

National Assembly for Wales
Research paper

**Plenary Briefing: Debate on the
Standards Committee's Report 03-13
to the Assembly on Lobbying and
Cross-Party Groups**

June 2013

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CF99 1NA

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Alys Thomas

A briefing to accompany the Plenary debate on the Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups.

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Plenary Briefing: Debate on the Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups

1. Introduction

The Plenary debate on the [Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups](#)¹ is due to take place on 26 June 2013. The Report was published on 2 May 2013 and the Standards Committee ("the Committee") saw no evidence of the need to move towards legislating for a system of statutory registration for lobbyists at this time. **The Assembly will be invited to endorse new, more robust rules for the operation of Cross-Party Groups, and general guidance for Members on contact with lobbyists.**

Since then a controversy has arisen at Westminster involving three peers and an MP who are alleged to have accepted offers of money in exchange for parliamentary services from undercover journalists posing as lobbyists. A further case alleges inappropriate behaviour by an MP in respect of lobbying. This has prompted the Deputy Prime Minister, the Rt. Hon. Nick Clegg MP, to announce the UK Government's intention to proceed with legislation to enable the electorate to recall MPs alongside a statutory register of lobbyists before the end of this parliament in 2015.

The original UK consultation paper on a statutory register for lobbyists refers to a "UK Statutory Register of Lobbyists" but it is unclear how this would have a bearing on devolved legislatures and lobbyists operating in Wales, Scotland and Northern Ireland. In a letter to the then Secretary of State for Wales, the Rt.Hon. Cheryl Gillan MP, the Presiding Officer indicated that the regulation of lobbying in Wales was a matter for the Assembly itself. This Plenary Briefing provides background information for Members.

¹ [Standards Committee, Report 03-13 to the Assembly on Lobbying and Cross-Party Groups](#) [accessed 5 June 2013]

2. The Standards Committee Report

The terms of reference of the Standards Committee's inquiry were to:

- assess whether the Assembly's current arrangements relating to lobbying are sufficiently robust and fit-for-purpose for the Fourth Assembly;
- make recommendations to the Presiding Officer, the Assembly Commission and/or the Business Committee as to any further measures, either legislative or non-legislative, that should be considered to regulate lobbying activity in relation to individual Assembly Members;
- advise the Presiding Officer of the Committee's findings in relation to the current arrangements regulating the operation of Cross Party Groups.

The UK Government's consultation *Introducing a statutory register of lobbyists* provided a context for the inquiry. The progress of this is discussed fully in section 4.²

The Standards Commissioner ("the Commissioner"), Gerard Elias QC, conducted a comprehensive consultation and reported to the Committee in autumn 2012 as to whether current arrangements were sufficiently robust.

In making his assessment, the Commissioner said that he had regard to the following:

- that it was the unanimous view of all those consultees who operate in Wales and/or in the National Assembly, that lobbying practices are essentially transparent and adequately policed and regulated;
- that Standing Orders provide for the Registration and Declaration of any "gifts, hospitality, material benefits or advantage" to the Member, a Member's partner or dependent child, and at a level (c. £279) substantially lower, bar one, than other United Kingdom Parliaments, albeit higher, but in line with the level provided for in the Northern Ireland Assembly;
- that Standing Order 2 of the National Assembly for Wales, specifically prohibits lobbying for reward or consideration (Standing Order 2.8) and provides for the availability of the sanction of exclusion of a Member in the event of breach (Standing Orders 2.10 and 2.11);
- that it is the fact that no complaint against a Member relating to lobbying has been made in recent years – or, so far as the Commissioner could ascertain, since the setting up of the National Assembly;
- that the criminal law provides for the improper receipt or giving of gifts or bribes from or to those in public office.³

² [Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013 \[accessed 11 June 2013\]](#)

The Commissioner concluded that he was:

firmly of the view that the arrangements currently in place for regulating lobbying, as it relates to Members of the National Assembly, are essentially sufficiently robust and fit for purpose.⁴

In January 2013 the Chair of the Standards Committee, Mick Antoniw AM, wrote to the Presiding Officer:

In reaching his conclusion, the Commissioner recognised the need to maintain the ‘open’ culture of the Assembly and availability of its Members, so as not to fetter the democratic process; the need to maintain transparency to the public, decision makers and other interested parties in ascertaining what influences are brought to bear on their elected representatives; and the need for proportionality, both in terms of the use of resources, and the burden placed upon Members and lobbyists in meeting any perceived problem in this area.

