

ANNEX C

Consultation on Lobbying Transparency



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Public Relations Consultants Association (PRCA)

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Dunn-McAfee

Forename

Nicholas

2. Postal Address

PRCA

82 Great Suffolk Street

London

Postcode SE1 0BE

Phone 02078284797

Email nicholas.dunn-
mcafee@prca.org.uk

3. Permissions - I am responding as...

Individual / Group/Organisation
Please tick as

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library Are you content for your **response** to be made available?

Please tick as appropriate
Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes
 No

CONSULTATION QUESTIONS

Question 1 – Do you agree that the Government’s three core principles are appropriate to inform the delivery of an effective and proportionate lobbying registration regime in Scotland?

- + The PRCA is the UK professional body representing the Public Relations, Public Affairs and Communications Industry. Our membership includes consultancies (including around 75% of the “PR Week Top 150”), in-house teams (including banks, charities and the entire Government Communications Service) and also individual practitioners. We represent around 350 consultancies and 250 in-house teams.
- + We represent over 1,000 lobbyists and professionals conducting public affairs.
- + There are currently 98 members (Consultancy, In-House and Individual) on the PRCA Public Affairs Register. This includes the largest consultancies such as MHP Communications, Weber Shandwick, H+K Strategies and Edelman, for instance. We also represent in-house teams for organisations as diverse as the NSPCC, Nationwide, Visa, Local Government Association and The Law Society. 30 of our members are currently on the statutory Register of Consultant Lobbyists.¹
- + The first principle is centred on avoiding any erosion to Parliament’s “openness, ease-of-access and accountability”. Lobbying is both an industry and a right; it informs decisions and helps create better legislation. Done correctly, a Register will have no negative effect on openness.
- + The second principle is concerned with the idea that “measures must complement the existing framework”. With the caveat that the overseers of the Register must be independent of the industry and politicians, we agree. This principle also makes reference to the Code of Conduct for MSPs. This legislation will not exist in a vacuum and therefore we would suggest that the Code should be amended to replace all existing references to “commercial lobbyist” with “lobbyist”. This phrase implies a false distinction between different “forms” or “types” of lobbying or “types” of employees. It also suggests that in-house lobbyists – who form the vast majority of our industry – are exempt from the Code.
- + The third principle makes clear that “the proposed measures must be proportionate, simple in their operation, and able to command broad support within and out with the Parliament”. This should also be framed by the overwhelming fact that we are an industry which has actively embraced transparency for decades. The PRCA works to dispel myths about lobbying and proportionate legislation would support this work.

Question 2 – Do you agree that a publicly available register of lobbyists should be introduced in Scotland?

- + We are strongly in favour of a Statutory Register (both in Scotland and in Westminster) as a means to promote transparency and public confidence in the Scottish political

¹ As of Thursday 23rd July 2015.

institutions and the wider lobbying industry. A Register is necessary to ensure that all professional lobbyists in Scotland are covered and the PRCA has a longstanding commitment to such legislation. We also recognise the Scottish Government's commitment to introducing a Register in this parliamentary session.

- + Those who lobby seek to inform as well as influence policy so that policymakers can make decisions with the best possible understanding of the effect and implication legislation or regulation will have. A Statutory Register of lobbying activities will help to dispel the myths and stigma that are unhelpfully attached to any debate.
- + We believe that a lobbyist is not defined by any specific profession of the person lobbying, but by the "act of lobbying in a professional capacity" itself. Any lobbying register must be universal in order to capture all who perform the "act of lobbying in a professional capacity".
- + Therefore we believe this question should be reframed: what should concern us here is a publicly available register of "lobbying", rather than simply "lobbyists", in Scotland. This aim, as we have made clear, we fully support.

Question 3 – Do you agree that no fee should be payable by lobbyists for registering or updating the Register?

