



ACCOUNTABLE INFLUENCE

Bringing Lobbying out
of the Shadows

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Accountable influence

Bringing lobbying out of the shadows

Statutory Register of Consultant Lobbyists

96

consultant lobbyist companies on the UK's only statutory register of lobbyists¹

360

clients being represented by the 96 consultant lobbyists on the UK's statutory register²

£0

is the total value of financial transparency provided by the UK statutory register about spending on lobbying the UK Government

¹ As of 4 September 2015

² As of 4 September 2015

Potential scale of lobbying³

2,735

lobbyists have held meetings with UK Ministers during the most recent quarterly period where data is available

8/10

of the most frequent lobbyists of UK Ministers eight are from FTSE 100 listed companies⁴

4,000

people estimated to be working professionally in lobbying in the UK⁵

£2billion

estimated to be spent on lobbying in the UK every year⁶

£3.4million

paid to 73 UK Members of the House of Commons for external advisory roles in 2014-15⁷

³ Data refers to Ministerial meetings data (excluding public bodies) from the most recent reporting period where data is available - between April to June 2014

⁴ This figure excludes public bodies

⁵ <http://www.lobbyingtransparency.org/opening-up-lobbying> [accessed: 6 August 2015]

⁶ <http://www.lobbyingtransparency.org/opening-up-lobbying> [accessed: 6 August 2015]

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⁷ This includes all entries in the Register of Members' Interests where an MP undertakes an advisory or consultancy role in return for remuneration, including board membership. Legal advice and services are not included in this figure.

1.Executive summary

The UK public is largely left in the dark about who is trying to influence public-policy decisions that affect their everyday lives.

Lobbying is an essential part of our democracy. In order for governments and legislatures to work effectively they need to engage with those potentially affected by their decisions. This could include individual constituents, big multinational companies, professional associations or civil society groups. This type of engagement and participation in the political process can provide evidence to inform decision-making, highlight problems with existing policy and empower legislators' scrutiny of draft laws. However, this process can be abused by those looking to further private interests. Those with deep pockets can spend significant amounts on lobbying and attempt to make sure their sectional interests come first, regardless of the social, economic or environmental consequences.

According to Transparency International's latest Global Corruption Barometer (2013), 59 per cent of UK respondents believed that the UK Government is 'entirely' or 'to a large extent' run by a few big entities acting in their own best interests.⁸ In order to judge whether or not these perceptions are well-founded, we need to know who is lobbying our public officials, what they're trying to influence and how much they're spending on these activities. However, this information is not currently available.

The UK's current lobbyist register and records of lobbying meetings provide us with very little useful information with which to hold lobbyists to account.

The UK statutory register of consultant lobbyists, launched earlier this year, only provides very basic details about a fraction of those trying to influence public policy and decisions. While there are 96 professional lobbying firms on the register, representing 360 clients, we have identified 2,735 lobbyists that met with UK Ministers in one quarter alone.

As well as being very narrow in its coverage, the UK statutory register of lobbyists does not provide any information regarding:

- how much is being spent on lobbying
- what policy, legislation or issues are being lobbied on
- whether or not they are employing anyone who has previously worked for the departments or organisations that they're now trying to influence

When it comes to the UK Government's records of meetings between lobbyists and Ministers, our new research has found that these disclosures suffer from severe delays (the most recent data covers meetings that happened over a year ago); only half of UK Government departments publish them in an accessible format; and hardly any of them provide meaningful information about what was discussed at the meetings.

There is a patchwork of lobbying regulation good practice across different parts of the UK. Each UK jurisdiction should consider adopting good practice that already exists to increase lobbying accountability. As a glaring example, 'payments for Parliamentary advisory services' are prohibited for legislators in the House of Lords, Scotland and Wales. However, such payments are still allowed to MPs in the House of Commons. While the data we have available means it is hard to tell what advice was given, payments for advisory services in general, including Board positions, were the largest category of additional remuneration received by MPs during the 2014-15 Parliamentary session. Across this period, our analysis has identified 73 MPs who were paid £3.4million for some form of advisory role.

⁸ http://www.transparency.org/gcb2013/in_detail [accessed: 10 September 2015]

Finally, the poor state of controls around the ‘revolving door’ between public and private sector employment – whereby former public officials may use their insider knowledge to further private interests at the public’s expense after they leave public employment – remains a matter of serious concern.

This paper outlines what’s wrong with lobbying regulation across the UK (Section 3), our recommended good practice for reform (Section 4) and an analysis of how each part of the UK fares against our good practice standards (Table 1 and Annex 1). This paper contains three overarching recommendations and 35 recommendations for action that have been tailored to each executive and legislature across the UK, taking into account their functions and the evidence for change.

Lobbying scandals happen in the UK at an alarming rate, and appear to keep on happening unabated. It is time for policy makers to strengthen accountability over lobbying, as a matter of priority, to help rebuild trust in public institutions, the process of government and the fairness of policy making.

Recommendations

Our general recommendation is that each UK jurisdiction should consider adopting the best practice that already exists across the UK in terms of individual aspects of lobbying accountability. We have also identified 38 specific recommendations to improve the defences against potential lobbying abuse across the UK. The first three of these are high-level recommendations that all apply to all executives and legislatures across the UK. The next 35 recommendations propose how these standards can be taken forward in practice by each of the UK’s various executives and legislatures.

UK-wide recommendations

Recommendation 1: Lobbying transparency

To help deter and detect lobbying abuses, we recommend that all statutory registers of lobbyists should cover both in-house and consultant lobbyists, and require them to disclose more information that could help the public examine the scope and nature of their activities. (More information on how this can be achieved is provided on page 21.)

Recommendation 2: Publishing data

Where information is published about lobbying meetings, the pecuniary interests of public officials or their post-public sector employment, it should be:

- **Accurate:** be as precise as possible and contain complete records
- **Accessible:** published in a timely manner as machine-readable⁹ open data¹⁰, not in HTML or PDF formats
- **Intelligible:** have clear and consistent data structures so it can be easily analysed
- **Meaningful:** contain enough relevant detail to help the public gain insights

Recommendation 3: Enforcement

Where there are rules about the conduct and reporting requirements of our public officials, there should be an independent body responsible for monitoring and ensuring compliance with the rules. Where possible, this authority should seek to ensure compliance through advice and guidance. However, they should also have sufficient resources to investigate alleged breaches and impose robust sanctions, and there should be consideration given to instituting criminal offences for serious breaches of Parliamentary codes of conduct (as is the case for legislator codes of conduct in Scotland, Wales and Northern Ireland).

⁹ The Open Knowledge Foundation define this as “Data in a data format that can be automatically read and processed by a computer, such as CSV, JSON, XML, etc. Machine-readable data must be structured data” <http://opendatahandbook.org/glossary/en/terms/machine-readable/> [accessed: 4 September 2015]

¹⁰ This is data that is free to use, re-use and redistribute.

Recommendations relevant for UK institutions

Lobbying transparency

Recommendation 4: The UK Government to expand the coverage of the UK statutory register of lobbyists and improve the meetings data that it publishes so that the public have meaningful information about the scale and nature of lobbying in the UK.

Conflicts of interest

Recommendation 5: As is the case for members of the House of Lords, the Scottish Parliament and the Welsh Assembly, MPs to be prohibited from undertaking any paid advisory work relating to the affairs of Parliament.

Recommendation 6: The UK Government to give responsibility for monitoring and ensuring compliance with the rules on Ministerial interests to an independent body.

Recommendation 7: The UK Government to publish details of Ministers' financial interests as machine-readable open data in a timely manner.

Recommendation 8: The Parliamentary Commissioner for Standards to publish the details of MPs' financial interests as machine-readable open data.

Recommendation 9: The Parliamentary Commissioner for Standards to review the adequacy of existing sanctions for breaches of the Code of Conduct and consider the case for introducing criminal sanctions for serious breaches of the Code of Conduct - as is the case in Scotland, Wales and Northern Ireland.

Gifts and hospitality

Recommendation 10: The UK Government to publish the details of Ministers' gifts and hospitality as machine-readable open data in a timely manner.

Recommendation 11: The Parliamentary Commissioner for Standards to publish the details of MPs' gifts and hospitality as machine-readable open data.

Revolving door

Recommendation 12: The Advisory Committee on Business Appointments to be replaced with a new statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct.

Recommendation 13: Although the demographics of the House of Lords make it seem like there are lower revolving door risks for its members, the Lords' Conduct (Sub-Committee) to consider whether, as a precautionary measure, there should be the same six month ban on lobbying for former Peers as there is for former Members of the House of Commons.

Recommendations relevant for Scottish institutions

Lobbying transparency

Recommendation 14: The Scottish Government to take the opportunity to ensure that its legislation for a register of lobbyists responds to the weaknesses in the UK register of lobbyists, in terms of scope of coverage and also the level of detail of information provided.¹¹

Conflicts of interest

Recommendation 15: The Scottish Government to publish the details of Ministers' interests as machine-readable open data in a timely manner.

Recommendation 16: An independent body to be given responsibility for monitoring and ensuring compliance with the rules on Ministerial interests.

Gifts and hospitality

Recommendation 17: The Scottish Government to publish the details of Ministers' gifts and hospitality as machine-readable open data.

Recommendation 18: The Scottish Parliament's Standards Clerks to publish the details of Members of the Scottish Parliaments' gifts and hospitality as machine-readable open data.

Revolving door

Recommendation 19: Affecting Scotland and the UK alike, the Advisory Committee on Business Appointments to be replaced with a new statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct.

Recommendation 20: The Scottish Parliament's Standards, Procedures and Public Appointments Committee to examine the case for introducing a ban on former Members of the Scottish Parliament lobbying Ministers, sitting Members of the Scottish Parliament and other public officials within six months of leaving Parliament, as is now the case for Members of the House of Commons.

¹¹ Further details can be found in the June 2015 Transparency International UK submission to the Scottish Government on the proposed Lobbying Transparency Bill (Scotland) - <http://www.transparency.org.uk/publications/15-publications/1307-submission-to-scottish-government-on-register-of-lobbying>

Recommendations relevant for Welsh institutions

Lobbying transparency

Recommendation 21: The Welsh Government to publish the details of meetings between Ministers and external organisations in a timely manner as machine-readable open data and consult on introducing a statutory register of lobbyists covering those engaging with the Welsh Government and Assembly.

Conflicts of interest

Recommendation 22: The Welsh Government to publish the details of Ministers' financial interests as machine-readable open data in a timely manner.

Recommendation 23: An independent body to be given responsibility for monitoring and ensuring compliance with the rules on Ministerial interests.

Recommendation 24: The Welsh Assembly to publish the details of Assembly Members' financial interests as machine-readable open data.

Gifts and hospitality

Recommendation 25: The Welsh Government to publish the details of Ministers' gifts and hospitality as machine-readable open data.

Recommendation 26: The Welsh Assembly to publish the details of Assembly Members' gifts and hospitality as machine-readable open data.

Revolving door

Recommendation 27: As is the case for UK and Scottish Ministers, Welsh Ministers to be prohibited from lobbying the Welsh Government within two years or leaving office. These restrictions and any advice on post-public employment should be overseen by a statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct across the UK.

Recommendation 28: The Welsh Assembly's Standards of Conduct Committee to examine the case for introducing a ban on former Assembly Members lobbying Ministers, sitting Assembly Members and other public officials within six months of leaving the Assembly, as is now the case for Members of the House of Commons.

Recommendations relevant for Northern Irish institutions

Lobbying transparency

Recommendation 29: The Northern Ireland Executive to publish the details of meetings between Ministers and external organisations in a timely manner as machine-readable open data and consult on introducing a statutory register of lobbyists covering those engaging with the Northern Ireland Executive and the Assembly.

Conflicts of interest

Recommendation 30: The Northern Ireland Executive to publish the guidance for the Ministerial Code and work with the Committee on Standards and Privileges to ensure there is clarity about Ministers' reporting obligations.

Recommendation 31: The deadline for Member of the Legislative Assembly to report financial interests to be reduced from three months after taking their seat to 28 days.

Recommendation 32: The Northern Ireland Executive to also publish the details of Ministers' financial interests as machine-readable open data in a timely manner.

Recommendation 33: As is the case for members of the House of Lords, the Scottish Parliament and the Welsh Assembly, Members of the Legislative Assembly to be prohibited from undertaking any paid advisory work relating to the affairs of the Assembly.

