Standards, Procedures and Public Appointments Committee

Lobbying (Scotland) Bill

Written submission received from ASH Scotland

Background

ASH Scotland is the independent Scottish charity taking action to reduce the harm and inequality caused by tobacco. Our activities include an expert information service, campaigning for political action on tobacco and health, supporting community groups to help their service users affected by tobacco use, building public support and awareness for making Scotland free from tobacco and supporting charities, enforcement agencies, the NHS and others to contribute to achieving that goal.

The tobacco industry

The tobacco industry is uniquely harmful and dangerous to public health. For that reason among others, the UK, the EU and 178 other countries have signed the Framework Convention on Tobacco Control (FCTC), the only public health treaty in existence.

The FCTC does not exclude tobacco industry representatives from discussions but, through a series of recommendations and requirements under Article 5.3, sets out the proper parameters for engagement with the industry to ensure transparency. This was in response to a long-established and well-documented history of misrepresentation and inappropriate interference in public health policy.

The article, and guidance around it issued by the World Health Organisation (WHO), directs that interactions with industry representatives should be open and transparent, and should never take place in the context of public health policymaking. For this reason, ASH Scotland supports strong provisions to ensure that the tobacco industry and its vested interests are not able to evade scrutiny when lobbying for their lethal products.

Our proposals

Who should be covered?

We believe the register should as far as possible catch influence as well as activity, and that lobbyists should be required to declare funding and sources of information and intended influence. In our view the register should catch who lobbyists are working with and for, how the activity is funded, issues discussed, and individuals with significant involvement in the stated activities. In accordance with our responsibilities under the FCTe, we believe there should be an additional explicit requirement to declare links with the tobacco industry and its vested interests.
We believe that the register should apply to all those who undertake lobbying as a main part of their paid employment, including those who work for private, public or third sector organisations, and that it should also be designed to capture tobacco industry links and influence in line with the FCTC.

Defining lobbying

ASH Scotland is concerned by reports that the Bill as it stands will cover only face-to-face lobbying. This is clearly insufficient to capture the wide variety of lobbying methods used by public relations professionals, including electronic means. We suggest a clear cut requirement to register any communication with a registered person. This need not require the registration of every single email, but could cover numerous electronic communications over a given time period. We would propose that the frequency of face-to-face interactions was still recorded.

A clear definition of what constitutes lobbying activity will be important to the success of the register, for example distinguishing between lobbying and information provision. We suggest that the definition given by the Sunlight Foundation, an international transparency organisation, be used. This defines lobbying as "oral and written communication, including electronic communication, with an elected official, their staff, or high and mid-ranking government employee who exercises public power or public authority, for the purposes of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government programme, policy, or position." Guidelines with examples of types of activity may be helpful.

Registration fees

As a small charity, we understand that registration fees could have an impact on access to the Parliament by smaller organisations. For that reason, if a fee were to be required to cover administration of this scheme, we would suggest that a tiered system, linked to turnover and / or profit, is used. This may include a free tier for the smallest organisations, or those in certain categories (such as community organisations).

It may also be desirable to link declaration requirements to this tiered system, in order to prevent undue administrative burdens falling on the smallest organisations. However, the system we propose would not present a significant challenge to us, as most potentially reportable contacts made by ASH Scotland staff are reported to our Board under our present governance arrangements.

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ASH Scotland
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