- + Given that much of the cost will be absorbed by Scotland's existing framework, we do not see the Statutory Register as being burdensome on the public purse. From our own experience operating the quarterly and retrospective PRCA Public Affairs Register, we might expect the cost implications of the register itself to be low and largely related to IT and Registrar costs.

Question 4 – What are your views on whether the onus to register should lie with individuals who lobby as part of their work, or organisations who lobby?

Please provide reasons in support of your response.

- + This consultation makes reference to the Committee's suggestion that individuals who engage with MSPs as part of their constituency work would not have to register. It should be noted that this is one of the exemptions in the PRCA Code of Conduct (a full list of exemptions can be found in the PRCA's response to Q9 posed by this consultation).
- + It is clear that the Government's preference does not align with the Committee's recommendation and that the preferred course of action would be that individuals are responsible for their own registration. For several reasons, the PRCA believes that the Committee's recommendations are correct and that what ought to concern us here are organisations.
- + Firstly, in the interest of encouraging industry take-up of a new Statutory Register there is a significant argument that it ought to be an organisation-wide concern to ensure there is proper consideration and senior management sign-off.

- + Secondly, whilst we appreciate and support the aim of a “clear and direct connection” between lobbyists and their lobbying, we do not believe individual responsibility will achieve that. To reframe the discussion, it should be noted that a single campaign often involves multiple staff members in some capacity and that with a broad, real-world definition of lobbying, all of these employees will be registered. To provide an example based on the face-to-face contact referenced in this consultation and on the PRCA’s own experience, our meeting with civil servants before this consultation in April 2015 involved our Director of Communications and our Public Affairs, Policy and Research Manager. Subsequent work has also involved input from the Communications and Public Affairs Assistant and drawn on advice from the Director General. Under individual responsibility, we would be four separate registrants. Under organisation responsibility, the extent of our work would be clear to the end user and they would be able to see – without any additional cross-referencing – the number of different employees involved.
- + Lastly, industry models usually apply to the organisation rather than the individual. The registration process for the PRCA Public Affairs Register is handled by one or two contacts at these organisations who are responsible for ensuring that all the staff and client information – sometimes from offices across the UK – is centralised and then entered into the PRCA’s online system. In terms of reducing the regulatory burden, a portion of the new compliance work which might come from this legislation could be absorbed into existing structures and processes. This would be significantly simpler for the registrant and it would be unambiguous to those conducting lobbying who is responsible for logging this work at their organisation.
- + If significant concerns exist around overlapping data and duplicity, it should be noted that on the PRCA Public Affairs Register with over 1,000 individuals only once does an individual appear twice: once as an employee of a Consultant Member and once as an Individual Member for freelance work.

Question 5 – Should both consultant lobbyists and in-house lobbyists be required to register?

Please provide reasons in support of your response.

- + Given that 80% of those carrying out the act of lobbying work in-house rather than at consultancies, we would welcome the requirements that they register.
- + The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 is notable in its exclusion of in-house professionals: we believe that their inclusion offers the chance of “clear water” between Scotland’s proposed Lobbying Bill and an Act whose critics include the last chair of Political and Constitutional Reform Select Committee, Graham Allen MP, alongside those who conduct lobbying, critics of lobbying, trade unions and charities.
- + The Register must not be for the minority conducting lobbying who work in consultancies but rather for the majority that work in-house: to reiterate, the PRCA believes a simple change from “lobbying” to “lobbyists” would give this Lobbying Bill the best chance possible. Taking a consequentialist view of the matter, the definition

of a “lobbyist” is someone conducting lobbying (as explained in the PRCA’s response to Q2 posed by this consultation) and therefore the change would be a simple and effective way to ensure “the significance of public access to Parliament”, to quote the Ministerial Foreword, is recognised whilst aiding a proper understanding of lobbying.

- + The Committee’s reference to “commercial lobbyists” is included in this consultation. During the Inquiry into Lobbying’s consultation, we suggested that Section 5 of the Code of Conduct for MSPs – which we might reasonably assume is the source of this term – be amended to replace all existing references with simply “lobbyist” (as explained in the PRCA’s response to Q1 posed by this consultation).

