HOUSE OF COMMONS

Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Registrar of Consultant Lobbyists, HC 1346

Tuesday 14 October 2025

Ordered by the House of Commons to be published on 14 October 2025.

Watch the meeting

Members present: Simon Hoare (Chair); Richard Baker; Markus Campbell-Savours; Charlotte Cane; Lauren Edwards; Peter Lamb; John Lamont; Mr Richard Quigley; Luke Taylor.

Questions 1 - 44

Witness

I: Harry Rich, former Registrar of Consultant Lobbyists.

Examination of witness

Witness: Harry Rich.

Q1 **Chair:** Good morning, colleagues, and welcome back after the conference recess. A warm welcome this morning to our witness, Harry Rich. Mr Rich served as the registrar of consultant lobbyists up until just last month. We should start, Mr Rich, by thanking you for the work that you have done and the service that you have given in this important area.

This is not so much a "Listen with Mother" type morning; we are keen to hear your reflections—strengths, weaknesses, threats, opportunities—and some indication of hopes as to what your successor may look into to improve things as and when, or if indeed they need to do so.

I am going to kick off the questioning this morning. The lobbying Act aims to promote transparency of lobbying rather than regulating it, and there is a subtle difference between the two, as we know. In your assessment and over the period that you have been registrar, how transparent is lobbying in the UK, and is transparency enough, either actually or in the court of public opinion, to ensure propriety in decision-making?

Harry Rich: Thank you very much for inviting me to come this morning. I would say that transparency of lobbying is reasonable in the UK but not perfect, for a couple of reasons. First, the Act that the registrar operates under deals purely with consultant lobbying: third parties being paid by a client to lobby a Government Minister. That is fine, and we can come on to that in a moment, but in order for that part of the system to work it requires transparency of lobbying that is done by companies—in-house lobbyists—and that transparency can be achieved through departmental transparency data: information provided by each Government Department about the meetings held with Government Ministers and others. That is not perfect at the moment and I am happy to expand on that if you like.

Chair: Take the opportunity to do that now.

Harry Rich: The challenge is that the transparency data provided by Government Departments is poor. It is inconsistent across each Department; slow and delayed in being provided; and the information within it is very thin as well. On occasions you will get, "A meeting with an energy company to discuss energy", which is not particularly helpful to anybody. That is one issue.

The previous Government had undertaken to bring all these databases together into one place to increase the speed at which data was provided and to increase the quality of that data. That did not happen under the previous Government, it has not happened under the current Government and that, in my view, is a massive gap in the system as a whole. In a very narrow sense, it does not relate to the work of the registrar under

the 2014 Act, but it does relate to the system working properly as a whole. I would say that is one area of lack of transparency.

The other side, which is much closer to the work of the registrar of consultant lobbyists, is the information that consultant lobbyists are required to provide on the public register. That is also incredibly thin. All a registered consultant lobbyist has to declare is which clients it has operated on behalf of in that period of time, full stop. There is no information as to when any communication happened or as to who they communicated with, so we do not know which Government Minister they communicated with, on what subject, and how often. That is a big gap in the transparency provision in the UK. Interestingly, that could actually be corrected very easily: by secondary legislation, the Act allows the Minister to specify the data that is to be provided. I am afraid I have bored on about this for the past four or five years, so far to very little effect, but it is something that I believe would transform the level of transparency of lobbying in the UK.

Q2 **Chair:** Thank you, that is very helpful. As an overview assessment referring back to the publication and collation of the data of ministerial engagements with a whole range of people, having probably kept a weather eye on that, has the way of doing it become noticeably worse or erratic in recent years? Or was it always patchy and it has just remained that way?

Harry Rich: It was always patchy. If you had to assess how well the dial has moved I would say it is marginally better, but that is a relative assessment. The challenge that is worth just mentioning is what that then means. One of the jobs we undertook, certainly when I was registrar, was compliance: cross-checking the transparency data against the data that is on the register. You can imagine that is incredibly difficult when you have two pieces of very thin information that actually do not really match up at all. What we then ended up doing was writing lots of letters to very busy ministerial private offices, asking them to expand on a particular meeting. That was hard work for my team, but also unnecessarily hard work for private offices that are busy enough anyway.

Q3 **Chair:** Just a final question from me at this juncture. You will probably be aware that the House authorities have tightened up the operation of all-party parliamentary groups considerably, which can often form a very good link into Ministers, policy evolution and so on. Are you satisfied that the relationship between consultant lobbyists and the network of APPGs, as and when it exists or manifests itself, is sufficiently robust and transparent?

Harry Rich: The principal issue there for the registrar is that separate organisations provide secretariat services to APPGs. It depends on how they operate, but on occasion those secretariat services need to register as consultant lobbyists because they are being paid by somebody to communicate with Ministers on behalf of that APPG. So it is not a grey area at all, it is very clear, but it can confuse some probably well-

meaning providers of services because quite often these providers of services are third sector organisations: charities and special interest groups. They are not generally intending to avoid the regulation, in my view, but they just get themselves confused about it. The job for the registrar there is to continue to be on top of that, and in my time we did a lot of compliance work with all sorts of people that really involved making sure everybody understood the rules because the best way to operate is to make sure everyone knows the rules and complies with them, in my view, rather than wait until they break the rules and then catch them out. We did a lot of work with those providers, most of whom were happy to have the advice and some whom were a bit less happy to have that advice.

