



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Safonau Ymddygiad](#)

[The Standards of Conduct Committee](#)

9/5/2017

[Agenda'r Cyfarfod](#)

[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)

[Committee Transcripts](#)

Cynnwys Contents

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 4 Ymchwiliad i Lobïo: Sesiwn Dystiolaeth 3
Inquiry into Lobbying: Evidence Session 3
- 21 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Jayne Bryant Llafur (Cadeirydd y Pwyllgor)
[Bywgraffiad](#) | [Biography](#) Labour (Committee Chair)

Paul Davies Ceidwadwyr Cymreig
[Bywgraffiad](#) | [Biography](#) Welsh Conservatives

Llyr Gruffydd Plaid Cymru
[Bywgraffiad](#) | [Biography](#) The Party of Wales

David J. Rowlands UKIP Cymru
[Bywgraffiad](#) | [Biography](#) UKIP Wales

Eraill yn bresennol
Others in attendance

Aaron Hill Aelod o Bwyllgor Gweithredol Public Affairs Cymru
 Member of the Public Affairs Cymru Executive
 Committee

Daran Hill Arweinydd Polisi, Public Affairs Cymru
 Policy Lead, Public Affairs Cymru

Nesta Lloyd-Jones Cadeirydd Public Affairs Cymru
 Chair of Public Affairs Cymru

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Enrico Carpanini Cynghorydd Cyfreithiol
 Legal Adviser

Claire Griffiths Dirprwy Glerc
 Deputy Clerk

Meriel Singleton Ail Glerc
 Second Clerk

*Dechreuodd rhan gyhoeddus y cyfarfod am 09:45.
The public part of the meeting began at 09:45.*

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introductions, Apologies, Substitutions and Declarations of Interest

[1] **Jayne Bryant:** Good morning, everybody, and welcome to the meeting of the standards committee this morning. I'll just say Members are able to speak in English or Welsh. The headsets—translation is on channel 1. If there are any declarations of interest—.

[2] **Paul Davies:** Yes, Chair. I must inform the committee I will be attending the Public Affairs Cymru dinner tomorrow evening.

[3] **Jayne Bryant:** Thank you. Thank you, Paul.

Ymchwiliad i Lobïo: Sesiwn Dystiolaeth 3 Inquiry into Lobbying: Evidence Session 3

[4] **Jayne Bryant:** So, welcome to our witnesses this morning. So, for the record, can you state your name and where you're from?

[5] **Mr D. Hill:** Daran Hill, from Positif, but I'm the policy officer for Public Affairs Cymru.

[6] **Ms Lloyd-Jones:** Nesta Lloyd-Jones. I'm the chair of Public Affairs Cymru.

[7] **Mr A. Hill:** I'm Aaron Hill. I'm the public affairs manager for Community Housing Cymru, here today in capacity as an executive member of Public Affairs Cymru.

[8] **Jayne Bryant:** Brilliant. Thank you very much. So, I thank you very much for your very considered written evidence that was provided. I think we'll move straight into questions, if that's okay. In terms of the written evidence that you've provided, perhaps you could say a little bit more about why you feel that you don't believe that there's a need for a statutory register of lobbyists. I don't know who'd like to start.

[9] **Mr D. Hill:** We developed our evidence in conjunction with our

membership of nearly 200 people, and also with a view to what's happened in Scotland and happened across the UK, as well, and the solutions that seem to have been evolved there didn't necessarily carry the lobbying community with them. There seemed to be a reaction that there was an imposition of a system that the lobbyists themselves didn't feel particularly addressed the situation or any problems. So, we've taken a quite different approach on the basis of what our members said, which was to look for some sort of solution that was based on co-production of a register that wasn't necessarily statutory. Now, there's a temptation, I think, that, in other legislatures where a register of sort has been developed, it's often been done as a sledge hammer to crack a nut. And, since there have been no significant lobbying scandals here in Wales during the life of the Assembly, maintaining some sort of proportionality we felt was really important, and our members felt that too. That's not to say we don't believe in some sort of register, and you'll see from our evidence that we talk about PAC maintaining an open and accessible register of lobbyists, but a statutory register that would need to be underpinned by law—we at this time would suggest that that's a step too far.