The Committee and the Commissioner also note the need to guard against complacency, and ensure that the rules in place will remain sufficiently robust going forward – in particular in light of increased legislative powers and the outcome of the Silk Commission, including the possibility of future financial borrowing and/or tax-raising powers.

With these considerations in mind the Committee wishes to undertake some additional work aimed at reinforcing the existing arrangements. This includes seeking to strengthen the rules on the operation of Cross Party Groups in the Assembly, and having further dialogue with the public affairs industry, including Public Affairs Cymru as a key representative of the industry in Wales.⁵

³ [Standards Committee’s Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013 \[accessed 11 June 2013\]](#)

⁴ [Standards Committee’s Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013 \[accessed 11 June 2013\]](#)

⁵ [Letter from Mick Antoniw AM, Chair of the Standards Committee to Rosemary Butler AM, Presiding Officer, 21 January 2013 \[accessed 13 June 2013\]](#)

The Committee also made recommendations relating to lobbying and Cross Party Groups [CPGs]:

- The Committee recommended that **guidance on lobbying and access to Members is adopted by Assembly resolution.**
- The Committee invited the **First Minister for Wales** to consider its findings and recommendations in relation to **lobbying activity and Welsh Ministers.**
- The Committee recommended that the current guidance for the operation of CPGs is **replaced by stronger rules endorsed by the whole Assembly.** The Committee recommends that the rules include a requirement to publish **minutes** of all meetings; hold an **Annual General Meeting**; and publish an **annual financial statement** setting out all expenses, benefits and hospitality received, and to list the provider(s), as well as listing any professional lobbyist or charitable organisation with whom it has met during the preceding year. All required information should be published together on the CPG pages on the Assembly's website.
- The Committee recommended that CPGs **remain outside the purview of Standing Orders** and be seen as being clearly separate from formal Assembly business.
- The Committee recommended that new rules on the operation of CPGs emphasise the **responsibility of Chairs of CPGs**, as elected members, for compliance with those rules
- The Committee recommended that new CPG rules take account of the Assembly's **equality duties** in relation to the provision of venues and resources for the purposes of **disability access.**
- The Committee recommended that the Assembly Commission notes the implications of the new rules for those aspects of CPG activity that may be **supported from central Assembly Commission funds.**
- The Committee recommended that the Assembly's arrangements in relation to lobbying and the operation of cross-party groups **are reviewed again before the end of the fourth Assembly**, to ensure that these remain fit for purpose in the context of a dynamic devolution process.⁶

⁶ [Standards Committee's Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013 \[accessed 11 June 2013\]](#)

3. The Devolved Context

In January 2012, the UK Government issued a consultation on its proposals for a statutory register of lobbyists (further information about the consultation is included in Section 4 of this paper). The consultation paper talks about a “UK Statutory Register for Lobbyists” and stated that “we will now be taking forward discussions with a view to including the Devolved Administrations and Legislatures within the scope of a statutory register.”⁷

On 15 March 2012 the Presiding Officer wrote on behalf of the Assembly to the then Secretary of State for Wales, The Rt.Hon. Cheryl Gillan MP, stating that:

In my view the Assembly should be responsible for making any decisions on further governance arrangements [...]

We already have in place, in Wales, robust measures to govern the relationships Members have with outside organisations, but we must never be complacent. I believe that the Assembly’s Committee on Standards of Conduct is likely to want to consider whether any further safeguards are needed, in conjunction with the Assembly’s Commissioner for Standards, and, if so, whether these would require legislation.⁸

In March 2013, the UK Government’s consultation response to Part II of the Silk Commission inquiry on devolution in Wales stated:

Lobbying plays an important role in the policy making process, ensuring that Ministers and senior officials hear a full range of views from those who will be affected by Government decisions, but it must be conducted in a transparent and open way.

The UK Government has made a clear commitment to increasing the transparency of what we do - making it easier for the public to hold politicians and public bodies to account. This has already resulted in the publication of details of ministerial meetings, Government procurement and a number of other items of public interest. Some in the Assembly have called on the Welsh Government to publish details of its meetings with lobbyists similar to that published by the UK Government.

