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William Wragg MP
Chair, Public Administration and Constitution Committee
House of Commons
Palace of Westminster
London
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Dear William,

I am writing to update you on matters raised in my evidence to the Committee on 17 October as part of the Committee's inquiry into Lobbying and Influence.

I can confirm that my officials continue to discuss the creation of a single Transparency Data platform with colleagues in the Government Digital Service. This platform will need to be interoperable with all central government departmental systems, and will need to provide streamlined and efficient processes for the production, quality assurance, and publication of Transparency Data sets. It is our intention to have a system online and operable next year; at this early stage of product development, it is not possible to give a precise timetable.

The Government is committed to improving the timeliness of publication of Transparency Data. Timeliness has improved significantly over the past year with 85% of datasets published on time, in comparison to 74% in the same quarter in 2022. Under the current system, departments rely on heavily manual processes, with much of the data being extracted and compiled by individuals. In order to work towards more regular publication, these processes need to be automated and streamlined, and our intention is to work towards this through the new Transparency Data platform. Our new guidance on such returns will also provide a firmer timetable on publication dates.

The Committee also asked about the incidental lobbying exemption and whether equivalent provision exists in the Business Appointments Rules. The two issues relate to quite different concepts: the exemption addresses the definition of a *consultant* lobbyist. The Rules cover the nature of contact with government intended to *influence* government.

Chloe Smith MP, the then Parliamentary Secretary for the Cabinet Office, explained in the House of Commons on Monday 9 September 2013 (during the passage of the legislation) that "it has always been the Government's intention that those who communicate with Government in a manner incidental to their normal professional activity should not be required to register as consultant lobbyists. These are not the people or organisations that this register is intended to capture".

The Business Appointments Rules do not use the phrase 'incidental lobbying', but do state the following with regard to lobbying:

"Lobbying in the context of these Rules means that the former civil servant should not

*engage in communication with Government (including Ministers, special advisers and officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted or with whom they hold office. This does not prohibit contacts, including at a social or party political level which is unrelated to such lobbying. **In certain cases, due to the nature of the proposed appointment or employment, the Advisory Committee may, at its discretion, recommend that the lobbying ban need not prevent communications with Government on matters that are an integral part of the normal course of business for the organisation concerned.** The application form prompts applicants to provide the relevant details about the proposed employment or appointment that will assist with the formulation of an appropriate lobbying condition.” [Emphasis added].*

The two provisions do not directly mirror each other; nor are they intended to.

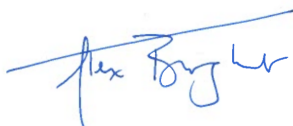
Cabinet Office Ministers have engaged with the Registrar of Consultant Lobbyists at various points during the post-legislative scrutiny process to discuss his views on the operation of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 ('the Lobbying Act').

Minister Smith met with the Registrar (Harry Rich) in October 2020 ahead of the publication of the Registrar's annual report to seek his views on wider stakeholder engagement and in January 2021 Minister Lopez held a roundtable with the Registrar and other key stakeholders, including the Anti-Corruption Champion. Lord True, then Minister of the State for the Cabinet Office, met with the Registrar in October 2021 who outlined his (Mr Rich's) views on the operation of the incidental lobbying exemption. I also met with the Registrar in July ahead of the publication of the Government's response to the CSPL and Boardman reports.

The Lobbying Act provides that the Registrar may issue guidance regarding compliance with the requirement to register and the Registrar's functions more generally, particularly in relation to who may, or may not, be considered to be carrying on the business of consultant lobbying. In March 2022 the Registrar issued guidance clarifying that the 'incidental lobbying' exemption cannot be relied upon where the lobbying makes a significant contribution (by volume, value or purpose) to non-lobbying work. The guidance notes that 'most lawyers, accountants, management consultants and others that communicate with ministers on behalf of clients are required to register'. The Government remains of the view that the Registrar's guidance is an important part of the regulation of consultant lobbying, alongside the Lobbying Act itself and the Registration of Consultant Lobbyists Regulations 2015 and that at this stage further primary legislation is not a necessary or appropriate priority.

I am grateful to the Committee for its work and look forward to reading the Committee's report.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Alex Burghart', with a long horizontal stroke extending to the right.

Alex Burghart MP
Parliamentary Secretary