Chair: It is always the way.

Q4 **John Lamont:** The registrar focuses only on consultant lobbyists. Do you think it would be a better approach for the registrar to include all lobbying, as opposed to it just being the consultant lobbyists?

Harry Rich: It is a finely balanced question. In the end, I have come to the conclusion that it is best only to deal with consultant lobbyists on that, with the simple proviso that the disclosure information by Ministers is of high enough quality. All we are interested in is making sure that any engagement with a Government Minister by a lobbyist of any kind is on the public record. There is a kind of jigsaw operating there—or two sides of a coin is perhaps a better way of putting it—so engagement by consultant lobbyists should be on the register, engagement by in-house lobbyists should be in the transparency data. That system works very well.

One of the great benefits of the system we have is its simplicity and the fact that it is not overburdened with far too much data that just means you cannot see the wood for the trees. There are some regimes around the world which are all-encompassing. My unscientific assessment of that is that that is quite often helpful for those who want to misbehave because there is so much information you cannot possibly see what is going on, so actually the simplicity of what we do works.

Q5 **John Lamont:** You have kindly linked me to my next question, which is about Scotland where it is a much wider register in terms of all contact with the Scottish Government and the Scottish Parliament.

Harry Rich: Yes, indeed.

John Lamont: Is that a model that has been looked at, or, for the reasons that you have already described, has it been discounted because it is too wide?

Harry Rich: I do not think it has ever been looked at in a parallel scientific way, in as much that the Scottish register came into existence around the same time as the UK one, so they were developed independently. You are right, of course, that the Scottish register is in

some ways wider, though I am not a great expert on it. It is wider in as much as it applies to the lobbying of members of the Scottish Parliament, for example, and our system does not apply to members of the UK Parliament.

On the other hand, the matters that are considered to be lobbying under the Scottish system are much narrower. It is purely face-to-face conversations between the lobbyist and a Member of the Scottish Parliament or a Minister in Scotland. For example a letter, email or text would not be declarable under that system, as I understand it. So it is wider in some ways and narrower in others.

Q6 **John Lamont:** Would a consistent approach across the UK be better?

Harry Rich: It is not desperately important, to be honest. Each system should learn from the other to make sure that they benefit from other people's experience. Because they are separate Parliaments and separate systems, I am not sure that it is critical to have the same.

Q7 **Richard Baker:** Mr Rich, you have actually answered the points I was going to raise about the Scottish register and my experience of that, having worked in the third sector as well, and it is very limited in terms of what evidence can be put into the register.

Harry Rich: Yes.

Richard Baker: In fact, many people would say that there should be far more ability to register. You are actually not able to register events of meetings or phone calls, and that should be the case in Scotland. If we are making improvements to the register here, would you expect that those kinds of engagements with Ministers, and indeed potentially Members of Parliament, should be able to be included as well?

Harry Rich: I will be taking that in two halves. First, Members of Parliament. I have seen nothing that tells me it would be massively useful to extend the registration of communications with Members of Parliament and make those declarable. That would make the system much more complex and put burdens on both lobbyists and Members of Parliament that are probably unhelpful. It is not something that was ever raised as a massive issue during my time, but I am sure there is a case for arguing around that, at least.

In terms of the mechanisms of communication, under the 2012 legislation the registrar is obliged to provide formal guidance to registrants as to how the system will operate. The guidance I put in place in my time defined communication. Communication is the term that is used in the legislation, so: "Any communication between a consultant lobbyist and a Minister or a Permanent Secretary must be registered." I defined that very broadly, so that is communication of any kind: face to face, by telephone, letter, text, email or semaphore. It does not matter how it is done; if a lobbyist is communicating by any mechanism, that has to be registered. That level of simplicity has helped the system a

great deal and has helped consultant lobbyists to be clear about what they need to register too.

Q8 **Richard Baker:** In terms of Scottish legislation, it also includes a requirement for charities and third sector organisations to register lobbying, which is in fact campaigning activity. It is hugely burdensome, and it is not clear how much information it provides around dialogue between charities, Government and Parliament. Do you see that kind of engagement, of being required to be registered, in the future system in terms of this Parliament?

Harry Rich: Yes and no. There is no distinction, either in the legislation in the UK or in the way that the register has been operated to date, between charities and commercial organisations. You would view a charity that was lobbying on its own behalf as an in-house lobbyist, just as you would a commercial organisation doing that, and neither would then have the obligation to register.

On the other hand, if a charity employed a third-party lobbyist to work on its behalf, that would be registrable just as it would if you were a commercial organisation. There is no distinction there. Again, that is completely helpful because there are charities and charities, those third sector organisations, and if a very large, powerful charity is lobbying for its point of view, that should be known to the general public.

Q9 **Chair:** Just before I bring in Ms Edwards, you mentioned text messages and letters. Correct me if my understanding is not right, but text messages, letters, and so on are declarable by a consultant lobbyist in the register, but are not included in the Government transparency data?

Harry Rich: You are correct, and that situation is unhelpful.

