



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 6 February 2020

Session 5



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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
4th Meeting 2020, Session 5

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

Mark Ruskell (Mid Scotland and Fife) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

Jamie Halcro Johnston (Highlands and Islands) (Con)

*Tom Mason (North East Scotland) (Con)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

James Drummond (Scottish Parliament)

Billy McLaren (Scottish Parliament)

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 6 February 2020

[The Convener opened the meeting at 10:00]

Interests

The Convener (Bill Kidd): Welcome to the fourth meeting in 2020 of the Standards, Procedures and Public Appointments Committee. We have apologies from Jamie Halcro Johnston and Mark Ruskell. I invite Edward Mountain MSP, who joins us as the substitute for Jamie Halcro Johnston, to declare any relevant interests.

Edward Mountain (Highlands and Islands) (Con): I have no relevant interests to declare, but I would like to make the committee aware of my register of interests, which includes interests in land, farming, an inshore fishery and properties.

The Convener: Thank you. That is helpful.

Decision on Taking Business in Private

The Convener: Under our next agenda item, I seek the committee's agreement to take in private agenda item 3, which concerns consideration of the evidence that we are about to hear from the lobbying registrar. Do we agree to do so?

Members indicated agreement.

Scottish Parliament Lobbying Register (Annual Report 2019)

10:01

The Convener: Under our next agenda item, we will take evidence from the lobbying registrar on the Scottish Parliament lobbying register annual report 2019. Joining us today are Billy McLaren and James Drummond; welcome to you both, and thank you for coming.

I invite you to make a short opening statement.

Billy McLaren (Scottish Parliament): We thought it would be helpful if James Drummond and I provide a little background before moving on to the annual report.

You may remember that the Lobbying (Scotland) Act 2016, a Scottish Government bill, was passed in March 2016, towards the end of session 4, with the support of all political parties. Royal assent followed in April 2016 and, from that point, responsibility for implementation of the register passed to the Parliament, which is why we are here as Parliament officials.

Lobbying, as we all know, is a fundamental part of our democratic process. It can take many different forms. The 2016 act set out new legal requirements for certain types of lobbying. Lobbying covered by the act is known as regulated lobbying, to differentiate it from other potential types of lobbying.

Regulated lobbying can involve businesses and organisations lobbying face to face with MSPs, with a member of the Scottish Government—cabinet secretaries and the Scottish law officers—with a junior Scottish minister or with a Scottish Government special adviser. Aside from the special advisers who I have just mentioned, the only civil servant who is covered by regulated lobbying under the act is the Scottish Government's permanent secretary—its most senior civil servant.

Not every conversation will be regulated lobbying. However, businesses and organisations taking an opportunity to inform or influence decisions about Scottish Government or Parliamentary functions, or other aspects relating to your role as MSPs, is likely to be regulated lobbying.

Since commencement of the act on 12 March 2018, each time a business or organisation engages in regulated lobbying, it has been legally required, unless there is a specific exemption under the act, to submit that information to the lobbying register. That is done by means of submitting an information return, which must be

submitted within a set period of time. All information returns are assessed collectively by our team here in the Parliament, before being published to the lobbying register. Once published, those details become part of a growing online public resource, setting out where and when the regulated lobbying took place, and what issues were covered.

Essentially, it is a transparency initiative. Other registers exist across other parts of the world, to help identify a range of information on lobbying activities and to make that information publicly available.

James Drummond (Scottish Parliament): The Scottish Parliament's lobbying register is available online, free of charge, at www.lobbying.scot.

Our headline tasks in 2016 were to procure, develop and deliver that web-based lobbying register. We also needed to consult, develop and approve the Parliamentary guidance, and a code of conduct for those who lobby MSPs. That is set out in detail in the first chapter of the annual report, but I will briefly update members.

On the information technology requirements, we carried out a full procurement exercise with parliamentary colleagues before appointing Northgate Public Services in March 2017 to help us to build the website and the database that hosts the register. We programmed in six months for that and managed to deliver it within the timescale and to the specified budget. Delivering it on time allowed us to run a four-month trial period of the lobbying register before going live in March 2018.

