

Public Administration and Constitutional Affairs Committee

Oral evidence: Pre-appointment hearing—Registrar of Consultant Lobbyists, HC 1249

Thursday 13 September 2018

Ordered by the House of Commons to be published on 13 September 2018.

[Watch the meeting](#)

Members present: Sir Bernard Jenkin (Chair); Kelvin Hopkins; Mr David Jones; David Morris.

Questions 1-17

Witness

I: Mr Harry Rich, the Government's preferred candidate as Registrar of Consultant Lobbyists.

Written evidence from witnesses:

– [Mr Harry Rich](#)

Examination of witness

Witness: Mr Harry Rich.

Q1 **Chair:** Welcome to this pre-appointment hearing for the office of Registrar of Consultant Lobbyists. I am very pleased to welcome the preferred candidate. Would you identify yourself for the record, please?

Mr Rich: Of course. My name is Harry Rich. I am pleased to be here.

Q2 **Chair:** What motivated you to apply for the role?

Mr Rich: There are probably a couple of motivations. One is that, as a matter of general principle, I think that the oversight of professions is generally in the public interest, to make sure that professions are operating in that way. That process, in my experience, strengthens the professions concerned.



HOUSE OF COMMONS

On a more specific basis, I think that lobbying and discussions with Ministers about policy and legislation are often a very useful part of the policy formation process, but if—and only if—that is done in an open and transparent way. Smoke-filled rooms and backroom deals are unhelpful to policy making, but transparent conversations—transparent lobbying—can be very useful. The opportunity to contribute to the process that brings out that transparency is something that interested me.

Q3 David Morris: Good morning. You have had quite a varied career—I have just been looking at the notes. What experience do you have in particular that qualifies you to be Registrar of Consultant Lobbyists?

Mr Rich: There is a mix of things. First of all, I have run a variety of things in my time, so I understand process and systems and the way things happen. At an administrative level, I think that is a useful prerequisite.

Secondly, I have worked in and around organisations that have been involved with Government, Parliament and Ministers—not on a consultant lobbying basis, but when I was at the Design Council, for example, we were an NDPB working with the Business Department at that point. Subsequently, at the Royal Institute of British Architects, we worked with a variety of Government Departments. So I understand the way policy is made and Ministers operate and, from the outside, the way lobbyists work, to some degree. I think that is part of the qualification there.

The third leg is that I also understand regulation and registration. Of course, we are not talking here about regulation of the lobbying world, but the worlds of regulation and registration are very closely aligned, so I understand that very well from my work at the Press Recognition Panel and, previously, at the Advertising Standards Authority.

Q4 David Morris: Are there aspects of the job where you know you will need to build on your experience, expertise or knowledge?

Mr Rich: Inevitably, because it is a prerequisite for the role that the candidate is not someone who is engaged in consultant lobbying, I will need to understand that industry in more detail and make sure that I understand the way that world works. That is certainly one key area.

I suppose the other side is that, although I have worked with Government Departments over the years, I have never worked so closely with one and I will have to work out how that happens. That presents an important and interesting conundrum, because clearly the team who run the office are seconded from within the Department, but the office and the registrar are independent of Government and the industry. Getting that balance right will be critical in terms of how I run things.

Q5 Chair: In terms of the time commitment, the Government estimate that it takes between 30 and 40 days a year to conduct this role, but your predecessor has spent 65 days in the last year doing it. Do you have enough flexibility in your own timetable, with your other interests, to accommodate more work than the Government suggest it may take?



HOUSE OF COMMONS

Mr Rich: Yes, I do. One advantage of running my own work is that I can flex that to suit my other time commitments. As you will have gathered, part of my time is spent on executive coaching and business advice, and I can flex that to be as much or as little as is necessary. My other commitments are non-executive and voluntary activities that have a fairly well defined timeframe. So yes, I would have time.

Q6 **Mr Jones:** Mr Rich, you have said that you have no existing conflicts of interest, but as you yourself are a consultant, working for a large number of clients, how do you propose to ensure that a conflict does not arise in the future?

