

# Inquiry by the Standards of Conduct Committee into Lobbying

Submission by Deryn Consulting Ltd

## Introduction

1. Deryn Consulting Ltd welcomes the inquiry by the Standards Committee to establish whether lobbying is a matter of concern to the people of Wales, and whether there is more that could be done to increase transparency around decision making in Wales. In this response we outline our views for Senedd Members to consider. We would also be pleased to provide the Committee with oral evidence.
2. Established in 2012, Deryn is now Wales's leading Public Affairs company. Our directors and staff have considerable cross-party experience of politics, communications, campaigning and government in Wales and Westminster.
3. We are members of the Public Relations and Communications Association (PRCA) Public Affairs Board, and we comply with, and actively promote, its Public Affairs Code. We are members of the PRCA because we are fully committed to the principles of openness and transparency and have chosen to enter the name of our clients and consultants on a voluntary public register for that reason.
4. Deryn is also a member of Public Affairs Cymru (PAC), a membership organisation for public affairs professionals in Wales. Membership of PAC is open to all individuals within public affairs and government relations in Wales. The organisation has members from the public, private and voluntary sectors, including in-house and agency public affairs practitioners.
5. Deryn is fully supportive of any measures which are designed to raise standards and enhance openness and transparency as long as these measures are:
  - proportionate and fair
  - applied to all lobbying activity undertaken, including all those who seek to engage
  - enacted in such a way that ensures all information published is verifiable
  - do not impose an unreasonable financial burden on those who engage, or a particular cohort of organisations that seek to engage.

## **Q1. What do you understand by the term lobbying?**

Lobbying covers any and all activities which are carried out in the course of a business for the purpose of influencing government or advising others on how to do that. This activity can and is carried out by a variety of organisations and individuals; charities, public and private sector organisations, membership organisations such as Trades Unions, Public Affairs consultants and agencies. It is commonly known as Public Affairs.

Lobbying is a very important aspect of a healthy democracy, and the Senedd has traditionally valued the openness and accessibility of its members.

With regard to our experience, we spend the majority of our time educating, informing and advising charities, organisations and individuals on how to engage with the Welsh Government and the Senedd, rather than lobbying on behalf of clients directly.

The main thrust of our work is to inform our clients of the political landscape in Wales and to provide strategic information and advice as to how decisions are made by democratic bodies and executives in Wales and how these decisions affect them - as well as to advise our clients on how they can engage effectively with these institutions and processes. In addition to this, we arrange events on behalf of our clients, provide senior strategic communications advice and support and facilitate strategy sessions for senior management teams.

## **Q2. What concerns, if any, do you have about lobbying of Members of the Senedd?**

We are not aware of any current problems, or a widespread perception of a problem, around lobbying in Wales.

The PRCA (Public Relations and Communications Association) is the professional body for those working in Public Affairs (PA), and Public Relations (PR) in Wales. The PRCA promotes and enforces an ethical and professional framework, and all members of the PRCA operating in Wales such as ourselves, receive training on and sign up to their [Public Affairs Code](#) of Conduct to ensure high standards in our work, and members are subject to an independent investigation system to scrutinise those against whom complaints have been made.

In addition, we and other PRCA members working in Wales register and publish our clients and staff and consultants on a quarterly basis. This information is available on the PRCA website.

However, most lobbying activity which is undertaken in Wales is carried out by organisations or individuals that are not members of the PRCA. This activity is carried out by in-house PA professionals, organisations, charities, businesses, professional bodies and individual PA consultants. There is a risk that this activity not being captured or published, nor carried out in adherence to the Public Affairs Code of Conduct.

There is existing [Guidance on lobbying and access to Members of the Senedd](#) which makes up part of the Members Code of Conduct. We agree with the existing guidance although we note that the reference to the Association of Professional Political Consultants (APPC) is out of date and should be updated to the PRCA Register.

We believe that the guidance for MSs should require MSs to declare if their partner, spouse or family member is a lobbyist. Relationships between lobbyists and politicians need to be honest, trusted and professional. Without such relationships being declared there is a risk to complete openness and transparency.

**Q3. What is your understanding about the role that Cross-Party Groups play in relation to lobbying in the Senedd, and do you have any comments/concerns?**

Cross-Party Groups play an important role in the work of the Senedd by providing a forum in which Members can discuss particular issues and hear from experts in an area. CPGs can be supported by outside bodies, including trade unions, charities, and businesses, and this is entirely reasonable and appropriate provided that this happens in a transparent and open way. It is right and proper that the Senedd has a register for CPGs and the PRCA has specific rules in place relating to them.