Q10 **Chair:** Do you see that as an accidental anomaly that needs correcting, or do you think it was put in, I suppose, deliberately?

Harry Rich: I do not think it is accidental.

Chair: You do not think it is accidental, right, okay.

Harry Rich: I do not think it is accidental. When the departmental transparency data system was created, I am quite sure there was an intentional decision behind that as to what should be declared and not. It may be that the passage of time has made that more urgent as well. We have recently seen very important cases of WhatsApp messages being very live and relevant, as you have described. Those would absolutely be declarable if they were being conducted by consultant lobbyists under the registration system. They would not be declarable in the transparency data, and they should be.

Q11 **Lauren Edwards:** I have a lot of experience in this area and probably a lot of engagement with your international counterparts. Picking up on the WhatsApp/text issue specifically, are there other jurisdictions where that

is captured in Government transparency data, and would you consider that international best practice?

Harry Rich: I am afraid I do not know the answer to that question, but I would be amazed if there are not.

Q12 **Lauren Edwards:** Thank you, it may be something we could follow up elsewhere. I am also interested in any other international comparisons that you think might be useful. You have obviously talked about some other jurisdictions having perhaps overly burdensome regimes. Are there any particular countries where you think there are some very clear elements that could be incorporated into the UK's regime quite easily by Ministers, and that would be strengthening our current regime?

Harry Rich: When I compare our system with other systems, as I have over the past few years I have to say—I do not want this to sound smug—our system is pretty good in terms of its bones: its ability to do what it does. There are some very easy changes that could and should be made to the system to make it more effective, and I have hinted at a couple of them already. That probably would align with some other countries around the world.

But there is a chart that exists—if I can find it and if it is useful to the Committee I will let you have it—that seeks to compare international organisations.

Chair: Yes please, all information will be gratefully received.

Harry Rich: If I do not have it I am sure that the office of the registrar could find that for you. But there are no glaring holes that I am aware of. I did not look across the table at my colleagues from around the world with jealousy, to be honest. I was quite happy that we have a decent system, subject to the changes I have hinted at and a couple more I can talk about.

Q13 **Mr Quigley:** You indicated that you do not think there is sufficient detail in places. Do you think the registrar should also have a role in overseeing how the Government perform on releasing their own transparency data?

Harry Rich: Somebody needs to and it would be perfectly possible for the registrar to do that, but I suppose you would have to look at what the mechanism would be for that. I guess it would require a change of statute, and that is perfectly possible to do. I imagine that would take the shape of reporting maybe once a year on the regularity of that information, and the degree to which the Government are complying with the rules they have set.

The risks of that—which are overcomable—are that it starts to turn the registrar into a regulator, which is not what it is at the moment. There are other mechanisms for doing this. We may come on to talk about this anyway, but for example the newly formed Ethics and Integrity Commission, which launched yesterday, has a responsibility to report

annually on a whole variety of things to the Prime Minister. I had a quick look at the terms of reference, but I am not sure whether the issue you have raised is within that. It would probably be easier and more appropriate to add that into the terms of reference if it is not there already, so that once a year the EIC would report publicly in a letter to the Prime Minister on the application of the transparency data.

Q14 **Mr Quigley:** Do you think the registrar should also have oversight of the Foreign Influence Registration Scheme, which has had very limited sign-up?

Harry Rich: It has had limited sign-up but it is early days yet and again, we had a number of conversations with the people setting that up, not in order to integrate the systems but to make sure that between us we did not somehow create holes in the system. Not thinking about foreign influence, but for example we have had occasions where former Ministers have had sign-off from ACOBA, as was, to carry out certain activities and have then assumed that inoculated them against compliance with the legislation, and it does not. Similarly, we wanted to be very clear with any third-party lobbyists that registration with FIRS did not inoculate them from registration with the registrar, and vice versa; but there is no particular value in a takeover bid.

Q15 **Mr Quigley:** You mentioned mechanisms: do you think there should be mechanisms in place to ensure that Ministers and officials seek out a diverse range of voices when they are making policy? If so, how do you think that might work?

Harry Rich: Yes, you could almost have taken the words out of my annual reports each year! That is something that I have felt very strongly from the very beginning. In a narrow sense, it is outwith the remit of the registrar: that is not the registrar's job. It strikes me that if you want to have transparency in lobbying but also lobbying that is seen as valuable and ethical in terms of helping good policymaking—I feel very strongly that lobbying done right is really important in policymaking—then, yes, there is a responsibility on recipients of lobbying, Ministers and civil servants, to not only listen to the people who shout loudest and are best organised, but also to seek out a range of views.

Q16 **Richard Baker:** The previous Government launched a post-legislative scrutiny exercise, which our predecessor Committee reported on. At that time, the previous Government ruled out legislative changes but suggested a number of mechanisms by which they could improve the transparency of lobbying. What work has followed on from that process that was engaged in by the last Government and our predecessor Committee?

Harry Rich: There has been almost none. To be honest, it was the first engagement I had ever had with a post-legislative scrutiny process and I would be very happy if I never did it again. It was a fair amount of work on behalf of myself and my office with lots of hearings and talk, your

predecessor Committee also put a lot of effort into it, to pretty much zero impact. It strikes me that there is very little point conducting post-legislative scrutiny if any Government, whichever it is, is going to say, "Thank you very much, we're not doing anything". It is a waste of everyone's energy.