[10] **Ms Lloyd-Jones:** As Daran highlighted, we have engaged with our membership throughout this inquiry. We held an event with our members, and, after that event, we held a survey. The survey was only open for a couple of days, but 25 of our members responded and, out of those 25 members, 95 per cent of them said that there was no need for legislation but to look at strengthening PAC's code of conduct, and our members signing up to that code of conduct on an annual basis—so, looking at other ways rather than looking through the legislation model that, for example, Scotland has gone down.

[11] **Mr A. Hill:** I think, to add to what Daran said, Chair, there's an opportunity for some genuine co-production, and to learn the lessons from Scotland and the UK where perhaps that hasn't taken the lobbying community with them. Getting the lobbying community on-board through Public Affairs Cymru, and working closely with this committee and the standards commissioner, gives us a real opportunity to genuinely be co-productive and work together on this.

[12] **Jayne Bryant:** Okay, thank you. You suggest that—. About the proposed voluntary register, can you just outline a little bit more about how you'd see that working?

[13] **Mr D. Hill:** It's still very much a work in progress, because we have a

membership database at the moment that isn't necessarily public—isn't actually public—and we also have a code of conduct. So, what we're aiming to do—and we're in the process of doing, and we're going to be launching the revised code of conduct at our dinner tomorrow night—is ensuring that every public affairs practitioner who signs up as a member of PAC signs that code on an annual basis at the same time as they sign up for membership, and that, on the back of that, there will be a list of people with names, organisations, e-mail addresses, that we'll then publicly publish on our website.

[14] Over and above that, for people at the parasitical end of lobbying like myself, there'd be a requirement that we also disclose all of our clients and that they're publicly published as well. So, that would be the type of register that we envisage and we hope that, by doing it in a transparent and not burdensome way, but rigorous way, without being burdensome, we would attract more people to sign up to membership of Public Affairs Cymru as a sort of kitemark of lobbying in public affairs in Wales as well. So, I accept that perhaps we've been less open than perhaps we should've been in the past, but we're at a point now where we think we can present some really valuable public transparent information moving forward.

[15] **Ms Lloyd-Jones:** I think, for PAC, our membership fee is £35. We want to engage with as many public affairs professionals in Wales as possible, and to have as many public affairs professionals as possible to be our members. The exec is voluntary; we all volunteer our time on top of our day-to-day work, so this would be something quite easy and accessible and transparent for us to do. And as Daran was highlighting, since this new exec was elected in November, we have done a lot of work to update the code of conduct and our membership database, and to ensure that all our members from now on will be fully aware of the code of conduct. They will only become members of PAC once they sign the code of conduct, which hasn't happened in the past.

[16] **Mr A. Hill:** I think accessibility is key as well, and it's been a big part of the discussions we've had with our members. Aside from the exec, we've also set up a working group to look at the code of conduct, and I'm sure we'd be happy to share the revised code, once it's launched tomorrow, with the committee.

[17] I work in the charity sector and I think the lessons from the legislation and the way registers operate elsewhere is that, for small organisations that have a big role to play in lobbying and a big role in informing and influencing

Assembly Members and MPs, there could be a tendency for this legislation to be a bit over the top, I guess, and for the cost and the amount of administration involved to be off-putting. The end result there is that you end up pushing out some of the smaller charities and smaller organisations that have a lot to say.

[18] **Mr D. Hill:** If we can just add one thing to this it's there's not just a requirement or an obligation on us to make that code work; we hope that you, as Assembly Members, can look on that code with confidence, and perhaps when you're approached by lobbyists in different forms, a question you might consider asking is whether people have signed up to that code or other professional codes as well. Because we're almost too polite, sometimes, I think, on both sides of the divide, to actually ask some quite fundamental questions around lobbying and lobbying ethics.

[19] **Mr A. Hill:** It comes back to the partnership thing as well. You know, if there is a breach of the code, inevitably it's going to involve an Assembly Member, and I think that partnership and working with the Assembly and with yourselves is really key in making sure that that works and you've got the confidence in the sector that we are working to this code.

[20] **Jayne Bryant:** Okay, thank you. Let's bring in some other Members here now. Paul.

[21] **Paul Davies:** Thanks, Jayne. Under your proposals, obviously you'd require the Assembly or the Government to make sure that organisations are actually members of PAC. Can you just explain to us why you think it's appropriate for the Assembly or the Government to make that requirement? And how would you see that working in practice?

