House of Commons
Political and Constitutional Reform Committee

Introducing a statutory register of lobbyists: Government Response to the Committee’s Second Report of Session 2012–13

Sixth Report of Session 2013–14
Introducing a statutory register of lobbyists: Government Response to the Committee’s Second Report of Session 2012–13

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Report, together with formal minutes

Ordered by the House of Commons
to be printed 18 July 2013
The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

Current membership

Mr Graham Allen MP (Labour, Nottingham North) (Chair)
Mr Christopher Chope MP (Conservative, Christchurch)
Paul Flynn (Labour, Newport West)
Sheila Gilmore MP (Labour, Edinburgh East)
Andrew Griffiths MP (Conservative, Burton)
Fabian Hamilton MP, (Labour, Leeds North East)
Simon Hart MP (Conservative, Camarthen West and South Pembrokeshire)
Tristram Hunt MP (Labour, Stoke on Trent Central)
Mrs Eleanor Laing MP (Conservative, Epping Forest)
Mr Andrew Turner MP (Conservative, Isle of Wight)
Stephen Williams MP (Liberal Democrat, Bristol West)

Powers

The Committee’s powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via http://www.publications.parliament.uk/pa/cm/cmstords.htm.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pcrc. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Joanna Dodd (Clerk), Adele Brown (Senior Committee Specialist), Emma Fitzsimons (Legal Specialist), Tony Catinella (Senior Committee Assistant), Jim Lawford, (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

Contacts

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1 Report

1. On 13 July 2012, we published a report on *Introducing a statutory register of lobbyists*. The report examined the proposals set out in the Government’s consultation paper. It is the convention for the Government to reply to Select Committee reports within two months.

2. On 28 November 2012, the Minister for Political and Constitutional Reform, Chloe Smith MP, wrote to the Committee stating:

   ...I am determined to find a solution that provides transparency without hindering legitimate lobbying by those with an interest in government policy. I will write to you in the New Year to respond fully to your recommendations and set out my intended policy direction.

3. On 4 February 2013, the Deputy Prime Minister wrote to the Chair, to follow up on points raised during the Committee’s oral evidence session on 18 December 2012. He commented:

   We are currently analysing the evidence received through the consultation ‘Introducing a Statutory Register of Lobbyists’, and are carefully considering the Committee’s Report. As you know, this is a complex issue with much information to digest and it is important that the Government take the time to get this right. As a result of our ongoing consideration we are not yet in a position to produce a draft bill. However, I can assure you that the Government remains fully committed to introducing a statutory register and will be responding to the Committee’s recommendations in this session of Parliament.

4. On 13 February 2013, we wrote to the Deputy Prime Minister to point out that his statement that a response would be received “in this session of Parliament” raised the prospect of several further months of delay. In the event, no Government response to the Committee’s lobbying report was received before the end of the session.

5. On 2 June 2013, the press began to publish a series of allegations about inappropriate behaviour connected with lobbying. On 3 June came the first announcement that the Government would publish a lobbying Bill before the summer recess. On 4 June, the Minister for Political and Constitutional Reform, Chloe Smith, told the House:

   The Government have repeatedly made very clear their commitment to introducing a statutory register of lobbyists. The events that have unfolded over the weekend demonstrate just how important transparency in political life is. We will therefore introduce legislation to provide for a lobbying register before the summer recess. The register will go ahead as part of a broad package of measures to tighten the rules on how third parties can influence our political system.¹

¹ HC Deb, 4 June 2013, col 1363
6. On 11 June 2013, we wrote again to the Deputy Prime Minister to note that we still had not received a response to our report on lobbying and to make it clear that we were keen to carry out pre-legislative scrutiny on a draft lobbying Bill.

7. However, despite the then Minister for Minister for Political and Constitutional Reform, Mark Harper MP, having told us in an evidence session on 17 May 2012 that once the Government had considered our report, it would then “publish a White Paper and a draft Bill during this Session of Parliament for pre-legislative scrutiny”, and despite the Deputy Prime Minister’s reference in the above quote to producing a draft Bill, it rapidly became apparent that the Government no longer intended to publish a Bill in draft.

8. In a letter sent to the Chair on the evening of 17 July 2013, Chloe Smith stated:

   The timetable for the introduction of the Bill has not, regrettably, allowed for formal pre-legislative scrutiny of the provisions. The proposals for a statutory register have, however, been subject to a full consultation and detailed scrutiny by the Committee and we will be undertaking targeted stakeholder engagement over the summer to ensure that all aspects of the Bill are subject to thorough examination.

The letter continues: “In parallel, we are also responding to the Committee’s response on Introducing a statutory register of lobbyists and publishing our response to the report on Recall of MPs.” It was subsequently confirmed that this letter, which we publish in full in Appendix 1, was itself the Government’s response to our report on lobbying.

9. It is utterly unacceptable that the Government took more than a year to respond to our report on Introducing a statutory register of lobbyists and that when it finally responded it did so in the form of a letter of a page and a half that does not engage with any of the detailed points made in the report. We consider that this shows a lack of respect for Parliament and for the many people who contributed to our inquiry. We urge the Government to provide us with a revised response that addresses our original report.

10. We are further dissatisfied that we have been denied the opportunity to carry out pre-legislative scrutiny on a draft Bill on lobbying. As recently as February 2013, the Deputy Prime Minister referred to his intention to publish a Bill in draft. We are unclear what has changed since then and why the timetable has suddenly become so tight. As we noted in our reports on Improving standards in the quality of legislation and Revisiting ‘Rebuilding the House’: the impact of the Wright reforms, pre-legislative scrutiny is a vital part of the legislative process. Bills which do not receive pre-legislative scrutiny should be the exception not the rule. There should always be a good reason for dispensing with pre-legislative scrutiny. In the case of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill there is no good reason.