Q17 **Richard Baker:** Post-legislative scrutiny is a valuable process but only if it is done properly and actually acted upon; I could not agree with you more, Mr Rich. Have you had any discussions with the current Government about changes to lobbying rules in light of that process and the predecessor Committee's report?

Harry Rich: To some degree. I have to be honest: I have separated myself. I no longer relied on the post-legislative scrutiny process in my final year or so because it struck me as a tired process that was not going to get me anywhere. So I have simply focused on the four or five key changes which, as it happens, mostly appear in the PLS recommendations. There were four or five changes, and obviously I had conversations with the previous Government about those, and I have had a conversation with the current Minister about this as well.

Q18 **Richard Baker:** Could you just remind us what those four or five changes are, and how optimistic are you that progress is being made in those areas?

Harry Rich: Of course, with pleasure. One I have already mentioned is the range of information that the registrants should declare every quarter: so making sure that not only do we know who they have worked for but who they spoke to, on what topic, how many times and when. The second one is special advisers. The legislation envisages the possibility of bringing special advisers into the remit for declarations. At the moment—forgive me, I am sure you know this—the communications that have to be registered are with Government Ministers, both Cabinet Ministers and junior Ministers, permanent secretaries, and with a range of people who are deemed under the legislation to be equivalent to permanent secretaries, so the chief scientific officer and the like. The legislation contemplates bringing special advisers into that list of communications, and that is something that really would enhance the system. I did a bit of lobbying myself way back, I hope for good purposes, and the people you start with are not Government Ministers or permanent secretaries, you start with special advisers so they ought to be brought in. That is absolutely a key area.

Q19 **Chair:** Would you add PPSs—parliamentary private secretaries—to that as well?

Harry Rich: I would distinguish between special advisers who are contemplated in the legislation, and then it would actually be very helpful to have a stand-back review of, for example, whether PPSs or directors general within Government Departments ought to be brought in. That is an important but slightly separate review because it is not in the

legislation as it stands at the moment. That would require primary legislation and therefore a review of that would be helpful. There were a number of reviews around the time of the post-legislative scrutiny that recommended bringing a variety of different levels of people into remit.

There are a couple of slightly more technical but rather important areas. The legislation only requires those that are VAT registered to comply with the system. If you are a consultant lobbyist and your turnover is £60,000 a year, you can do what you like without registering; the VAT registration level is around £90,000 at the moment. My view is that you can do an awful lot of lobbying for £90,000. I know from reading the debates in Parliament that the reason for putting that VAT threshold in was to avoid very small businesses being obliged to comply with what was seen as burdensome legislation; it is not sensible to use the VAT threshold as the mechanism for doing that. If you want to put a de minimis provision in there are other more intelligent ways of doing it.

Going back to the question of international comparisons, some systems will have a de minimis, for example, if you do less than three communications a year, or you have less than two clients. You can have an intelligent way of ensuring that tiny organisations do not have to register. As it happens, my personal view is that the burden is so tiny that there really does not need to be much exclusion of people.

If you changed the legislation to bring more people into remit, the one thing you would have to do is have a more graded fee scheme. At the moment basically everyone pays £1,000, whether you are a massive international global public affairs business or two people sitting in an office around the corner. The important thing is that the VAT registration threshold is a problem because it excludes some quite significant lobbyists and, probably more worryingly, it brings an unintended consequence around non-UK businesses. A non-UK public affairs business is not VAT registered as a result of that, but if it is carrying out lobbying in this country it would not have to register because of that VAT threshold. That is a problem.

The other one is something that we colloquially call the incidental exception. It appears at a couple of places in the legislation and broadly says that if the communications you are making as a lobbyist are incidental to the rest of your business, and the rest of your business is not lobbying, then you do not have to register that. I have not yet met anybody who understands what that means; I have sought legal advice on it two or three times during my seven years. It is a problem for a number of reasons, partly because it actually provides jeopardy for consultant lobbyists because if they do not know what the rules mean how can they comply with them? It also allows wriggle room for those who might be trying to find a gap in the legislation.

I do not think there is actually any need for that incidental exception to appear. I have tried to expand on it as much as possible in my guidance

to make sense of it. As often with these things, there is a risk that the more you try to explain something that is unintelligible, the more unintelligible it gets, but we are at a reasonably good place. For those who want to have a look at my guidance around the incidental exception, it is reasonably clear but there is still far too much room for argument. The Government need to look at that, decide what they want it to mean, and then change the law to make sure that the law is clear. That would be that one.

There are two other areas which are probably more minor but if someone is going to look at the law, these should be looked at too. One is the incapacity or conflict of interest of the registrar. In my seven years it never happened, but the registrar is the corporation's soul, and if the registrar is out of action or has a conflict of interest in a particular case, there is no provision or mechanism for anybody to take that over and deal with acting as registrar. I used to hold my breath slightly and hope that nobody I knew ever came across my sites, and luckily they never did. But if they had, I have no idea how we would have handled that.

Then the final one is this list of people who are considered in the Act to be equivalent to permanent secretaries, as I mentioned before. That just needs a review because some of those roles no longer exist; for example the Prime Minister's adviser on the European Union, who I suspect does not exist anymore, but there are probably others who should maybe be brought into that list.