In terms of developing the parliamentary guidance, we spent most of late 2016 and early 2017 consulting in person with as many stakeholders as we could and with people we believed would have an interest in the system. That consultation led to a key element of the guidance, known as the five key steps, which is shown on page 7 of the annual report. That flowchart has been well received and it is used extensively as an aid for people to identify whether or not they engage in regulated lobbying, as defined by the 2016 act. It forms a key part of the more extensive parliamentary guidance that we developed.

To recap, the annual report also covers the following areas: the external working group, which we set up to get a broad range of stakeholder views for developing the more detailed parliamentary guidance; the external research that we commissioned to help us to get a better handle on best practice from other parts of the world and likely lobbying participants; our launch campaign and branding development, and our engagement with MSPs and Scottish ministers.

As the Standards, Procedures and Public Appointments Committee expanded its remit this session to include lobbying, you have been key to all those developments. The committee took evidence from us on the parliamentary guidance that I have just mentioned and led on the statutory requirement to consult the Scottish Government on that guidance, before the commencement of the 2016 act. As the lead committee, you also examined the parliamentary resolutions and directions that sit alongside some of the provisions in the 2016 act, before they were voted on by the Parliament as a whole.

Although it is not a statutory requirement, we decided to produce an annual report and we are pleased to be with the committee again today to answer any questions on it. The report covers the first 15 months of operational activity on the register. However, as we are approaching our second anniversary on 12 March 2020, Billy McLaren and I will be able to provide some updated figures when answering your questions.

The Convener: Thank you. That was very helpful. We have a few questions that I hope will be useful for us all. As you say, it is coming up to two years since the lobbying register was established. Do you have any reflections on the scale of the task that was expected at the time that you were established and how it has developed over that period?

Billy McLaren: The financial memorandum set out a wide-ranging figure for the number of registrants. From memory, it ranged from 255 to 2,550 and, as we come up to our second year, we are past the mid point of that. It is fair to say, therefore, that it ranges wider than we expected. However, the financial memorandum related to the bill as introduced, not as it finally emerged, so we carried out our own work to identify the number of potential registrants. We employed some external consultants to help the working group to figure out who the relevant consultants, charities, lobbying groups and so on might be. We thought that there might be about 1,000 and, given that we are just shy of 1,200 now, it is fair to say that there are more than we expected.

The Convener: Do you think, on that basis, that the registration process has not inhibited people from registering and has not put people in a difficult position when they have a duty to register, with them not being sure about how to register or having difficulties in doing it? Do you think that it is open enough for people to be able to use it effectively?

Billy McLaren: Yes. Part of the work that we did with the external working group was to figure out a strategy for engaging with people. One of our concerns was that people would not know about registration. Of the almost 1,200 registrants

that we have just now, three quarters registered in the first three months. We were very pleased with the initial uptake, which showed, I hope, that we got our engagement strategy right. Subsequently, we have seen a dribble of people coming through. James may have better numbers on where we are now.

James Drummond: We have 1,189 active registrants in the system. That has resulted in 10,708 information returns being published, and another 1,500 to 2,000 returns are still in the system, in varying states of progress in terms of queries that we might have about them.

The Convener: Thank you. That is helpful.

Gil Paterson (Clydebank and Milngavie) (SNP): Good morning, folks. I have a couple of questions on costs, finances and what you need to complete your job. How do the costs of establishing the lobbying register compare with the estimated costs that were identified in the financial memorandum that accompanied the bill?

Billy McLaren: The financial memorandum split it into two areas. I will cover information technology costs first. The financial memorandum put in a bracket of—I think—£180,000 to £300,000 for set-up costs. However, we did it for less than £180,000, setting up the system and the first year of support for around £170,000. Given the situation in the world of IT in the public sector, we are pleased that that was the case.

In addition to the set-up costs for the IT, we are pretty confident that we have a long-term contract with fixed costs that we can manage in a way that is suitable to the public purse, and without any real danger of escalation of costs. I note, again, that we came in below the estimated set-up costs.

The other aspect of the financial memorandum is staff costs. Do you want me to go on and cover that?