[22] **Mr D. Hill:** It would come down to this—. Well, let's look at it from the Assembly perspective, because it is slightly different with Government. The First Minister has stated previously that he doesn't meet with lobbyists. So, I imagine that there would be very little for him and his Ministers to register. But when you look at the Assembly side of things, it would, I guess, be a matter for you, when approached by a new organisation, perhaps—and that might be a commercial lobbying organisation such as mine—to make enquiries about the form of disclosure or the ethical framework within which that organisation operates. And I don't think, with all due respect, that that question is often asked, either of myself or the nicer people in the lobbying world, either. I think everyone just assumes that there's almost a club of

niceness, perhaps, that is in operation here.

[23] **Jayne Bryant:** Llyr wanted to—

[24] **Llyr Gruffydd:** Yes. Just on that, because, really, in the Scottish model, all the emphasis is on the lobbyist to do the heavy lifting, if you like, in terms of registration and everything, whereas the only way this system would work—because there's no compulsion, is there, to join or to be on the register, or to sign up to the code of conduct—is that Assembly Members, for example, say that we will only meet with people who are registered with PAC, or members of PAC. When we boil it down to fundamentals, are we more or less saying that?

[25] **Mr D. Hill:** There would need to be some sort of system that at least makes people disclose. I mean, from a human rights perspective, without legislation, nobody can be compelled to join an organisation, but we're trying to develop something that avoids a statutory route—not because we've got anything to hide, but we feel a statutory response would be disproportionate to the situation. So, yes, it would.

[26] **Llyr Gruffydd:** Because I think, in fairness, that you do say in your paper that it's a partial answer. There would always be a cohort, then, of people outside of that system.

[27] **Mr D. Hill:** And there are already commercial and other lobbyists working here who are members of neither the Association of Professional Political Consultants or Public Affairs Cymru.

[28] **Llyr Gruffydd:** Okay.

[29] **Ms Lloyd-Jones:** And in relation to Scotland, I think what came out very clearly—I know you've heard from Alastair Ross as well—from our event was that our members do not want to go down the Scottish route, both in regard to the amount of work it will mean for them, and if you've got large charities with a number of volunteers and service users, who sometimes meet with Ministers and Assembly Members who come to their office or look at one of their services, that would be a lot of work for them, and that is why we are quite clear that we don't want to go down that route.

[30] **Jayne Bryant:** Paul.

[31] **Paul Davies:** I note from your paper you don't currently police any breaches in your code of conduct. I was just wondering if you could explain to us why you currently don't do that, and also why you believe it would be appropriate for the standards commissioner to do so in the future.

[32] **Ms Lloyd-Jones:** I think there are two answers to that. Firstly, as Daran's highlighted, we have updated the code of conduct. We've done a lot of work raising awareness around the code of conduct this year that we haven't done previously. So, the honest answer to that would be: out of our 200 members, how many of them are fully aware of the code of conduct? I would say a lot of them aren't. That's why we are proactively raising awareness of the code, but also ensuring that every member who signs up from now on has to return and sign the code of conduct. So, there's that one aspect.

[33] The second aspect, as Aaron was highlighting—if there was a breach around the code, the likelihood is it's to do with something that's happened either in the Assembly or linking with an AM. We are volunteers and we wouldn't have the capacity to look at and investigate breaches, but what we could do in the future, working with the commissioner, is look at how we as an organisation could refer complaints, support the commissioner in the future if there are any breaches to the code, and also raise awareness of the code both within our membership but also with Assembly Members, so that people are fully aware of the standards that we expect from public affairs professionals—because we are a profession.

[34] **Mr A. Hill:** I think when you look at Public Affairs Cymru, our membership fee is currently £35, and that means that we can cover a significant proportion of the public affairs community. It's attractive, accessible and easy to join. I think if you started looking at Public Affairs Cymru or another body, maybe running the procedure for a disciplinary or a breach of the code, I think you'd have to see a substantial increase in the joining fee or a substantial increase in administration, and it then brings it back to who you are capturing and what you are missing by doing that.

[35] **Mr D. Hill:** And just putting a little meat on the bones in terms of roughly how much something like that might cost, the Association of Professional Political Consultants, which my company is a member of—we're one of the smaller members; there are 60 or 70 members, and we're very much one of the smaller members, and our annual joining fee is approaching four figures. There are other people whose joining fee is certainly heavily into

four figures, perhaps maybe five for some of the bigger companies.

