

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

INQUIRY INTO LOBBYING

SUBMISSION RECEIVED FROM SCOTTISH ENVIRONMENT LINK

About Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

LINK's member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for this community in communications with decision-makers in Government and its agencies, Parliaments, the civic sector, the media and with the public. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

Summary

Scottish Environment LINK welcomes the opportunity to feed into the SPPA committee inquiry into lobbying, to examine whether there is a problem within Scotland, either actual or perceived, with lobbying and, if so, how this can most effectively be addressed. We welcome the intentions to enhance and rebuild trust in the political process, and we are keen to play our part.

In general, LINK is supportive of efforts to regulate lobbying, as long as any such regulation is financially and administratively proportionate, does not affect charities' ability to campaign, and does not restrict the ability of small organisations – many of whom are LINK members - from taking a full part in the political and legislative process.

We also believe that Ministers and MSPs must also play their role in ensuring the transparency of lobbying by publishing Ministerial and MSP diaries. As an additional safeguard, senior civil servants should similarly publish details of any meeting they participate in where lobbying takes place or is possible.

Answers to specific questions

The Need for Change

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

From our perspective, we are not aware of any significant changes to the way that lobbying is carried out in Scotland. Our experience suggests that, since devolution, the Scottish Parliament has been accessible to a wide range of stakeholders within Scotland.

It is important to note that charities' (and most of our members are charities) political activities are already regulated and, as such, are by their very nature open and transparent. Charity law requires us to be politically neutral, and we already regularly provide information about how our activities meet our charitable objectives. **We are aware of no Scottish case of the party political neutrality of a charity being challenged, let alone proven wanting.** Charities also generally have a high accountability to our trustees, supporters, donors and members. LINK and many of its member organisations generally ensure that all their briefings are published and publically available online.

- 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?

As far as we are aware, we do not believe there to be a current problem with lobbying in Scotland. However, there is clearly a perceived problem that a number of initiatives such as the Lobbying Transparency (Scotland) Bill and the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill (at Westminster) attempt to resolve.

We are sympathetic to the argument that the introduction of a register of lobbyists may go some way towards addressing a perceived problem, or preventing a problem, in the way that lobbying is carried out – so long as the register covers **ALL** those who might do the lobbying, and that corresponding openness extended to **ALL** who might be lobbied.

Register of lobbyists

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

LINK and its members are not opposed to the introduction of a register of lobbyists, so long as it fair, universal and proportionate. The establishment of a register would go some way towards increasing transparency in lobbying, which is a fundamental element of good governance. We hope that it may also improve public knowledge of lobbying, accountability and democracy and help to improve public trust in the political system.

We strongly believe, however, that these proposals must not result in an inequality of access to the political process in Scotland. They must only increase the transparency of the process. We believe that lobbying is an essential element of the democratic system that any individual, community of place, or community of interest, should be able to lobby the Government, Parliament or an MSP. Many laws passed by MSPs affect our charitable objectives.

However, as we explore below, introducing a register does not have to be the only way of ensuring this is achieved. We believe that Ministers, senior civil servants and MSPs should also be part of the solution.

- To whom should such a register apply? Should it be voluntary or compulsory?

We believe that in order to engender trust in the fairness of the system and to create a level playing field, the principle of universality should be used. We believe, therefore, that the register should cover all professional, paid lobbyists working as consultants or those based in-house – and that this should apply in each of the private, civic and public sectors. (Parliamentary ‘liaison’ officers are employed by most Government agencies.) We also believe the register should be compulsory in order to minimise the potential for non-compliance of those with something to hide.

However, LINK also notes that the definition of the term ‘lobbyist’ and definition of what ‘lobbying’ constitutes is important. The definition must ensure both that lobbyists don’t get round the rules, and that lobbyists in the third sector are not excluded from the system nor forced to join in a disproportionately costly way.

LINK members engage with the political process in a number of different ways - be it constituency site visits, meetings in the Parliament, provision of factual briefings, social media engagement or mailings. These activities may also encompass a number of different staff profiles – reserves managers, parliamentary officers, chief executives, media officers, policy experts or administrators. We therefore believe that in order for the register to be proportionate, only staff spending the bulk of their time on parliamentary engagement – such as parliamentary officers - should be required to register individually. Alternatively, it may be feasible to register each organisation or business involved in lobbying.

- 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?

We believe the register should be the responsibility of an independent central body, and should be publicly accessible online.

We do not believe the register should be too onerous to complete - both for registration and staff time - as this would take away resources from charities’ core functions. A highly onerous system might also prevent smaller organisations from lobbying at all. We have no desire to see these proposals lead to a restriction in the number of organisations participating in civic life. Some LINK members have few or no professional staff but engage periodically in the lobbying of MSPs as they have legitimate points to explore in the legislative and administrative processes.

We do not think there should be a cost of registering, nor a threshold for registration. LINK suggests the provision on an annual basis of the name of the designated parliamentary officer, the organisation they work for, and the dates of meetings had with which MSPs, ministers and senior civil servants.

- What are the likely cost implications of registration for groups that lobby?

This largely depends on what is entailed with the registration process and the frequency of updates.

- 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?

We have no view on this.

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

We have no view on this – other than they must play a full part in the system.

Other measures

- Whether other changes could be made to improve transparency in lobbying in Scotland?

In order to maximise transparency and faith in the efforts to improve the lobbying system, the burden must be shared between those lobbying and those being lobbied. LINK therefore supports a dual approach of not only introducing a register for lobbyists, but also of requiring MSPs, Ministers and senior civil servants to publish details of their diaries.

Annual public disclosure of information – such as the name of the person MSPs are meeting, the organisation they represent and subject area or bill they are discussing – would go a long way to ensuring the Parliament also plays its part in this process.

- What, if any, changes should be made to Section 5 of the Code of Conduct for Members of the Scottish Parliament?

We have no view on this.

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

We have no view on this, though we note that there already exist codes voluntary of conduct for the Association for Scottish Public Affairs and the Association of Professional Political Consultants.

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