We received a large response to our consultation on *Introducing a Statutory Register of Lobbyists* last year, which we are currently considering. As part of the policy development process, we are examining the scope of the register, including potential application in the Devolved Administrations.⁹

⁷ [Cabinet Office, *Introducing a Statutory Register of Lobbyists: A Consultation*, CM8233, January 2012 \[accessed 10 June 2013\]](#)

⁸ Quoted in [Standards Committee’s Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013 \[accessed 11 June 2013\]](#)

⁹ [UK Government, *Evidence to Part II of the Silk Commission* \[accessed 11 June 2013\]](#)

In the Scottish Parliament a Proposal for a Member's Bill which would introduce a register of lobbyists for Scotland is awaiting leave to be introduced, following a consultation process that closed in early May.¹⁰ However, on 13 June 2013 the Scottish Government announced that it would be introducing its own legislation before the Scottish parliamentary election in 2016.¹¹

In Northern Ireland, Alastair Ross MLA, the Chair of the Northern Ireland Assembly's Standards and Privileges Committee has said:

This is the second time that the Government at Westminster have proposed such a register, the first time being three years ago. At that stage the Cabinet Office indicated that they would seek to include the devolved regions in any register, but to the best of my knowledge they did not contact the Northern Ireland Executive.

It is important that we keep an open mind on whether we should seek to be included in the Westminster Register of Lobbyists, whether we would prefer to create our own register for Northern Ireland or whether we feel that it would not be a useful tool at all.

The sad reality is that those who show a disregard for the existing rules and regulations will not be deterred by a register of lobbyists, and it is important that we do not create a blunt instrument.

In Northern Ireland we already have strict rules governing advocacy contained in both the Code of Conduct and the Northern Ireland Act, as well as having different rules around the establishment of All Party Groups.¹²

¹⁰ [Scottish Parliament, Proposed Lobbying Transparency \(Scotland\) Bill](#) {accessed 11 June 2013}

¹¹ [BBC News, Scottish Government plans register of lobbyists, 13 June 2013 \[accessed 19 June 2013\]](#)

¹² [Press Release by Alisdair Ross MLA, Ross open minded on proposed Register of Lobbyists, 4 June 2013 \[accessed 11 June 2013\]](#)

4. The UK Government's proposals

The UK Government committed to introducing a **statutory register of lobbyists** as part of the *Coalition: Programme for Government*.¹³ In January 2012 it launched a consultation on its proposals which closed on the 13 April 2012. Further information on this can be seen in the [House of Commons Standard Note, Lobbying:](#)

The UK Government's aimed to:

increase the information available about lobbyists without unduly restricting lobbyists' freedom and ability to represent the views of the businesses, groups, charities and other individuals and organisations they represent or to deter members of the public from getting involved in policy making.¹⁴

On 20 January 2012 the Government launched a consultation paper, *Introducing a Statutory Register of Lobbyists*. The then Parliamentary Secretary to the Cabinet Office, Mark Harper MP, stated:

We believe the introduction of a statutory register will be an important step towards increasing transparency and rebuilding public trust in politics. Our initial proposals are that any individual or firm who lobbies for a third party for money must put themselves on the register and disclose their clients. We think it is important that the public should be able to see who is lobbying Ministers, and for whom. That is why there is already a requirement that Ministers should publish details of who they are meeting, at least quarterly. We believe it is right that lobbying companies should disclose who is paying them to lobby Government. We suggest that individuals or companies lobbying for themselves should not be covered by a register because the disclosure requirements on Ministers will show this activity already. We hope for a wide range of responses on all our proposals, but we are particularly interested to hear views on whether organisations like NGOs and charities, which do not lobby for others for money but are advancing agendas, should be covered. We are also consulting as to how, if at all, trade union activities should be covered.

The Government are clear that it is not our intention to propose that individuals taking up issues with Ministers, or companies discussing matters of mutual interest with Government should be covered by the requirement to register. These are vital democratic functions and covered by the disclosure requirement on Government Departments. We are interested in views on whether our definitions meet this objective.

Any proposals for a statutory register should not impinge on the ability of charities to lobby or on a constituent's ability to lobby their own MP.