Recommendation 34: The Northern Ireland Assembly to publish the details of its Members' financial interests as machine-readable open data.

Gifts and hospitality

Recommendation 35: The Northern Ireland Executive to report the details of gifts and benefits that Ministers do not accept or forward on to their departments in a timely manner as machine-readable open data.

Recommendation 36: The Northern Ireland Assembly to publish the details of its Members' gifts and hospitality as machine-readable open data.

Revolving door

Recommendation 37: As is the case for UK and Scottish Ministers, Northern Ireland Ministers to be prohibited from lobbying the Northern Ireland Executive within two years or leaving office. These restrictions and any advice on post-public employment should be overseen by a statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct across the UK.

Recommendation 38: The Northern Ireland Assembly's Committee on Standards and Privileges to examine the case for introducing a ban on former Members of the Legislative Assembly lobbying Ministers, sitting Members of the Assembly and other public officials within six months of leaving the Assembly, as is now the case for Members of the House of Commons.

2. Background

Lobbying is essential to democracy ...

Putting forward a point of view – whether it is understood as lobbying, participation, advocacy or engagement – is an essential part of the democratic process. Government and politicians require information from interested parties in order to understand the potential effect of their actions and to make well-informed decisions.

... but it needs to be more transparent

However, lobbying can also become corrupt and distortive of the democratic process.

Decisions by Ministers, legislators and civil servants (described in this paper as “public officials”) often bestow private benefits and a large proportion of lobbying exists to further a special interest or private gain by influencing these decisions. This is not necessarily corrupt. However, the lack of transparency – in both lobbying and the process behind public and political decision making – denies the public the opportunity to understand whether or not those decisions amount to an abuse of entrusted power.

In extreme cases, lobbying can create a situation of ‘capture’ in which a public official, who should be acting in the public interest, advances the commercial concerns of one interest group to the exclusion of others. Corruption occurs more blatantly when a public official benefits personally from supporting a lobbying position or when they become lobbyists themselves, in breach of the trust bestowed on them through their role.

How big is the problem?

The UK faces a widely-acknowledged crisis of trust in politics and political parties. While the causes of this are complex, there is no doubt that the lobbying environment and the frequency of lobbying scandals that occur in the UK play a major role in damaging public faith in the political and policy-making process.

In 2010, David Cameron claimed that lobbying was “the next big scandal waiting to happen”.¹² In the five years following his speech, there were at least 15 major lobbying scandals involving Ministers, former Parliamentarians and other public officials.¹³ Although the true scale of lobbying abuse is hard to quantify, there is readily available data about how bad people think the problem is.

Transparency International surveys have consistently highlighted negative public perceptions of corruption in UK politics. According to our latest Global Corruption Barometer (2013), 59 per cent of respondents believed that the UK Government is ‘entirely’ or ‘to a large extent’ run by a few big entities acting in their own best interests; 67 per cent thought that political parties in the UK are ‘corrupt’ or ‘extremely corrupt’; and 55 per cent thought that the UK parliament is ‘corrupt’ or ‘extremely corrupt’.¹⁴

¹² <http://www.telegraph.co.uk/news/election-2010/7189466/David-Cameron-warns-lobbying-is-next-political-scandal.html> [accessed: 13 August 2015]

¹³ Transparency International UK, *Lifting the Lid on Lobbying*, (February 2015) p.2 <http://issuu.com/transparencyuk/docs/lifting-the-lid/5?e=10896477/11306550> and see <http://www.telegraph.co.uk/news/investigations/11411007/Jack-Straw-and-Sir-Malcolm-Rifkind-in-latest-cash-for-access-scandal.html> [accessed: 22 February 2015]

¹⁴ <http://www.transparency.org/gcb2013> [accessed: 13 August 2015]

Analysis of who is meeting the UK Government

Despite the deficiencies in Ministerial meetings data, we have been able to identify some headline trends on who is meeting with the UK Government. This is based on data covering April to June 2014, the last available data on Ministers' meetings with lobbyists. This analysis found that almost 50 per cent of organisations meeting with Ministers are companies (see Image 1).

Of the top ten most frequent Ministerial visitors, seven were listed in the FTSE 100 (see Image 2 below). If you exclude public bodies, such as the BBC and Network Rail, eight out of the ten most frequent visitors were FTSE 100 companies, with one of the remaining two being a trade association representing members of the index. While the average organisation or individual only met Ministers once during this period, these top ten most frequent visitors had a significantly higher number of meetings. This does not in itself suggest corrupt behaviour by these companies – there may well be very valid reasons for the higher number of meetings government has with these organisations – however, without more information about the content of these interactions the public could continue to perceive that government is working in the interests of private, sectional interests.

Image 1

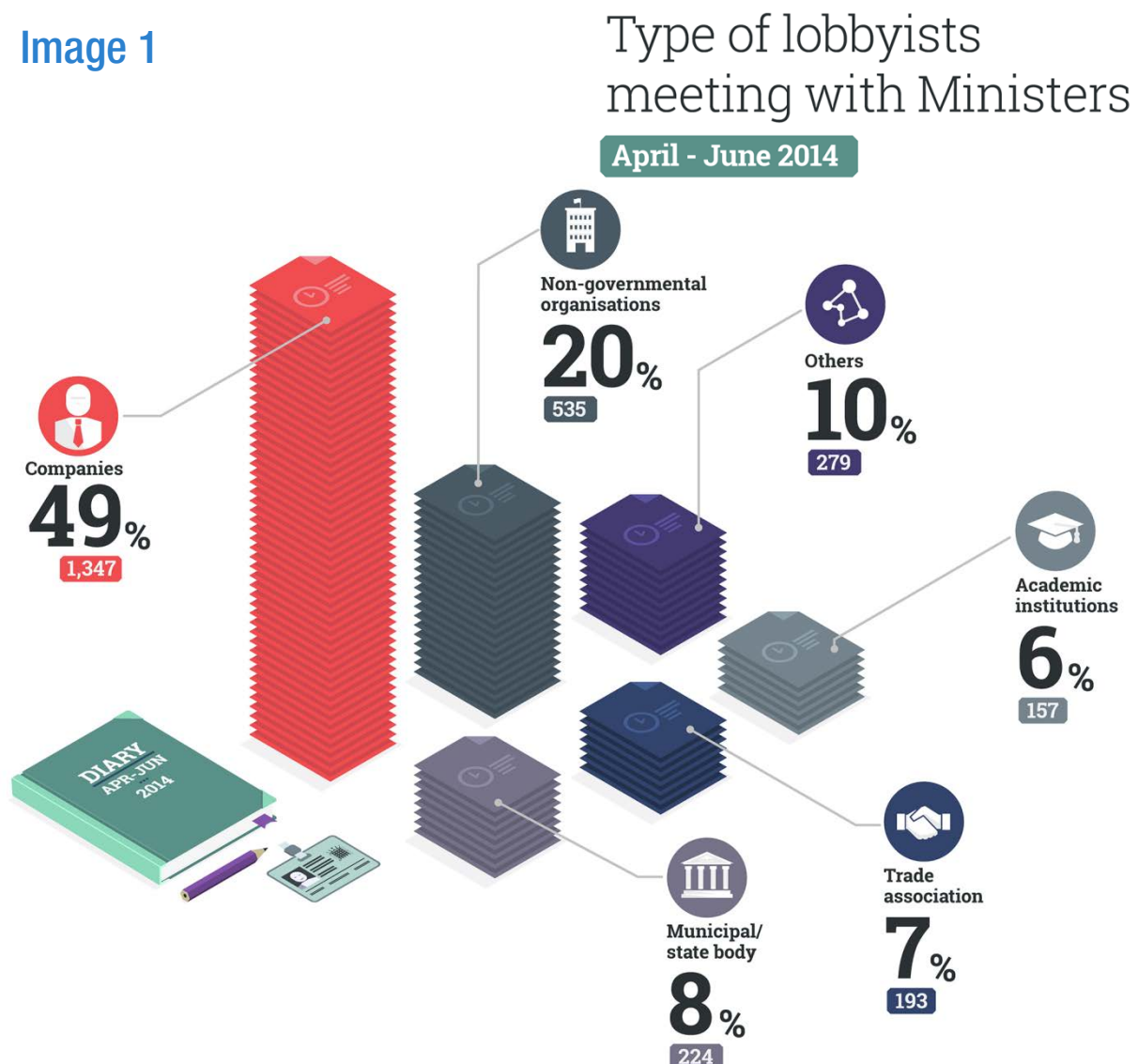
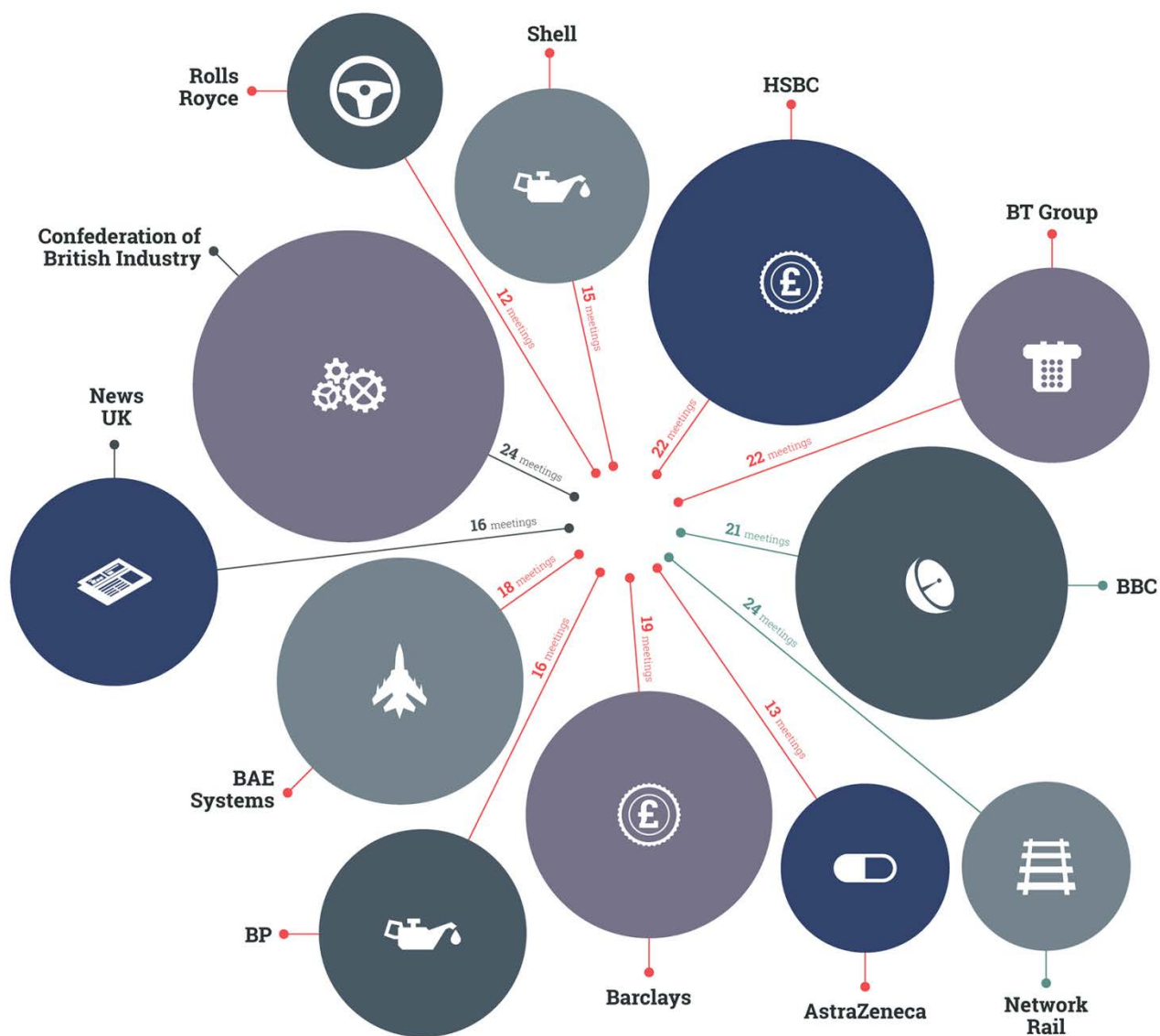


Image 2

Number of meetings
between Ministers
and most frequent visitors
including the average
for all lobbyists

April - June 2014



Listed in
FTSE 100 on
6 August 2015

Public body

What's at stake?