10:00

[36] **Paul Davies:** So, just to be clear, then, you say you've tightened your code of conduct over the last few months, but whatever happens, you don't have any intentions, obviously, of policing any breaches, because of lack of capacity, effectively.

[37] **Mr D. Hill:** Well, we would look—. Our preferred solution is to develop something with yourselves involving the standards commissioner accepting that where breaches might or would occur, or possible breaches might or would occur, they would either happen on the Assembly estate or involve an Assembly Member. If we can't come to some understanding around a co-policing model, then we'll have to return and look at something internal that we develop. That's not a conversation we've had yet, and I'm sure I'm going to be sternly spoken to by my colleagues when I leave this room, but it's a conversation we've deferred because, genuinely, we've done this—. The timing of the content has been done to complement your work, and we are as interested in your answers and your opinions as you are in ours to the questions that you pose.

[38] **Ms Lloyd-Jones:** And the questions that you've asked, Paul, our members have asked us as well when we are raising awareness of the code. They have asked us what happens if there is an allegation around a breach. As Daran as highlighted, that is something that we as an exec will discuss, but we are very much looking towards what this inquiry does, the recommendations that you come out with, and then make that decision with regards to what policies and procedures and what we need to put in place, especially around the code and any future allegations of breaches. As Daran has highlighted, that's something that we haven't had in-depth conversations around as of yet, but in the future we definitely will because those are questions that have been raised by our members as well.

[39] **Paul Davies:** And can you tell us why you believe that the publication of meetings held by Ministers and Assembly Members would actually provide a sufficient level of transparency, because I think that's what you're arguing in your paper?

[40] **Mr D. Hill:** We argued the last time this committee did an inquiry that both of those things should happen. We welcome the commitment by the

Welsh Government now to publish a register of meetings. We think that's long overdue. It would introduce a degree of transparency. The last time the committee considered this issue, it actually recommended—and, Llyr, maybe you were on the committee at that time—from memory, it recommended that some sort of disclosure should be made of meetings, but that it was on the part of the lobbyists rather than the lobbied to make any sort of disclosure. And it hoped that that might continue into the future, or begin in the future.

[41] Obviously, as public affairs professionals we have no worries about disclosing any meetings that we're required to disclose, but I think a key point is that it is you that are publicly accountable, not us, so that any form of disclosure to have weight or rigour would have to come from your side, not from our side. But we believe that, generally, the principle of transparency and openness is the right one.

[42] **Ms Lloyd-Jones:** I'd just add to that the complexity for a large organisation to ensure that everybody is covered. So, if you look at an organisation such as Macmillan, who've got health professionals—would head office know every time a health professional meets with the Minister or an AM? Hopefully they do, but not always. The same with an organisation such as Marie Curie or Age Cymru, who've got shops on the high street, and if an Assembly Member or a Minister goes in there on the weekend, how do they find that out and how do you collect that information? I think that's something that Alastair Ross has highlighted to our members, and I think highlighted to you as well. It's very difficult for large and smaller organisations to record every contact that they would have with an AM or a Minister. Because there is that accessibility that we have in Wales, a number of us do meet with and bump into Assembly Ministers and Ministers, so how would you record every meeting? It would be very, very difficult.

[43] **Mr A. Hill:** I think the key point is that, at present, there's no mechanism to do that. Nesta's mentioned large charities there. I think in my own organisation, you've only got 20 members of staff, but our members are nationwide—35 organisations with thousands of staff across the country. If you start recording all that information, who records it? Do suddenly 35 housing associations also become lobbyists or are we as the membership body there? The complexity just grows the more you go down that route, I think.

[44] **Jayne Bryant:** Llyr on this point, before I bring in David.

[45] **Llyr Gruffydd:** There'll be a question as well of whether you just capture meetings with Assembly Members, or Assembly Members' staff as well, because, very often, they are in a position to be influenced too.

[46] One point raised in one of our previous evidence sessions was that there is a danger, of course, in publishing lists of meetings, that the media go after who's had the most, who's had the fewest, and it becomes some sort of 'Who's the most effective Assembly Member?' and that kind of thing. I don't know if you have any comments about the risk, or the danger of it being misused in some way.