This is a complicated area, and we are hoping for a wide range of consultation responses to help us produce proposals which are proportionate and practical.¹⁵

¹³ [UK Government, *The Coalition: Our programme for government, May 2010*](#) [accessed 10 June 2013]

¹⁴ [Cabinet Office, *Introducing a Statutory Register of Lobbyists: A Consultation, CM8233, January 2012*](#) [accessed 10 June 2013]

¹⁵ [HC Debates 20 January 2012, c47WS](#) [accessed 12 June 2013]

In July 2012 the UK Government published a summary of responses to the consultation, with an indication of next steps in developing the policy.¹⁶ The Introduction stated that revised policy proposals “will be published in the form of a White Paper and draft Bill during this session of Parliament.” The UK Government went on to reiterate its commitment to introducing a statutory register, while not “unduly restricting lobbyists’ freedom and ability to represent the views” of the groups they represent, nor deterring the public from getting involved in policy making.¹⁷

The summary of responses stated that there were 260 responses “from stakeholders who answered the consultation questions.” The majority of respondents welcomed the aim of achieving greater transparency and supported a statutory register. There were some concerns, however, over the proposed definition of lobbyists as third-party only, and over the scope of the register to exclude charities or NGOs advancing agendas without being paid by specific clients:

The overarching theme that emerged was that the proposed definition was narrow and it was also stressed by a number of respondents that until the definition is clear, it would be difficult to determine other factors raised by the subsequent questions, especially scope.

In keeping with the emerging theme on definitions, the predominant view expressed under the question of scope was that a wider scope was preferred but that this should not result in disproportionate burdens.¹⁸

¹⁶ [A Summary of Responses to the Cabinet Office’s Consultation Document *Introducing a Statutory Register of Lobbyists*, July 2012, Cm 8412](#) [accessed 12 June 2013]

¹⁷ [HC Standard Note, *Lobbying: June 2013 update*, SN06660, 7 June 2013](#) [accessed 11 June 2013]

¹⁸ [A Summary of Responses to the Cabinet Office’s Consultation Document *Introducing a Statutory Register of Lobbyists*, July 2012, Cm 8412](#) [accessed 12 June 2013]

5. Report of the Political and Constitutional Reform Committee

On 13 July 2012 the Political and Constitutional Reform Committee (“the Westminster Committee”) published a report entitled, *Introducing a statutory register of lobbyists*, the evidence-gathering process for which had run in parallel to the UK Government’s consultation.¹⁹ The Westminster Committee recommended that **the proposal for a statutory register of third-party lobbyists be dropped in favour of a wider register of anybody lobbying professionally in a paid role, thus including in-house lobbyists.**²⁰

The Westminster Committee raised a difficulty with the consultation, in that, in seeking views on the definition and scope, it had failed to define exactly what it was seeking to regulate.

The Westminster Committee heard from a majority of witnesses that the UK Government’s proposed definition, in which in-house lobbyists would be excluded, was too narrow. It declined to endorse any particular definition itself, but urged the UK Government to consider all the options raised in responses, as “the definition will be key to the success and effectiveness of any future register.” It recommended that,

Government clarify whether its definition of lobbying includes lobbying advice, or only direct representation, to avoid confusion regarding who should, and should not register as a lobbyist if it goes ahead with its proposals.²¹

The Westminster Committee made a recommendation against a third-party only register. This was on the basis of evidence it heard that a register restricted in this way would not advance the objective of clarifying where and when influence is exerted, given the relatively slim role played by direct meetings between ministers and third-party lobbyists:

A statutory register would be likely to solve the problem the Government poses, as it would allow the public to see the clients of lobbying firms. However, we question whether a lack of transparency over third party lobbyists in particular is as great a problem as the Government claims. We consider that the current proposals for a statutory register of lobbyists will do nothing to resolve wider public concerns about a lack of transparency around who is meeting whom.²²

¹⁹ [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

²⁰ [HC Standard Note, *Lobbying: June 2013 update*, SN06660, 7 June 2013 \[accessed 11 June 2013\]](#)

²¹ [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

²² [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

The consultation paper is lacking in clear intent from the Government, and only limited evidence is put forward to support its proposals. We conclude that a statutory register which includes only third party lobbyists would do little to improve transparency about who is lobbying whom, as these meetings constitute only a small part of the lobbying industry. The Government's proposals only scratch the surface when it comes to tackling public concern about undue access and influence over the policy making process, and they are unlikely to prevent lobbying from becoming the "next big political scandal".

We recommend that the Government scrap its proposals for a statutory register of third party lobbyists. It is our view that the proposals in their current form will do nothing to improve transparency and accountability about lobbying. Imposing a statutory register on a small part of the lobbying industry without requiring registrants to sign up to a code of conduct could paradoxically lead to less regulation of the lobbying industry.