Q20 **Charlotte Cane:** You touched on the fact that you are not sure all consultant lobbying is actually required to register under the current rules. Of those that are required, how confident are you that they are all registering?

Harry Rich: That is a very important and hard question to answer because if we do not know, we do not know. But my general assessment would be that there is a pretty high level of registration. We doubled the number of organisations on the register over the period I was in office through a mix of two things: one was a lot of work on informing anybody who might potentially become a consultant lobbyist of what the rules are. As I said earlier, my interest is in helping people to comply rather than catching them out. For example, after the last election we wrote to all outgoing Members of Parliament to say, "These are the rules, if you are engaged in these situations in the future, this is what you have to do." We wanted to avoid issues, so that was one mechanism by which we increased compliance.

The other one was by being more permissive. When the regime was originally created by my predecessor, if you did not make a declaration on the register for six months, you were taken off the register. We changed that and were permissive in terms of saying, "If you think you might make a declaration in future, you can stay on the register if you choose to." The reason for doing that was that the quirk of the Act is that you have to be registered before you make the communication. The risk

is that you stumble into a communication by mistake or in an unplanned way, you have not registered and we have you. That is just not helpful. We were much more permissive in that way, so one half of it is engaging with people.

The other reason for those pretty high levels of compliance is that particularly the professional bodies, the PRCA and the CIPR, representing professional public affairs businesses, are very supportive of declaration. Actually, they are very strongly supportive of some measures I have mentioned before in terms of improving the system. Where you have an industry that wants to comply for its own reasons, you get quite high levels of compliance. The outliers are people who somehow do not think of themselves as lobbyists because they have not got lobbying on a brass plate outside their front door. The truth of it is that lobbying is defined by what you do, not by what you call yourself. But those are outliers, so in my time we had a few cases of former politicians who thought that they were immune in some way and perhaps were not.

Q21 **Charlotte Cane:** Is that partly why you wrote to all the former MPs, to try to avoid that?

Harry Rich: Yes. My starting point is that most people probably want to comply. Particularly if you are setting yourself up to represent clients to members of the Government: you do not want your reputation to be sullied, you want to act in a way that is seen as legitimate and useful.

Q22 **Charlotte Cane:** You touched earlier on the fact that the register of lobbyists and the transparency register both had very thin evidence and it was therefore difficult to cross-reference them when you were trying to do investigative work to identify any breaches. You talked about how long it took: do you have enough resources in the team to conduct the sort of work you need?

Harry Rich: The answer is yes and no, and I will expand on that. There is a binary choice about how proactive we want the system to be. It would be completely possible to set up almost like a police force for this with 200 people in it who are out there the whole time seeking out breaches. That is not how the system works, and it is not what I would advocate. The way we operated—it is pretty okay and therefore we had enough resources for it—was to do the kind of work you talked about to do with comparing the data. That did not produce masses of useful stuff by the way, but it was something that I felt we had to do because there was data there. The main mechanisms for compliance were quite often journalists either contacting us to say, "We think something's going on here, what do you think?" The standard response to that is, "Give us some information and we will investigate if we think there is a breach." So people contacting us would be one mechanism. We would also keep an eye on what was going on in the world in general and if we saw something that looked like it might be lobbying, we would open an investigation there. It was reasonably proactive, we were not just sitting there passively, but it was not strenuous in terms of large numbers of

people going out there seeking breaches. There is an argument to be made for something more proactive, but I do not think you would find a great deal.

Q23 **Charlotte Cane:** With things like the Bribery Act, if somebody tries to bribe you, you are meant to report it. Is there anything that says that if somebody tries to lobby you, you should check they are on the register and, if not, you should report it?

Harry Rich: That is a really pertinent question and something that I prevaricated about over the seven years, to be honest. Every so often, when I was putting my business plan together each year, I would think, "Should we be trying to put a requirement on Ministers or private offices to conduct that sort of due diligence?" Each time I looked at it I concluded not, because I thought it would be going beyond my remit. But there would be a good case, even in an informal way—it might be the Cabinet Secretary doing this or somebody on a non-statutory basis—of letting private offices know that they need to be careful who they are listening to.

Q24 **Charlotte Cane:** When you find a breach, your maximum fine is £7,500 which, frankly for a lot of lobby firms, is very little. Is that sufficient to deter people?

Harry Rich: Interestingly, yes I believe it is, because the reputational issues are much greater than the financial issues. If you are a large lobbying business for which £7,500 is—as you say absolutely correctly—nothing but you are found to be in breach of the legislation and a penalty is imposed on you, that is so damaging to you financially and reputationally that people make strenuous efforts to comply with them and defend themselves, if you like, when an investigation is going on.

Many investigations I did in my seven years were quite simple and quick, but a number of them were very long and complex because the reputation of the company was so important to them. So it is probably sufficient. In my seven years I only ever once imposed the maximum penalty, and that was on Owen Paterson because there were a number of communications—this is all on public record—that were absolutely registrable. One of the parts of the penalty imposed is the £1,000 fee that you should have been paying in the years that you were not registered. That was the only one instance. I should not focus on a particular case, but I do not think in any case that if the penalty was £50,000 or £100,000 it would make a great deal of difference.