[47] **Ms Lloyd-Jones:** It could be, but an Assembly Member's role is very different. It's not just about meetings, is it? So you could have somebody who's in Plenary all the time, and somebody else who does Plenary and does meetings at the same time. So, it's then a question of informing the media of your role, really.

[48] **Llyr Gruffydd:** It got raised in the previous session.

[49] **Ms Lloyd-Jones:** Yes, I'm sure.

[50] **Mr A. Hill:** It's probably a risk on our behalf as well as to why—*[Inaudible.]*—our members from speaking to us. But I think, if we were to go down that route, there's a narrative that the standards commissioner, the Assembly, and Public Affairs Cymru can create in partnership. And taking the media with us is part of that.

[51] **Jayne Bryant:** David.

[52] **David J. Rowlands:** Could you expand a little on why PAC believes existing models for statutory regulation lobbying in the UK are not suitable for Wales? And perhaps you could also respond to the concerns mentioned by Mrs White about the cost of compliance for organisations having to comply with the different registration systems across the UK.

[53] **Mr D. Hill:** I'll speak from both a PAC and a personal capacity in reference to the organisation that Mrs White heads up. I think it's a bizarre state of affairs where a lobbying company such as mine doesn't have to register with them, because the scope of the registration around certain activity is so precisely defined that if you're not undertaking that precise activity, with a precisely defined group of people, you shouldn't have to

register. So, that's just to illustrate one particular aspect of it, and not that I'm seeking to hide anything or avoid any form of registration. It's just as the law stands, because I do not lobby senior civil servants or Ministers at a Whitehall level, there is no need for compliance. There are other points related to Scotland that I think maybe you'll have a view on, Nesta.

[54] **Ms Lloyd-Jones:** Yes. I think, like Alastair highlighted, the way that that is developing at the moment is going to be, capacity wise, very difficult for public affairs organisations and professionals. And that is one route that we are very strongly—. We do not want to go down that route. I know it's still early days there in Scotland, but I think we do need to look quite closely in regards to what impact that legislation is having on the public affairs organisations, but also, what the outcomes are—what difference is this legislation having to transparency and democracy in Scotland? I know it's still early days, but I think Alastair was quite clear in regards to the impact it's having on civil society.

[55] **Mr A. Hill:** I think that another statutory model that is worth looking at is the Lobbying Act 2014, which the UK Government brought in. And I think the narrative around that, certainly in the charity sector, created almost a fear and a worry that the Government were trying to crack down on charities influencing and informing AMs and MPs. That applies in Wales, and applies to Assembly elections. But with the new Wales Act 2017, there's an opportunity, with the powers coming to Wales, and coming to the Assembly, to look at that again, and to design something that actually works for Wales, and I'd urge the committee, and the Assembly really, when they're looking at any electoral reform that comes with those powers, that there's an opportunity to tackle that and to make something work for Wales.

[56] **David J. Rowlands:** You mentioned earlier on APPC, Darren, and they have more or less said that we ought to wait and consider the Scottish regime before introducing our own legislation. Are you in agreement with that broadly?

[57] **Mr D. Hill:** The position of Public Affairs Cymru is that we don't think that this is the time to be legislating. We'd rather develop something different. As a member of APPC, I'm relaxed with the evidence they've put in, on a personal level too.

[58] **David J. Rowlands:** Are you a little critical of the way the Scottish are going to introduce their legislation?

[59] **Mr D. Hill:** As lobbyists, we're naturally concerned when fellow lobbyists in Scotland, virtually unanimously, feel that the legislation is disproportionate.

[60] **David J. Rowlands:** Could you comment also—and we've just touched on this a little—on the balance of responsibilities between lobbyists, Ministers, and Assembly Members? We've already spoken about that, but can you expand just a little bit on that?

[61] **Mr D. Hill:** I'll reiterate the point that there's a level of public accountability upon those who are elected that doesn't lie on those who lobby. I mean, we're covered by things like the Bribery Act 2010, and all the rest of it, but, ultimately, you are the publicly accountable ones, not us. But, let's bear in mind as well, in 17 years, there's barely been a whiff of any lobbying scandal here in Wales. And, in your process of taking evidence for this inquiry, nothing has particularly been unearthed from the written evidence that, certainly, I've read; you may have heard other things in private. But I think that that, if not showing a clean bill of health, certainly creates a situation where I'd urge the committee to be proportionate in any solution that you come up with. This doesn't appear to anyone, as far as I can see, to be an area of great scandal and great public concern.