The Westminster Committee considered the options of no registration, medium regulation and a highly regulated system. It felt that no register would be preferable to the proposed approach, although it did not favour continuing without a register.

For medium regulation, it gave the following suggested scheme:

Option 2 encompasses the Government's proposals for a statutory register of third party lobbyists, including disclosure of client lists, and whether or not the lobbyist is a former Minister or senior official, but includes the following additional features:

- a broadened definition of a lobbyist, to include anyone who lobbies professionally in a paid role (thus in-house lobbyists, trade associations, trade unions, think tanks, campaign groups and charities may be required to register);
- disclosure of the issues being lobbied on;
- disclosure of when lobbying services have been provided on a pro bono basis;
- a statutory code of conduct or a hybrid code of conduct (whereby organisations and individuals must indicate that they have signed up to their industry's relevant code of conduct, so it is clear where complaints can be addressed); and
- incorporation of published data on whom Ministers are meeting.

For a highly regulated system, the Committee suggested the following:

Option 3 encompasses the Government's proposals, and the features of medium regulation as outlined in option 2, but includes the following additional features:

a statutory register run by an independent regulatory body either self-funded by subscriptions or funded by Government;

financial disclosure of both money made as a lobbyist and the amount spent on lobbying activities in bands of £5,000; and

stiff penalties for breaches of the rules, including large monetary fines, and possible jail sentences.

Option 3 would be considered to be a highly regulated system. Dr Raj Chari told us: "What distinguishes the high-regulated systems from the medium or the low is that there are full spending disclosures given by the lobbyists."

A highly regulated UK system could also include a provision similar to the US 1938 Foreign Agents Registration Act (FARA). The Act requires that all lobbyists working on behalf of foreign governments must declare whom they are working for, how much is being spent on lobbying activity and who is being lobbied.²³

There was some support for an approach based on defining the activity of lobbying, rather than the individuals or groups who are lobbyists, and the Westminster Committee argued that this would provide an easier way to require registration, since anyone engaged in the defined activity of lobbying could be required to register.

The Westminster Committee concluded that, while it might be desirable to have a comprehensive register with full spending disclosure, as under the highly regulated system, the regulator needed to enforce this approach would be too expensive. Given the state of the economy, the Westminster Committee did not recommend this approach. Instead, it said:

In our view, medium regulation is the most desirable, and most feasible form of a statutory register, and would certainly be an improvement on the register the Government currently proposes. We recommend that Government implement medium regulation as a starting point for a statutory register of lobbyists.²⁴

In addition, the Westminster Committee recommended various actions that the UK Government could take to increase transparency concerning ministerial meetings, regardless of progress on a register:

We believe that there is much the Government can do immediately to improve transparency around who is lobbying whom, through enhanced disclosure of ministerial meetings. We recommend that the Government:

- publish information about ministerial meetings no more than a month after the month in which the meeting occurred;
- standardize the format of meeting data, with a view to publishing all ministerial and official meetings on one website, rather than on 24 different Government websites;
- improve the level of detail in meeting disclosures, so that the actual topic of a meeting is disclosed, rather than obscure terms like ‘general discussion’; and publish, where applicable, the company or charity number of any organisation that meets with Ministers or officials, so that the identity of the organisation can be properly verified.²⁵

²³ [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

²⁴ [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

²⁵ [HC Political and Constitutional Reform Select Committee. Second report 2012-2013, *Introducing a Statutory Register of Lobbyists*, HC153, 13 July 2012 \[accessed 12 June 2013\]](#)

6. Developments in June 2013

On the first weekend in June 2013 allegations emerged that four parliamentarians had potentially breached codes of conduct in the Commons and Lords by agreeing to act as paid advocates and/or providing services such as asking parliamentary questions. The claims were made in a BBC Panorama report, investigating jointly with the *Daily Telegraph*, about Patrick Mercer MP and his response to approaches by an apparent lobbying company representing Fijian business interests. On 31 May 2013, ahead of the TV broadcast, Mr Mercer resigned the Conservative whip, referred himself to the Parliamentary Commissioner for Standards, and said that he was taking legal advice.

According to the BBC report:

Panorama said Mr Mercer had been approached by a fake company set up by the programme, in conjunction with the Daily Telegraph.

The fake company, Alistair Andrews Communications, had claimed to lobby on behalf of Fijian business interests for Fiji to be re-admitted to the Commonwealth.