Across different parts of the UK, decisions are being taken daily that affect the lives of millions of people. These cover a broad range of policy issues including fracking, airport expansion, healthcare provision, welfare reform, local planning and constitutional change. Getting these decisions right can help the UK to prosper. Getting them wrong because of undue influence over the decision-making process could benefit a few private interests at the expense of the environment, society and the UK economy.

Specifically, lobbyists may seek to influence various parts of the decision-making process, including:

- parliamentary questions / debates
- changes in the law
- the award of public contracts or grants
- the award of licences
- government policies
- appointments to public bodies

In order to know whether or not there has been undue influence over these aspects of the decision-making process, the public needs to have transparency over lobbyists' interactions with public officials and how decisions are made. This paper focusses on the former.

3. What's wrong with lobbying regulation in the UK?

Due to the evolution of the UK's constitutional settlement over the past decade and a half, there is now a web of rules and legislation regulating the conduct of Ministers, legislators and their interactions with lobbyists across the UK. Each of the UK's executives and legislatures have their own code of conduct with slightly different rules of behaviour, varying reporting requirements and different approaches to making public the information about officials' interactions with lobbyists.

Some might argue that these different approaches are tailored to suit the asymmetrical process of devolution that we have seen since 1998. There is certainly an argument to say that certain governments require closer scrutiny because of their greater fiscal power and executive competence. However, the UK's governance arrangements are changing with more power being moved away from Westminster to the constituent parts of the UK. All of the UK's administrations are now responsible for managing billions of pounds of public monies and making decisions that affect the lives of millions, and their legislators are responsible for keeping these executives in-check. This means there needs to be more robust provisions to mitigate the risks of lobbying abuse across all parts of the UK.

Our research has found there are still a number of significant shortcomings with these arrangements. This section highlights general issues we have found with measures to defend against lobbying abuse across the UK. In the next section "What needs to be done?" we outline our good practice recommendations on how to defend against potential lobbying abuses. Annex 1 contains analyses of how each part of the UK performs against these standards. A summary of our findings can be found on Table 1 (page 20) below.

3.1. Lobbying transparency

There are relatively few arrangements in place across the UK that provide meaningful information about lobbying activities and where these exist they fall short of the mark. Currently, the most developed systems can be found at the UK (Westminster) level, where there is some information available about who is lobbying UK Government Ministers and their Permanent Secretaries. The UK's new statutory register of consultant lobbyists is intended to provide transparency about who is hiring professional lobbyists to communicate with UK Government Ministers and Permanent Secretaries.¹⁵ It is also meant to complement the registers of meetings between lobbyists and Ministers or their Permanent Secretaries.¹⁶ However, these registers have failed to achieve their intended aims because of the following deficiencies.

3.1.1. Limited scope and requirements of the new statutory register

Many organisations that engage in lobbying do not fall under the new statutory rules, including in-house lobbyists for Non-Governmental Organisations (NGOs), industry associations, trade unions and, potentially, professional service firms such as lawyers, accountants and management consultants. The Association of Professional Political Consultants (APPC) has estimated that the statutory register of

¹⁵ See Andrew Lansley MP's response to a question from Chris Bryant MP, cited in the National Assembly for Wales, *Research paper on the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill*, (September 2013) p.9, paragraph 4.1; available here: <http://www.assemblywales.org/13-067.pdf> [accessed: 22 July 2015]

¹⁶ HM Government, *Introducing a Statutory Register of Lobbyists*, (January 2012) pp.9-10 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78896/Introducing_statutory_register_of_lobbyists.pdf

consultant lobbyists covers only around 1 per cent of those who engage in lobbying activity.¹⁷ The Alliance on Lobbying Transparency (ALT) has a similar figure, claiming that there are around 4,000 professionals engaged in lobbying activity in the UK.¹⁸ Our own analysis broadly supports this estimate.

We have analysed the latest registers of meetings between all UK Government Ministers and external organisations, which cover the period April to June 2014. From these datasets, we have identified 2,735 separate organisations or individuals who have lobbied the UK Government. As of 4 September 2015, the statutory register of lobbyists only contained 96 lobbying companies, which is around 4 per cent of the total amount of organisations meeting the UK Government during the last quarter where data is available. As this analysis only covers a relatively small time-period, and does not include meetings between lobbyists and Permanent Secretaries, parliamentarians or mid-level civil servants, the APPC and ALT estimates do not seem unreasonable.

The requirements of the new rules are also relatively narrow. For example, they do not cover interactions between lobbyists and mid-level civil servants, even though these officials can have a significant influence over how policy is developed within government. They also do not cover lobbyists who try to influence parliamentarians, who are responsible for scrutinising and deciding on whether legislation should be taken forward or not. Neither is there a requirement for lobbyists on the register to provide any information on how much they are spending on their activities or what they are lobbying on, which could help the public understand whether it is possible that influence is effectively being bought. This information is already required in the United States¹⁹ and in Canada²⁰. Overall, this suggests that the current registers have not significantly increased the transparency of lobbying activity in the UK

3.1.2. Variable quality and provision of lobbying meetings data

UK Government departments are required by the Ministerial Code to publish the details of meetings between Ministers and external organisations on a quarterly basis.²¹ Similar information is also published on the interactions between lobbyists and Permanent Secretaries and Ministers' Special Advisers. This is supposed to provide transparency about those interacting with key decision-makers. However, there are a number of significant issues with the quality and provision of this data.

i. Accuracy

There have been a number of incidents where Ministers have not recorded a meeting with a lobbyist (see the case study below for an example).²² When challenged about these meetings, Ministers have claimed they were attending in a private capacity, which means the events were not reportable.

In addition, these disclosures only cover face-to-face contact with Ministers, whereas lobbyists can communicate with Ministers in a number of ways, including email, phone calls and letters. This means the meetings data only provides partial transparency about the interactions between lobbyists and Ministers.

¹⁷ APPC, *Response by the Association of Professional Political Consultants (APPC) to the committee on standards in public life "lobbying: issues and questions paper"*, (July 2013) <http://www.appc.org.uk/appc-submission-to-lobbying-issues-and-questions/> [accessed: 22 July 2015]

¹⁸ <http://www.lobbyingtransparency.org/opening-up-lobbying> [accessed: 6 August 2015]

¹⁹ http://lobbyingdisclosure.house.gov/amended_lda_guide.html [accessed: 2 September 2015]

²⁰ http://www.oclc.ca/eic/site/012.nsf/eng/h_00950.html [accessed: 2 September 2015]

²¹ HM Government, *Ministerial Code of Conduct*, (May 2010)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61402/ministerial-code-may-2010.pdf

²² See also Charlie Skelton, Transparency International UK blog, *Bilderberg: Making a mockery of ministerial transparency data*, (27 May 2015) <http://www.transparency.org.uk/news-room/12-blog/1267-bilderberg-making-a-mockery-of-ministerial-transparency-data>

ii. Accessibility

The meetings data is not provided in a timely manner. As of September 2015, the last available data on meetings between UK Government Ministers and external organisations covered the period April to June 2014; this data is over a year old.

Despite the UK Government's admirable commitment to releasing its data as machine-readable open data, different departments publish the details of meetings in various formats, including PDF and Word. This is not machine-readable open data and makes it very difficult for the public to get an overview of who is lobbying across all different parts of government. Our research found that only half of the departments published their last set of disclosures as machine-readable open data.²³

Case study: Lobbied over lunch?

In 2011, Theresa Villiers, then a DfT Minister, failed to declare a lunch with Simon Hoare, a university friend who was also the principal lobbyist for developers Helioslough. Hoare's lobbying group had been campaigning since 2006 to build a £400m international rail freight exchange on 300 acres of green belt land near St Albans in Hertfordshire. The Minister described the event as a private engagement, which did not need to be disclosed, despite acknowledging that the development was discussed over lunch and that emails followed the meeting from Mr Hoare asking the Minister to lobby colleagues in government.

¹¹ <http://www.theguardian.com/politics/2013/dec/18/labour-theresa-villiers-meeting-helioslough-lobbyist-northern-ireland-secretary> [accessed: 3 August 2015]

iii. Intelligibility

The way the data is structured makes it hard to analyse how many organisations or individuals Ministers are meeting with and who they are. For example, instead of there being a single line for each individual lobbyist meeting with a Minister, they are all clumped into one cell. This means in order to analyse who Ministers are meeting and how often you have to extract this data and split it into multiple rows, which takes a significant amount of time and effort.

iv. Meaningfulness

The content of the data is often insufficient to provide meaningful insights into the meetings between lobbyists and Ministers. For example, 674 (35%) records do not include the exact date on which the meeting took place, some of them provide only a low level of description, such as "[to] discuss innovation" or "[to] discuss energy and climate change", and some of the entries lack any description at all.

3.1.3. Ineffective codes of conduct for lobbyists

Although there are a number of codes of conduct for lobbyists that have been produced by the various industry associations, such as the APPC, none of these have any statutory footing. This means there is

²³ See Annex 2 for more details

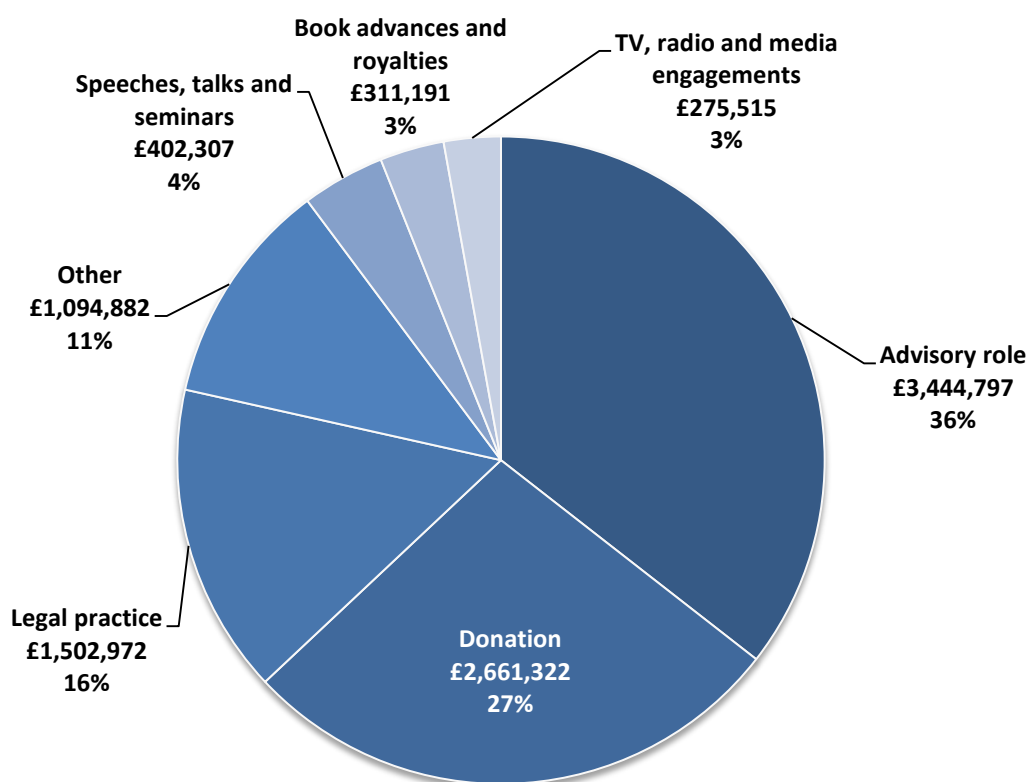
little to deter inappropriate behaviour by lobbyists, such as misrepresenting their relationship with clients or organising meetings with public officials under false pretences.

3.2. Conflicts of interest

Although a number of legislatures have adopted relatively comprehensive codes of conduct for their members, the House of Commons and Northern Ireland Assembly still do not prohibit members from providing paid Parliamentary advisory services, even if it includes providing advice on the affairs of the legislature and how to influence the legislative process. This practice is prohibited in the House of Lords, Scottish Parliament and National Assembly for Wales.