[62] **David J. Rowlands:** I think we took note of the fact that, even under the UK regulations, there have been very few actual convictions and fines.

[63] **Mr D. Hill:** Where the UK legislation has been helpful, I think—and Mrs White alluded to this when she came before you—was ensuring that certain people who were carrying out lobbying activity, but weren't necessarily lobbying companies—I think she was pointing, particularly, to some legal firms who actually did conduct lobbying activities—were now properly registered. So, it's that sort of blurred edge, along the side of what people might ordinarily understand as lobbying. I think it's added some value there.

[64] **Jayne Bryant:** Paul.

[65] **Paul Davies:** To define a lobbyist, you say in your paper that five aligned principles should be used to develop a definition. Could you give us your views on the different definition of lobbying and lobbyists, which have been, obviously, used at a UK level, and on a Scottish level as well?

[66] **Ms Lloyd-Jones:** I think, first of all, as the previous inquiry found, it's very difficult, and there are a number of different definitions of lobbying. We're using the Northern Ireland definition; I know the APPC has a different definition. So, you know, that is something, again, that we can work with our members, and with the Assembly, to define it, and have a Welsh definition, and a Welsh solution. But, as our response highlighted, when it comes to our code of conduct, and with the work that PAC does, we look at the Northern Ireland definition, and that seems to be the most appropriate for us. But that is something that we would be happy to review, depending on the recommendations of this inquiry.

[67] **Mr D. Hill:** Clearly, there are concerns about either defining lobbyists too narrowly, or defining too broadly as well, particularly for the multitude of individual campaigners who might engage around a certain issue, and then fall under the definition of lobbyists. And I know that's something that's exercised all of you in previous questioning. Really, when does a campaigner become a lobbyist? It's quite a fundamental question. I'm old enough to remember a time where a campaigner for a certain medicine that wasn't routinely available on the NHS—and I think I'm speaking before any of you became Assembly Members now—was actually camping out in Tŷ Hywel, with the blessing of the then Presiding Officer. I would think it was virtually impossible to argue, in that scenario, that that person hadn't crossed over from being an ordinary campaigner into an active lobbyist. But trying to define that in any meaningful way is exceptionally difficult.

10:15

[68] **Ms Lloyd-Jones:** I think also that if you asked our members whether they would say that they're a lobbyist, the likelihood is that a number of them would say 'No', but if you say, 'Do you campaign? Do you develop policy? Do you work actively with the Assembly in a public affairs capacity?' the likelihood is that they would say, 'Yes' to that. So, we do need to be clear with regard to what lobbying is and, again, the public affairs community needs to support that definition as well and be happy using that kind of language, because I think there have been negative connotations around the word 'lobbying'. As Daran said, a number of us do lobby, but we may not use that language.

[69] **Mr A. Hill:** I think Daran's point about the potential for the definition being too broad is quite an important one. On the point that I made earlier about charities in particular, and the breadth of people they will use to talk

to Assembly Members, you go out on visits, you see different schemes and things in your constituencies and your regions—we want to make sure that the people who are professionally involved are captured by it, but not those who might be involved in another way through an organisation.

[70] Importantly, I think, for PAC, when members sign up to us and agree to the code of conduct, we don't turn anybody away, so anyone who is professionally involved in Government relations or public affairs, who has a broad interest in this area, will be captured by the code of conduct and is encouraged to sign up.

[71] **Paul Davies:** If legislation was introduced here in Wales, what sort of lobbyists, companies and organisations, should actually be covered by the register in your view? Also, have you made an estimate of how many of your members would be covered by a register?

[72] **Mr D. Hill:** It's impossible to make an estimate without knowing what the definition of 'lobbyist' would be, but we'd probably guess that virtually all PAC members would fall under it in some ways. But, more importantly, a number of people who aren't members of PAC, or any other trade or ethical body, would as well. There perhaps is a benefit to that particular aspect.

[73] **Ms Lloyd-Jones:** The other thing to consider is that a number of our members are public affairs officers or public affairs managers, but a number of their chief executives and directors are the ones who will go to the meetings and meet the Assembly Members and Ministers and the likelihood is that a number of them are members. So, do you capture individuals or do you capture organisations? So, that's something else that we need to consider, depending on what you put forward.