Question 6 – Should any types of in-house lobbyist be exempt from registration?

Please provide reasons in support of your response.

- + As was raised by Alistair Ross, Secretary of the Association for Scottish Public Affairs (ASPA), during one of the Committee’s oral evidence sessions: “a lobbyist is a lobbyist”. The PRCA does not believe that any “type”, if they can be discretely divided, of lobbyist should be exempt (please see the PRCA’s response to Q9 posed by this consultation for a full list of viable exemptions).
- + Charities, think tanks and trade unions are no different from other organisations that hire in-house lobbyists. Their exclusion would also risk creating a two-tier system of lobbying in Scotland, whereby one area of lobbying is deemed legitimate enough to be registerable whilst another area is not. Following this through to its logical implications, it would go some way to suggest that the work of one “type” of lobbyist is more influential, useful or legitimate to the Scottish Parliament than another.
- + Furthermore, law firms, management consultancies, NGOs, business groups, and trade associations such as the PRCA all have the capacity to employ in-house lobbyists, and should be placed on a Register.

Question 7 – Do you agree that the Register should cover the lobbying of MSPs and Ministers?

Please provide reasons in support of your response.

- + We have consistently made the case to the Scottish Parliament that one of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014’s most notable flaws is that it only captures third party lobbyists who make direct personal written or oral communications with Ministers and Permanent Secretaries for payment.
- + We therefore support the suggestion that this Register will include the lobbying of MSPs and Ministers. If this legislation is to truly improve upon transparency, however, we believe that it must go even further.

- + Whilst we appreciate that much of the initial work following this consultation will be focused on launching a practical and workable Register, we believe that it would be far more appropriate to launch a system which – from the very start – included Ministers, MSPs, Special Advisors (SpAds), parliamentary staff and a broader range of civil servants. The PRCA produced a definition of lobbying in 2013 which captures influencing “government” including:
 - + (a) central government, devolved government, local government,
 - + (b) members and staff of either House of Parliament or of a devolved legislature,
 - + (c) Ministers and officials, and
 - + (d) public authorities (within the meaning of section 6 of the Human Rights Act 1998).
- + This would undoubtedly cover more organisations and increase transparency. We believe in sensible exceptions such as residents lobbying a local MSP on a constituency issue, which could not be described as professional lobbying.
- + We believe that such a Register would encourage a culture whereby all lobbying – not just that falling under a narrow definition, as we have seen with the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 – would be captured. This level of disclosure is already carried out by our industry: we see no reason why it could not be expanded to all those who conduct lobbying, from law firms to trade unions.

Question 8 – What types of communication do you think should be covered by a Statutory Register?

- + We believe that lobbying – properly defined – centres on “influencing government” or “advising others how to influence government”. As explained in our submission to the Inquiry into Lobbying (January 2014), the notion of “personal communications (oral or written)” with Ministers and Permanent Secretaries that forms the basis of the UK’s wider legislation on lobbying is not reflective of how the industry operates.
- + Lobbying is increasingly part of a multi-faceted communications plan and is often concerned with reputations and wider public affairs, rather than simply direct communications.
- + Returning to our workable definition of lobbying, we therefore believe that the Lobbying Bill’s Register must be wider than simply capturing face-to-face communications. Whilst we agree that registerable activity should include contact and/or communications with those who work for and/or represent the institutions of government, we believe that this is only one part of a much broader understanding. We also believe that the work carried out to assist this contact and communications – through the provision of professional advice, strategy or counsel – should require registration. Doing so would not only create the widest Register possible, it would also show a clear understanding of lobbying as it exists in the real world. To leave this matter unaddressed would disregard much of the work carried out by lobbyists and go some way to suggest that it is only face-to-face engagements, for instance, which inform and influence decisions made by politicians and policymakers.
- + To achieve a proportionate and reasonable Register, the balance of responsibility should not lie wholly with those who lobby. Ministers and MSPs need only ensure their diaries of meetings are published in a timely manner and contain the full details of attendees to meet both the Government’s proposed aim here and to ensure our industry is not unfairly burdened with another layer of complexity. The onus should not solely be on those who lobby when this information already exists. Throughout this process, the various ways in which transparency can be improved have been mentioned: we believe that this holistic approach needs to be implemented here.

