

Lobbying reform: We need political will not gesture politics

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By Democratic Audit UK

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*Transparency International UK recently looked into the effectiveness of the new register of lobbyists, introduced following the 2014 Lobbying Act, and found it tells us almost nothing we didn't know. TI-UK's **Steve Goodrich** outlines the background and findings, and offers suggestions about what can be done if the UK Government is committed to increasing transparency and combating corrupt lobbying practices.*



Who's lobbying who? Who knows

It's been almost two years since the UK Parliament passed the controversial Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act. Known colloquially as the "Lobbying Act" or the "Gagging Law", the first part of this "dog's breakfast" aimed to deal with what David Cameron once called 'the next big scandal waiting to happen': lobbying abuses. This was touted as the [coalition agreement](#) fulfilling its commitment to "regulate lobbying through introducing a statutory register of lobbyists and ensuring greater transparency".

Possibly because of the furore about the other parts of the Act – [the "gagging" Part II, which is being formally reviewed by Lord Hodgson](#) – there has been little, if any, post-legislative scrutiny about how effective the new register of lobbyists has been. So Transparency International UK (TI-UK) decided to do this itself. But before I go into detail about this, let's remind ourselves about what lobbying is and how it can cause scandal.

What is lobbying

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, it can be abused by those looking to further private interests.

What's the problem?

There have been a number of highly publicised lobbying scandals over the past five years that exemplify what can go wrong. These include:

- the [‘generals for hire’](#) scandal, where former military figures were caught [flouting a ban on lobbying](#) the government over multi-million pound contracts;
- the [Lord Blencathra scandal](#), where the Peer Lord Blencathra received payments to lobby on behalf of the Cayman Islands;
- the [‘cash for access’](#) scandal, where two senior MPs were caught allegedly offering their services in return for payments; and
- most recently the [diesel scandal](#), which has raised questions about how the car industry has lobbied public officials over emissions standards.

In almost all cases, lobbying scandals involve the actual or potential misuse of entrusted power for private gain.

What can be done?

Although these scandals cover relatively disparate types of misbehaviour, there are some common solutions to help prevent them from happening. These include transparency to ensure there is public scrutiny of lobbying activity, codes of conduct to clearly delineate what is and isn’t acceptable behaviour and adequate enforcement measures to deter non-compliance with these requirements. These measures should apply to the lobbied as much as the lobbyists – it takes two to tango.

How does the UK perform?

TI-UK has assessed how the UK performs in the fight against corrupt lobbying practices. In February this year we published a [systematic review](#) of how the UK’s political institutions measured-up against good practice standards on lobbying regulation. In this we concluded that all of them were found wanting. UK-wide issues included the fact that:

- there is no timely or accurate transparency about who is trying to lobby our public officials and what they are lobbying them on
- there are still big gaps in the rules governing the conduct of our public officials
- there are no substantive controls on the revolving door between the public and private sector

Over the summer, we analysed how well the UK’s statutory register [performed against its intended aim](#) of increasing transparency about lobbying. Our number-crunching found that the new register, far from increasing transparency, still tells us very little about who is trying to influence the democratic process. In fact, it’s almost identical to the pre-existing voluntary registers.

We found that whilst there were only 90 or so consultant lobbyists on the register, during one quarter in 2014 alone (that’s the last time this information was published), [UK Government ministers met with 2,735 lobbyists](#). This shows that the new register only covers a fraction of those actually trying to influence public policy and decision-making.

And that’s before you get to the kind of things that are missing from the register. At the moment, all it tells you is which third party organisations are directly communicating with a small group of people in government and who their clients are. There are also some other minor bits of information, like companies’ directors, but this isn’t particularly insightful stuff.

As a minimum it would be helpful to know what issues are being lobbied on – for example, [the regulation of sugar content in food](#) – at lower levels of government and in Parliament, the details of any [former public servants that are now employed by lobbying firms](#) and anyone they have on [secondment to or from a public body](#).

But this sounds a bit difficult, doesn't it?

Well, not really. There are already similar reporting requirements for lobbyists in other countries like the [US](#) and [Canada](#). And there are an array of contact management systems out there which could easily help organisations record and report on interactions they've had with public servants. There are some important points of detail that may pose some challenges, like how do you define lobbying and whether there should be exemptions from reporting for small organisations. However, the basics of a comprehensive framework are already out there, it's just political will that's stopping this from happening.

So are registers a silver bullet?

No, not quite. First and foremost, laws and rules are only part of the solution. They can set the standards for how people should behave and provide disincentives for those who don't comply. However, at the root of this is responsible behaviour by public officials and lobbyists themselves.

Second, as mentioned above, statutory registers are only part of the solution. We also need to ensure that there:

- are robust rules about the conduct of public officials
- is transparency about any gifts or hospitality given to politicians or people in power
- are caps on donations to political parties and politicians
- are effective rules regulating the revolving door between the public and private sector
- are independent regulators who have the powers and resources to investigate and enforce these rules

And finally, we need to remember that there will always be people trying to bend, break and evade these rules, no matter how big the disincentive is for them not to. However, taking proactive measures, like having a comprehensive statutory register of lobbyists, can help reduce the space in which these people operate.

Note: This article gives the views of the author, and not the position of Democratic Audit, nor of the London School of Economics. Please read our [comments policy](#) before posting.

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