

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

INQUIRY INTO LOBBYING

SUBMISSION RECEIVED FROM SCOTTISH PROPERTY FEDERATION

Comments by the Scottish Property Federation on the Standards, Procedures and Public Appointments Committee Inquiry into Lobbying

1. The Scottish Property Federation (SPF) is a voice for the property industry in Scotland. We include among our members; property investors and developers, landlords of commercial and residential property, and professional property consultants and advisers. We have some 130 corporate members.
2. The SPF is happy for the Scottish Parliament to publish our comments and share our views with other public authorities.

General remarks

3. Our members are strongly of the view that lobbying is a fundamental part of the Scottish and UK political processes and can make an important contribution to policy development and scrutiny. Lobbying can feasibly cover a great number of activities, from a constituent's letter advocating a particular enterprise perhaps to the actions of a private practice commercial lobbyist. As we declare above and in our covering email, we are a trade association acting as an interest group and representative body. We feel any proposals to regulate lobbying must be appropriately balanced and should not create unnecessary obstacles to wider representative activities. We are supportive of the principle of transparency, openness and accountability in general and we believe we comply with these principles. We understand that already Ministers will publish the fact that a meeting will have been held with us and we would have no problem seeing this approach extended to other political bodies such as the Parliament. We do list our members publicly and declare membership rates as well.
4. SPF members engage with government and parliament throughout policy development and implementation processes, both proactively and also in response to invitations by government when asked to help to provide industry views and suggest appropriate policy solutions. It is important that this communication flow is maintained between trade associations, who can bring market information and technical perspectives to policy issues for the information of the government/legislature. This informs the policy making process and is of mutual benefit to public officials, Ministers and MSPs, even if to just ensure that the industry 'has a voice'.
5. SPF members, who in turn represent a mixture of businesses, also benefit through greater knowledge of policy intentions by decision makers. Although policy matters or intentions may be in the policy domain businesses will not always be aware of the existence of a proposal unless they pay for a specific

monitoring service – we do operate in a multi-layered regulatory system ranging from local authorities and agencies of government to Holyrood, Westminster and Brussels levels of policy-making. A major part of our role is to inform our members of the level of regulation/taxation affecting them, in addition to suggesting policy solutions and informing policymakers of the consequences of their decisions relating to our sector.

The Need for Change

6. We are not aware of significant changes over the last decade in the way that lobbying is carried out. Earlier engagement on lobbying proposals indicated that the concern for increasing transparency results from the actions of a very small number of organisations and/or individuals. The SPF is therefore of the view that any solution put forward should be proportionate to the perceived problem and perhaps if necessary should be more directly focused on payment for lobbying purposes for very specific purposes as opposed to the broader nature of much of our work as a trade association.
7. Trade associations are not structured so as to undertake lobbying activity on behalf of a specific third party client and therefore we question if our kind of organisation should be the intended target of any future proposals. The Scottish Property Federation as a Trade Association represents the common and varied interests of a range of members of vastly different types and size who at times may have diverging opinions. It is therefore necessary to present a balanced case respecting the different interests involved. Where appropriate we work with non-members and other associations in allied sectors on matters of joint concern.

Register of Lobbyists

8. It is the SPF's strong belief that any requirement for trade associations, professional institutions and other membership bodies to register as lobbyists could seriously hamper communication flow; particularly if members perceived that an excessively burdensome regulation of a confusing and costly nature is imposed. There is also the question of cost in relation to maintaining a register. Most trade associations operate on very small budgets – some do not even operate from their own offices. It would be a pity if organising a transparent representative organisation in a given area became constricted by the need to comply with expensive registration costs and processes.
9. It is our view that the thrust of any measures should be aimed at commercial lobbying situations. Our members struggle to see how thresholds or costs per project of an organisation such as ours could be implemented as it would be extremely difficult to be precise about costs per project. Our members therefore question the rationale behind the consideration of a blanket of regulation affecting many different types of 'lobbying' organisation, particularly those who are already often transparent in nature, such as trade associations.
10. The SPF would be pleased to explain its comments in further detail if that would be helpful.

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