Question 9 – Do you agree with the Government’s view that paid lobbyists should be required to register?

Please provide reasons in support of your response.

- + We believe that all lobbying – not just “paid lobbyists” – should be required to register.
- + Firstly, this risks excluding important work done on a pro-bono basis. Turning specifically to third party lobbyists, this would also exclude work counted as overservicing (time and activities carried out above and beyond the agreed project fee or retainer fee which may not be reclaimed from the client).

- + Secondly, and inadvertently, it contributes towards the narrative that spend equates to influence.
- + Thirdly, and perhaps expectantly, it suggests that lobbying is confined to the paid profession of PR, Public Affairs and Lobbying. As explained in the PRCA's response to Q2 posed by this consultation, a lobbyist is not defined by any specific profession but rather simply by the act itself. If the Register were to only include paid lobbyists, it would put in statute a notion that there exists a class of professional, paid lobbyists who need to be subject to regulation and a class of amateur, unpaid lobbyists for whom regulation need not apply. The very concept that lobbying is in itself a profession is disputed and – whilst there is no room in this consultation response to properly consider the subject – is complicated by the fact lobbying is a democratic right and therefore does not have barriers to entry, such as specialist formal qualifications that are certified by a registered body.
- + We agree with the Government that thresholds of any sort could lead to the exclusion of lobbying activity which should be of interest to the end user and that such thresholds create a “theoretical loophole whereby registration could be avoided” by simply planning activities according to the threshold. The Committee were right to suggest a number of models in its extensive report just as the Government is right to suggest that thresholds bring a number of difficulties. The next logical step would be to recognise in legislation that all thresholds – including the threshold of limiting lobbying to simply direct face-to-face engagements – will complicate any attempts to bring about real transparency.
- + There are a number of exemptions which must exist to bring any legislation in-line with a real understanding of lobbying and with current, industry models of disclosure. These are: anything done in response to or compliance with a court order; anything done for the purpose of complying with a requirement under enactment; a public response to an invitation to submit information and evidence; a public response to a government consultation exercise; a formal response to a public invitation to tender; anything done by a person acting in an official capacity on behalf of a government organisation; an individual who makes representations solely on his or her own behalf. Our understanding of “influencing” extends to informing, but do not believe that making information or opinions public (by way of advertising or attributed article in a newspaper, for example) is the provision of lobbying services.

Question 10 – Do you agree that the Register should also allow for voluntary registration by lobbyists not required to register?

Please provide reasons in support of your response.

- + Having facilitated industry disclosure for decades through the PRCA Public Affairs Register, we believe that any Statutory Register should be based on a real, working definition broad enough to capture all those conducting lobbying.
- + There is the risk that voluntary registration implies that there are two simultaneous definitions of a lobbyist. The first category covers those who trigger the need to register and will therefore be defined as lobbyists under this legislation. The second category

covers those who are allowed to register despite not falling under this legislation and are de-facto lobbyists according to those overseeing the Register. Such a situation could potentially detract from the validity of this Lobbying Bill and we would seek reassurances that voluntary registration will not be used to compensate for a potentially narrow definition.