However, the required Annual Reports for CPGs, and meeting minutes are not always published in a timely manner which impacts their transparency, and accessibility. The Financial Reports, where they are provided, paint an incomplete picture. Although reporting for CPGs covers moneys spent in the course of the business of the CPG this does not cover the time given by the secretariat who provided the organisation and administration of the CPG. The secretariat is usually provided by a Member of the Senedd's staff or by a lobbyist. The lobbyists time and the cost of their time is not provided in the report.

#### **Q4. How do you think we could achieve greater transparency around decision making in Wales?**

Ministers in Wales already publish lists of who they have met on a quarterly basis and often publish correspondence between them and those lobbying them. This is not a requirement for Senedd Members. We would urge the Committee to consider whether Members of the Senedd should be required to do the same in light of the influence all parties potentially have on policy decisions, legislation and budgets due to the frequency of the election of minority governments in Wales.

A Statutory Register for lobbyists in Wales would be welcome if the register included in-house and agency practitioners. The Committee may want to consider focusing on those who are lobbied rather than the lobbyists as there appears to be much greater clarity over what constitutes an act of lobbying than there is in relation to the definition of a lobbyist. If there is to be a register then it should be one which provides information on who is lobbying whom and on what issues, and it should certainly address the weaknesses of the Westminster model by taking account of all those who undertake lobbying. This would cover not only public affairs and political communications consultants, but also those working for businesses, trade unions, management consultancies, charities, NGOs, planning consultancies, think tanks, trade associations, and in-house lobbyists.

A strong, professionally delivered consultancy sector means that essential help in steering a path through the political process is available to organisations of relatively modest means. But such services are easily eclipsed where very large organisations can afford sufficient in-house capacity to undertake their own engagement activities. If, as we would argue, the purpose of registration is to improve transparency, it would be counter-intuitive to exclude from the register those companies and organisations who probably have the greatest resources available.

There should of course be an exemption for individuals who are lobbying MSs on personal or constituency matters in a non-professional capacity. However, should the committee be minded to recommend that a register is introduced, the information contained should extend wider than activities involving Welsh Ministers. As minority governments are a regular feature of Welsh democracy, it is fairly often the case that every MS has the potential to influence the decisions of the executive body. All Members of the Senedd should therefore be included within the scope of any such register.

Only then would it be a true reflection of the role lobbyists play in decision making in Wales. If not, it could have considerable cost but only capture a tiny fraction of the relevant meetings that MSs undertake each week.

We would suggest a pilot or test project to review the diaries of a sample of Senedd Members to see what proportion of meetings would be covered by any proposed register of in-house and agency lobbyists, or other business and charity representatives that would not consider themselves as lobbyists. This would give the Senedd an evidence base on which to decide how to introduce potentially expensive legislation.

The Scottish Parliament has a Statutory Register. The information declared by registrants, however, provides limited value and fails to give the public a better understanding of the lobbying industry in Holyrood.

It is important to state that lobbying is valuable and ultimately improves the policy-making and decision making process in every healthy democracy.

**Q5. Do you consider yourself a lobbyist? How is lobbying regulated within your sector at the moment (e.g. if you are a private business, third sector, professional organisation)?**

Deryn is Wales's leading Public Affairs agency. We are proud of the work we do to support charities, businesses, trade bodies and other organisations to better understand Welsh politics, government, public policy and campaigning. Our advice to our clients also includes how best they should engage with the Welsh Government and the Senedd. Lobbying is critical to the formation of good policy and debate.

We are members of the Public Relations and Communications Association (PRCA) Public Affairs Board, and we comply with, and actively promote, its Public Affairs Code, any breaches to the code are investigated under a thorough and independent complaints procedure.

Through the PRCA we declare our employees, and clients on the PRCA Public Affairs Register, which is updated quarterly.

**Q6. Have you encountered any problems with the provisions in the Code and the guidance on lobbying and access to Members of the Senedd (agreed 2013)?**

We have not.

**Q7. Are there any areas relating to lobbying that you consider to be unregulated in this area which pose a risk to the accountability and reputation of governance in Wales?**

Relationships between lobbyists and politicians need to be honest, trusted and professional. There is currently no requirement for Members of the Senedd to declare if their partner, spouse or family member is a lobbyist. This could pose a risk to openness and transparency.