The country's membership was suspended in 2009 amid criticism of its human rights' record and lack of democracy.

A clip of Mr Mercer being filmed undercover has been released by Panorama. It shows the MP meeting with an undercover reporter, who was posing as a representative of the fake company.

Mr Mercer can be heard saying: "I do not charge a great deal of money for these things. I would normally come out at £500 per half day, so £1,000 a day."

The undercover reporter replies: "Ok fine."

Panorama said it had paid Mr Mercer £4,000 for working two days a month at a rate of £2,000 per month, but that the money had yet to be declared to the parliamentary authorities.

In a statement the programme said: "Patrick Mercer MP said he agreed to be a consultant for work he said was outside parliament.

"But he submitted five parliamentary questions, which were all answered, as well as an early day motion - all in relation to Fiji."

[...]

In a statement, Mr Mercer said: "Panorama are planning to broadcast a programme alleging that I have broken parliamentary rules.

"I am taking legal advice about these allegations - and I have referred myself to the Parliamentary Commissioner for Standards.

"In the meantime, to save my party embarrassment, I have resigned the Conservative whip and have so informed [Conservative Chief Whip] Sir George Young.

"I have also decided not to stand at the next general election"²⁶

Panorama also made allegations about Lord Laird. Shortly afterwards, the *Sunday Times* made allegations that Lord Laird and two other peers, Lord Cunningham of Felling and Lord Mackenzie of Framwellgate, had given inappropriate undertakings to another fake company, this time involved in solar energy. The three peers denied any wrongdoing. Lord Cunningham and Lord Mackenzie were suspended by the Labour Party, while Lord Laird resigned the Ulster Unionist Party whip pending the outcome of investigations. The three cases are being investigated by the House of Lords Commissioner for Standards.

Further allegations merged about Tim Yeo MP on 9 June in the *Sunday Times*, which have also been referred to the Parliamentary Commissioner for Standards.²⁷ Mr Yeo stood down as chair of the Energy and Climate Change Select Committee prompting the Speaker, John Bercow MP, to write to the chair of the standards committee at Westminster asking him to consider whether select committee chairs should have any outside commercial interests.²⁸

Writing in the *Daily Telegraph*, Deputy Prime Minister Nick Clegg responded to the allegations by reiterating his support for a power of recall of MPs²⁹, and for a statutory register of lobbyists. However, he made the point that "we need to be realistic: there is no single, magical protection against an individual politician determined to behave unethically or inappropriately."³⁰ Indeed, it is not certain that a statutory register of lobbyists would prevent the kind of behaviour alleged against Mr Mercer and the three peers, since the allegations concern behaviour that would be in breach of existing codes in any case.

²⁶ [BBC News, MP Patrick Mercer quits Tory whip over Panorama lobbying inquiry, 31 May 2013](#) [accessed 11 June 2013]

²⁷ [Tim Yeo denies claims he offered to advise solar energy lobbyists for cash, Guardian, 9 June 2013](#) [accessed 10 June 2013]

²⁸ [Guardian, Speaker John Bercow raises concerns over MPs' commercial interests, 12 June 2013](#) [accessed 13 June 2013]

²⁹ For further information on this see the [Research Service paper Recall of MPs Draft Bill, 2012](#) [accessed 12 June 2013]

³⁰ [Daily Telegraph, Cash for access: Clegg pledges new regulation to tackle lobbying, 2 June 2013](#) [accessed 11 June 2013]

The UK Government confirmed that it would bring forward legislation on lobbying before the summer recess. Chloe Smith MP, Parliamentary Secretary at the Cabinet Office, said:

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.³¹

In response to a question as to the possible combination of measures on lobbying and on third-party funding in legislation, Ms Smith replied,

This is about third parties more generally, and it is right to understand how third parties can influence the political process in general. It is something in which the general public will take a great interest.³²

In the light of these developments, the Chair of the House of Commons Political and Constitutional Reform Committee, Graham Allen MP, urged the UK Government to act on the recommendations in the Westminster Committee's report on lobbying:

The Political and Constitutional Reform Committee published a report in July 2012 that looked in detail at the Government's proposals for a statutory register of lobbyists. Nearly a year later, the Committee still has not received a response. The events of recent days have demonstrated why it is important that the Government acts on lobbying. But that action must be effective.