Q25 **Charlotte Cane:** You think it is the reputation that is more important?

Harry Rich: I believe so, yes.

Q26 **Lauren Edwards:** One of the deficiencies of the current system that has been touched on in the past is the lack of a mandatory code of conduct for lobbying. What is your view on whether there should be one?

Harry Rich: Again, if you conceive of the system as being registration—that is declaration of activity—then I do not believe there is a case for there being a mandatory code of conduct because all the system seeks to do is make sure that any communication that constitutes lobbying is on the public record and is then open to journalists, third sector organisations and clients to investigate that. It is also then the responsibility of a client to do due diligence about the company they are going to work with. So if you are a legitimate client, you might very well want to make sure that your lobbyist is operating in a legitimate way.

On the other hand, if you wanted to have a more regulatory system that made sure that all lobbying was conducted in an ethical and open way—this would be very different from our current system—then yes, there would be a case for a code of conduct. But alongside that you would have to bring a mechanism for regulation, not just registration; there would be no point in having a code of conduct if there was no one there to enforce it.

There are codes of conduct for the two professional bodies, and they are the ones that would then enforce that against any of their members who were found to be in breach of it. So that sits alongside the system.

The way the legislation is written does not require a code of conduct of registrants, but it allows them to declare a code of conduct on their registration page on the registrar's site in a permissive way, if they have one. I tightened up on that a little in my time because, in my view, some codes of conduct that were on there were not codes of conduct. For me, the minimum things a code of conduct has to have if it is going to be registered on the register is some external oversight. You cannot have people marking their own homework; if someone makes a complaint against a registrant, how is that adjudicated? Secondly, we wanted to know what the penalties, if you like, would be for that company if they were found to be in breach. I did not try to specify what the penalties were because again that would be outside the authority of the registrar.

The truth of it is that it is a bit fuzzy, but I do not see a very strong case for regulation. Basically that would require regulation of the whole lobbying system, and I do not think that is the first place you would go to improve the system.

Q27 **Lauren Edwards:** My understanding is that membership of those two bodies really only covers a fraction of the lobbying industry, though. How do you think that then gives people confidence in transparency?

Harry Rich: That is why I would say that the route is not through codes of conduct, the route is through transparency, which is different. For example, something that would be in the code of conduct is that you, as a lobbyist, always declare to the person you are lobbying who you are lobbying on behalf of. That is completely sensible, but to enforce that across the whole of the system would require a regulatory system.

Confidence of the public, which is obviously a very important question in the very broadest sense, starts with making sure that everything is on the public record, either because consultant lobbyists are declaring it on the register or because Ministers are declaring it in their transparency data, and that the information in both cases is sufficient to understand what is going on: who was lobbied, about what and when. That would be the starting point. Undoubtedly, if we look forward two or three years there are sophistications one could put into the system that might make it even better, but it seems to me that where there are simple things that can be done, that would be the starting point.

Q28 **Lauren Edwards:** The previous version of this Committee recommended that the UK consider following the example of the European Union, whereby Ministers and officials only meet lobbyists who are signatories to one of the recognised codes of conduct. Do you have a view on that?

Chair: You do not have to if you do not have one.

Harry Rich: I did not have a view on it, but I am formulating a view. It would be very helpful if Ministers and their private offices were alert as to who is lobbying them on behalf of whom, and the ethical way in which they are doing it. I maybe would not put a strict requirement, a ticket of entry, but I would say that private offices should be aware of that.

Q29 **Lauren Edwards:** Perhaps there should be guidance in terms of best practice?

Harry Rich: Absolutely, guidance of best practice would be helpful.

Q30 **Mr Quigley:** You have given some very in-depth answers so far, so thank you for that. Why do you feel that there has been a reluctance under the previous and now current Governments to take action on the recommendations made by you, this Committee and the Committee on Standards in Public Life on improving lobbying transparency? On the back of that question, how seriously do you think Government takes transparency?

Harry Rich: I am not someone who generally sees conspiracies or plots or even ill will, and probably there is not any of that in this case, either. It is just that there is plenty else going on; there is no crisis at the moment so why make any changes? No one is going to put a vote in a ballot box over this issue in either direction. Until it becomes a live issue, it is not important. The history of these things in the UK and elsewhere around the world is that it only ever changes when there is a crisis, when some kind of scandal pops up. I suppose that is the tone of what I have tried to make clear to the previous and current Governments: that in a sense the simple changes protect you as a Government and us as a society from some of the risks of those scandals. It is more lack of focus than any great policy decision.

Q31 **Mr Quigley:** If you had a magic wand and you could go back, what would you do?

Harry Rich: It is really those dull changes that I mentioned earlier on that I have banged on about for four years: the spads; declarations of information; sort out the VAT exemption; sort out the incidental exception; and make sure, separately, that the transparency data from Departments is of decent quality.

Q32 **Mr Quigley:** The previous Government also promised an integrated transparency platform for the whole of Government but it has been abandoned. How significant is that in terms of your magic wand issues?