- + Given that PR, Public Affairs and Communications organisations already provide details of their clients and employees conducting lobbying through the PRCA Public Affairs Register, we are an industry already highly committed to voluntary disclosure. What should concern us here are those organisations who carry out lobbying but do not have this culture of disclosure or a lobbying-specific codes of conduct.
- + However, given the above and in light of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 narrow definition which the industry has faced, we also believe that PRCA members and other registrants – when in doubt as to whether they have acted in accordance with legislation or in the belief that such actions ought to be included in legislation – should be permitted to adopt approaches which protect their integrity and reputation. Voluntary registration is one such approach: it has various merits and should not be prevented. We would therefore support its inclusion.

Question 11 – What are your views on what kind of information each lobbyist should be required to provide on registration?

Please provide reasons in support of your response.

- + We believe that a balanced approach towards the information required will result in a Register that is both useful for the end user (ultimately, the public and politicians), not overly burdensome for the registrant (those lobbying) and which reflects the industry's own successful voluntary models (such as the PRCA Public Affairs Register). To that accord, the following information should be required:
- + The registered name and (if applicable) any trading names: this ensures that the end user has access to the same basic information as those being lobbied.
- + The office(s) conducting lobbying activity: this adds to the above information where an end user to research a registrant further.
- + The best point of contact for any lobbying queries: this allows the end user to see the designated employee for compliance and make contact with them if necessary.
- + Employees conducting lobbying: this would ensure that the end user is party to those who are lobbying their elected representatives and public servants. Alongside this, it would offer a basic sense of the width and breadth of the lobbying industry alongside the scale of the work being carried out by the registrant.
- + Specific transparency details about these employees: Local Authority Councillors should be indicated with "(councillor)" after their name; passholders and relevant institutions stated by placing "(passholder – institution)"; and current holders of an elected role in

a political party at constituency chairman or vice-chairman level or higher ought to be indicated by placing “(party – role)” after their name.

- + The clients (if applicable) for whom lobbying services are provided: this will ensure the end user knows whose interested are being represented by third party lobbyists.
- + Whether or not the organisation complies with a voluntary code of conduct: this provides further details on ethics for the end user.

Question 12 – How often should lobbyists be required to provide a return detailing their lobbying activity?

Please provide reasons in support of your response.

- + This information should be provided quarterly and retrospectively.
- + This is how the PRCA Public Affairs Register operates and guarantees that the information is a true reflection of the work carried out.
- + The Public Affairs and Lobbying industry – like all industries relating to politics – is shaped by parliamentary cycles. Any Statutory Register must take this into account and must understand that standard business practices (such as an increase in engagements around conference season or a change in the number of clients before/after an election) are best addressed with this quarterly and retrospective approach.

Question 13 – Do you agree that the Parliament should introduce a Code of Practice for lobbyists setting out guidance on the registration regime and expected standards of behaviour?

Please provide reasons in support of your response.

- + The PRCA fully supports the development of ethical and professional standards, requiring all our members who lobby to sign up to the PRCA Code of Conduct, which contains eighteen specific points relating to lobbying. These include the requirement for PRCA members conducting lobbying to be open in disclosing the identity of their employers and not misrepresenting their interests, the requirements for PRCA members to not employ any sitting MP, MEP, sitting Peer, MSP or member of the regional assemblies and the requirement for lobbying to be kept strictly separate from their personal activity or involvement with a political party.
- + With this in mind, we believe in preserving the distinction between those who are committed to transparency and openness and those who are not. The introduction of a statutory code has the potential to undermine established and successful codes and remove this distinction for politicians, businesses and the public viewing the Register who wish to make an informed decision about the ethical standing of the organisations which appear.
- + A statutory code of conduct risks a situation where members of the public viewing the Register assume that all organisations on there are committed to the high level of ethics

we have cultivated over the past decades. It also unintentionally risk disregarding a long history of voluntary adherence to ethics.

- + An advantage of our industry code – compared to a statutory code – is flexibility; we can change and review the PRCA Code of Conduct to reflect the changing political environment or emerging techniques relatively quickly.

Question 14 – Do you agree that a Register should include the facility for lobbyists to indicate if they already subscribe to any industry Codes of Conduct?

Please provide reasons in support of your response.

