

**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**

**INQUIRY INTO LOBBYING**

**SUBMISSION RECEIVED FROM MHP COMMUNICATIONS**

MHP Communications is one of the UK's largest full-service communications agencies, employing 175 people in offices in London, Edinburgh, Brussels, Hong Kong, the Middle East and Washington DC.

With around 55 people working in the public affairs discipline, MHP has the biggest practice in the UK. We are long-standing members of the Association of Professional Political Consultants (APPC) and members of the Public Relations Consultants Association (PRCA) and other bodies.

Please find our response to the Committee's call for evidence in relation to the inquiry on lobbying enclosed.

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

Naturally, there has been an increase in lobbying activity in Scotland as a consequence of devolution, resulting in greater numbers of individuals, agencies and organisations carrying out lobbying.

However, whilst many consultancies remain relatively small in terms of their dedicated Public Affairs teams, the rise of in-house practitioners has been noticeable at Holyrood and they outnumber commercial lobbyists by some way.

- **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 problems arising in future?**

Sound policy should be based on comprehensive evidence. That requires interaction between law-makers and others in public life as well as outside bodies and individuals, a process of engagement which is often described as lobbying. It is important to start any discussion of this subject by recognising that lobbying adds to the quality of policy-making, and is an important part of the political process.

In addition, if the issue is that there is perceived to be a problem, rather than that there is a concern in reality, one has to question the need for significant regulatory change around lobbying. That said, MHP recognises that a commitment to transparency is an important part of honest political decision-making. Although concerns about lobbying can be overblown, it is never enough simply to do the right thing; all sides have to be seen to be doing the right thing. We therefore strongly support any moves to improve transparency.

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

This question raises a crucial point on what the bill will seek to achieve, namely; should it be a register of lobbyists, or a register of lobbying? Membership organisations such as the APPC, ASPA and CIPR already publish registers of member organisations and require them to adhere to a code of conduct. It is on those that are not currently accountable to industry regulation that the proposed bill could have greatest impact.

- **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 a registration for groups that lobby?**

For a register to be of any genuine value it should be compulsory and apply to anyone engaged in lobbying activity in a professional capacity, such as law firms, management consultancies, think tanks, trade bodies and others. It is commercially unfair and morally wrong to differentiate between different forms of lobbyist.

- **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?**

It is necessary that any information that is recorded in the register can be verified by those required to monitor compliance. Enforcement of registration requirements should be backed up with a system of warnings leading to sanctions. (See also our comments below about a Code of Conduct.)

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

How a register will impact on each of these parties will depend on the nature of the register that is ultimately established. The key element should be greater transparency in the interactions between politicians and officials with those lobbying them, and everyone in public life has to be committed to this over-arching principle. There may therefore be an increased burden in terms of time required to record interactions and costs associated with registering and maintenance of the register.

- **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?**

It would be sensible for the Committee to consider a review of the Code of Conduct for MSPs and Ministers in relation to lobbying on the grounds that politicians have been at the centre of some of the most damaging lobbying scandals. Indeed, it has often been the case that politicians or former politicians acting as ‘lobbyists’ have attracted the greatest public and media interest in the matter.

- **Should there be a Code of Conduct for lobbyists? Should it be statutory or voluntary?**

Without the backing of a Code of Conduct, or at least the requirement to conform with key minimum standards, there is a real risk that a register of lobbyists will simply act as a kitemark for anyone who claims to be involved in lobbying. As such it may make the situation worse. It is for others to determine whether these standards should be associated with the Lobbying Transparency Bill or whether the codes of the industry bodies are adequate for these purposes.