

QUARTERLY NEWS UPDATE

Update on Quarterly Information Returns for April-June 2017

At the end of June 2017, there were 124 registrants on the Register: of these, six submitted their Quarterly Information Return after the statutory deadline. The Office issued warning letters to all of them and where appropriate, the Registrar also speaks to organisations to ensure delays are not symptomatic of wider issues. So far, it has not been considered necessary to consider enforcement action, but multiple transgressions could cause that to happen.

There were 52 registrants which submitted nil returns for the period, which is 42% of the Register. This is a far higher number than usual, and is likely to be a result of a pause in activity associated with the general election in the middle of this period. The Registrar continues to keep multiple nil returns under constant review and regularly meets organisations who persistently file nil returns. The key issue for consideration is whether those organisations are likely to conduct relevant communications within the foreseeable future-the onus is on those organisations to convince the Registrar that this is the case. Registration is not a matter of personal choice-an organisation cannot be on the Register if it is not currently, or does not plan in the near future to, conduct the business of consultant lobbying

The Office is now conducting audits of the accuracy of all information submitted from the date of opening of the Register. If any organisation has concerns that any of its past information may not be correct, for whatever reason, then please contact the Office for help in making the necessary corrections. The Registrar wishes to remind registrants that the onus is on them to ensure their records are correct and up to date at all times. Changes made will appear on the face of the Register, so it is clear what has been amended.

Over-declaration of clients

Continuing the theme of over-declaration, this still remains a problem for some organisations.

In most instances, the reason for over-declaration falls into one of three categories: drafting a letter for a client, which the client signs; or briefing a client for a meeting, which the consultant lobbyist does not attend; or communications with a Minister's office or secretary (even if asking for a message to be passed to the Minister). None of these are registrable.

For a communication to be declared, it must have the following components:

- Direct to Minister (or Permanent Secretary, or equivalents);
- Referencing Government business;
- On behalf of a client;
- In return for payment.

Any communications with Ministers should be carefully considered in case they are declarable, but if you are not sure please ask the office. Do not guess!

If registrants have any concerns that they may have declared clients in error on any of their past returns, then please contact the Office for help. The Registrar has met many registrants in person or by telephone and has happily answered many enquiries about whether specific communications are registrable. Additionally, the Registrar also visits individual registrants on site to give presentations to staff to build knowledge and understanding – if this is something that would be helpful to you or your organisation, please ask the Office.

Code of conduct project

The review of other codes of conduct has now been completed: there were 16 organisations declaring “other” codes, and each was reviewed by the Registrar for its relevance to the governance of the business of consultant lobbying. As a result of the review, all EU-related codes have been removed as these codes are not considered relevant, as have codes related to other industry sectors. Finally, the codes of three organisations declaring their own organisational code of conduct have also been removed. In some cases, organisations have chosen to declare an alternative relevant code, but the Registrar has emphasised that it is a matter for the user of the Register to decide for themselves whether declaration of a code of conduct is an issue for them or not. There is no requirement in the legislation to declare a code, only whether there is a code or not.

Statement of Accounts

On 20 July, following audit by the National Audit Office, the Registrar of Consultant Lobbyists’ Statement of Accounts was laid before Parliament. The statement may be found at:

<http://registrarofconsultantlobbyists.org.uk/wp-content/uploads/2017/07/2016-17-ORCL-Statement-of-Accounts-Print-version-1.pdf>

The statement sets out the financial accounts for the past year, and a review of performance against the objectives set in the business plan. This was the first year of “business as usual” since the Register was established, and costs reduced accordingly. The matters of the scale of fees and requirements for registration are for ministers to decide, but the Registrar is accountable for collecting the fees and accounting for the revenues. Those revenues cover about half of the accumulated cost of the Register at present. During the year, the Registrar’s compliance work demonstrated that instances of unregistered consultant lobbying are rare, and therefore that the information contained in the Register can be relied upon.

Correcting misconceptions

Despite media reports to the contrary, the Registrar's guidance for registration has not changed! The Registrar has not said that "...*any organisation which is paid money by clients in return for the opportunity to meet ministers should be classed as a lobbying company...*".

When the Registrar presents to registrants and makes speeches, she always highlights the four components of registrable communications (set out above). The legislation does not reference "lobbying companies" or "lobbying"-it defines the business of consultant lobbyin, which are clearly set out in the registration guidance.

Interested parties may find it helpful to refresh their knowledge of the Registrar's registration guidance which may be found at:

<http://registrarofconsultantlobbyists.org.uk/guidance/foreword/introduction/>, and also her more recent specialist APPG guidance which may be accessed at:

<http://registrarofconsultantlobbyists.org.uk/wp-content/uploads/2017/03/20170330-Stakeholder-advice-on-APPGs.pdf>.

Refreshing information publication guidance

The Registrar has received stakeholder feedback about the length of time for which notes that appear on the face of the Register should continue to be displayed. Currently such notes remain indefinitely and consideration is being given to removing notes after one calendar year after their publication. Notes include details of penalty notices and changes made to the face of the Register, for example after instances of over-declaration.

The Registrar welcomes feedback and input from interested parties about this issue as part of her refresh of this particular guidance and can be submitted to the Office email address: enquiries@orcl.gov.uk.