The Committee's report found that the Government's proposals would only scratch the surface when it came to tackling public concern about undue access and influence over policy making, and would be unlikely to prevent lobbying from becoming 'the next big political scandal.'

The report concluded that the Government's proposal for a register that included only third-party lobbyists would do little to improve transparency about who is lobbying whom, because meetings involving such lobbyists constitute only a small part of the lobbying industry.

The Committee called on the Government to rethink their proposals, and in particular their definition of what constitutes a lobbyist. I again urge the Government to consider carefully the Committee's recommendations. I look forward to receiving a response from the Government.³³

³¹ [HC Debates Col 1363 4 June 2013 \[accessed 12 June 2013\]](#)

³² [HC Debates Col 1364 4 June 2013 \[accessed 12 June 2013\]](#)

³³ [HC Political and Constitutional Reform Committee, Press Release, *Chair urges Government to heed Committee's lobbying report*, 3 June 2013 \[accessed 12 June 2013\]](#)

7. New rules for Cross-party Groups and Lobbying Guidance.

The Assembly is invited to endorse new, more robust rules for the operation of Cross-Party Groups (CPGs), and general guidance for Members on contact with lobbyists. If endorsed, the new Cross-Party Group Rules would not come into effect until the start of the autumn term, on Monday 23 September 2013.

7.1. National Assembly for Wales' Guidance on Lobbying and Access to Members

The Committee recommended that Members of the National Assembly for Wales are provided with guidance on lobbying (a code of practice for Assembly Members on contact with lobbyists) encouraging the recording of meetings

7.2. Cross-Party Group Rules

CPGs provide a forum for Assembly Members from different parties to consider shared interests in particular subjects relevant to the Assembly. The new rules provide more robust guidelines on how Cross-Party Groups should operate, but certain things **would not** change:

- **Status:** CPGs are not formal Assembly groupings and are not bound by any of the Assembly's Standing Orders; they have no formal role in policy development; do not have any of the powers of Assembly Committees and cannot use the Assembly's logo or branding.
- **Use of Resources:** CPGs do not take precedence over formal Assembly business and must respect the limitations on the use of Assembly facilities and resources, as set out in Sections 8-10 of the rules.
- **Accountability and Compliance:** The new rules emphasise the responsibility of Chairs for ensuring that CYPs comply with the rules on use of Assembly facilities and resources; that all notices, correspondence, documentation and other arrangements relating to Group activities must be issued in the name of the Chair of the Group; and in the case of the group appointing a Secretary who is not an Assembly Member, that person must not act without the prior approval of the Chair. Outside organisations and individuals associated with CPGs are not entitled to use the Assembly's resources. Failure to comply could result in a group being de-registered on the authority of the Presiding Officer, and any complaint concerning a Members' personal standards of conduct, the proper use of Assembly resources and/or the proper registration of interests in accordance with Standing Order 2, would be handled by the Standards Commissioner and Standards of Conduct Committee according to Assembly procedure.

- **Openness and Transparency:** the rules include certain new requirements for information to be made public on the CPG section of the Assembly’s website. The new requirements are summarised below:

Registration

Chairs should re-register existing CPGs, or register any new CPG using a registration form provided by the Assembly Commission.

By when?

A new registration form will be sent to Chairs before the rules come into effect. Groups would need to re-register at the start of each new Assembly following elections.

Elected officers

Before registering a CPG, office-holders should be elected (a minimum of a Chair and a Secretary) and their names and contact details published. Office-holders may be elected at an inaugural Annual General Meeting or an ordinary group meeting.

Details of elected officers should be provided within four weeks of election, using the registration form.

Recording changes

Changes to office holders should be notified.

Within four weeks of the change, by an amended registration form.

Holding Meetings

Groups would be required to hold an Annual General Meeting (AGM).

Within 12 months of registration of the group, and then annually.

Publishing information

Meeting dates, times and venues would be published.

Chairs should provide as much notice of meetings as possible.

Minutes of all Cross-Party Group meetings to be published.

Within four weeks of the meeting taking place (section 14 of the rules).

An **Annual Report and Financial Statement** to be published. The information required would be as set out in sections 12-13 of the rules.³⁴

Within six weeks of the AGM being held.

³⁴ [Standards of Conduct Committee, Briefing: Lobbying and Cross-Party Groups Assembly Rules and Guidance, Mat 2013 \[accessed 13 June 2013\]](#)