- + We fully support any proposal which would result in a Register noting whether a registrant was governed by an industry code of conduct. We believe this will support the self-regulatory regime that already exists in Scotland. It will allow organisations and individuals conducting lobbying services to be rightly recognised for their adherence to a voluntary code and help the end user form a proper and informed view. It would also provide them with all the details, if necessary, to make a complaint and to hold the registrant to account.
- + We hope that this will encourage individuals to continue to support the self-regulatory regime, and the greater level of information and transparency around our members' lobbying activities that we will continue to put into the public domain.

Question 15 – Do you have any views on the Committee's proposals for who should be responsible for upkeep and oversight of the Register?

- + The PRCA supports the suggestion in the Committee's report that a Registrar should be responsible and that "this should have a very limited impact on the public purse".
- + The PRCA has two fundamental concerns with the potential role envisaged for the Registrar: their independence and their ability to decide who should be on the Register.
- + Addressing this first concern: whilst we appreciate the work of the Committee's Clerks and have had a positive and engaging relationship with them throughout this process, we believe that the role of Registrar should be performed by someone independent of politicians, policymakers, civil servants and those who would appear on the Register. Legislation informed by this consultation would be right to create an independent Registrar. This is the only way to ensure public confidence.
- + Addressing this second concern: this consultation makes clear that the Committee envisaged the Registrar "giving prompt and advice on [...] whether to register" (amongst other roles). The Registrar must not have the power to arbitrarily decide who should and who should not be required to register. On top of this, a balance must be achieved between independence and ensuring the Registrar exists to oversee the Register rather than making major interpretative decisions.

Question 16 – Do you have any views on what enforcement mechanisms and sanctions should be available in connection with the registration regime?

Please provide reasons in support of your response.

- + As the PRCA previously made clear to the Committee, we do not wish to see a Registrar take a unilateral decision to punish certain organisations which have not registered due to misinformation. We believe that this would work against the spirit of this legislation and stand in opposition to the opening line of the Ministerial Foreword: “Lobbying is a vital part of a health democracy, and democracy has never been healthier in Scotland than now”. Decisions must be proportionate so as not to result in unfair “offences” and corresponding sanctions.
- + The PRCA believe that there should be statutory powers in place to penalise organisations for non-compliance. The system of sanctions in the Companies Act 2006, for instance, include the proportionate approach that small offences should face a warning notification prior to any civil penalties. More serious offences, such as deliberately misleading information, should face larger civil fines and/or criminal proceedings.
- + To address several specific points of enforcement that arose during a recent compliance consultation by the Office of the Registrar of Consultant Lobbyists, our industry does not believe, for instance, that over-declaration should be treated as non-compliance. We also raised concerns that the Office proposed serving information notices to organisations due to registrants “substantially” increasing or decreased “the volume of clients they declare without sufficient explanation”, especially given standard business practices before or after an election. We believe that a wide definition and a proportionate approach is the best way to ensure the efficient allocation of the time and resources of the Registrar.

Question 17 – Do you have any views on whether Parliament, by resolution, should be able to adjust the scope and operation of the registration regime once established?

- + We are especially concerned that a “flexible” Register will result in fundamental points being delayed or entirely unaddressed and that the independence – and therefore credibility - of the Registrar could be compromised.
- + On this first point, there is the potential that a Register is launched to fit with the timeframe and to ensure something is “up and running” to then be added to at a later date. This would be a mistake: we believe that the most important decisions must, whilst this topic remains the subject of proper scrutiny, be made now. For example, this consultation notes that one area of adjustment might be the “categories of lobbyist required to register”. This could lead to key categories – charities and trade unions – being excluded and it is difficult to foresee a positive situation whereby politicians would revise this.
- + Whilst we do not believe that that the Registrar should be able to make arbitrary decisions of who should and should not be required to register, we also do not believe

their independence should be infringed upon by politicians. The latter group must make their input clear and constructive during the legislative process: after this, the Registrar is responsible for overseeing implementation.