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2 Second Report from the Political and Constitutional Reform Committee, Session 2012-13, Introducing a statutory register of lobbyists, HC 153, Q 403
Appendix 1

Letter from Miss Chloe Smith MP, Minister for Political and Constitutional Reform, Cabinet Office to the Chair of the Political and Constitutional Reform Committee

Publication of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill and the Government's responses to the Political and Constitutional Reform Committee's reports on Recall of MPs and Introducing a Statutory Register of Lobbyists

As you will be aware, the Government today introduced the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill to the House of Commons, which includes provisions for a statutory register of lobbyists.

This is the first Government to proactively and regularly publish details of ministerial and senior officials' meetings, government procurement and other items of interest. The Bill introduced today will extend this transparency and will give the public confidence in the way third parties interact with the political system, ensuring these activities are accountable and properly regulated.

The timetable for introduction of that Bill has not, regrettably, allowed for formal pre-legislative scrutiny of the provisions. The proposals for a statutory register of lobbyists have, however, been subject to a full consultation and detailed scrutiny by the Committee and we will be undertaking targeted stakeholder engagement over the summer to ensure that all aspects of the Bill are subject to thorough examination. In parallel, we are also responding to the Committee's report on Introducing a Statutory Register of Lobbyists and publishing our response to the report on Recall of MPs.

As I did when I last attended your Committee, I apologise to you for the delay in responding. The Government takes the Committee's inquiries, reports and recommendations very seriously and values the input of both the Committee-members and those who gave detailed and informative evidence to the Committee during its inquiries.

The Committee's report Introducing a Statutory Register of Lobbyists made clear that identifying the problem that such a register will address is critical. The Government's proposals will address the specific problem that we have identified: that it is not always clear whose interests are being represented by consultant lobbyists when they communicate with government. Our proposals will identify those interests and enhance transparency by requiring consultant lobbyists to disclose details about their clients on a publicly available register. It will complement the existing government transparency regime whereby ministers and permanent secretaries proactively disclose information about who they meet. While we recognise that some will consider the scope
of the proposed register too narrow, we are yet to see a clear articulation of the problem that will be addressed by expanding it.

I look forward to discussing our proposals for a statutory register of lobbyists in detail when I give evidence to the Committee tomorrow.

The Committee’s report *Recall of MPs* raised serious questions which we have taken the appropriate time to thoroughly consider. The Bill introduced this week does not cover recall, but the Government intends to legislate on this when Parliamentary time allows. Our programme of political and constitutional reform is designed to help restore public trust in the political process and ensure that those who wield power are accountable to the people who they serve and recall is part of that process.

I welcome the Committee’s thorough consideration of the proposals and have accepted many of their recommendations, particularly on the conduct of the recall petition.

*17 July 2013*
Formal Minutes

Thursday 18 July 2013

Members present:

Mr Graham Allen, in the Chair
Mr Christopher Chope               Paul Flynn
Mr Andrew Turner

Draft Report (Introducing a statutory register of lobbyists: Government response to the Committee’s Second Report of Session 2012-13), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 10 read and agreed to.

A paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till a date to be determined]
List of Reports from the Committee during the current Parliament

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

**Session 2010–12**

| First Report                              | Parliamentary Voting System and Constituencies Bill | HC 422 |
| Second Report                             | Fixed-term Parliaments Bill                       | HC 436 (Cm 7951) |
| Third Report                              | Parliamentary Voting System and Constituencies Bill | HC 437 (Cm 7997) |
| Fourth Report                             | Lessons from the process of Government formation after the 2010 General Election | HC 528 (HC 866) |
| Fifth Report                              | Voting by convicted prisoners: Summary of evidence | HC 776 |
| Sixth Report                              | Constitutional implications of the Cabinet Manual | HC 734 (Cm 8213) |
| Seventh Report                            | Seminar on the House of Lords: Outcomes           | HC 961 |
| Eighth Report                             | Parliament’s role in conflict decisions           | HC 923 (HC 1477) |
| Ninth Report                              | Parliament’s role in conflict decisions: Government Response to the Committee’s Eighth Report of Session 2010-12 | HC 1477 (HC 1673) |
| Tenth Report                              | Individual Electoral Registration and Electoral Administration | HC 1463 (Cm 8177) |
| Eleventh Report                           | Rules of Royal Succession                         | HC 1615 (HC 586) |
| Twelfth Report                            | Parliament’s role in conflict decisions—further Government Response: Government Response to the Committee’s Ninth Report of Session 2010-12 | HC 1673 |
| Thirteenth Report                         | Political party finance                           | HC 1763 |

**Session 2012–13**

| First Report                              | Recall of MPs                                      | HC 373 (HC 646) |
| Second Report                             | Introducing a statutory register of lobbyists      | HC 153 |
| Third Report                              | Prospects for codifying the relationship between central and local government | HC 656 (Cm 8623) |
| Fourth Report                             | Do we need a constitutional convention for the UK? | HC 371 |

**Session 2013-14**

| First Report                              | Ensuring standards in the quality of legislation   | HC 85 |
| Second Report                             | The impact and effectiveness of ministerial reshuffles | HC 255 |
| Third Report                              | Revisiting Rebuilding the House: the impact of the Wright reforms | HC 82 |
| Fourth Report                             | The role and powers of the Prime Minister: the impact of the Fixed-term Parliaments Act 2011 on Government | HC 440 |
| Fifth Report                  | Pre-appointment hearing: The Chair of the House of Lords Appointment Commission | HC 601-I |