[74] **Paul Davies:** In your view, what sort of activities should be covered by the register? Should they be face-to-face communications, for example? Should it cover everything? Because obviously, again, there are differences between the Scottish legislation and the UK legislation on this.

[75] **Mr D. Hill:** Quite considerable differences. Scottish legislation frames a lobbyist as someone who is paid a salary and in the course of their job has a face-to-face meeting with a Minister or an MSP about policy. That's an exceptionally broad definition. It's the nature of those meetings. Let's be frank about it; there are a variety of different ways in which politicians interact with lobbyists in various forms. Dare I say, a huge amount of my

interaction with politicians has nothing to do with lobbying whatsoever, and if it was about lobbying, then I wouldn't have as many politicians in my social circle.

[76] **Paul Davies:** Do you think there should be exemptions when lobbyists contact Members or Ministers in a personal capacity, for example? Do you think that should be exempt from such legislation and from a particular register?

[77] **Mr D. Hill:** I would think that it would be disproportionate if that sort of contact was included in any register and possibly an infringement of human rights in some respects as well.

[78] **Jayne Bryant:** Llyr.

[79] **Llyr Gruffydd:** But there will always be ambiguity, won't there, around those kinds of things and I suppose that's part of what we're grappling with here, really.

[80] So, just for clarity then, what we're looking at in your vision is a self-defining lobbyist, as opposed to the lobbying activity, because there is a clear distinction between the person who works in a charity shop, for example, and the officer who's paid, either as a lobbyist or as a senior member of staff, to influence. So, your focus is clearly on the self-defining lobbyist. Because I'm still struggling a little bit with that huge hinterland beyond that where lobbying activity happens, and I suppose, again, it comes back to that. For me, that's the crux of the issue here: how you try and grapple with that.

[81] **Mr D. Hill:** Define and capture, yes.

[82] **Llyr Gruffydd:** Yes, okay.

[83] **Jayne Bryant:** David.

[84] **David J. Rowlands:** So, if a register was to be introduced, should we be levying a fee for joining the register, and who would best be suited to monitoring compliance and enforcement of the requirements of a register? And also, then, following on from that, who do you believe would be appropriate to administer that register?

[85] **Mr D. Hill:** Well, I think what we point to in our evidence is that any form of register would be kept by us, but almost co-owned and co-policed. So, we wouldn't anticipate the need for a significant rise in the membership rate and what's charged.

[86] **David J. Rowlands:** Okay. And who do you believe would be appropriate for that?

[87] **Mr D. Hill:** We believe you should keep the register, but that the policing needs to be done, we would hope, in conjunction with the standards commissioner, because it would always, invariably, involve a misuse of the Assembly property or some sort of improper action involving an Assembly Member.

[88] **David J. Rowlands:** And who do you think might be required for the enforcement mechanism of that? Who do you think should take responsibility for that?

[89] **Mr D. Hill:** I think that's something, if the committee was minded to consider that principle, that we'd like to co-produce and discuss with you further down the line. We don't come at this with all the solutions; we come at it, we hope, with a relatively full solution and, hopefully, a relatively persuasive one, but we deliberately haven't been prescriptive in terms of every scenario, because we do want, if you're minded to do so, to develop this in conjunction with you.

[90] **Ms Lloyd-Jones:** And I think that's why, you know, a lot of the things we've developed recently were already ongoing, but as a result of this inquiry, we have, you know, looked at how we can tighten things and improve things and ensure that our members are fully aware of the code, and also to update the code, like we have done. As part of the response that we did, we organised a working group, and there were six people on the working group, and there were different things that were highlighted that we weren't aware of as exec members to improve the code, because the code is, I think, about five years old. And what we have said to members is that, on an annual basis, at our AGM, we will review our code, so if anything does happen and there are developments, we have the flexibility in the future to amend and to change the code, if there are any concerns or anything that happens, because it is quite fast paced how things do develop in the Assembly.

[91] **Mr A. Hill:** And lobbyists and the public affairs community, if you like, have been keen in getting us to the point where we can sort of bring this to the committee and bring these ideas. And, again, I think we mentioned earlier, learning the lessons from where legislation has come forward elsewhere, the public affairs community hasn't been taken with that legislation or with the Government or Parliament that was making it. And I think the danger, if that were to happen in Wales, is that you would lose some of the vital information and the vital contact and the people you get to know through lobbying, and, you know, the vital role that we play.

