

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

INQUIRY INTO LOBBYING

SUBMISSION RECEIVED FROM CHARTERED INSTITUTE OF PUBLIC RELATIONS

Lobbying Inquiry – Standards, Procedures and Public Appointments Committee

The Chartered Institute of Public Relations (CIPR) is the professional body for public relations practitioners in the UK. With over 10,000 members involved in all aspects of public relations, it is the largest body of its kind in Europe. The CIPR advances the public relations profession in the UK by making its members accountable through a [code of conduct](#), developing best practice, representing its members and raising standards through professional development. The CIPR provides the [CIPR Public Affairs Diploma](#), a professional qualification specific to lobbying and is a founder member of the [UK Public Affairs Council](#) (UKPAC).

The CIPR is represented across the United Kingdom, with national groups in Scotland, Wales and Northern Ireland and groups in the English regions. The Institute also has several sectoral groups, among the largest of which is the CIPR Public Affairs Group. It has more than 890 members and is made up of communications professionals who have regular dealings with Government, or the institutions of Government, in its very widest sense. The Group meets regularly to discuss key issues relating to UK politics – including the proposed statutory register of lobbyists. A sector group specifically covering Public Affairs in Scotland has recently been set up by members.

1. Have there been significant changes over the last decade in the way that lobbying is carried out?

Yes. Two key factors have been in the ‘shape’ of professional lobbying (i.e. size, structure and location of the industry) and the manner in which it is conducted. Although it is difficult to ascertain exact figures, it is generally believed that more lobbying is conducted in-house, with support from the consultancy sector, than would have been the case a decade ago and also that there has been a growth in the number of freelance lobbyists. Devolution has created significant growth of the professional lobbying industry in Scotland, and also in Wales and Northern Ireland. There are also more lobbyists offering specialist services in planning (often around the process for infrastructure or property development) than existed a decade ago.

In terms of the manner in which lobbying is carried out, this has been influenced by three factors: technology, strategy and professionalisation. Technology – primarily the development of digital and social media – has influenced communication with policy makers and elected representatives. In line with broader changes in society and the workplace, communication is increasingly conducted via online media, with sharing of information using channels such as Facebook and Twitter increasingly common.

Furthermore, the steep rise in the use of online search in the last decade has presented a challenge and an opportunity for lobbyists, representing a significant change in how people access and consume information.

Strategically, the aims of lobbying activity remain broadly unchanged, but the means by which they are achieved have changed. Policy issues are as likely, or more likely, to be addressed within a campaign aimed at a broader audience through advertising, and media, including social media, rather than necessarily through direct communication with contacts in Government or with elected representatives.

Professionalisation of lobbying is evolving and accelerating. There are increasing numbers of educational opportunities, including the CIPR's own qualification in public affairs. The steady growth of organisations such as the CIPR, APPC, PRCA and ASPA mean that more people working in this area are accountable to codes of professional conduct supported by effective structures of enforcement and sanction.

2. Is there a problem or perceived problem with lobbying in Scotland? If so, how can this best be addressed? If not, do steps still need to be taken to address any problem arising in future?

There is no evidence of a problem with lobbying in Scotland. Recent cases which have attracted publicity and stoked concern about the role of lobbyists have arisen in other parts of the UK and have involved allegations of inappropriate arrangements between investigative journalists and Members of Parliament. While these incidents have been dubbed "lobbying scandals", no professional lobbyists appear to have been involved. This raises the question of what problem any further steps would seek to address. It is hard to envisage any corrupt or dishonest behaviour that is not covered by existing law or regulations including the codes of conduct applied to Scottish Ministers, MSPs and civil servants.

In Westminster, registration of lobbyists is being introduced to address a perceived problem arising from consultant lobbyists engaging in direct communication with Ministers and senior Civil Servants. The crux of the problem is defined as the perceived lack of transparency regarding the range of client interests represented by the consultant lobbyist and the intention is to make it illegal to carry out this business without disclosing all clients on a statutory register.

The CIPR considers this action to be disproportionate to the scale of the problem it is intended to address and believes that this could be addressed through changes to the regime of reporting on Ministerial meetings and by supporting existing voluntary registers including the UKPAC register.

Increasing public understanding of lobbying is important and the CIPR is not against disclosure registers in principle. In fact, we support reasonable and realistic measures that would raise the level of understanding and address any perceived or real public concern. Normalising lobbying could be a beneficial by-product of greater transparency, leading to a greater openness about the way information and dialogue has a positive impact on how our laws and regulations are made.

3. To what extent will the introduction of a register of lobbyists address any problem or perceived problem with lobbying?

Firstly, while it is worth noting that any perceived problem with lobbying is not reflected in practice, the proximity of business interests and political decisions can give rise to public concern. Fortunately, actual abuse remains rare in Scotland in particular and in the UK in general. It is therefore not clear exactly what problem the introduction of a statutory register would address, aside from the perception of a lack of transparency around lobbying activity in general.