Gil Paterson: Yes, if you do not mind. That is one of the points that I was going to raise with you.

Billy McLaren: Sure. That is a slightly different picture. The financial memorandum had a sort of correlation between the number of registrants and the number of staff. We started with only two staff—James Drummond and me—and we now have four, which reflects the workload that we have. An awful lot of additional tasks that were not anticipated in the original financial memorandum have come about. We have more compliance tasks than we anticipated. The legislation that was finally delivered was different from the proposed bill to which the financial memorandum related, and there is more work around the additional exemptions that were introduced. There was, perhaps, not enough consideration of compliance. We have a separate statutory return period, which

can make processes difficult. We do a lot of work in relation to chasing up returns and being proactive on registration.

The key point is that, having gone out and consulted people ourselves, we took a decision that we needed to provide feedback to those organisations at the very beginning, which is a large part of what we do. Had we not provided people with feedback on returns, I do not think that we would have the credibility that we do. We still have quite a high rate of deletion of returns. It was about 7 per cent on average and it has jumped a bit recently, which shows that we are examining them, providing proper feedback to people, and trying to weed out returns that are clearly not regulated lobbying. That is a large part of our job, and it falls upon the Parliament, having taken on this task, to properly explain to people what regulated lobbying is. That is difficult, and it has been difficult in the first two years to spread that word around as many organisations as we are talking about.

Gil Paterson: It would seem that the staff cost is higher than what the Parliament thought you were going to incur. Were you able to make use of the fact that you made savings on the estimated £180,000 to £300,000 set-up costs? Is that how you managed?

Billy McLaren: The staff complement comes within the complement of the Parliament as a whole, so it is about allocating resources across the board. However, overall, there have certainly been savings because we did not spend as much as we thought that we would—based on the financial memorandum—on IT costs.

Gil Paterson: Are you under pressure going forward? Will the parliamentary staff keep you going, so that you do not have to ask for new or more resources to do your job?

Billy McLaren: We would always ask for more resources, because we always have more to do.

Gil Paterson: I may well reframe that question. *[Laughter.]*

Billy McLaren: One benefit of embedding the register in the Parliament is that we have access to other parliamentary staff. In busy periods, we have taken advantage of that, in order to do discrete pieces of work. That type of assistance has been appreciated by the four of us in the dedicated team. Like MSPs, we also have other facilities within the Parliament, such as media and solicitors, that we can call on for that type of work. We are well served. Like everyone else in the Parliament, we have to work within the resources window but, if we had to do more, we are now in a better position than those who wrote the financial memorandum in 2016 to assess the requirements.

10:15

Gil Paterson: That takes me on to my next question, which is on the collection of the data and the robustness of the system. The register was a new venture for the Parliament. You said that there are more registrations than anticipated, with up to 1,200 instead of 1,000. Has sufficient capacity been built into the system? Is it robust enough to take you forward?

James Drummond: I mentioned the figures for the traffic that we have had so far. Going by the number of registrations and submissions that we process, so far, the system is robust enough. As part of the team that handles that on a daily basis, I think that the system is capable of handling the traffic that it deals with. Our counterparts in the Republic of Ireland have been operating since 2015, and they have more than 40,000 returns on the system. We expect our system to handle the same levels of traffic. With regard to future proofing the system, we have worked with our IT contractors, Northgate Public Services, to ensure scalability of the system, with a view to consideration of any review outcomes.

Tom Mason (North East Scotland) (Con): You said that you spent quite a bit of time reviewing various entries. Does that imply that the parliamentary guidance is not fit for purpose, or is it just because of teething troubles?

James Drummond: We believe that the parliamentary guidance is a helpful document. We wrote the guidance by interpreting the act as it was passed in order to make the guidance accessible and easier to understand for those who read it. We always advise organisations to use the parliamentary guidance, which we see as the go-to document to help organisations make a decision on whether communication is required.

