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29.08.2013

Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

Dear Colleague,

I am writing to you ahead of the second reading of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. The Bill was published before summer recess and aims to extend transparency to give the public more confidence in the way that third parties interact with our political system.

Lobbying

Under changes introduced by this Government, ministers now publish the meetings they have with external organisations on a quarterly basis. This provides more transparency and openness. However, there is a transparency gap in this process where if a minister meets with a consultant lobby firm, details of that meeting will be published but it will not necessarily show on whose behalf the consultant lobbyist was meeting the minister.

That's why we want this Bill to set up a register of consultant lobbyists to ensure that any lobby firm which communicates with ministers and permanent secretaries will have to list their clients. This will enable interested parties to identify those who are using the consultants.

Over the years there have been many issues linked to the lobbying industry, politics and 'sleaze'. It is important to note that many scandals were prohibited under rules in force but were contravened by guilty parties. I will stand up for the role of lobbyists; they do an important job, representing wide views to Government to assist informed and considered policy making. But it is not my job, nor the job of Government, to control the lobbying industry; nor to create a burdensome and bureaucratic monster.

The industry and some colleagues have suggested other approaches, but with no consensus, and each seeking to serve a different purpose in trying to regulate lobbying activity, not to achieve openness.

Under our proposals there will be a statutory register of consultant lobbyists for the first time, providing transparency without excessive burdens. The register aims to shine the light of transparency on consultant lobbying – not act as a comprehensive regulator of it.

Non-Party campaigning

We have a long history of democratic engagement, and non-party campaign groups can play an important role in our politics. Part two of the Bill proposes to make it clearer what third party groups are spending in election campaigns, not threaten their futures, as has been asserted by some whose purpose seems to be scaremongering.

This Bill would extend transparency further to increase public confidence in the way third parties engage with the political system. The intention is to bring greater transparency where third parties campaign at an election in a way which supports a particular political party or its candidates. It would require expenditure on those campaigns to be fully recorded and disclosed.

The Government wants to limit the spending of third parties so that we avoid the experience of other countries, where vast amounts of money are deployed outside party spending controls without limit or regulation, and elections are dominated by those who spend the most rather than who is the best candidate.

Only campaigning by third parties, which promotes or procures electoral success or otherwise enhances the standing of parties or candidates, would be regulated. **So an organisation campaigning only on policy issues would continue to be exempt.**

The Bill does change the activities that are deemed to be “controlled expenditure” (only ‘controlled expenditure’ counts towards a third party’s spending limit). Controlled expenditure by a recognised third party would now include spending on a broader range of activities such as market research, rallies, press conferences or transport. This is to ensure all relevant campaigning activity is caught. Advertising, websites, unsolicited mail addressed to electors, which are already covered under legislation, would continue to be regarded as controlled expenditure.

At present, charities can undertake non-party political activity where the trustees can show that it supports their purposes and would be an effective use of their resources. The law prohibits charities from engaging in party politics, party political campaigning, supporting political candidates or undertaking political activity unrelated to the charity’s purpose. The Bill does not

change this. Charities will still be able to support specific policies advocated by political parties if it would help achieve their charitable purposes.

We want to prevent our politics being used by opaque and unaccountable groups, spending millions attempting to influence the outcome of an election. The Bill is an important step towards achieving this, without undermining the ability of third parties to actively get involved in policy making.

Trade Union administration

Trade Unions are vital participants in the economy, working with employers to maximise employee engagement and delivering practical solutions to workplace issues. Part three of this Bill aims to provide greater confidence, to union members and to the wider public, that unions are complying with the existing duty to keep membership record accurate and up-to-date, so far as is reasonably practicable.

The Bill will amend the original statutory duty, to require unions to provide an annual membership audit certificate to the Certification Officer. For larger unions, this will be an independent assurance that they have got robust systems in place to maintain accurate membership records. For unions of fewer than 10,000 members, they will provide self-certification of their compliance with the original duty. The Certification Officer will have power to proactively investigate potential non-compliance, and to require unions to remedy failures.

I have included a myth-buster document which I do hope you will find useful. I hope that you find this letter helpful and please do get in touch if you have further questions.

I and Tom Brake, the Deputy Leader of the House of Commons; Chloë Smith, the Minister for Political and Constitutional Reform and Jo Swinson, BIS Minister for Employment Relations and Consumer Affairs, are working together on this Bill and will be happy to have further discussions with colleagues.

Rt Hon Andrew Lansley CBE MP
Leader of the House of Commons