

Introducing a statutory register of lobbyists
million+ Response
April 2012

About million+

million+ is a university think-tank which provides evidence and analysis on policy and funding regimes that impact on universities, students and the services that universities and other higher education institutions provide for business, the NHS, education and the not-for-profit sectors.

We are not-for-profit and we are primarily funded by the universities that affiliate to us.

Introduction

We are pleased to have this opportunity to respond to the Government's proposals to introduce a statutory register of lobbyists. As an organisation which regularly comments on higher education policy and the important impact of the UK's universities, students and graduates, we recognise that we play a role in the political decisions which affect universities and students.

We fully support the principle that relationships between politicians and civil servants and those that seek to influence them should be transparent and subject to public scrutiny.

Definitions

The consultation notes that the primary purpose of a register would be to capture the detail of lobbying firms and professional lobbyists – i.e. companies and individuals whose full-time work and business is to provide lobbying services, at a price, and to make transparent who they are working for.

million+ is a university think-tank and operates on a not-for-profit basis. As part of our work we do seek to influence government decisions and, as a result, the work of our Chief Executive and our Head of Public Affairs is partially (but far from exclusively) dedicated to lobbying activity.

We are primarily funded by the universities that affiliate to us with some additional funding from other organisations (on a project-by-project basis). As a think-tank, the views that we express are our own but we recognise that these are influenced by the universities that affiliate to us and the experiences of their students. As such, we are likely to be regarded within the scope of the suggested definition of lobbying on behalf of third parties. (Although we might potentially be exempt from registering if the Government opted for the definitions used by the Australian Government's Lobbying Code of Conduct set out in Annex 2 and referred to on Page 13 of the consultation document "*A definition along the lines of that in the Australian Lobbying Register might be more appropriate.*")

Any final decision on the definition needs to be clear and needs to recognise that many forms of collective activity or coalitions or networks that often operate on a not-for-profit basis and which are not primarily operating to lobby, but which seek to influence government policy, could have to join the register. In a relatively simple register of lobbyists, such as that proposed, these organisations or associations would be classified in exactly the same way as for-profit lobbying firms. Whilst million+ supports a transparent approach to lobbying we think there is a risk that a register may be of limited value if the definition of a lobbyist is too broad and if many different organisations that operate in many different ways are all categorised together.

The consultation also asks whether charities and organisations which engage in lobbying on behalf of charities should be required to register and states that the Government is minded to not include in-house lobbyists. We recognise there are merits in excluding both these groups from the register but further thought must be given to ensure exemptions from the register are fair, do not have perverse outcomes and do not reduce transparency. For example, the activities of in-house lobbyists and the companies that employ them may be subject to less public scrutiny if, to use an expression from the consultation, 'extra light' is 'shone' elsewhere.

million+ would have no objection to a requirement to register as an organisation which lobbies government. We regard our attempts to influence government decision making as a legitimate part of the democratic process and recognise that a register would allow us to show our commitment to do this in a transparent and accountable way.

Information to be included in the register

We broadly agree that the register should include information about the names of individual lobbyists and lobbying firms and the names of their clients. Although we would be happy to list the individuals from million+ who have substantial contact with Ministers or civil servants we think that a better approach for organisations such as ours might be to register as an organisation or under one 'lead' individual. This would ensure there was no inadvertent omission and would not be overly burdensome.

We agree that it would be important to include the names and roles of any person engaged in lobbying activity who was formerly a Minister or Senior Civil Servant. It is possible that the scope of this requirement should be broadened to include former MPs and Special Advisors or other former government advisors or 'tsars'.

Financial Information

We agree that it is not necessary to include detailed financial information in the register. In our case, we assume this would mean publishing information about the payments made to us by affiliated universities. We provide a wide range of services to these universities and it would be impossible to disaggregate what might be considered as a contribution to our lobbying activities from other activities. Including the total figure would give a misleading impression of how much of our work was dedicated to lobbying government.

How often should the register be updated?

For million+, quarterly registration would be unnecessarily frequent. We are a small organisation with low staff turnover and our mission and funding streams are subject to very little change. Annual registration would be sufficient.

How should the register be funded?

The register should be self-financing.

Our preference would be for a low fee that allowed the register to operate effectively but which was affordable to even the smallest organisation.

We broadly think a flat fee would be simpler and easier. If a tiered fee was to be used our preference would be for the fee to be based on a calculation of lobbying expenditure, not total turnover – otherwise organisations with relatively small direct lobbying expenditure might find themselves paying disproportionately large fees.

What sanctions would be appropriate?

million+ thinks the major sanction for failure to provide accurate information would be deregistration with the effect of preventing a lobbyist or lobbying firm from engaging in activities with government representatives – as per the Australian model. Where it can be demonstrated that an organisation or individual has deliberately attempted to disguise their lobbying activity even greater sanctions might be appropriate and there may be a role for very substantial fines as well as deregistration.

Who should run the register?

We accept that a register run by those on the register is unlikely to be trusted by the public. However, if independent regulation is the preferred option, we would be wary about the creation of a new body with the associated overheads. One alternative might be for the register to be maintained by an existing body such as the Parliamentary Commissioner for Standards.

Other comments

It is important to recognise that the establishment of a statutory register for lobbyists will not in itself improve standards and public trust in the lobbying industry and lobbyists. There is also the risk that if this initiative is seen as a 'silver bullet' equally important initiatives to restore public faith in the democratic process may be neglected or undermined.

million+ believes there would be merit in considering a range of other initiatives alongside the register. This might include changing the current arrangements for 'accessing' both government and parliament. It is too often the case that access can depend on personal knowledge, experience and contacts. One solution might be for 'registered' lobbyists to apply for parliamentary passes, in the same way that journalists can, as the current parliamentary pass system is unclear and can be open to abuse. It would also help if participation in parliamentary processes was easier to understand. The current level of complexity can be a barrier to individuals and to smaller organisations. One consequence of this is an increased reliance on third party lobbyists and consultants which can effectively bar access for many on a cost basis.

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