I mentioned the flowchart showing the five key steps, which has been key for organisations. In addition, we have a further explanation of regulated lobbying; we expand on the exemptions and what they might mean for organisations; and we ensure that there is information on how to use the system. We have supplemented the guidance with documents on frequently asked questions and common scenarios. Those were developed through external engagement with the organisations that we have spoken to and the external working group that we used before the act was commenced. Recently, using feedback from workshops that we carry out, we have created a more practical document for organisations on how to submit an information return. We have provided a good suite of guidance and assistance for organisations.

Tom Mason: Has the code of conduct fulfilled its purpose?

Billy McLaren: The code of conduct for lobbying MSPs is a requirement in the legislation. The code sits by itself and is not specific to regulated lobbying, and no specific sanctions are attached to it. However, it had to be done, because it is in the legislation, and we thought that it would be useful. Other industry codes exist and have their own sanctions. We see the code more as a set of high-level behaviour principles for people who lobby MSPs. In many ways, it mirrors the code of conduct for MSPs. It has been helpful, although we have not used it extensively. We use it from time to time, mainly to point out its existence rather than because of evidence of non-adherence to regulated lobbying. It is handy to have a set of principles like that.

Tom Mason: In due course, do you expect to review the code of conduct or the parliamentary guidance, or are they continually under review?

James Drummond: At the moment, we have no plans to do so. We are keen to see the outcomes of any review before we update anything. We know that some minor areas of the guidance would benefit from being updated, but any changes would have to come before the committee before being sent to the Government for approval.

Neil Findlay (Lothian) (Lab): Post-legislative scrutiny will be covered in later questions but, as Tom Mason has just asked whether the guidance and code of conduct are fit for purpose, perhaps I could ask that question about the act. Given your experience, do you have any reflections on whether the act has any major gaps or might need amending?

Billy McLaren: Yes. We have a lot of feedback, which goes back to even before the commencement of the act. We have put that in our annual report, because we thought that it would be useful to feed back—and feed on, if can put it that way, to the review committee—some of the concerns that were expressed to us by the external working group and by stakeholders, whom we go out to see regularly.

Our main concerns are set out in the annual report's section on issues for review, which might be a useful steer as things move forward. Of course, it is not for us to say what the committee's work plan should be or what evidence it should take, but we see those as the key issues that stakeholders will want to be raised. Some of those issues cause us a bit of administrative difficulty, which contributes to the resources issues to which I referred in my reply to Mr Paterson.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Billy McLaren mentioned the engagement that you have had with Ireland. Has

there been any interest from other jurisdictions who might want to copy what we are doing here?

Billy McLaren: Yes.

James Drummond: Yes. A European lobbying registrars network was formed in 2018, with the purpose of sharing good practice among the various European legislatures and their counterparts. Billy McLaren has participated in the network's meetings over the past two years, so he is probably in a better position to tell the committee what has been discussed there. We intend to host this year's meeting, which will take place at some time in the spring or summer.

Billy McLaren: The idea of having a network of lobbying registrars came from my opposite number in Ireland. She comes from Canada, where there is a very well-developed one. Nothing similar had been set up in Europe, but she helpfully identified various countries that have legislation that is similar to ours. It is early days for our network, but it should give us all a chance to share and look at the different work that we do and types of legislation under which we operate. We also have presentations from academics and lobbying groups working in the area, so that we can take on board as many views on our work as possible.

Maureen Watt: Given that experience, are there perhaps things that, with hindsight, you might want to do differently? That comes back to Neil Findlay's point about post-legislative scrutiny.

Billy McLaren: To be fair to the Scottish Government, as part of the legislation, it introduced the concept of a statutory review after two years. To again take Ireland as an example, it has a statutory review every three years to ensure that the legislation is still in tune with what is going on administratively. I refer again to the issues for review section of our annual report, which is intended to help our colleagues when they conduct such a review. Of course, we will be available to provide further evidence or answer their questions on the workings of what we have experienced in that period of nearly two years of operation. It is useful to have a review after that time and to have provision for it set out in the core legislation, and such a review will now take place.

Maureen Watt: The annual report states that the majority of organisations registered within the first three months of the register being established. Are you still receiving new registrations? There was a flurry at the beginning, when everyone first became aware of the register, but my worry is whether some new organisations might not know that they have to register.