Our analysis shows that 36 per cent (£3.4million) of the money declared by MPs from June 2014 to March 2015 was for either advisory positions or Board membership, which usually involved some form of advisory function (see Chart 1).²⁴ This can easily lead to the perception that MPs are benefiting financially from providing advice on parliamentary business and affairs to sectional private interests. Payments for advisory services and Board positions constitute the largest category of payments received by MPs in the 2014-15 Parliamentary session.

**Chart 1: Payments to MPs by type
(2014-15 session)**



²⁴ We would like to give thanks to Ben Scott, whose data we used for this analysis, and for the work of the website Members Interests who have made this data more accessible for the public. The source for this analysis can be found at <https://github.com/sparkd/mp-financial-interests> [accessed: 7 August 2015] See Annex 3 for notes on the data.

3.3. Gifts and hospitality

It is important to have transparency about who is providing gifts and hospitality to public officials so there is clarity about who may be exerting undue influence on a public official's decision-making and behaviour. Although, like the requirements on managing conflicts of interest, the scope of the gifts and hospitality reporting rules are relatively good across different parts of the UK, the provision of this data is relatively poor. At the moment, only the House of Lords publishes this regularly as machine-readable open data in a timely manner.

3.4. Revolving door

The term 'revolving door' refers to the movement of individuals between positions of public office and jobs in the private or voluntary sector, in either direction.

Moving through the revolving door can be beneficial to both public and private sectors by improving understanding and communication between public officials and business and allowing sharing of expertise. However, the revolving door brings risks that these officials will be influenced in their policy or procurement decisions by the interests of past or prospective employers. Conflicts of interest arise particularly for individuals in government who have responsibilities to regulate business activity or who are charged with procuring goods or services from the private sector.

In order to mitigate this risk some public bodies have cooling-off periods for former public officials, where they are prohibited from lobbying their former employer for a specific period of time. They can also be required to seek advice on any employment or appointment they take after leaving public service with an authority that is tasked with monitoring and ensuring compliance with the rules. However, overall the current arrangements for mitigating these revolving door risks across the UK are inadequate.

In 2012, the Public Administration Select Committee (PASC) published the findings of its inquiry into the current arrangements for managing the post-public employment of UK Ministers and senior civil servants.²⁵ It concluded that the current body responsible for overseeing this process, the Advisory Committee on Business Appointments (ACOBA), "lacks adequate powers and resources, and its membership is not in keeping with its role...it [should] be abolished."²⁶ We agree with this analysis.

Case study: Former regulator moves to Tesco

In November 2014, the Guardian reported that a Tesco director, who had previously served as the head of the Food Standards Agency, had lobbied the government not to publish a report into the food poisoning contamination rates for chicken in supermarkets. The individual in question was subject to advice from ACOBA that he should not lobby on behalf of Tesco during the period he was alleged to have lobbied.

<http://www.theguardian.com/world/2014/nov/25/-sp-tesco-director-facing-questions-lobbying-government-dirty-chicken-report> [accessed: 20 December 2014]

²⁵ Public Administration Select Committee, *Business Appointment Rules*, HC 404 (July 2012) <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpubadm/404/404.pdf>

²⁶ Public Administration Select Committee, *Business Appointment Rules*, p.3

Case study: tax boss goes to work for accountancy firm advising tax avoiders

In 2013, a former Permanent Secretary to Her Majesty's Revenue and Customs (HMRC) was appointed by the accountancy firm Deloitte. During his tenure at the HMRC a number of Deloitte's clients, including Starbucks and Vodafone, faced allegations of tax avoidance in the UK. He is also reported by the Guardian to have had a close relationship with Deloitte while he was still at the HMRC.ⁱ

As the appointment came within four months of the individual leaving public office, he had to seek advice from ACOBA and permission from the Prime Minister, David Cameron. Cameron allowed the appointment but set rules about what he could and could not do in his new post, which included a ban on advising how to avoid UK tax and a prohibition on lobbying Ministers and officials to gain business for Deloitte.ⁱⁱ However, the appointment was criticised by campaigners and MPs who pointed out that these restrictions did not stop the individual from using his knowledge to advise tax havens on how to strengthen their arrangements.

ⁱ <http://www.theguardian.com/business/2013/may/27/deloitte-appoints-dave-hartnett-tax> [accessed: 3 September 2015]

ⁱⁱ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369294/approval_20letter_20-20website.pdf [accessed: 3 September 2015]

3.5. Open data

Linking open data together enables the public to be able to make more comprehensive assessments about the potential influences being exerted on our political system. For public sector bodies to publish data in formats other than machine-readable open data is dated at best and at worst purposefully obstructive. Although Ministers across all parts of the UK have welcomed the rise of open data initiatives, all administrations fail to turn rhetoric into practice by publishing many of their transparency documents in non-machine-readable formats, such as PDF or HTML, which are of limited analytical use. The only major public body that currently publishes lobbying-related data as machine-readable open data is the House of Lords.

3.6. Enforcement

Although there are rules for Ministerial conduct and reporting, there are no independent bodies charged with monitoring and ensuring Ministers' compliance, with the Prime Minister or First Minister responsible for enforcing any alleged breaches.²⁷ There are serious questions as to whether these individuals, even with the support of an adviser on Ministerial conduct, have sufficient independence to enforce the rules robustly enough in the public interest.

There is no enforcement or investigative regime for ensuring compliance with the rules on post-public employment. ACOBA, the body responsible for overseeing post-public employment in the UK, is limited to an advisory role only. In its 2012 report, the PASC proposed to abolish ACOBA and establish a statutory independent Commissioner, who would oversee both post-public appointments and Ministers' compliance with the Ministerial Code. This new ethics regulator would have a range of tools, including civil sanctions, to deter non-compliance.

²⁷ The Committee for Standards of Public Life (CSPL) provides oversight of rules regarding the conduct of public officials; however, it does not have the power to investigate or take action on specific incidents of improper conduct.

Table 1: Summary of performance on key lobbying measures across each constituent part of the UK

United Kingdom	Statutory register of lobbyists	Lobbying meetings data published as open data	Prohibition on paid lobbying	Prohibition on payment for advisory services	Gifts and hospitality registers published as open data	Revolving door restrictions	Progress by institution / type of public official (per cent)
Ministers	i	ii			ii	iii	67% 8 of 12
MPs							33% 4 of 12
Peers							50% 6 of 12
Scotland							
Ministers						iii	42% 5 of 12
MSPs							33% 4 of 12
Wales							
Ministers						iv	42% 5 of 12
AMs							33% 4 of 12
Northern Ireland				v			25% 3 of 12
MLAs					vi		17% 2 of 12
Progress by category (per cent)	6% 1 of 18	6% 1 of 18	100% 18 of 18	72% 13 of 18	17% 3 of 18	28% 5 of 18	

This table provides a summary of how well each part of the UK is protected against potential lobbying abuses. We have compared the current arrangements across each executive and legislature with our good practice standards, which are outlined in the next section "What needs to be done?" These have been scored as "Good", "Moderate" and "Poor" (scored on a 2-point scale).

Key: Performance (Scoring)

- 2 Good
- 1 Moderate
- 0 Poor

Notes

- i There is a statutory register but its scope and reporting requirements are too narrow
- ii Around only half publish this as open data
- iii The body responsible for monitoring and ensuring compliance with these rules is not fit for purpose
- iv There are no restrictions on post-public employment or ban on lobbying former departments, only a requirement to seek advice from ACOPA
- v This is not explicit in the Ministerial Code and the guidance for the code is not publicly available
- vi On 9 September 2015, the Assembly's Committee on Standards and Privileges agreed to start publishing details of Members' gifts

4. What needs to be done?

There are a range of different measures and tools that can be used to help mitigate the risk of lobbying abuses and increase the level of transparency surrounding lobbying activities. These apply both to those who are lobbying and those being lobbied. On their own, each of these is insufficient to mitigate the risks of lobbying abuses. However, together they provide a greater level of protection against lobbying scandals. This section outlines good practice that executives and legislatures in each part of the UK should work towards.

Although this paper focuses mainly on how lobbying can be made more transparent for the public and how public officials should conduct themselves when carrying out their duties, we also think that companies should be more accountable to their shareholders and other stakeholders about the political activities they undertake.²⁸

4.1. Lobbying transparency

In order to achieve the best standard in lobbying transparency, each part of the UK should make publicly available:

- statutory registers of lobbyists covering both in-house and consultant lobbyists
- registers of meetings between lobbyists and key decision-makers, which contain sufficient detail to enable the public to understand the scale and nature of lobbying activities and are published in a timely manner

The registers of lobbyists should require regulated individuals and organisations to provide the following details, as well as quarterly updates:

- the name of the lobbyists / their registered company name (if applicable)
- their company registration number (if applicable) to ensure there is clarity about which company is engaging in this activity
- their registered address
- details of the names of lobbyists who have lobbied on their behalf within the previous quarter
- the details of the government policy, legislation etc. they have lobbied on during the preceding quarter
- information on any public office held previously (during the past five years) by any employees who are engaged in lobbying
- their expenditure on lobbying, including gifts and hospitality to public officials
- to include any use of secondments or advisers placed within government to influence policy

In addition to these disclosure requirements, there should also be legally enforceable codes of conduct for determining what behaviour is appropriate for lobbyists.

The reporting requirements mentioned above are reasonable and reflect practice that already exists in other Western democracies, such as the US and Canada. Where information has to be provided about lobbying expenditure, organisations and professional lobbyists should be able to make a reasonable and honest assessment of this amount, possibly within certain brackets. Those companies who spend money to try and influence how people vote at elections and referendums are already required to report

²⁸ In autumn 2015, TI-UK will be publishing guidance for companies outlining how they can do this. The guidance will include recommendations on how companies should make their lobbying activities more transparent to shareholders and other stakeholders, and how they can mitigate revolving door risks through their own policies and procedures.

expenditure in more minute detail, so it seems reasonable that broader estimates can be made by lobbyists.

Case study: Lord Blencathra - breach of code

In July 2012, Lord Blencathra was reported to the House of Lords' Commissioner for Standards for alleged breaches of the House's Code of Conduct. He was accused of accepting payment from the Cayman Islands in return for parliamentary services, which is prohibited under the House's rules.

After a number of investigations by the Commissioner for Standards and a change to the House rules in March 2014 explicitly prohibiting members from lobbying in return for payment, the Commissioner found Lord Blencathra had broken the rules.

More details on this case study can be found on page 20 of our Lifting the Lid on Lobbying report <http://www.transparencv.org.uk/our-work/publications/15-publications/1208-liftthelid>

4.2. Conflicts of interest

One of the most damaging types of lobbying abuse is where public officials make decisions or take actions that seek to further their own private interests instead of the public interest. To help mitigate the risks of these abuses, they should be obliged to follow a code of conduct that outlines appropriate forms of behaviour. This should include a:

- prohibition on lobbying in return for payment
- requirement for the public official to avoid any real or perceived conflicts of interest
- requirement that any potential conflicts of interest be resolved in favour of the public interest. For example, a Minister may be required to relinquish a position in a private firm if it is foreseeable that it might bring into question his or her ability to make decisions in the public interest
- requirement to disclose conflicts of interest on a regular basis, including shareholdings, land and property ownership and any remuneration in addition to their salary as a public official. The scope should also cover spouses, partners, close family members and associates to ensure there is transparency about the private interests close to that public official. Details of these interests should be published as machine-readable open data and made available as soon as reasonably practicable after new information is submitted by public officials

This should be accompanied by accessible guidance and training for the official, including specific guidance on how to interact with professional lobbyists.

4.3. Gifts and hospitality

It is imperative that all public officials have to comply with a set of rules regarding the acceptance of gifts and hospitality. These rules help to mitigate against the most egregious forms of corruption, where public officials make decisions in return for favours or presents. The rules should:

- cover benefits such as receptions, meals and free accommodation, as well as cash and non-cash contributions towards their political activities
- include heightened rules on gifts and hospitality for government ministers because their responsibilities and areas of influence are substantively different from that of a member of a legislature or civil servant

- prohibit public officials accepting any gifts or hospitality that may appear to compromise their judgement or appear to place them under an obligation, including contributions from professional lobbyists
- include provisions for a public register of any gifts and hospitality received by public officials to ensure there is transparency about any potential undue influence over their conduct. This should be published as machine-readable open data and made available as soon as reasonably practicable after new information is submitted by public officials

4.4. Revolving door

In order to mitigate revolving door risks, there should be a cooling-off period for former Ministers, legislators and public employees, which prohibits them from lobbying their former employer and colleagues for a certain period of time depending on their level of seniority. These should apply to public employees who have the potential to influence policy development and how decisions are made.