Harry Rich: It is really significant. The previous Government slowed it down because it was all a bit too complicated. Genuinely, that was the answer: it was just technically too difficult. I just do not buy that; it was just laziness. Transparency International, a third sector organisation, has a database it manages to put together; it is not perfect, it is a bit clunky, but it is a pretty good database of this stuff, the information that Ministers publish. If a third sector organisation can do it, I really cannot see why a Government cannot.

Q33 **Mr Quigley:** At whose door would you suggest we lay that issue?

Harry Rich: If you are thinking about machinery of government kind of stuff, it is probably the Cabinet Office.

Q34 **Luke Taylor:** The previous Committee described the landscape of standards regulation as, "A patchwork, with individual watchdogs with different powers, legal basis, and appointment processes." When you were the registrar, where did you view your office within this patchwork landscape?

Harry Rich: The Committee was right; it is a patchwork. By the way, I do not think that necessarily is a bad thing and I am happy to expand on that if it is useful. But where we saw ourselves was different from pretty much all the other organisations, in as much as pretty much all the other bodies in this landscape are there overseeing and regulating public servants, whether those be Government Ministers, Members of Parliament, Members of the House of Lords and the like.

The registrar's work is the other side of the coin. Our work is in focusing on those doing the communication with those public servants. So in that respect it is a very different kind of organisation, but we happily sat alongside those and had communication and contact with them. I cannot remember how often, but probably three times a year we would all get together in a fairly open forum in as much as it was not a secret that we were doing this, to discuss the issues that we were facing, some of which were relevant to each other. For example, I mentioned earlier the value of making sure that people did not slip through the cracks, thinking that because ACOBA had approved something they did not have to come to the registrar. So dealing with those cross-organisational things to make sure that the patchwork was as tightly sewn as possible.

Q35 **Luke Taylor:** In terms of the difference in your role compared to the

others, do you feel that you were able to act with independence in the role as the registrar?

Harry Rich: Yes, I am happy to say that I was wholly independent. The statute provides that. I was very clear about that from the beginning in terms of the relationship with our sponsor Department. We have a sponsor Department that provides us with rations and basic people; so they provided the civil servants who operated my system. But I was very clear that, whilst those civil servants were answerable to their Department in terms of their career progression, they were utterly independent and answerable to me in terms of the work they did in relation to the legislation. I never had a Minister of any party who tried to step over that or influence me in any inappropriate way. We set very clear ground rules. For example, when I was conducting an investigation I would not disclose anything to any Minister or any civil servant about what we were doing. The only concession we made was that we would let them know we were about to publish about an hour before we published.

Q36 **Luke Taylor:** You mentioned the statute, the Ministers and the staff in the Department. It sounds like they delivered the success that you feel you enabled, but were there any other keys that delivered that independence?

Harry Rich: The statute is the core of that independence. Obviously, it depends on the registrar who is appointed that they would assert their independence. There was no problem for me and I am completely confident that my successor, who is tremendous, will assert her independence as well.

Q37 **Markus Campbell-Savours:** You attended meetings with leaders of other standards bodies convened by the Commissioner for Standards in Public Life. What do you feel were the purpose and benefits of these meetings, ultimately?

Harry Rich: Sometimes it was a therapy session: we could all sit there and complain about how terrible things were. But in a more serious sense, it was about sharing experience for example around some of the reports that were coming out, whether from this Committee or elsewhere.

Q38 **Markus Campbell-Savours:** Did you discuss the details of cases?

Harry Rich: No, very assiduously not. There would not have really been any value in it anyway because I cannot think of an instance where something I was investigating would have been of relevance to any of the others sitting around the table. But as a principle I would not have done it.

Q39 **Markus Campbell-Savours:** You used the phrase earlier about people having the inoculation of ACOBA. Were there not particular cases that you took to ACOBA, or discussed with them?

Harry Rich: No because the principle in law, the legislation that I was operating under, is that an individual or a business is subject to that law, irrespective of anything that anybody else might have said. As you know, ACOBA was not a statutory body anyway. The issues that I would discuss with ACOBA would be the general issue of how we help people to understand that there are two separate requirements and they have to comply with both. In a very simple sense, what that resulted in is that when ACOBA put out its letters of advice to former Ministers and others, there would be a sentence at the end of it saying, "And by the way, be aware that the registrar of consultant lobbyists operates a separate system, and you must comply with it." Similarly, when we were providing information to people, we would say, "Please be aware that ACOBA is a different system and you must comply with that also." But we would never discuss individual cases.

Q40 **Markus Campbell-Savours:** Is there not a case for more joined-up working with the different standards bodies?

Harry Rich: We are looking at different things in those cases. ACOBA, as you know, is no longer operating: it has been rolled up into the Ethics and Integrity Commission in a different way. The responsibilities have been split between the Commissioner for Public Appointments and the Prime Minister's adviser on ethics.

But the issues would be different. If I can follow through on your question, the one area that could be interesting is that the Civil Service Commission is taking on responsibility for what civil servants do when they leave the civil service, and the Prime Minister's adviser is taking on responsibility for advising former Ministers.

An interesting conversation there would be trying to make some consistency in what is considered to be lobbying because the definitions are slightly different in each case. I do not think it is critical because they are separate systems, but it would be helpful to everybody if there were similar definitions.