James Drummond: We proactively speak to organisations to raise awareness and to get them to consider whether they have to register. As you

mentioned, 75 per cent of our total registrants registered within the first three months after the register was established. We still have a steady stream of organisations registering—I think that there were 46 new registrants in the last quarter. As of yesterday, 11 short of 1,200 organisations had registered.

In relation to being proactive, we monitor media articles for potential organisations and we review published ministerial diaries to see whether there is mention of any organisations that we might need to contact. We also liaise internally with our events colleagues, who flag up in advance sponsored events and exhibition stalls in the Scottish Parliament. We are on hand to assist organisations, should they need assistance or have any questions about whether they need to register.

Maureen Watt: You gave the number of organisations that you need to deal with and you said that there are still some organisations in the system that you have queries about. Could you say that that is a backlog?

James Drummond: I suppose that you could say that it is a backlog. We have a number of queries. Billy McLaren mentioned that we like to provide feedback to organisations. We try to provide a consistent style and uniformity in the information that is contained in the information returns. Ensuring that organisations get used to what they need to submit is an on-going process. Through our feedback, we send back a lot of returns for organisations to consider, which can include considering whether what they are doing is regulated lobbying. The number of returns that are still in process builds up.

Billy McLaren: We proactively chase up the returns. We publish two thirds of returns within seven days. If we have queries, we ask for the returns within two weeks. We often have to chase up the returns, and sometimes more than once. We are working with stakeholders to try to improve the turnaround time, which is something to keep an eye on.

James Drummond: Through our internal audit, we are looking at what we might want to call a backlog, as Maureen Watt said. We are working with organisations to try to clear historical returns that are still outstanding.

Maureen Watt: At the beginning, people were anxious about meeting the requirements. Has there been a levelling off? Are people not so worried now about whether they have to register that they have met folk?

Billy McLaren: To go back to Mr Mason's point, at the start, people probably just submitted anything, because they were a bit scared that there was a new law. James Drummond referred

to some of the older ones and, when I did my section of the audit, I found that a lot of the organisations were not taking part in regulated lobbying. The issue is getting them to confirm that to us, so that we can delete the record.

The process is long and laborious. It is not a pick-up-the-phone job; it is an email job, so we rely on people getting back to us. That goes back to the issue about resources and the time that processes take. That work has been one of our biggest resource challenges, but we are catching up on it a little.

James Drummond: Maureen Watt asked about organisations registering, which goes back to the question whether the guidance is helpful. Organisations are reading the guidance and can then make a decision that they do not need to register because an exemption applies, for example. The guidance is helpful for organisations.

Maureen Watt: Can you confirm whether the senior campaigns manager of the Campaign for Real Ale needs to register the fact that he has spoken to his mother in Parliament? [*Laughter.*]

Billy McLaren: You are not the first person to raise an inter-family piece of lobbying with us. All sorts of examples have been given to us.

Maureen Watt: Does he have to register that?

Billy McLaren: In another example—I will not say what it was—we made the point that, looking at the issue conversely, submitting a nil return shows that you have not spoken. That kind of answers the question.

Maureen Watt: Maybe he uses it as an excuse not to speak to me when he is in here.

The Convener: I think that an electronic Christmas card has just been broadcast.

Tom Mason: What is the relationship like between the registrars and the lobbyists? In your judgment, are people happy to register, or do they resent having to do so? What is your view?

10:30

Billy McLaren: We maintain good relationships with everybody. We have had very little opposition to our feedback, for example. On the whole, people appreciate getting the feedback that we provide.

James Drummond mentioned that we went to see a lot of the potential registrants before the commencement of the 2016 act. We built good relationships with them, and the working group has on it everybody from a pro-transparency campaigner through to a major company such as

Scottish Power. We have to carry everybody with us.

This is a new thing and it is difficult for a lot of people—at times, the 2016 act can be quite complicated—and our ethos as a team is that we are there to help. I would like to think that that is appreciated and, in most cases, I see no evidence to suggest that it is not.