There should also be consideration of a ban on Ministers, parliamentarians, senior level civil servants and equivalent post-holders in other similar central government bodies, such as public corporations and non-departmental public bodies, from being employed by bodies they have had significant dealings with while in office for two years after leaving office. They should also have to consult an independent authority on any appointments or employment within that cooling-off period, with the details of these judgements published for public inspection.

There should also be consideration of a ban on mid-level civil servants and equivalent post-holders in other similar public bodies from being employed by bodies they have had significant dealings with while in office, or lobbying their former employer, for one year after leaving office. Consideration should also be given to extending these requirements to local government. Alongside these measures, there should also be greater transparency about any secondments to and from the private sector and public office.

4.5. Open data

Wherever public officials are required to register any interests, gifts and hospitality or new employment, this should be published online as machine-readable open data. Open data is data that is free to use, re-use and redistribute, which should be in a non-proprietary, machine-readable format, for example, CSV. Publishing these details as open data makes it much easier for the public to analyse and understand any potential undue influence being exerted on our public officials or any potential conflicts of interest. In order to ensure this data provides transparency about potential undue influence, it should comply with the following standards:

- **Accuracy:** It should be complete and accurately reflect what it is supposed to be reporting. For example, it should include all events that fall within the scope of the rules, such as meetings with lobbyists and gifts and hospitality over the relevant prescribed financial thresholds.
- **Accessibility:** It should be published online, as open data, in a central location within a reasonable time of the event it is reporting. For example, meetings data should be available through a central portal like the data.gov.uk website as CSV files instead of being published separately as PDFs on departments' own websites.
- **Intelligibility:** It should have a clear and consistent data structure so it can be easily analysed by the public. For example, monetary values, such as the amount of a gift or donation, have their own column so it is easy for the public to calculate the cumulative totals an individual has received.
- **Meaningfulness:** It should contain sufficient detail to allow the public to gain a meaningful understanding of the event. For example, if it is reporting the details of a meeting there should be sufficient information for the public to understand the topic under discussion.

Publishing this information as open data should not be burdensome. There is a range of commercially available technologies that can be used to record information, such as the details of meetings, with little additional resource requirements and which can export this into open data format for publication with relative ease. Some of these disclosures may help reduce administrative burdens elsewhere by reducing the need to respond to certain Freedom of Information requests. Embracing greater transparency should be seen as a normal part of administration, not a requirement that is imposed on it and reluctantly complied with.

4.6. Enforcement

Wherever there are rules on the conduct of public officials or any reporting requirements imposed upon them, there need to be robust systems in place to ensure these are followed. This should include an independent authority that is responsible for providing advice and guidance, monitoring compliance and enforcing the rules. They should have the requisite resources and tools to carry out their job effectively, including the possibility of imposing civil sanctions, and they should be accountable to legislators for their actions.

There are questions as to whether there is a one size fits all approach to enforcing all the rules discussed in this paper. It also must be recognised that the effectiveness of enforcement bodies is as dependent on their approach in practice as it is on their institutional design. However, these are good founding principles for establishing enforcement mechanisms that are effective.

Annex 1: Evaluation of UK and devolved administrations

Annex 1 provides an overview of the current arrangements for mitigating lobbying abuse risks covering executives and legislatures across different parts of the UK, including comment on where there is potential room for improvement. It covers issues and measures relating to:

- lobbying transparency
- conflicts of interest
- gifts and hospitality
- revolving door
- open data
- enforcement

Analysis has been done for Ministers and legislators. Performance is compared against the standards we have mentioned in the “What needs to be done?” section above. The proposals for change we have made regarding each part of the UK are summarised in the “Recommendations” section from page 5 above.

5.UK

5.1. Lobbying transparency

The Transparency of Lobbying, Non-Campaigning and Trade Union Administration Act 2014 (“Lobbying Act”) introduced the UK’s first statutory register of lobbyists. The new register requires consultant lobbyists – those lobbying on behalf of clients – to register with an authority (the Registrar of Consultant Lobbyists) if they directly communicate with a UK Government Minister or Permanent Secretary about:

- UK Government policy
- legislation
- the award of contracts, grants, licences or similar benefits
- the exercise of any other government function

Each UK Government department is also supposed to publish the details of meetings between external organisations and Ministers and their Permanent Secretaries on a quarterly basis.²⁹

Despite these measures, there are some significant issues with their scope and implementation which means interactions between public officials and lobbyists remain opaque. As mentioned on pages 14 and 15 above, these issues are:

- The scope and reporting requirements of the statutory register of lobbyists are too narrow to provide any meaningful insights into the scale and nature of lobbying in the UK.
- The data on meetings between external organisations and individuals and government is not accurate, accessible, intelligible or meaningful enough to provide transparency of lobbying of the UK Government.
- There is no legally enforceable code of conduct regulating lobbyists’ behaviour.

²⁹ HM Government, *Ministerial Code*, p.20 paragraph 8.14

Recommendation: The UK Government to expand the coverage of the UK statutory register of lobbyists and improve the meetings data that it publishes so that the public have meaningful information about the scale and nature of lobbying in the UK.

5.2. Conflicts of interest

Ministers

According to the Ministerial Code, UK Government Ministers must “scrupulously avoid any danger of an actual or perceived conflict of interest between their ministerial position and their private financial interests”.³⁰ They are required to declare any potential conflicts of interest to their Permanent Secretaries. This must include the details of any potential conflicts of interest for partners, spouses and close family members.³¹ It is up to the Minister, their Permanent Secretaries and an independent adviser on Ministerial interests to decide how to resolve these conflicts. A statement of these Ministerial interests is supposed to be published twice a year.³²

Despite Ministerial registers of interests being published online as open data, there are two main issues with their provision:

- **Accessibility:** The last time they appeared to have been updated was November 2013³³, with the last records on data.gov.uk only covering up to February 2011.³⁴

Recommendation: The UK Government to publish details of Ministers' financial interests as machine-readable open data in a timely manner.

- **Enforcement:** There is no authority with the responsibility of monitoring and ensuring compliance with the rules on reporting Ministerial interests. Where there are allegations of non-compliance, the Prime Minister may forward it on to the independent adviser on Ministerial interests where they see merit in the complaint. However, it is ultimately for the Prime Minister to decide whether or not a Minister will retain their job and there are no other sanctions specifically tailored for deterring non-compliance with these rules.

Recommendation: The UK Government to give responsibility for monitoring and ensuring compliance with the rules on Ministerial interests to an independent body.

Members of the House of Commons

MPs have to report any financial interests to the House of Commons Parliamentary Commissioner for Standards (“the Commissioner”) within one month of their election and provide them with updates within 28 days of any alterations. The Commissioner then publishes them on the Register of Members’ Financial Interests (“the register”). This reporting requirement also includes the interests of their partners, spouses and close family members. They are also required to resolve any potential conflicts of interest in favour of the public interest.³⁵ The register is usually updated fortnightly on the Commissioner’s website.

In December 2012, the Committee on Standards and Privileges put forward a number of proposed changes to the rules on MPs’ conduct to the House of Commons for consideration. This included recommendations to:

³⁰ HM Government, *Ministerial Code*, p. 14 paragraph 7.7

³¹ HM Government, *Ministerial Code*, p. 14 paragraph 7.3

³² HM Government, *Ministerial Code*, p. 14 paragraph 7.5

³³ <https://www.gov.uk/government/publications/list-of-ministers-interests> [accessed: 27 July 2015]

³⁴ <http://data.gov.uk/dataset/ministers-interests> [accessed: 27 July 2015]

³⁵ House of Commons, *Code of Conduct*, Rule 10 (London: April 2015)
<http://www.publications.parliament.uk/pa/cm201516/cmcode/1076/1076.pdf> p.5

- simplify the reporting categories and thresholds for registerable interests
- introduce a new category for MPs to declare family members engaged in lobbying activities
- prohibit MPs from initiating parliamentary proceedings or approaching a Minister, another MP or public official if it would benefit a person or organisation that had provided a payment or benefit
- apply new restrictions that would prohibit MPs lobbying Ministers, sitting MPs and other public officials for six months after they leave the House of Commons

On 17 March 2015, the House of Commons finally considered and approved a new Code of Conduct for MPs, which was based on these proposals.

Despite these improvements, there are still some problems with the arrangements for regulating MPs' conduct:

- **Advisory work:** MPs can still work as advisors for businesses, which may bring into question who they are representing when voting, engaging in parliamentary debates and lobbying Ministers. Our research shows 73 MPs were paid £3.4million for advisory roles in 2014-15 alone.
Recommendation: As is the case for members of the House of Lords, the Scottish Parliament and the Welsh Assembly, MPs to be prohibited from undertaking any paid advisory work relating to the affairs of Parliament.
- **Data provision:** The register is currently only published on the Commissioner's website as HTML and as a PDF – it is not available as structured, machine-readable open data. This means it is hard for the public to analyse Members' registered interests and hold them to account for any perceived improper behaviour. However, we understand that the Parliament's digital team is working to introduce an Application Programming Interface (API) that would make it easier to access this data.
Recommendation: The Parliamentary Commissioner for Standards to publish the details of MPs' financial interests as machine-readable open data.
- **Enforcement:** Alleged breaches of the rules on MPs' interests can be made to the Commissioner, who is responsible for ensuring compliance with the rules and investigating any alleged breaches. If after a preliminary investigation they consider there is merit to pursue the matter further, it is referred to the Parliamentary Committee on Standards. The Committee then submits reports to the House, which may impose its own sanctions, such as exclusion from debates for a prescribed period. Unlike the arrangements in Scotland and Wales, there are no criminal offences for serious breaches of the code.
Recommendation: The Parliamentary Commissioner for Standards to review the adequacy of existing sanctions for breaches of the Code of Conduct and consider the case for introducing criminal sanctions for serious breaches of the Code of Conduct - as is the case in Scotland, Wales and Northern Ireland.

In March 2015 the UK Parliament passed the Recall of MPs Act 2015, which allows the public to campaign for the recall of an MP if one of three triggers occurs. These triggers are:

- an MP has been convicted in the United Kingdom of an offence and has been sentenced or ordered to be imprisoned or detained
- the House of Commons orders the suspension of the MP from the service of the House for a period of at least ten sitting days or, if the period is not expressed as a number of sitting days, for a period of at least 14 days
- an MP has been convicted of the offence of providing false or misleading information for allowances claims in relation to MPs' allowances

If this happens, the public have six weeks to gain signatures for recall from over 10 per cent of the eligible parliamentary electorate for that constituency. If this threshold is passed then the MP loses his or her seat and a by-election must be held.

However, there has been some criticism that this Act does not go far enough because members of the public cannot initiate a recall petition without either the conviction of an MP or a sanction imposed by the House of Commons.

Members of the House of Lords

Peers have to report any financial interests they have to the Registrar of Lords' Interests who publishes them online. They are also required to resolve any potential conflicts of interest in favour of the public interest.³⁶

Changes to their interests have to be reported within a month of it occurring.³⁷ The register is updated throughout the working day and published as HTML on the Registrar's website and through the data.parliament.uk API as open data.

Like MPs, Peers are prohibited from paid advocacy in the House and from receiving remuneration or gifts in exchange for exerting parliamentary influence. However, unlike MPs, they are also prohibited from undertaking any paid external advisory work relating to parliamentary affairs.

Alleged breaches of the rules on interests can be made to the House of Lords' Commissioner for Standards, who is responsible for ensuring compliance with the rules and investigating any alleged breaches. If after a preliminary investigation they consider there is merit to pursue the matter further, it is referred to the Sub-Committee on Lords' Conduct. The Sub-Committee then submits reports to the Committee for Privileges and Conduct, which may then recommend a sanction for the House to impose, such as exclusion from debates for a prescribed period. The ability to suspend or expel a member from the House of Lords was only introduced in March 2015 by the House of Lords (Expulsion and Suspension) Act 2015. There are no criminal offences for serious breaches of the code.

The main issue with the current arrangements is that the scope of the rules does not normally include any interests held by their partners, spouses or close family, though such interests must be registered or declared in certain instances.