- + To conclude: the Register must be right from the very start. By covering those who carry out the act of lobbying, all institutions of government and sensible exemptions, the Register would be so broad that it is difficult to view a situation whereby “flexibility” is necessary. It would be necessary if there were fundamental flaws in the Register but – at this point in the legislative process – we believe these can be identified and addressed from the start. A failsafe, we hope, will not be necessary.

Question 18 – Do you have any views on whether there could be impacts on equalities groups as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

- + We do not believe any of the proposals outlined would impact equalities groups. Any advantages or disadvantages (commercial or otherwise) which would come from this legislation would be the result of other industries which conduct lobbying – legal, management consulting and financial, for example – receiving far less scrutiny than the PR, Communications and Public Affairs industry.

Question 19 – Do you have any views on whether there could be any additional costs or other implications for businesses as a result of the proposals outlined?

Please draw on specific evidence and/or wider knowledge, experience and expertise.

- + There will be a divergence of views on this matter: some estimates will come from previous consultation responses for the Cabinet Office or the Office of the Registrar of Consultant Lobbyists.
- + At the same time, PRCA members will also have to continue recording all clients and lobbyists for the PRCA Public Affairs Register.
- + For background, the PRCA would not be required to appear on the Register despite significant work on this topic with members, civil servants and staff alongside an event on Public Affairs hosted at Hemma (April) and a roundtable on this consultation (June). Our last MSP face-to-face engagement was in December 2014 when our Public Affairs, Policy and Research Manager met the seven members of the Standards, Procedures and Public Appointments Committee.

- + The PRCA, having worked with Parliament and Legislation Unit on the matter, can provide the following suggestions:²
 1. A Consultancy Member of the PRCA completing an application to join the Register as envisaged: seven hours – the standard billable hours of one working day – at a cost of £1,953 (Partner) or £1,589 (Associate Director) based on the usual charge out rate for that level at a very large sized consultancy (more than £5m). Estimates for a medium sized consultancy (£1.51m to £2.5m) would be £1,393 and £1,127 respective. Estimates for a small sized consultancy (£501k to £1.5m) would be £1,239 and £987 respectively.
 2. An Individual Member of the PRCA completing an application to join the Register as envisaged: two hours and a cost of £268 (Account Director), £210 (Account Manager), £158 (Account Executive) or £156 (Freelancer) on the usual charge out for that level/role at a medium sized consultancy (£1.51m - £2.5m).
 3. A Consultancy Member completing a collated periodic return detailing its lobbying activities over the preceding six months compared to the cost of an Individual Member: uncertain. Additional research is required should the Government decide to only capture face-to-face engagements. This must be framed by the fact it will be much less burdensome if the onus is placed on organisations as they can centralise the entire process.
- + None of the above figures include familiarisation: the initial cost of internal training, mentoring, communication and implementation. For example, an organisation might rewrite all of its contracts with employees after the senior management team meet to discuss various models of implementation. One estimate for an Office of the Registrar of Consultant Lobbyists consultation was 36 hours of a Partner’s time which – according to our research – would cost £7,668.
- + We hope this information is useful when it comes to the question of onus.
- + The PRCA is happy to provide the Unit with a variety of research: the Consultancy Benchmarking 2015, In-House Benchmarking 2015 and PR Census 2013 could all potentially be useful here.

Question 20 – Do you have any other comments on the general operation of a Register of lobbyists, or on any of the proposals put forward by the Committee or the Government?

- + As with the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014, we cannot overstate the importance of a broad definition from the very start.

² All figures from the PRCA Consultancy Benchmarking 2015 conducted by independent research company Rekindle Research (fieldwork: February and March 2015, published: April 2015). These figures are not Public Affairs specific but rather apply to all PR/Communications. It should be noted, however, that only 6% of all members who took part charged a premium of any sort for Public Affairs work.