had been arranged but not yet happened counted.
- a 'pre-arranged' meeting can often be pre-arranged at short notice and so can be ad-hoc in nature – for example during conference season. Guidance could usefully cover the circumstances where the term 'pre-arranged' would apply.
- the register does not need to include all of the relevant information. It needs to provide enough to be a 'gateway' for an interested individual to get information of interest and then, if necessary, seek out additional information. The model register achieves this.
- some clients of commercial lobbyists that may be based in Scotland do not seek to influence the Scottish Parliament or Government. On that basis, the register should not require the inclusion of the names of these clients of commercial lobbyists.