Neil Findlay: Going way back to when I introduced my member's bill on the subject, I remember being invited to an Association for Scottish Public Affairs event to discuss the bill proposal. The association had previously had First Ministers at its meetings, but it had never had quite such a turnout. That was not because it was me; it was the subject matter that was causing people great concern. I am comforted by the fact that you are saying that there is not any great concern.

At the time, a number of issues were raised—in fact, a shoal of red herrings was unleashed on what such legislation would mean. From reading your report and listening to what you have said, most of those concerns never came to fruition. First, there was the idea that not much lobbying goes on in this Parliament. A senior journalist who had been in here from day 1 said that to me and I could not believe it, because there is clear evidence that a huge amount of lobbying goes on. It is essential for our democracy that that happens; it informs us and it informs the Parliament. The register proves that there is a huge amount going on.

The second idea was that such legislation would be too burdensome and would put people off engaging with the Parliament. I would be interested to hear your views on whether that myth has been dispelled or whether you have some concerns. They also said that the system would be too complicated and that people would not understand it, but it appears that people understand it and that, with a bit of help, they can get to grips with it.

You are absolutely right to point out how you as a team have approached the matter, because I think that that is partly why the process has gone so well. I am sure that you hoped that somebody would say that to you today, but you have created a very open and helpful culture, particularly in relation to members. Most of us do not even know what is going on until we get a return every now and again saying, "Somebody has met you." It is not burdensome for us and that is something that was raised as a possible issue.

I am not sure whether you will want to comment on this point, but I will raise it anyway. The small organisations exemption has to be looked at by the Public Audit and Post-legislative Scrutiny

Committee during the post-legislative scrutiny process, because there are small organisations that have fewer than 10 individuals working for them but which are still powerful and influential organisations, and I think that it is wrong to exclude them.

There is also the issue of the permanent secretary being the only civil servant who is subject to this legislation. I would like to hear your comments on that, because I think that it needs to be looked at—

The Convener: I will interrupt you for a second to say that you might want to give the witnesses a wee chance to catch up—

Neil Findlay: I have one final point to make and then I will finish. The key issue is that only face-to-face lobbying is covered. It is ludicrous that, in 2020, when we have all sorts of communication methods, we register only face-to-face lobbying. Do the witnesses have any comments?

Billy McLaren: I will tackle the questions back to front and deal with the review first. As parliamentary officials, we carry out the tasks that the Parliament sets us. Our job over the past two years has been to make the process as comfortable as possible for people, working to the legislation that has been written down and set in place.

I will certainly welcome comments and debate on a whole range of issues when the review committee meets. I will be interested to hear what happens with those and, as a team, we will be interested to see how developments go. It would probably not be proper or correct for me to say much more beyond that, given that that would involve going into political territory and I am a parliamentary official.

Thank you for your comments about the team, which I echo. I have a great team and I am proud of the effort and dedication that they have shown in the work that they have done. We are not perfect, but we try our best.

You mentioned your ASPA appearance. Funnily enough, we are going along to see ASPA yet again. Continued dialogue is the key there.

I am not saying that everything is perfect—in the annual report, we have highlighted some of the issues that the review committee might want to take forward. Those come from comments from not just us but people on the ground. We made a recommendation about multiple returns—James Drummond might want to talk about that—because some elements of that could be quite burdensome.

James Drummond: That is one of the issues that we hear from organisations. There are parliamentary events on Tuesday, Wednesday

and Thursday nights at which organisations might have the same conversation 30 or 40 times about campaigns that they are running. The act requires each instance of regulated lobbying to be recorded, and each conversation counts as such. We have tried to aid organisations by building a wee bit of functionality into the system with a “create copy” function. If one conversation has been mimicked 30 or 40 times over the course of a night, the organisation can create one information return and hit a button to create a copy. That populates the next information return, and all they have to do is change the name of the MSP or minister. We appreciate that there is a practical impact on organisations in how that type of regulated lobbying has to be recorded. It can be a burden for big and small organisations.

Neil Findlay: Have there been any breaches or sanctions?

Billy McLaren: Yes, there have been breaches, which are recorded in the annual report. At the end of period 2, a large chunk of registrants—186 of them, or 17 per cent—had not submitted a return by the six-month deadline. That is largely down to people not understanding that they have to submit a nil return. We have been working on our education message about that over the past 18 months, and the situation has improved.