[92] **Jayne Bryant:** Llyr, did you want to come back in, or have the points you've raised been covered?

[93] **Llyr Gruffydd:** Yes. I just wanted to—. Just to be clear, you've made the point that it's the politicians here who are publicly accountable, so if we came to the conclusion that, actually, this register should be one that we lead on, as opposed to working in conjunction with an external organisation, do you have a view as to whether the register should be established and developed by the Assembly, or do you think we should be looking to an independent body to do that? Do you have any views around that?

[94] **Mr D. Hill:** We'd be open to discussing that with you in a transparent and meaningful way at that particular time, if that was the course of action you chose. We, certainly as a profession, I don't imagine, would be resistant or obstructive to anything the committee chose to do.

[95] **Llyr Gruffydd:** You know, there are three pillars here, really, aren't there? There are Government Ministers, there's the civil service, and there are Assembly Members. Now, do you think that it would be best to have one system that captures the three pillars, or are you content that we're looking to the First Minister for accountability for Ministers and Government, and then looking elsewhere for Assembly Members, et cetera?

[96] **Mr D. Hill:** I think there's virtue in consistency and simplicity. I go back to David's point earlier, in reference to different systems across the UK, if we felt that any one of them was actually doing its job effectively, we might be looking to replicate it. But, here in Wales, we do have the opportunity to do something differently, but that isn't to say that we do different things with different branches of the Government and the legislature. Let's hope that a degree of common sense prevails that is understandable to yourselves, to us as lobbyists, and also to the public—let's not forget their role in this

transparent system as well.

[97] **Llyr Gruffydd:** Because there is a risk of duplicity, not only on a UK basis, but also within Wales then, isn't there, really?

[98] **Jayne Bryant:** Just finally, you raised in the written evidence some other issues related perhaps to details of events held in the Assembly. Would you like to expand on any of those points?

[99] **Mr D. Hill:** All of these points came out of this working group that was set up. We divided our evidence, as you see, into things that we have some sort of control over and other aspects where we have no control, and perhaps sometimes not even an opinion one way or another, but we thought were things that the committee might like to consider. So, points 27 to 35 of the evidence that we presented are all matters that are broadly within the purview of the committee.

[100] For example, the collection of passes from people who've left the employ of the Assembly, especially if they've become lobbyists. We know of examples where their passes haven't been turned off. That might not be something that perhaps you initially anticipated having any evidence on, but surely it's an area that deserves a little attention.

[101] Similarly, we pointed towards details of events on the Assembly estate. Now, the current system says that certain events are publicly registered and certain events are not. It really does come down to which building those events are being held in. Genuinely, if you're serious about a consistent and transparent form of meeting registration, surely it has to apply to the Assembly estate as a whole? We as lobbyists would welcome that as well, so that we don't feel that we're supporting or engaging with some meetings that are more transparent than others.

[102] **Ms Lloyd-Jones:** I think, with regard to that point, this is becoming a bigger issue due to the changes to Tŷ Hywel as well. You know, there are less places that we can hold events. So, a number of organisations are using the media briefing room now. That information isn't on the website. So, it is only in the Oriel and Pierhead where you become aware of events that are happening. When we have spoken to Assembly Members about this issue, a number of them assumed that all events were on the website, because you can see all the events on the information that you receive, in the spreadsheets that you receive. So, it is a question around openness and

transparency with regard to what events are happening on the Assembly estate.

[103] **Mr D. Hill:** And there is one point that we've already raised, point 33, which has captured some media attention, which is perhaps the issue around reverse lobbying. After we submitted the evidence, the BBC and others took an interest in that point. That is a scenario where—. When we were gathering evidence from our members, some said that it wasn't them lobbying that they believed was sometimes improper, perhaps, but it was the lobbying they'd received from Ministers, officials and others. That was a point we thought it only fair to make because it was a point that was raised by the membership.

[104] **Jayne Bryant:** Okay. Thank you very much for coming here today and presenting the evidence. The clerk will send you a copy of the transcript for your perusal and checking. Thank you very much.

10:30

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(vi).

accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[105] **Jayne Bryant:** So, I propose, in accordance with Standing Order 17.42, that the committee resolves to meet in private for item 4 of today's meeting. Are Members content?

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:30.

The public part of the meeting ended at 10:30.