

**ERS Cymru response to Standards of Conduct Committee's consultation into
Lobbying
June 2022**

1. We welcome the Standards of Conduct Committee's consultation into lobbying. Lobbying or campaigning is a normal part of how politics works but it should always be transparent. Transparency in our political system can ensure that power is not captured by those with the deepest pockets and enable citizens to see how decisions are made in line with these aims.

Current guidance on lobbying in Wales

2. GB-wide [polling data commissioned by IPPR and ERS](#) in 2021 showed that 12 percent of respondents think that lobbyists 'have the most influence over public policy decisions the government makes', double compared to the number who responded that voters have the most influence (six percent).
3. At present we believe the guidance on lobbying and access to Members of the Senedd does not go far enough, indicating that "members should consider" a number of steps, including taking records and notes of any meeting with those they consider to be lobbyists. The lack of mandatory record keeping, and strong guidance, risks inconsistency between members when capturing information around meetings. Given the guidance also does not require the publication of such information, there is a lack of transparency put in place by the current guidance as the public has no way of accessing information about any meetings their elected members have undertaken.
4. Additionally, some organisations are currently unaware of this guidance (see WCVA consultation response point 20) making adherence in these cases impossible. We support the WCVA's call that the Senedd undertake an awareness raising campaign, including wide dissemination of the guidance and any changes implemented after this consultation.

Introducing a lobbying register in Wales

5. We agree with the WCVA's concern that this consultation has not asked whether a lobbying register should be introduced for Wales. This is a clear omission in the consultation's remit and may impact the responses that it receives.

6. We believe that the Standards of Conduct Committee should recommend that a lobbying register is implemented for the Senedd, bringing Wales into line with other nations in the UK and improving on those already implemented.
7. This register should be usable and not onerous for organisations to comply with, ensuring that its completion does not add additional burdens on organisations' capacity.
8. Clarification on what constitutes 'lobbying' is needed as many organisations with staff who perform campaigning duties will not identify with this term. A clear definition of lobbying/lobbyist (who the register captures) along with who and what should be exempt from this definition is needed.
9. One way to define a lobbyist is by the activity rather than the job title. The Association of Professional Political Consultants define lobbying activity as:
 - (a) influencing government, or
 - (b) advising others how to influence government.

And excludes:

- (a) anything done in response to or compliance with a court order
- (b) anything done for the purpose of complying with a requirement under an enactment
- (c) a public response to an invitation to submit information or evidence
- (d) a public response to a government consultation exercise
- (e) a formal response to a public invitation to tender
- (f) anything done by a person acting in an official capacity on behalf of a government organisation
- (g) an individual who makes representations solely on his or her own behalf.

The Alliance for Lobbying Transparency (ALT) defines a lobbyist as anyone paid to:

- Arrange or facilitate contact with officials.
- Communicate with officials to influence legislation, regulation, or government policy, and for government contracts and grants.
- Work in support of the above.

They exempt lobbying by a member of the public which is unpaid and lobbying of an MP by a constituent. They also call for businesses and smaller charities to be exempt.

10. There is a general consensus that a proper lobbying register should capture who, what and how much. It should start from the principle of what the public needs to know and what information would provide appropriate transparency of activity.
11. There are lessons to be learned from the UK register and the register currently in place in Scotland. In Scotland there have been calls for that Lobbying Register to be strengthened given a number of gaps or loopholes. The Scottish Alliance for Lobbying Transparency (SALT), which ERS is a member of, has [highlighted](#)

[particular concerns](#) around online meetings, saying “Under the current rules, video-calls from lobbyists would have to be declared as lobbying. But if they turn the camera off, it suddenly becomes unreportable, and ‘entirely hidden from voters’ view’.”

They have highlighted three areas that require improvement;

- Remove the exemption for written and oral forms of communication from the definition of regulated lobbying
 - Require commercial lobbyists to disclose or estimate spending on campaigns
 - Increase the frequency of reporting to provide more timely information on lobbying activities (at present lobbying activities only have to be reported twice a year)
12. The ALT has previously suggested the Electoral Commission could run a UK register as it undertakes similar activities for political parties. It is worth exploring whether the Commission could run a Welsh register.
13. Further consultation on how a lobbying register would be implemented should be undertaken to ensure its usability by all sectors, this would also serve as an initial exercise to raise awareness of any changes to the system in Wales.
14. The register should be easily accessible and interpretable by the public i.e. hosted online, easy to locate on a public website and easily searchable by key metadata.

Cross-Party Groups

15. Cross-party groups (CPGs) provide a useful mechanism for wider societal input on specific issues and allow for in depth discussion.
16. However, despite their open nature, there are always improvements to be made around accessibility of CPGs. Inclusion of contact details of the secretariat for each group on the Senedd website would make it easier for enquiries around joining meetings.
17. Steps should also be taken to ensure that smaller organisations, including community organisations, are included and supported to attend relevant CPG's to avoid CPG's becoming gatherings of the 'usual suspects'. This would foster greater inclusion and help ensure that the Senedd is hearing voices from all of the corners of Wales.