Mr Rich: First of all, in lots of the roles I have done, conflicts of interest or the appearance of conflicts of interest have been absolutely critical, so I am very alert to that as a general proposition. In the specific case—to answer your question—quite simply I would not take on work for any organisation or individual where there might be a potential conflict of interest. I think most cases would be utterly clear. If there was a doubt, I would err on the side of not doing it.

Q7 **Mr Jones:** You have said that taking on this role without direct experience of the consultant lobbying industry presents “a challenge”. Could you tell us what you think that challenge is and how you propose to meet it?

Mr Rich: Certainly. I think it is a challenge but, without being too glib, I think it is also an important opportunity. First of all, it is a challenge that is built into the legislation, so there is no choice; there could be no candidate sitting here who had consultant lobbying experience in the past five years, because they would have been precluded from applying for the role. The challenge is to understand the world in which you are working. As you have seen from my CV, I have done a lot of different things over the years, and one thing that is critical to any of those roles is getting to understand the industry or the profession really quickly. So I would do that very quickly—get to understand the consultant lobbying industry and also to understand the pressures on Ministers. There will undoubtedly be organisations that, in a sense, stand in opposition to consultant lobbying. I would need to understand them as well. All of that will be critical.

The opportunity is that because I am not coming into this with a lot of preconceptions, I can look at things with a fairly fresh and clean eye.

Q8 **Kelvin Hopkins:** How do you propose to balance the need to remain close to the consultant lobbying sector with the need for independence and objectivity?

Mr Rich: Overarchingly, that is a question of judgment. I just have to make sure that I am very aware of that as an issue, and judge it correctly. To go into slightly more detail, it is very much about making it clear from the start that I am interested in hearing points of view. I am interested in hearing what people think about the operation of the system. In the end, it is up to me, within the framework of the legislation—that is absolutely critical—to make decisions that support the legislation.



HOUSE OF COMMONS

I will make it utterly clear that it is my job as registrar, if I am appointed, to apply the legislation as it is, and to apply the system as it is. It is not my job to create a system that does not already exist. That is outwith the registrar's role, in my opinion.

Thirdly, I plan to set a very clear rule from the beginning that any meetings I have with anybody about this area of work will be on the record in the sense that the fact of the meeting will be published and the subject matter of the meeting will be published. That can—I know this from experience, having done that at the Press Recognition Panel—at moments make people feel awkward. In my view, it is utterly critical that there is no possibility ever of a behind-the-scenes meeting.

- Q9 **Kelvin Hopkins:** As Members of Parliament we are often lobbied—often on noble causes for whatever—but it is where commercial interests are involved that we are most concerned. I am very aware of the old saying that there is no such thing as a free lunch. No doubt lobbying organisations that come under your register, if they meet you, might take you out for a free lunch.

Mr Rich: I don't think I'll be doing any free lunches.

- Q10 **Kelvin Hopkins:** How would you deal with that situation?

Mr Rich: I would not take any real or apparent gifts or benefits of that kind. I don't need a free lunch. I can go and buy my sandwiches at Pret A Manger or something. I wouldn't be doing that. We will have friendly relationships with the industry and with others, but we can do that over a cup of coffee, which I think probably will not influence me too much.

- Q11 **Kelvin Hopkins:** I have to say, if I'm in a situation where I am concerned about being lobbied, I insist on buying the coffee myself. That is a personal view. I'm a bit of an old-fashioned purist.

Going on to another question, what do you consider to have been the main successes and failures of the ORCL so far?

Mr Rich: You will understand that I am somewhat outside the system at the moment. From the outside, it seems to me that the office and the current registrar have very well established a system and processes from nothing, so have set up the office, have set up the register, have engaged with the industry and, as far as it is possible to tell, have got the consultant lobbyists on to the register in the appropriate way, so that is a significant achievement. It is hard for me to tell from the outside, if there are any failures, what those would be.

- Q12 **Kelvin Hopkins:** When you get into the job, assuming everything goes well, if you find failures how will you deal with them?