5.3. Gifts and hospitality

Ministers

Ministers have to report any gifts they receive in a Ministerial capacity. These are in addition to the requirement for MPs to report any gifts or hospitality they have received in that capacity and separate from the rules on donations to members of political parties and holders of elective office, some of which have to be reported to the Electoral Commission.³⁸

Any items over £140 in value automatically become UK Government property unless the Minister wishes to purchase it.³⁹ Declarations of Ministerial gifts and hospitality are supposed to be reported "at least quarterly" by departments.⁴⁰ However, the last available data only covers April to June 2014, which was

³⁶ House of Lords, *Code of Conduct for the House of Lords*, paragraph 7 p.3

<http://www.parliament.uk/documents/WIS-news/Code-of-Conduct-for-Members-of-the-House-of-Lords.pdf>

³⁷ House of Lords, *Code of Conduct for the House of Lords*, paragraph 13 p.5

³⁸ Prohibited contributions – those from impermissible or anonymous sources – must be reported to the Commission.

³⁹ Cabinet Office, *Ministerial Code*, (May 2010) paragraph 7.22 p.17

⁴⁰ Cabinet Office, *Ministerial Code*, (May 2010) paragraph 7.22 p.17

published in March this year. As with the registers of Ministerial meetings with external organisations, there is a wide variation in the format of this data. Some departments publish their registers as open data (i.e. in machine-readable, non-proprietary CSV format), while others still use PDF and Word documents, which are hard to analyse.

Recommendation: The UK Government to publish the details of Ministers' gifts and hospitality as machine-readable open data in a timely manner.

Members of the House of Commons

There are no prohibitions on MPs accepting gifts or hospitality. However, they have to report anything they receive over a certain threshold to the Commissioner, which is entered into the registers. In line with recommendations from the Council of Europe's Group of States against Corruption⁴¹ and the Commons' Committee on Standards and Privileges⁴², the new House of Commons Code of Conduct has reduced the threshold at which MPs have to report gifts or hospitality provided to them for their personal use from £660 to £300.

As with their declarations of interests, the details of gifts and hospitality provided to MPs are published on the register, which is currently only made available in HTML and PDF formats.

Until 2009, MPs also had to report certain donations (including gifts and hospitality)⁴³ they received towards their "political activities"⁴⁴ to the UK Electoral Commission, the independent regulator of party funding, as well as to the Commissioner. This process of "dual reporting" was ended in July 2009 under provisions in the Electoral Administration Act 2006. MPs now only have to report to the Commissioner as long as the Electoral Commission is able to gather the relevant information to monitor compliance with the rules and publish it on its own registers of donations. However, MPs still have to report any prohibited contributions they receive to the Electoral Commission.⁴⁵

The main issue with the current arrangements is that the House of Commons' register of gifts and hospitality is not published as open data. It is noteworthy that in contrast to the Commons' register, the Electoral Commission's registers of donations is available in CSV format and via an API.

Recommendation: The Parliamentary Commissioner for Standards to publish the details of MPs' gifts and hospitality as machine-readable open data.

Members of the House of Lords

There are no general prohibitions on Peers accepting gifts or hospitality. However, they have to report anything they receive which relates substantially to membership of the House and which exceeds a certain threshold to the Registrar of Lords' Interests. These are entered into the Register of Lords' Interests, which is published as open data via an API. The current threshold for registering gifts and hospitality is £140. There is also a prohibition on receiving all but the most insignificant gifts or hospitality from anyone known to be a commercial lobbyist.

⁴¹ GRECO, *Corruption prevention in respect of members of Parliament, judges and prosecutors: Evaluation Report: United Kingdom*, Recommendation iii(ii) (March 2013) [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4\(2012\)2_UnitedKingdom_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2012)2_UnitedKingdom_EN.pdf) p.45

⁴² Committee on Standards and Privileges, *Proposed Revisions to the Guide to the Rules relating to the conduct of Members*, HC 636 (December 2012) <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmstnprv/636/636.pdf> p.22

⁴³ The reporting threshold was contributions over £1,500 from a single source, or multiple donations over £500 that aggregated to over £1,500 from a single in a calendar year.

⁴⁴ The Electoral Commission describes this as activities in connection with the holding of office, including both party political and governmental activities.

⁴⁵ In law these are called "impermissible" or "anonymous" contributions.

If Peers are members of a political party and are receiving donations towards certain party political activities, such as promoting the election of a person to a position within a party, they may also have to register these with the Electoral Commission.

5.4. Revolving door

Ministers

UK Government Ministers are prohibited by the Ministerial Code from lobbying the UK Government within two years of leaving office. They must also seek advice from ACOBA for any employment or appointments they are offered. However, ACOBA is not a statutory body, its advice is not binding and it does not have any capacity to monitor compliance or the power to impose any significant sanctions for breaches of the rules. In addition, its judgements are only published in HTML and PDF, not as open data.

Recommendation: The Advisory Committee on Business Appointments to be replaced with a new statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct.

Members of the House of Commons

As part of the changes to the House of Commons rules taken forward in 2015, former MPs are now prohibited from lobbying Ministers, sitting MPs or officials within six months of leaving Parliament if they are being paid by an organisation that would benefit financially or materially from that contact. Failure to comply with these requirements could result in Parliament withdrawing former MPs' parliamentary passes.

Members of the House of Lords

There is currently no cooling-off period for those leaving the House of Lords and they do not have to seek advice from ACOBA on any post-parliamentary employment. However, peers have only been able to retire from the House since August 2014. Before then membership was for life (except for bishops), so there was no possibility of a "revolving door". With the average age of a member being 70, there are questions as to whether retiring members are likely to move into influential private-sector lobbying posts.⁴⁶

Recommendation: Although the demographics of the House of Lords make it seem like there are lower revolving door risks for its members, the Lords' Conduct (Sub-Committee) to consider whether, as a precautionary measure, there should be the same six month ban on lobbying for former Peers as there is for former Members of the House of Commons.

⁴⁶ <http://www.parliament.uk/about/faqs/house-of-lords-faqs/lords-members/> [accessed: 20 August 2015]

6.Scotland

6.1. Lobbying transparency

In July 2012, Neil Findlay MSP launched a consultation into his proposals for introducing a statutory register of lobbyists for those seeking to influence MSPs, Ministers and other public officials.⁴⁷ After a period of consultation, on 17 May 2013 Findlay laid his final proposals for a lobbying Bill before the Scottish Parliament. On 13 June 2013, the Scottish Government indicated that it would legislate before the next Scottish Parliamentary general election in May 2016 to give effect to Findlay's proposals.⁴⁸

On 29 May 2015, the Scottish Government finally published its consultation paper on the proposed regulatory system for lobbying in Scotland. In their current form, the proposals would:

- require both in-house and consultant lobbyists to register if they have direct, face-to-face contact with MSPs/Ministers, for example, at an organised meeting or public event
- require lobbyists to provide some material information about the types of lobbying activity they are undertaking as part of a regular reporting cycle (possibly six months)
- require all lobbyists to register who do not fall within the scope of the exemptions, which are aimed at individuals, civil society campaigns and volunteers
- include parliamentary and criminal sanctions as a deterrent for non-compliance

However, the proposals would not:

- require lobbyists to report any information about the amount of money they were spending on lobbying activities
- cover communications between MSPs/Ministers and lobbyists via email, letter, phone or videoconference
- cover communications between lobbyists and Scottish Government or Scottish Parliament officials
- establish a single body responsible for monitoring and ensuring compliance with the rules
- make provision for more flexible civil sanctions to deter non-compliance

There are also questions as to whether there would be sufficient resources available for whoever had responsibility for maintaining the register and / or ensuring compliance with the rules. TI-UK has provided a written submission to the Scottish Government's consultation on the proposed Lobbying Transparency Bill.⁴⁹

Similar to the UK Government, the Scottish Government's proposals highlight the relationship between the register of lobbyists and the register of meetings with Ministers. However, as is the case with the UK Government, there are also issues with the Scottish Government's meetings data.

Although the latest disclosure covers more recent meetings, the content of the data is insufficient to provide any meaningful context about what was discussed and the registers are published as PDF documents, not as open data, so they are difficult to analyse. In addition, the scope of the meetings data does not include meetings between external organisations and MSPs.

⁴⁷ Neil Findlay MSP, *Consultation paper: Proposed Lobbying Transparency (Scotland) Bill*, (July 2012) http://www.scottish.parliament.uk/S4_MembersBills/20120706_Lobbying_Transparency_consultation_revised.pdf

⁴⁸ Scottish Government website, *Lobbying Transparency*, (13 June 2013) <http://news.scotland.gov.uk/News/Lobbying-Transparency-14d.aspx> [accessed: 24 July 2015]

⁴⁹ TI-UK, *TI-UK Submission to the Scottish Government on the Lobbying Transparency Bill*, (July 2015) <http://www.transparency.org.uk/publications/15-publications/1307-submission-to-scottish-government-on-register-of-lobbying>

*Recommendation: The Scottish Government to take the opportunity to ensure that its legislation for a register of lobbyists responds to the weaknesses in the UK register of lobbyists, in terms of scope of coverage and the level of detail of information provided.*⁵⁰

6.2. Conflicts of interest

Ministers

According to the Scottish Ministerial Code, “Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise”.⁵¹ They must declare any potential conflicts of interest to their Permanent Secretaries, including the interests of their partners, spouses and close family members. As with UK Ministers, it is left to Ministers’ and Permanent Secretaries’ discretion to decide how to manage any conflicts. However, unlike the rules for UK Government Ministers, there is no requirement for Scottish Ministers or their departments to publish this information proactively.

Recommendation: The Scottish Government to publish the details of Ministers’ interests as machine-readable open data in a timely manner.

Where there are allegations of non-compliance, as is the case for the UK Government, the First Minister may forward it on to the independent adviser on the Ministerial Code where they see merit in the complaint. However, it is ultimately for the First Minister to decide whether or not a Minister will retain his or her job and there are no other sanctions specifically tailored for deterring non-compliance with these rules.

Recommendation: An independent body to be given responsibility for monitoring and ensuring compliance with the rules on Ministerial interests.

Members of the Scottish Parliament

MSPs have to report any financial interests to the Parliament’s Standards Clerks within 30 days of taking the oath of allegiance and report any alterations within 30 days of them occurring. The Standards Clerks publish them on the Register of Interests (“the register”). Unlike other legislatures in the UK, the Scottish Parliament’s Code of Conduct does not explicitly require the registration of interests held by MSPs’ partners, spouses or close family members.

MSPs are explicitly prohibited from undertaking any paid lobbying, as well as any paid external advisory work, such as advising on parliamentary affairs. They are also required to “take steps to resolve any conflicts arising in a way that protects the public interest”.⁵² The Interests of Members of the Scottish Parliament (Amendment) Bill (the “Members’ Interests Bill”), which is currently before the Scottish Parliament, will also expand the ban on paid lobbying to include where there is an agreement to receive payment or benefit in exchange for that advocacy – at the moment it only covers where MSPs have actually been paid.

Alleged breaches of the rules on MSPs’ interests can be made to the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS), who is responsible for ensuring compliance with the rules

⁵⁰ Further details can be found in the June 2015 Transparency International UK submission to the Scottish Government on the proposed Lobbying Transparency Bill (Scotland) - <http://www.transparency.org.uk/publications/15-publications/1307-submission-to-scottish-government-on-register-of-lobbying>

⁵¹ Scottish Government, *Scottish Ministerial Code*, (2015) paragraph 11.1 p.38 <http://www.gov.scot/Resource/0047/00478172.pdf>

⁵² House of Commons, *Code of Conduct*, Rule 10 (London: April 2015) p.5 <http://www.publications.parliament.uk/pa/cm201516/cmcode/1076/1076.pdf>

and investigating any alleged breaches. If their investigation concludes there has been a substantiated breach, they will report the outcomes of their findings to the Scottish Parliament, which may impose its own sanctions, such as exclusion from debates for a prescribed period. Failure to comply with a sanction imposed by the Parliament is an offence. Where this occurs, it is for the CESPLS to refer them to the Procurator Fiscal, the prosecuting authority in Scotland.

The main issue with the current arrangements is the register is published in PDF format, not as open data.

Recommendation: The Scottish Parliament's Standards Clerks to publish the details of MSPs' financial interests as machine-readable open data.

