



NGO Lobbying Transparency Briefing

June 2016

What you need to know

Just over a year ago the government introduced a statutory register of lobbyists in Part 1 of the Lobbying Act.

Most know the Act for what was contained in Part 2. To give it its full title, the *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act*, introduced restrictions on campaigning by charities. So much so, that it became known as the 'Gagging Bill'.

Charities are rightly still very concerned about these restrictions and are campaigning to have them repealed. There is now, however, an opportunity to address the serious failings of Part 1 of the Act: the lobbying register.

A Private Members Bill in the House of Lords is calling for part 1 of the Lobbying Act to be repealed and replaced with a genuine lobbying register. One that would allow real public scrutiny of how corporations are influencing government decisions to suit their own interests.

The Bill provides an opportunity for the charity sector to get on the front foot, to address some of the imbalances in our political system, and ensure that there is equal scrutiny of the activities of *all* those that seek to influence government.

This briefing sets out why this needs to happen and what the next steps are.

Why lobbying transparency matters

Lobbying is an estimated £2bn industry in the UK. Most of this is spent by business.

As profit-making entities, it is entirely rational for companies to lobby: whether that's against a threat to their business from government – the sugar tax is a good example; or because government is providing an opportunity to profit – the opening up of the £110bn NHS budget is a big opportunity for business. There is nothing inherently wrong in it; companies should seek to be heard by government. However, they have been allowed to become dominant. Their collective lobbying budget and the associated influence of their lobbyists has bought them a structural advantage.

Take the alcohol lobby, for example. It enjoys enormous influence in government. This is in large part a consequence of the significant resources it devotes to lobbying, which far outstrips that of public health advocates. Or, say, the lobby in favour of fracking. It is another with a sizable lobbying budget and many well-connected political insiders on its payroll, resources that community and environmental groups opposed to fracking cannot match. Then there are the companies that are lobbying for more public services and assets to be handed to the private sector – everything from schools and hospitals, to open spaces and personal data. The voices of campaign groups fighting such changes are very often drowned out in government by multinational corporations with a commercial interest in these assets.

Part of the solution to this imbalance is to open up lobbying to public scrutiny. You can't, nor should you seek to stop lobbying. It is an essential part of a healthy democracy. But you can seek to curb the excesses of the commercial lobbying industry by bringing it into the light.

What is needed is public oversight of: who is having a quiet word with whom in government; which policies, legislation, regulations, or contracts corporations are seeking to influence; and how much money is being spent on lobbying. This information opens up government. Disclosure would undoubtedly be uncomfortable for some in government. But, it would lead to more informed public debate, to more public involvement in politics, and ultimately better policy-making based on evidence and the public interest.

The opportunity now

A Private Members Bill has been tabled by Lord Brooke of Alverthorpe to repeal the current lobbying register and replace it with a genuine register.

The Bill is ninth in the ballot, meaning that it will be debated in the House of Lords (with the date, probably in September, to be announced shortly). While very few Private Members Bills make it into law, this Bill provides us with a great opportunity to campaign.

The Bill seeks to repeal the government's bogus lobbying register introduced in March 2015. This contains a number of fundamental flaws, meaning that it cannot be improved through amendments.

The fundamental flaws of the government's register are:

Very few lobbyists are covered by the rules

- The definition of who is a lobbyist is too narrow. Only lobbyists-for-hire have to register, which excludes three quarters of the industry working in-house for corporations and others.
- On top of this, only lobbyists that directly contact either a minister or permanent secretary have to register. Since most lobbyists communicate with special advisers and more junior officials, the vast majority of their lobbying activity is excluded.

Very little information is disclosed

- The register contains no meaningful information on lobbying activity. Lobbyists have only to register the names of clients (and only those on whose behalf they have directly contacted a minister or permanent secretary). It reveals nothing of lobbyists' interaction with government, i.e. whom they are lobbying, and what they are seeking to influence.

Lord Brooke's Bill, therefore seeks to repeal this register and replace it with a robust register. The model is based on international examples, including the one introduced by the Scottish Government earlier this year.

The proposed register is founded on two principles:

A register of lobbyists must be universal

- It must include all paid lobbyists, including consultant lobbyists working on behalf of clients (this would apply to some think tanks); and lobbyists employed in-house by companies, trade bodies, trade unions and charities. How this has been achieved overseas is to define the ‘activity’ of lobbying. The register would then apply to anyone who is paid to undertake this activity, with clear and straightforward exemptions and thresholds for under-resourced groups.

It must include meaningful information on lobbying activity

- A lobbying register must as a minimum require lobbyists to state: who is lobbying and for whom; which agency of government is being lobbied; and broadly what they are seeking to influence. A good faith estimate of what is being spent on lobbying would also show scale, disparities and trends in lobbying. This would not create a ‘bureaucratic monster’ as has been suggested by government. A ‘mock registration form’ completed by Unlock Democracy took 20 minutes to complete.

How to get involved

Lobbying may not be a central concern of your organisation, but you may have encountered it and be concerned about its impact on decision-making.

Or, you may have direct experience of campaigning around an issue that has a powerful corporate lobby behind it.

Either way, please get in touch.

There are many ways to be involved. You could:

- let us know of any specific concerns you have around lobbying, including examples of corporate lobbying in your policy area
- highlight the campaign among Parliamentarians you know that might be interested
- lend your organisation’s voice by signing letters or petitions in support of lobbying transparency
- join the core coalition of organisations working on Lord Brooke’s Bill

If you would like more information, or to get involved please contact:

Tamasin Cave at Spinwatch tamasin@spinwatch.org / 07973 424 015; or

Alexandra Runswick at Unlock Democracy alex.runswick@unlockdemocracy.org.uk