Mr Rich: First of all, the failures I would be looking for are failures in the way the system as it is currently set up in legislation is being implemented. I would not be looking for failures that say, "We ought to have a completely different system."



HOUSE OF COMMONS

Assuming we are looking within those parameters, if they are within my power to correct—so if they are administrative failures or process failures—I will get on and correct those. If I stumbled across failures that meant the system was not working, but the legislation or the regulations sitting under the legislation, were a contributory factor to that, I would feed that back through the Department to the Minister.

- Q13 **Kelvin Hopkins:** Perhaps you should have said failings, as opposed to failures, or perhaps they are two different concepts. Assuming you move into the job soon, will you be proactive in looking at how the system works and make sure that it is working, rather than just waiting for things to happen?

Mr Rich: Absolutely; my priority in coming into the role is to understand the industry in the full context, in the way I have described, and, based on that understanding, to look at the way in which we are operating the system and to make sure that it is operating as effectively as possible. If as part of that I find there are changes to be made to make it more effective, I would want to do that.

- Q14 **Mr Jones:** You have highlighted the danger of mission creep, and touched on that in your replies this morning. You have emphasised the need to remain within the parameters of the legislation. Can you say how you think it might be possible for mission creep to occur?

Mr Rich: You described very well the way I would avoid mission creep. The way it would occur is looking at what is going on and thinking, “Oh, there would be a much better system than this,” or, “If only we had a system like a different country—perhaps like Scotland.” That curiosity of mind, which I think we all would have—I would probably fall into that trap also—could be the mechanism by which you suddenly find yourself trying to do more than the legislation required of the office. I would be very alert to avoiding that.

- Q15 **Mr Jones:** If it occurred to you after you were in the role for a while that there was a gap in the legislation that really needed to be plugged or something could be done better, is that the sort of thing that you would report to Ministers?

Mr Rich: If, and only if, that gap was in relation to the system as it is currently established, but not in relation to a different or better system or something that somebody else wanted. I don’t think that is the role.

- Q16 **Mr Jones:** You don’t think it is part of your role to seek to improve the system.

Mr Rich: No, I don’t think I’m there as a kind of rolling inquiry into consultant lobbying.

- Q17 **Chair:** That is certainly in line with the terms of the appointment, but I would like to think that if you are appointed to the role, you would feel free to have private conversations that might lead to public discussion about issues that you thought were of public concern, without straying publicly outside your remit. I hope that members or Chairs of Select



HOUSE OF COMMONS

Committees are seen as suitable people to have those conversations with.

Of course, your role would involve making perhaps controversial decisions that have an impact on an individual's life or career. That can be quite a hard road to walk. What experience do you bring to that kind of decision making?

Mr Rich: I think that can happen on two levels: the corporate level and the individual, personal level. At corporate level, there is my work at the Press Recognition Panel, where we are overseeing press regulators who choose to seek recognition. The recognition or not of a regulator can have a massive impact there, so I am very used to making those kinds of decisions in that case. Further back in my career, at the Advertising Standards Authority, I was making decisions about individual ads and whether they should be published or not. That had a big impact commercially and reputationally on both the advertisers and the businesses they were advertising for. So, at a corporate level, I understand that.

At a personal and individual level, my best experience is my time as a magistrate, which I am no longer. There, you are taking decisions about individual liberty, so that is a pretty large responsibility. I hope it is one that shows I am responsible in terms of taking those decisions.

Chair: Are there any other questions? No.

This has been rather a brief hearing. That does not reflect the significance of the appointment that is being considered and certainly does not reflect the degree of public concern about the issue of lobbying. The reason why this appointment is subject to a pre-appointment hearing is because it tiptoes into a potentially very murky and conflicted world, about which there is a lot of public concern, albeit that the role itself is, under the Act, a fairly limited role. I thought it would be worth us just saying that we attach a great importance to the fact that we have had this hearing and we will now consider our recommendation. Thank you very much for applying for the role.

Mr Rich: Thank you very much indeed. Good to meet you all.