Q41 **Markus Campbell-Savours:** You previously said that you thought it would not be appropriate for the registrar to fall under the umbrella of the Ethics and Integrity Commission. Could you expand on your reasons for that?

Harry Rich: If I am honest I have probably shifted slightly on that because I said that at the point when it was not clear what the Ethics and Integrity Commission was going to be and how it was going to operate. So if it was going to be a super-regulator of some sort then it would not have been appropriate because of the point I made earlier about the different sides of the coin. It is now much clearer, as of yesterday when the terms of reference have been put out there, that the remit is slightly broader than I described. Broadly, the remit of the Ethics and Integrity Commission is to report annually to the Prime Minister on the operation of the system as a whole. So within that context it is completely sensible

and fine that the work of the registrar of consultant lobbyists should be part of that overview.

Markus Campbell-Savours: For the rest of the Committee, Section F of the responsibilities says that it will, "Convene ethics and standards bodies in central Government (and Parliamentary standard bodies with their agreement) to share best practice and identify and address areas of common concern."

Q42 **Chair:** Mr Rich, you have highlighted that the Government have a wider commitment to restoring confidence in Government and the wider UK political system. Is there anything specific in the area of lobbying and its registration and governance that you think could play a part in that and which Ministers in turn would be well advised to pick up and run with?

Harry Rich: Yes, clearly the issues I have mentioned a couple of times, but beyond that—

Chair: Yes, in addition to that.

Harry Rich: First, the instances under which either former politicians or former senior civil servants engage in lobbying of any kind under any circumstances should be really rare. There is a kind of assumption that it should never happen for a good period of time and my experience is that the general public, in the very broadest sense, not surprisingly, does not apply a lot of detailed analysis to the issues we have been talking about this morning, nor would I expect them to. Therefore, the rare instances when a former politician or former civil servant engages in something that is perceived as using the power, influence and knowledge they had previously to advance their career in the future is absolutely corrupting the system, and that should be avoided at all costs.

Also, the point that was raised earlier around policymakers seeking a range of views: so making it clear that lobbying is not just for the biggest, most complex organisations, but actually policy is formed on the basis of Ministers and their officials gathering views from a range of bodies. To the extent that anyone would observe that and understand that was happening, that would be very helpful in terms of clarifying the way the system operates.

Q43 **Chair:** Just a side question with regard to civil servants: in the public's mind, and often in the media's mind as well, the opportunities for, "Corruption and wrongdoing" reside solely in the cohort of people who were elected or appointed politicians. We all know that in actual fact the civil service is enormously powerful and influential in the evolution of policy and the suggestion of policy, and so on. Are you content that there is enough seriousness of attention paid to civil servants, be they senior or otherwise, as there is to the former political class or the retired political class?

Harry Rich: Interestingly, it is hard to tell because we do not know all the declarations that are made in the register. For example, when a

registrant declares they have acted on behalf of three businesses in the past quarter, we have no idea who they have been talking to. So I do not know whether that was a Minister or a permanent secretary. That is one of the reasons for wanting to understand that information more clearly.

I agree on your broader question, which is why I am so keen that, at the minimum, special advisers should be brought into remit. In response to your earlier question, I said that there is a very important discussion to be had about what other levels of civil servants should be brought in. If you ask me to guess, it is probably the case that director generals should be brought into that remit because they are very important in Departments, and you might even take it as far as directors. Some is the responsibility of the Cabinet Secretary to make sure that their teams of civil servants understand the appropriate ways in which to receive information from lobbyists, whether they are in-house or third party, what weight to give to that and how to declare it. I am not close enough to the internal workings of the civil service to know quite how well that happens, but it ought to happen.

Q44 **Chair:** Our final question of what has been a helpful session is: reflecting back on your seven years, what advice would you give to your successor in answer to these two questions: you will be urged to pick up this ball and run with it, for the love of God do not, that way lies madness, sort of thing; and which one ball do you really hope that she will pick up and run with, that you think is important?

Harry Rich: In reality, the advice I gave to my successor when I briefed her was to observe what I had done and what had been done, and then feel absolutely free to change it because the value of a new person coming in is that they have a fresh pair of eyes; and she brings a different set of experiences. That was the reality of the advice, and I hope that it is valid.

I suppose with the theoretical question about what not to touch, if I was her I would not get drawn into trying to make it the most perfect system in the world that is utterly comprehensive that covers every possible activity under every possible circumstance by any possible person because you will not achieve it. And if you do achieve it, it will not be valuable because no one will understand what is going on. So, stick to the focus of the legislation.

Chair: The focus being simple?

Harry Rich: Absolutely. The thing to pursue, and I would say this because I have been boring on about it for four years, are the changes that I have listed: just keep on pushing on with those; at least the changes that can be done by secondary legislation. I genuinely buy the argument from any Government that legislative time is hard to find. So if I am asking Government to put some amendments into a piece of law, it is much harder. But if you can simply put a resolution, whether it is a positive or negative one that you can do by regulation, just push on that.

Chair: In the absence of any hands or raised eyebrows I will bring this session to a close. Thank you for your attendance this morning. Again, thank you for all that you did during your period as the registrar, and enjoy in good health whatever it is that you are going on to do. If you are going to be a lobbyist, then you know precisely what you need to do. Thank you very much indeed.