As stated above, the CIPR is in favour of reasonable and realistic steps that increase public knowledge about the conduct of lobbying, including the disclosure of clients through the voluntary UKPAC register. It is worth noting that the very limited statutory register proposed at Westminster is likely to deliver less information about lobbying than the existing UKPAC register, despite the stated aim of increasing transparency. To this end, the CIPR believes any register should include all lobbyists within a reasonable definition (i.e. both consultant lobbyists and those who work 'in-house') if it is to meet public expectations of genuinely increasing transparency about lobbying activity.

4. To whom should such a register apply? Should it be voluntary or compulsory? How should it be maintained and who should maintain it? What level of information should be on it? Should thresholds be set for registration? If so what should they be? What are the likely cost implications of registration for groups that lobby?

We believe that the UKPAC register already provides a useful degree of transparency. However, should the Committee conclude that there is a problem with lobbying in Scotland that can best be addressed by a statutory register, we would not necessarily oppose it. We do believe, however, that any register, whether voluntary or statutory, should be universal and the burden of compliance should be proportionate to the size of the industry and the scale of the perceived problem.

By universal, we mean that any register of lobbyists should include all lobbyists, regardless of their employment context (i.e. in house or agency) and the nature of their work – for example, a considerable amount, if not the majority, of lobbying activity is carried out by civil society organisations and not by business. It is our belief that a register of lobbyists that does not include all who lobby (with reasonable and common sense exemptions, but not with a financial or other threshold as an entry point) would not meet public expectations for the provision of more information about lobbying activity. Any register would ideally be maintained independently of Government and the industry. We discount the suggestion of thresholds on the basis that they would create an invitation to avoidance.

The register should require a sensible amount of useful information, including but not limited to, contact details, client names and the names of any employees who are engaged in lobbying activity. We do not believe it should be necessary to include commercially sensitive information such as client fees or spending related to contracts.

Cost implications are hard to determine without a clear idea of the structure of the register envisaged. Given the likely size of the population that be considered as potential registrants, if the cost of running the register is to be borne by those who register, then it is likely that a small group of people would carry a disproportionate burden.

5. What sanctions should there be for failure to register lobbying activity? How will the register sit alongside the UK register? How will compliance be monitored?

In a statutory regime, registration would presumably be supported by making it illegal to lobby without registering. Any resulting prosecutions would affect an individual or organisation's commercial activity, as well as incurring civil or criminal penalties. Compliance would be monitored by an executive with the power to enforce registration or to take action in the event of non-compliance. The scale of the resource required for this would be dictated by the scale of the population to be monitored, which is small but growing.

As the UK statutory register has not yet passed as law it is difficult to envisage how the two would sit together. Ideally, because it is possible, indeed likely, that lobbyists operate in both jurisdictions, that an entry into one register might be transferrable, but it is hard to see how that would work on a practical level unless the registers were provided by the same registrar and with identical compliance and disclosure requirements.

6. What are the implications of a register for (a) the Parliament, (b) MSPs, (c) organisations that lobby and (d) Ministers and civil servants?

It is likely that there would be very few implications for those in political office. The implications for those who lobby however would be quite substantial as the burden is placed on them and not the lobbied.

Implications are twofold: functional and financial. The first is that there will be additional administrative requirements placed upon an organisation required to record information and keep a register up to date. Secondly, there will be a financial burden placed upon organisations required to register. It is possible that the impact of the UK Register will be to increase the burden on all firms who provide consultant lobbying services, which will be forced to monitor their own activities to ensure they comply with the legislation, whether or not their activity is registrable. Firms which are required to register will also have to meet a financial cost for registering.

7. Whether other changes could be made to improve transparency in lobbying in Scotland? What, if any, changes should be made to Section 5 of the Code of Conduct for Members of the Scottish Parliament?

Section 5 of the Code of Conduct for Members of the Scottish Parliament is detailed and should be commended as an initiative to protect against unethical behaviour in political office. Outside of this the CIPR would support further collaboration between the Scottish Government and Parliament and the professional associations representing lobbyists to increase public understanding and trust of the lobbying

profession. Professional associations should be supported in their attempts to educate, train, develop and support professional lobbyists and the Scottish Government should recognise that association with such an organisation is a clear indicator of one's commitment to ethical standards.

8. Should there be a Code of Conduct for lobbyists? Should it be statutory or voluntary?

Codes of conduct are common in many professional contexts and the CIPR is one of a few organisations providing codes that are relevant in Scottish public affairs. Many Scottish lobbyists are already signed up to this or other codes of conduct which hold them to a high standard of professional conduct.

A statutory code of conduct would regulate the lobbying profession, replacing the existing industry structures and removing the advantages that come with a system of self-regulation. These include a strong link with current standards of practice, a strong link with professional education and training and the ability to change or challenge a code's content to reflect change realities.

Although a voluntary regime may not provide complete coverage of the lobbying industry, it does offer a cost-effective means of raising standards without the costs or risks of introducing Government regulation of lobbying activity.

**CHARTERED INSTITUTE OF PUBLIC RELATIONS
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