

Democratic round-up: the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

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By Democratic Audit UK

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*The Government's Transparency of Lobbying, Non-Party Campaigning & Trade Union Administration Bill receives its Second Reading the House of Commons today. Criticism has been rife, with campaigners on the left and right taking issue with provisions which it is said could limit free speech. Here, **Sean Kippin** takes a look at the must-read analysis, news and opinion on this most controversial of pieces of legislation.*



Today, [legislation](#), designed ostensibly to regulate the power of money in politics, will receive its [second reading](#) in the House of Commons. Campaigners in the voluntary, trade union, and campaign sectors however see a threat to their ability to speak freely without falling foul of the new regulations.

Writing [here](#) at Democratic Audit, Peter Bradley of the Speakers' Corners Trust, a charity which campaigns for freedom of speech, public debate and active citizenship, argues that the Bill not only misses a real opportunity to introduce an effective statutory register of lobbyists, but could also hamstring campaign groups and trades unions in their ability to effectively advocate the causes they exist to represent. *He ends by* encouraging readers to 'lobby our MPs while we still can'. Also on DA, Robert Barrington, the Executive Director of Transparency UK, [argues](#) that the Bill represents 'a weak response to a problem the government seems to have half-understood.'

The Guardian carries a [piece](#) which reports the views of Helen Mountfield QC of Matrix Chambers. She describes a potential implication of the Bill's enactment by illustrating what could happen to a charity which campaigns in the run-up to a General Election on the issue of plain packaging for cigarettes. "The charity might ... be deterred from making its views on packaging known, for fear of triggering an obligation to register as a recognised third party with

the Electoral Commission, with the consequent complex and bureaucratic requirements for apportioning and accounting for the costs ... The consequence could be to stifle comment on a matter of legitimate public concern, for an extended period of time.”

David Allen Green, writing on Conservative Home, [argues](#) that the Bill presents too wide a definition of ‘campaigning purposes’ and could lead to “third party organisations [being treated] as if they are political parties. They will be regulated, and regulated hard.” Green points out that even the Electoral Commission, who would be handed new powers over third party campaigning, have expressed their reservations about the implications of the Bill’s provisions, even going so far as [positing](#) that ‘some of the new controls in the Bill may in practice be impossible to enforce’.

Also writing on Conservative Home, Mark Wallace gives [his reasons](#) for opposing the Bill. He argues that the Bill “takes no account of the intention of the organisation when judging whether its actions are regulated. If you print posters and organise public meetings on a local issue, with the result that one or more local candidates in an election picks your issue up – even if you never asked them to – that victory could be interpreted as meaning your campaign might influence an election result. Overnight, you would become subject to a strict and complex system of red tape, with serious sanctions for breaching it.”

The Independent’s Owen Jones is even more critical, [describing](#) the Bill as ‘[threatening] to stifle the voices of charities, campaigners, trade unions and even blogs; to shut down rallies and demonstrations; and to prevent groups such as Hope Not Hate from taking on the poison of organised racism’. The Guardian’s editorial is in agreement with Jones, arguing that the Government’s [plan is](#) ‘inadequate and dangerous’ and ‘reflects the worst and most partisan instincts of the governing parties and has inevitably encouraged the worst and most partisan responses of the opposition in return – while doing nothing effective about lobbying.’

The voluntary sector is, in view of this, concerned. [Chloe Stables](#) of The National Council of Voluntary Organisations (NCVO) says that the Bill will “severely restrict the ability of charities to speak out on matters of public interest” and have also provided a helpful [briefing](#) on where their concerns with the Bill lie. Union Home, the trade union blog, carries a piece by [Simon Sapper](#) in which he describes the Bill as ‘either [...] an example of incompetence where the consequences of what is being proposed have not been properly or fully thought out. Or it is a deliberate attempt not so much to gag democracy, but positively garrotte it.’

Francis Ingham, the Chief Executive of the Public Relations Consultants Association (PRCA), one of several organisations representing firms involved in lobbying, carry a statement on their website which urges the Government to [drop](#) a Bill which they describe as pointless ‘because it will add literally zero to our understanding of who lobbies whom. Every single organisation that might be on the Government’s Register is already on an existing voluntary register. The scope of the Register is so narrow that less than a quarter of our existing Register members think that they might be caught by it’

Just about the only person standing up for the Bill is Andrew Lansley, the Government Minister tasked with defending it. However, Lansley has a curious [defence](#), reassuring MPs that it is not the role of Government to control the lobbying industry, nor to create a ‘bureaucratic monster’. Something, of course, that Lansley would know about [from bitter experience](#).

Sean Kippin is Managing Editor of Democratic Audit, and is one of two people responsible for DA’s day-to-day management, website, blog and wider output. He has a BA in Politics from the University of Northumbria and an MSc in Political Theory from the LSE. He has worked for MPs Nick Brown and Alex Cunningham, as well as the Smith Institute think tank. He has been at Democratic Audit since June 2013, and can be found on twitter at [@se_kip](#).