6.3. Gifts and hospitality

Ministers

As is the case for UK and Welsh Government Ministers, Scottish Government Ministers have to report any gifts they receive in a Ministerial capacity. Any items over £140 in value automatically become Scottish Government property unless the Minister wishes to purchase it. Lists of these gifts are published on a quarterly basis.⁵³ These are in addition to the requirements on MSPs to report any gifts or hospitality they have received in that capacity and separate from the rules on donations to members of political parties and holders of elective office, which have to be reported to the Electoral Commission.

The latest register of Ministers' gifts and hospitality was published on 17 July 2015 and covered the period April 2014 to March 2015. Although this is far more up-to-date than the data provided by UK Government Ministers, it is published in a PDF, not as open data.

Recommendation: The Scottish Government to publish the details of Ministers' gifts and hospitality as machine-readable open data.

Members of the Scottish Parliament

There are no prohibitions on MSPs receiving most gifts or hospitality, but they must be registered if they can reasonably be seen as affecting, or have the appearance of affecting, the member's conduct in Parliament and are over a certain threshold. There is, however, a prohibition on receiving all but the most insignificant gifts or hospitality from anyone known to be a commercial lobbyist.

The current threshold for registering gifts and hospitality is £590 although this is likely to be reduced to £280 by the Members' Interests Bill. MSPs have to report them to the Standards Clerks, who records them in the Register of Interests and publishes them online.

As was the case for UK MPs before July 2009, and is still the case for Welsh Assembly Members (AMs) and Members of the Legislative Assembly in Northern Ireland (MLAs), MSPs still have to "dual report" certain contributions they receive to both the Standards Clerks and the Electoral Commission. However, the Members' Interests Bill includes provisions that would remove the duty to undertake dual reporting alongside the same lines as the arrangements currently in place for the UK Parliament.

As with the Register of Interests above, the main issue with the current arrangements for reporting gifts and hospitality is that the details are published in PDF format, not as machine-readable open data.

⁵³ Scottish Government, *The Scottish Ministerial Code: 2015 Edition*, paragraph 11.22
<http://www.gov.scot/Resource/0047/00478172.pdf> p.41

Recommendation: The Scottish Parliament's Standards Clerks to publish the details of MSPs' gifts and hospitality as machine-readable open data.

6.4. Revolving door

As is the case for former UK Ministers, Scottish Ministers are prohibited by the Ministerial Code from lobbying the Scottish Government within two years of leaving office.⁵⁴ During this period, they must also seek advice from ACOBA for any employment or appointments they are offered. Despite this, as mentioned above, ACOBA does not have the requisite tools or powers to effectively monitor and ensure compliance with these rules.

Recommendation: Affecting the UK and Scotland alike, the Advisory Committee on Business Appointments to be replaced with a new statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct.

Members of the Scottish Parliament

There is currently no cooling-off period for MSPs leaving the Scottish Parliament and MSPs do not have to seek advice from ACOBA on any post-parliamentary employment.

Recommendation: The Scottish Parliament's Standards, Procedures and Public Appointments Committee to examine the case for introducing a ban on former MSPs lobbying Ministers, sitting MSPs and other public officials within six months of leaving Parliament, as is now the case for Members of the House of Commons.

⁵⁴ Scottish Government, *The Scottish Ministerial Code*: 2015 Edition 11.25 p.41

7. Wales

7.1. Lobbying transparency

In May 2013, the National Assembly for Wales' Standards of Conduct Committee published the findings of its review of lobbying and cross-party groups. It concluded that it did not think it was appropriate or proportionate to introduce a statutory register at this point in time. However, it recommended:

- New guidance should be introduced on lobbying and access to Assembly Members (AMs).⁵⁵
- The Ministerial Code should be amended to require Ministers to publish the details of meetings they have with external organisations.
- There should be another review of the rules before the end of the fourth Assembly in May 2016.⁵⁶

Although the guidance has since been adopted by the Assembly,⁵⁷ the following issues remain:

- There is yet to be an announcement of any further review into this area.
- The Ministerial Code has not been amended, so there is still no regular publication of the details of meetings between Welsh Ministers and external organisations.
- There remains no transparency about who is meeting with AMs, government or Assembly officials.
- There is no information on how much is spent on this lobbying activity.

Recommendation: The Welsh Government to publish the details of meetings between Ministers and external organisations in a timely manner as machine-readable open data and consult on introducing a statutory register of lobbyists covering those engaging with the Welsh Government and Assembly.

7.2. Conflicts of interest

Ministers

Under the Ministerial Code, "Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests".⁵⁸ Welsh Ministers must declare any potential conflicts of interests to their Permanent Secretaries, including the interests of their partners, spouses, children, related trusts or close associates. This is a slightly broader requirement than those for UK and Scottish Government Ministers, which only cover partners, spouses and close family.

However, the following issues remain with these arrangements:

⁵⁵ National Assembly for Wales Standards of Conduct Committee, *Report 03-13 to the Assembly on Lobbying and Cross-Party Groups*, Recommendation 1 (May 2013) p.18 <http://www.assembly.wales/Laid%20Documents/CR-LD9308%20-%20Report%20by%20the%20Standards%20of%20Conduct%20Committee%20into%20Lobbying%20and%20Cross%20Party%20Groups-02052013-245886/cr-ld9308-e-English.pdf>

⁵⁶ Standards of Conduct Committee, *Report 03-13 to the Assembly*, Recommendation 8, p.26

⁵⁷ National Assembly for Wales, *Guidance on lobbying and access to AMs*, (June 2013) http://www.assembly.wales/NAfW%20Documents/Assembly%20Member%20section%20documents/Guidance_on_Lobbying_and_Access_to_AMs-26_June%202013/Guidance_on_Lobbying_and_Access_to_AMs-26_June%202013-en.pdf#search=lobbying%20guidance

⁵⁸ Welsh Government, *Ministerial Code*, (2011) paragraph 1.11(vi) p.5 <http://gov.wales/docs/dfm/publications/110708ministerialcodeen.doc>

- The Welsh Government is required by the Ministerial Code to publish Ministers' interests on an annual basis; however, these are made available in Word documents on its website, not as open data.

Recommendation: The Welsh Government to publish the details of Ministers' financial interests as machine-readable open data in a timely manner.

- There is no body with the responsibility for monitoring and ensuring compliance with these rules, and it is for the First Minister to make any decision as to whether or not a Minister will retain their job. There are no other sanctions specifically tailored for deterring non-compliance with these rules.

Recommendation: An independent body to be given responsibility for monitoring and ensuring compliance with the rules on Ministerial interests.

Assembly Members

AMs must report any financial interests they, their partner or dependent children have to the Assembly's Registrar of Members' Interests. These reports are recorded in the register and published monthly on the Assembly's website in PDF format.

Similar to the rules for Scottish MSPs, AMs are explicitly prohibited from undertaking any paid lobbying, as well as any paid external advisory work, such as advising on Assembly affairs. They are also required to "avoid conflict between personal and public interests and resolve any conflict between the two at once and in favour of the public interest."⁵⁹

Alleged breaches of the rules on AMs' interests can be made to the Assembly's Commissioner for Standards, who undertakes a preliminary investigation. If the Commissioner for Standards considers there is merit to pursue the matter further, it is referred to the Assembly's Standards of Conduct Committee. The Committee then submits reports to the Assembly, which may impose its own sanctions, such as exclusion from debates for a prescribed period. Alongside these civil measures, breaches of the code can also constitute a criminal offence, which would be a matter for the Director of Public Prosecution.

The main problem with the current arrangements is that the register of interests is not published as open data.

Recommendation: The Welsh Assembly to publish the details of AMs' financial interests as machine-readable open data.

7.3. Gifts and hospitality

Ministers

As is the case for UK and Scottish Government Ministers, Welsh Ministers have to report any gifts they receive in a Ministerial capacity. Any items over £260 in value automatically become Welsh Government property unless the Minister wishes to purchase it.⁶⁰ This is almost twice the threshold for UK and Scottish Ministers. Lists of these gifts are published on an annual basis.⁶¹ These are in addition to the requirements on AMs to report any gifts or hospitality they have received in that capacity, and separate from the rules on donations to members of political parties and holders of elective office, which have to be reported to the Electoral Commission.

⁵⁹ <http://www.assembly.wales/en/memhome/pay-expenses-financial-interests-standards/Pages/code-of-conduct.aspx> [accessed: 13 August 2015]

⁶⁰ Welsh Government, *Ministerial Code*, paragraph 5.26 p.24

⁶¹ Welsh Government, *Ministerial Code*, paragraph 5.27 p.24

Currently, the registers of gifts are published as Word documents, not as open data.

Recommendation: The Welsh Government to publish the details of Ministers' gifts and hospitality as machine-readable open data.

Assembly Members

There are no prohibitions on AMs receiving most gifts or hospitality however they must report them to the Assembly's Registrar of Members' Interests if they relate to their membership of the Assembly and exceed a certain threshold. The current threshold for registration is set at 0.5 per cent of an AM's salary (£272). There is, however, a prohibition on receiving all but the most insignificant gifts or hospitality from anyone known to be a professional lobbyist.⁶² Details of these gifts and hospitality are published alongside their interests in the Register of Members' Interests.

Like MSPs and MLAs, AMs still have to undertake "dual reporting" for certain contributions they receive. In October 2014, the Standards of Conduct Committee recommended that the Commissioner for Standards look into taking steps that would remove the requirement for AMs to dual report to both the Registrar and the Electoral Commission. However, no measures have yet been brought forward to bring an end to dual reporting for AMs.

As with the register of interests above, the main problem with the current arrangements is that the register of interests is not published as open data.

Recommendation: The Welsh Assembly to publish the details of AMs' gifts and hospitality as machine-readable open data.

7.4. Revolving door

Unlike former UK and Scottish Ministers, there are no restrictions on former Welsh Ministers lobbying the Welsh Government within two years of leaving office. However, during this period they must seek advice from ACOBA for any employment or appointments they are offered.

Recommendation: As is the case for UK and Scottish Ministers, Welsh Ministers to be prohibited from lobbying the Welsh Government within two years of leaving office. These restrictions and any advice on post-public employment should be overseen by a statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct across the UK.

Assembly Members

There is currently no cooling-off period for AMs leaving the National Assembly for Wales and AMs do not have to seek advice from ACOBA on any post-Assembly employment.

Recommendation: The Welsh Assembly's Standards of Conduct Committee to examine the case for introducing a ban on former AMs lobbying Ministers, sitting AMs and other public officials within six months of leaving the Assembly, as is now the case for Members of the House of Commons.

⁶² National Assembly for Wales, *Guidance on lobbying and access to members*, (2013) paragraph 8 http://www.assembly.wales/NAfW%20Documents/Assembly%20Member%20section%20documents/Guidance_on_Lobbying_and_Access_to_AMs-26_June%202013/Guidance_on_Lobbying_and_Access_to_AMs-26_June%202013-en.pdf

8. Northern Ireland

8.1. Lobbying transparency

In June 2015, the Northern Ireland Assembly's Committee on Standards and Privileges published the findings of its review into the existing Code of Conduct for Members of the Legislative Assembly (MLAs). Although the Committee concluded that it had "not been presented with evidence of any problem, actual or perceived, arising as a result of Members of the Assembly being lobbied by lobbyists"⁶³ it recommended that the Office for the First Minister and Deputy First Minister consider whether it would be appropriate to introduce a statutory register of lobbyists.⁶⁴ It has also produced a guide for MLAs on how to interact with lobbyists, which it has asked for the Assembly to note as part of its package of proposed changes.⁶⁵

In addition to not having a statutory register of lobbyists, the Northern Ireland Executive does not publish the details of meetings its Ministers have with external organisations. This means that the public has very little information about who Ministers are meeting with or who is trying to influence the Executive.

Recommendation: The Northern Ireland Executive to publish the details of meetings between Ministers and external organisations in a timely manner as machine-readable open data and consult on introducing a statutory register of lobbyists covering those engaging with the Northern Ireland Executive and the Assembly.

