

Cynulliad Cenedlaethol Cymru / National Assembly for Wales
Y Pwyllgor Safonau Ymddygiad / Standards of Conduct Committee
Ymchwiliad i Lobïo / Inquiry into Lobbying
Ymateb gan Mark Isherwood / Evidence from Mark Isherwood

Taken from the Record of Proceedings 26/06/2013 Debate on the Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups

As a member of the Standards of Conduct Committee, I consider our report on lobbying cross-party groups to be proportionate and fit for purpose in the context of the Assembly's increased legislative powers. It must be re-emphasised that no complaint against a Member relating to lobbying has been made, so far as the commissioner could ascertain, since the setting up of the National Assembly, that the criminal law already provides for dealing with the improper receipt or giving of gifts or bribes from or to those in public office, and that it was the unanimous view of all consultees that lobbying practices are essentially transparent and adequately policed and regulated here.

Events in Westminster led the UK Government to announce that it is bringing forward legislation to introduce a statutory register of lobbyists before the summer recess as part of a broad package of measures to ensure that the activities of outside organisations that seek to influence the political process are transparent, accountable and properly regulated.

Assembly Standing Orders already specifically prohibit lobbying for reward or consideration, and already provide for the:

'Declaration of any gifts, hospitality, material benefits or advantage'

to the Member, a Member's partner or dependent child, and at a substantially lower level than is the case in the UK and Scottish Parliaments.

The UK Government commenced a consultation process in January 2012 on a proposed statutory register of lobbyists after indicating that it could cover lobbying in the devolved UK Parliaments as well as Westminster. The Assembly's Presiding Officer expressed her view that the Assembly should be responsible for making any decisions on further governance arrangements, and, in May 2012, she asked the Standards of Conduct

Committee to consider additional arrangements that might be needed to strengthen the regime relating to Members.

After consulting, our commissioner for standards found that the arrangements currently in place for regulating lobbying of Assembly Members are, essentially, sufficiently robust and fit for purpose. However, he highlighted a number of considerations on which the committee might wish to make recommendations. The actions proposed by the committee, outlined by our Chair, can help to provide reassurance to the Welsh public about levels of openness and transparency and the ability to investigate any future concerns with regard to lobbying. We therefore recommend that the Assembly adopts via resolution the guidance on lobbying and access to Assembly Members annexed to our report.

Public Affairs Cymru, the membership organisation for public affairs professionals in Wales, has developed a voluntary code of conduct that its Members must abide by. As it says,

‘the best way to make access to politics truly transparent is to publish external organisations’ meetings with elected representatives’.

In its view, elected representatives are best placed to make judgments on what constitutes a meeting with lobbyists, or being lobbied, and should be accountable to voters for that judgment. The committee and the commissioner favour a system that does not impose an unnecessary burden on Assembly Members, and the commissioner himself noted

‘the almost impossible task of recording every informal meeting or of having to determine who is a lobbyist’.

I chair five cross-party groups and co-chair a sixth. Properly constituted and managed cross-party groups have a vital role to play in engaging with those who by profession or personal experience have relevant expertise and in holding the Welsh Government to account.

However, mild concerns were expressed in relation to the operation of cross-party groups. Far stronger concerns have been expressed concerning

groups in Westminster, and I note that the chair of a cross-party group there felt the need to emphasise to me this week that none of the politicians involved in the group receive any payment and no-one connected to the secretariat holds a parliamentary pass.

The recommendations in our report should be easily accommodated by all effective cross-party groups. I am surprised that some groups do not already publish minutes of all meetings. An annual general meeting can easily be incorporated into a normal meeting and publication of an annual financial statement can only enhance transparency.

As recommendation 6 states:

‘it is vital that the venues and resources provided to cross-party groups take account of the Assembly’s equality duties’.

Personally, I am thinking of issues such as loop systems and broader disability access. As recommendation 2 states, the First Minister should consider our report’s findings in relation to Welsh Government Ministers, where

‘the lobbying of Ministers...represents the greatest potential reputational risk to the Assembly going forward’.

This should be addressed in the ministerial code of conduct and records of meetings with Ministers should be made publicly available, as they are for the UK Government.