I will keep an eye on the number of breaches, as it is not a figure that we would like to see two years down the line, say. I will also keep an eye on whether there is any repeat of that, with people making the same mistake every six months.

We encourage people not to wait until the end to submit their returns. The classic tax return situation is when everybody rushes to do it at the end. Some people submit their information returns almost in real time—we have had people doing it straight after an event, which is fine. It suits us if returns come in in that way. However, under the law, people are entitled to do it in whichever way they wish.

It is worth keeping an eye on breaches. There are other ways in which we can publish breach figures in the future—for example, there might be a way to provide a bit of perspective on how the figures are going. I am keen to get the number of breaches down.

Neil Findlay: But nobody has been sanctioned.

Billy McLaren: No. James Drummond might want to tell you a little bit about how we deal with that.

James Drummond: When organisations register, we give them a forecast of their reporting dates rolling forward for each six-month period. We want to be helpful and ensure that they know

what the statutory requirements are when it comes to deadlines.

We take a three-step approach to compliance and the requirement for organisations to submit an information return. Two weeks before the deadline, we send a reminder and reiterate the deadline dates for that period, as well as for the future. If we do not receive an information return, we send an email the day after the deadline to inform the organisation that we are still awaiting their return. If we do not receive anything for a further two weeks, we write to a senior person in the organisation to remind them that we have not received an information return and that they are required to submit something. We are pretty successful after sending the letter to a senior person.

Edward Mountain: I have a point to make about multiple returns as a result of events in the Parliament. The times that I have had reason to challenge lobbying notes against me have been on the occasions on which, unfortunately, I have not attended an event that I said that I could attend, yet somebody has registered that I have attended the event and been lobbied. In your report, you make it clear that you might want to look at the issue of multiple returns, and I encourage you to do so, because it puts a burden on organisations. Will you build on that a wee bit more?

Billy McLaren: Yes. It is work for us, too, because if somebody manages to get round 30 MSPs at a reception, that means that there are 30 returns for us to process. We are not in a numbers game. It is not about how many returns there are; it is about conveying accurate information. Without wishing to pre-empt the views of the review committee, that might be a sensible change, if all that the requirement does is cause work for the registrants and for us.

The Convener: There is obviously an element of trust, including when it comes to people registering. From what you have said, the act seems to have been complied with extremely well. What about circumstances in which people are lobbied but the company or organisation does not register? I assume that that can happen. Is there a process for dealing with it? If something like that is reported to you, do you get in touch with the organisation or company and tell it that it cannot do that? Is there a sanction? It is not as though people in those positions would not know by now that the lobbying register exists.

Billy McLaren: There is a legal requirement to register within 30 days of the first instance of lobbying. If somebody were to lobby you today, they would have 30 days from today to ensure that they had registered and submitted a return. As I said, that is a legal requirement.

In the early days, there were a few organisations that did not manage it in time, but we kept a note of that. Now that we have smaller numbers of new registrants, we can keep a closer eye on that and educate people about their responsibilities as they come through the door. We have no evidence of anybody trying to evade us and, if they realise that they have lobbied but not registered, they are quick to get on the system once we get in touch with them or somebody has told them that they should register. I have not found any wilful misbehaviour.

Maureen Watt: Have you had anybody say, "This is far too much hassle—I'm not going to bother contacting members of the Scottish Parliament"?

Billy McLaren: Not personally, no. There was some talk in earlier days about people no longer lobbying face to face and starting to do it in writing or by text. How people lobby is a matter for them, but the act as it is constructed now deals with face-to-face lobbying. If they want to be effective in their lobbying, it is up to them to decide on their strategy. However, I have not seen a lot of people saying that they will not do it under the terms of the act. It would probably be better for you to talk to outside stakeholders about that, but nobody has said anything like that to me or the team.

The Convener: It has been excellent that you have managed to put members' minds at rest as quickly as that. Thank you for the work that you are doing and for coming today.

10:43

Meeting continued in private until 10:54.

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