8.2. Conflicts of interest

Ministers

Northern Ireland Ministers must report any personal financial or business interests that give rise to a conflict to the Assembly's Register of Members' Interests, which is compiled by the Clerk of Standards. Unlike the rules on reporting conflicts of interest for UK, Scottish and Welsh Ministers, the Northern Irish rules do not explicitly cover interests that are relevant to their Ministerial duties. However, paragraph ix of the code requires that Ministers must "declare any personal or business interests which may conflict with their responsibilities", which are then included on the Assembly's registers. As is the case for all other MLAs, Ministers must also declare, where appropriate, the interests of family members that "might reasonably be thought by others to influence the Member's speech, representation or communication".⁶⁶

These interests must be registered within three months of the election of a new Assembly⁶⁷, and any changes must be reported to the Clerk within four weeks of the alteration. The interests are then published online on a quarterly basis in HTML and PDF formats.⁶⁸

Although the Assembly's Committee on Standards and Privileges and Commissioner for Standards are not responsible for enforcing the Ministerial Code of Conduct, they are responsible for enforcing the rules

⁶³ Northern Ireland Assembly Committee on Standards and Privileges (CoSP), *Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members*, (June 2015) paragraph 314 p. 52

<http://www.niassembly.gov.uk/globalassets/documents/reports/standards-and-privileges/review-of-code-of-conduct.pdf>

⁶⁴ CoSP, *Review of the Code*, Recommendation 12, p.3

⁶⁵ CoSP, *Review of the Code*, Recommendation 11, p.3

⁶⁶ Northern Ireland Assembly, *Code of Conduct*, paragraph 86 <http://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-together-with-the-guide-to-the-rules-relating-to-the-conduct-of-members-amended-and-reissued-by-the-committee-on-standards-and-privileges-for-2013-14/>

⁶⁷ Northern Ireland Assembly, *Code of Conduct*, paragraph 9

⁶⁸ <http://www.niassembly.gov.uk/your-mlas/register-of-interests/03-july-2015/> [accessed 3 August 2015]

on the registration and declaration of interests by MLAs who are also Ministers.⁶⁹ The Committee on Standards and Privileges may refer an alleged breach of these rules to the Public Prosecution Service if there is a suspected criminal offence. The First Minister and Deputy First Minister are implicitly responsible for monitoring and ensuring compliance with the rest of the Ministerial Code. However, this is not an explicit role.⁷⁰

The Committee on Standards and Privileges (CoSP) has been conducting a review of the existing Code of Conduct for MLAs. As part of that review, it noted that the wording of the rules for Ministers is not sufficiently clear and should be reviewed.⁷¹ It also recommended that, like executives in the rest of the UK, the guidance for the Northern Irish Ministerial Code should also be published so the public know what the Code means in practice.⁷² At the moment, all that are publicly available are the high-level principles in the Code.

Recommendation: The Northern Ireland Executive to publish the guidance for the Ministerial Code and work with the Committee on Standards and Privileges to ensure there is clarity about Ministers' reporting obligations.

In its review, the CoSP also recommended that the deadline for reporting interests be reduced from three months to 28 days of MLAs taking their seat. We agree with these proposals from the CoSP.

Recommendation: The deadline for reporting MLAs financial interests to be reduced from three months after taking their seat to 28 days.

In addition to those identified by the CoSP, another issue is that the registers of interests are not published as open data.

Recommendation: The Northern Ireland Assembly to also publish the details of Ministers' financial interests as machine-readable open data in a timely manner.

Member of the Legislative Assembly

MLAs must report any financial interests they have to the Assembly's Clerk of Standards. As with Ministerial interests mentioned above, MLAs must report these interests within three months of the election of a new Assembly and report any alterations within four weeks. These reports are recorded in the Register of Members' Interests, which is published on a quarterly basis in HTML and PDF formats.

MLAs are prohibited from undertaking any paid lobbying work in the Assembly⁷³ and are also required to base their conduct "on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest."⁷⁴

Alleged breaches of the rules on MLA interests can be made to the Assembly's Commissioner for Standards, who is responsible for investigating allegations and reporting their findings to the Assembly's CoSP. The CoSP then submits reports to the Assembly, who may impose its own sanctions, such as exclusion from debates for a prescribed period. Alongside these civil measures, breaches of the code

⁶⁹ CoSP, *Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members: Issues Paper*, (March 2014) paragraph 19 p.8 <http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/report/agreed-issues-paper.pdf>

⁷⁰ Northern Ireland Executive, *Ministerial Code*, (2007) paragraph 2.4 p.6 http://www.northernireland.gov.uk/pc1952_ni_exec_min_code.pdf

⁷¹ CoSP, *Review of the Code: Issues Paper*, paragraph 20

⁷² CoSP, *Review of the Code*, Recommendation 5, p.2

⁷³ Northern Ireland Assembly, *Code of Conduct*, paragraph 95

⁷⁴ Northern Ireland Assembly, *Code of Conduct*

can also constitute a criminal offence, which would be a matter for the Director of Public Prosecutions for Northern Ireland.

However, the following issues remain with these arrangements:

- Even under the new rules recently accepted by the Assembly, MLAs will still be able undertake paid external advisory work; for example, advising on Assembly affairs.
Recommendation: As is the case for members of the House of Lords, the Scottish Parliament and the Welsh Assembly, MLAs to be prohibited from undertaking any paid advisory work relating to the affairs of the Assembly.
- The register of interests is not published as open data.
Recommendation: The Northern Ireland Assembly to publish the details of MLAs' financial interests as machine-readable open data.

8.3. Gifts and hospitality

Ministers

In the Northern Ireland Ministerial Code it states that Ministers should “ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered”. As mentioned above, there is no public guidance for compliance with the Ministerial Code. However, the Assembly’s Code of Conduct states that any gifts or hospitality received by an MLA in their Ministerial capacity should be reported to the Clerk of Standards to be published in the Register of Members’ Interests.⁷⁵ Currently, the register is published in HTML and PDF formats, not as open data. Updates to the register appear to be quarterly.

Unlike governments in the rest of the UK, the Northern Ireland Executive does not publish the details of gifts or benefits that Ministers either receive or which they do not accept but forward on to their departments. The Assembly’s CoSP has invited Executive departments to routinely publish details of gifts, benefits and hospitality, or overseas visits accepted by Ministers.⁷⁶

Recommendation: The Northern Ireland Executive to report the details of gifts and benefits that Ministers do not accept or forward on to their departments in a timely manner as machine-readable open data.

Members of the Legislative Assembly

There are currently no prohibitions on MLAs receiving most gifts or hospitality. However, they must report them to the Clerk of Standards if they relate to their membership of the Assembly and exceed a certain threshold. The current threshold for registration is set at 0.5 per cent of an MLA’s salary (£240). As part of the CoSP’s review of the Code of Conduct, it recommended that the Northern Ireland Assembly adopt a new rule that Members must not accept any gift, benefit or hospitality that might reasonably be thought to influence their actions when acting as a Member. It also recommended that the Assembly adopt the same restrictions as the Scottish Parliament and National Assembly for Wales regarding gifts from professional lobbyists. These proposals have been accepted by the Assembly as part of the new Code and will come into force when the Assembly has reviewed and, if necessary, amended Standing Order 69 to reflect these new rules. This change would mean that MLAs would be prohibited from receiving any but the most insignificant gifts or hospitality from anyone known to be a professional lobbyist.⁷⁷

⁷⁵ See Category 5 of the Assembly’s current Code of Conduct

⁷⁶ CoSP, *Review of the Code*, Recommendation 13 p.3

⁷⁷ CoSP, *Review of the Code*, paragraphs 41 and 42 p.73

Details of these gifts and hospitality are published alongside MLA's interests in the Register of Members' Interests.

Like MSPs, MLAs still have to undertake "dual reporting" for certain contributions they receive. As part of the CoSPs review of the Code of Conduct, it recommended that the Assembly agrees in principle to end dual reporting of donations to the Clerk of Standards and the Electoral Commission.⁷⁸ This was adopted by the Assembly when it accepted the CoSP's report. However, it must now work with the Commission to identify what information needs to be provided to help bring to an end dual reporting.

As with the register of interests above, the main problem with the current arrangements is that the register of interests is not published as open data.

Recommendation: The Northern Ireland Assembly to publish the details of MLAs' gifts and hospitality as machine-readable open data.

8.4. Revolving door

Ministers

Unlike former UK and Scottish Ministers, there are no restrictions on former Northern Irish Ministers lobbying the Northern Ireland Executive within two years of leaving office.

Recommendation: As is the case for UK and Scottish Ministers, Northern Ireland Ministers to be prohibited from lobbying the Northern Ireland Executive within two years of leaving office. These restrictions and any advice on post-public employment should be overseen by a statutory body with sufficient resources and powers to regulate the post-public employment of Ministers and sanction misconduct across the UK.

Member of the Legislative Assembly

There is currently no cooling-off period for MLAs leaving the Northern Ireland Assembly and MLAs do not have to seek advice from ACOBA on any post-Assembly employment.

Recommendation: The Northern Ireland Assembly's Committee on Standards and Privileges to examine the case for introducing a ban on former MLAs lobbying Ministers, sitting MLAs and other public officials within six months of leaving the Assembly, as is now the case for Members of the House of Commons.

⁷⁸ CoSP, *Review of the Code*, Recommendation 10 p.2

Annex 2: Supplementary data

Publication dates and formats for Ministerial meetings with external organisations (April to June 2014)

Department	Format	Published
Prime Minister's Office, 10 Downing Street	csv	13/03/2015
Attorney General's Office	Not available	
Cabinet Office	csv	13/03/2015
Department for Business, Innovation & Skills	csv	13/03/2015
Department for Communities and Local Government	csv	13/03/2015
Department for Culture, Media & Sport	word	14/01/2015
Department for Education	pdf	13/03/2015
Department for Environment, Food & Rural Affairs	pdf	13/03/2015
Department for International Development	csv	13/03/2015
Department for Transport	csv	13/03/2015
Department for Work and Pensions	csv	13/03/2015
Department of Energy & Climate Change	csv	13/03/2015
Department of Health	pdf	13/03/2015
Foreign & Commonwealth Office	csv	20/03/2015
HM Treasury	pdf	13/03/2015
Home Office	ODT	13/03/2015
Ministry of Defence	csv	13/03/2015
Ministry of Justice	pdf	13/03/2015
Northern Ireland Office	pdf	16/03/2015
Office of the Advocate General for Scotland	word	24/03/2015
Office of the Leader of the House of Commons	csv	13/03/2015
Office of the Leader of the House of Lords	csv	13/03/2015
Scotland Office	csv	13/03/2015
UK Export Finance	Not available	
Wales Office	word	13/03/2015

Annex 3: Methodology Notes

Notes

UK lobbying meetings data

This is based on data published by UK Government departments covering April to June 2014 – the latest available disclosure at the time of publication.

Files from each department were consolidated into one database and then run through a series of data cleansing processes to standardise the names of lobbyists into one list. Where easily identifiable, companies from the same group have been consolidated into one.

Where an organisation has more than one legal status a judgement has been made about which type of organisation this entity fits best.

Individuals may include people who are representing an organisation however we have had to assume they are there in their personal capacity.

Please notify us if there appear to be any inaccuracies in the data.

UK Register of Members' Financial Interests data

The data is based on information taken from the HTML version of the registers and converted into CSV format. Some of the information from the register may have been lost during this process.

Monies received by MPs that appear to have been forwarded on to a charity or given to the MPs local constituency party have not been included in this analysis.

We have categorised the contributions based on the descriptions provided by MPs in the register.

Please notify us if there appear to be any inaccuracies in the data.

Glossary

ACOBA:	Advisory Committee on Business Appointments
ALT:	Alliance for Lobbying Transparency
AM:	Assembly Member of the Welsh Assembly
API:	Application Programming Interface
APPC:	Association of Professional Political Consultants
CESPLS:	Commissioner for Ethical Standards in Public Life in Scotland
CoSP:	Northern Ireland Assembly Committee on Standards and Privileges
CSPL:	Committee on Standards in Public Life
CSV:	Comma Separated Values
HMRC:	Her Majesty's Revenue and Customs
HTML:	HyperText Markup Language
Lobbying Act:	Transparency of Lobbying, Non-Campaigning and Trade Union Administration Act 2014
MLA:	Member of the Legislative Assembly for Northern Ireland
MP:	Member of Parliament
MSP:	Member of the Scottish Parliament
NGOs:	Non-Governmental Organisations
PAC:	Public Accounts Committee
PASC:	Public Administration Select Committee
PDF:	Portable Document Format
TI-UK:	Transparency International UK

