



### Official Response

**SUBJECT:** Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill  
**REQUESTED BY:** Commission on Civil Society and Democratic Engagement  
**REFERENCE:** OR-2013/08  
**DATE:** 24<sup>th</sup> October 2013  
**SUBMITTED BY:** Chloe Clemmons, Scottish Churches Parliamentary Officer, [chloe@actsparl.org](mailto:chloe@actsparl.org)

1. **Question:** What sort of campaigning activity does your organisation want to do ahead of elections (irrespective of regulation at this stage)?

In the run up to General Elections and Scottish Parliament Elections the Church and Society Council of the Church of Scotland has traditionally worked with a wide range of Christian Churches with the intention of helping church members become informed voters – none of this work is party political – it is designed to empower church members to engage with a wide variety of current issues from a broad Christian perspective. We do not normally cover European or Local elections. Activities specifically focussing on elections fall into three categories:

- a) Guidance for local churches on holding a hustings meeting. The guidance covers the logistics of planning the event, for Scottish elections a reminder that there are constituency and list candidates and where to find that information, different ways to structure a meeting and where to get more information including links to Electoral Commission Guidance.
- b) A briefing paper on party manifestos – for the Scottish Parliament Elections in 2011 this included all parties which stood in all 8 Regional Lists and had a reasonably comprehensive manifesto. The Briefing covered 13 subjects which churches regularly work on: alcohol, children and families, criminal justice, disability issues, economic activity, education, end of the life issues and palliative care, environment and energy and climate change, equalities and diversity, food and rural affairs, health, housing and homelessness, human trafficking, poverty. The intention of the briefing was to allow readers to compare different party manifesto commitments on each of the subject areas. The briefing did not favour any party or indicate a preference for any policy.
- a) Organisation of themed hustings e.g. on poverty which would cover a wider geographical area than one Westminster constituency, although would probably be contained into one Scottish Parliament Regional List.

In addition we continue to campaign on particular issues in the 12 months before an election. See question 11 for examples of current work.

2. **Question:** Is policy campaigning important ahead of elections in a democracy? If so why, and what is your organisation trying to achieve?

Yes, it is important that civil society organisations contribute the voices of their members into pre-election public debate.

The Church of Scotland has a presence in every community in Scotland and a tradition of engaging in public debate around Scotland's constitution and national wellbeing. The Church and Society Council of the Church of Scotland has made a commitment to making theological, ethical and spiritual contributions to public policy and decision-making with a bias to the poor, speaking for the Church of Scotland on these issues, speaking truth to power and bringing to that voice the authenticity of congregational experiences. For us, making a contribution to public debate, including parliamentary debate at UK and Scottish level, is an essential part of the expression of our Christian faith.

Work in the run up to elections is only a part of what we do, we intend to build and maintain relationships with MPs and MSPs throughout the life of a Parliament and highlighting and campaigning about our concerns prior to an election is only the first stage of building that relationship.

3. **Question:** Is it right that voluntary organisations try to influence the policy positions of parties, elected politicians and candidates?

Yes, where they are representing their members and, if a charity, acting in accordance with their charitable purpose.

4. **Question:** Is it right that voters should understand politicians' policy positions and what voluntary organisations think about these positions? – or would that information unduly influence politicians?

In a democracy it is important that there is free debate about ideas and policies, the fact that people choose to come together in organisations should not preclude them participating in this debate.

It is not straightforward for a voter to locate, read and reflect on all the manifesto commitments political parties make. For the 2011 Scottish Parliament Elections we provided briefings relating to 8 political parties, those parties collectively produced over 330 pages of information<sup>1</sup> - that is the

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<sup>1</sup> Scottish Labour Party 96 pages; Scottish Liberal Democrats 83 pages; Scottish National Party 40 pages; Scottish Christian Party approx. 32 pages (printed from website); Scottish Conservative Party 27 pages; Scottish Green Party 26 pages; Scottish Socialist Party 21 pages; UKIP 7 pages.

equivalent of a small book – containing information which is party political in nature. Commentary from organisations with particular expertise in an issue can enable voters to really examine the issue before making their decision. Politicians should be able to deal with the scrutiny, after all their manifestos are their blueprint for running the country and should be subject to informed analysis.

5. **Question:** What are the principles that regulation of third-party campaigning should be based on?

Only activity which is primarily intended to affect the outcome of elections should be regulated. Charity law in Scotland provides robust checks on charitable purpose which prohibit party political activity, therefore for charities this already limits third party campaigning.

6. **Question:** What transparency is needed in relation to donors who give money towards a campaign run by a voluntary organisation? (i.e. registration thresholds and how burdensome reporting should be – size of organisation, timescale ahead of elections)

We do not have experience of receiving individual donations towards our work.

7. **Question:** Are you concerned about a current lack of transparency?

Yes, we are concerned that there is a lack of transparency at present in relation to in-house lobbyists as well as third party lobbyists. However, we believe that the primary responsibility for transparency in decision making should remain with MPs, MSPs and officials i.e. decision makers, rather than being passed to representatives of other organisations, particularly charities.

8. **Question:** Should regulation of voluntary organisations be based on those for political parties? If so, why? E.g. Should spending limits for voluntary organisations be based on a percentage of political party spending? If so why?

No comment.

9. **Question:** Should definitions of campaigning activity for voluntary organisations be based on a percentage of political party spending? If so why? And do you have any thoughts about what the percentage should be?

No comment.

10. **Question:** Do you think the existing law regulating third party campaigning works – or are changes needed? What changes, if any, would you propose?

We have no experience of this legislation.

11. **Question:** Part 2 of the Lobbying Bill proposes to introduce changes to the current regulation of non-party campaigning ahead of elections – how do you think they would affect your organisation’s campaigning activity? You may wish to draw on plans for the next general election, or on campaigns you ran at the last election.

The Church and Society Council is involved in a variety of types of campaign, the examples below are current and are intended to illustrate the range of work we do rather than being a comprehensive list of our recent or ongoing work.

- a) The IF Campaign – the Church of Scotland has been a member of this campaign which was a large, UK coalition with political asks. The campaign was about providing enough food for everyone by campaigning on aid, land, tax and transparency. We are concerned that if spending by a coalition is applied to all members of the coalition we would not be able to participate in such campaigns.
- b) The Church of Scotland held a two year Commission on the Purposes of Economic Activity which was a response to the financial crisis and reported in 2012. The Commission recommended a range of policies some focussing on our own work and others calling for UK and Scottish Government action. As a consequence of the report we adopted a policy to “call on the Westminster and Holyrood Governments to pursue policies which reduce injurious levels of personal debt, and to introduce a legally binding maximum interest rate of 40% APR for all kinds of consumer credit.” In response to this deliverance the Council has written to all Scottish MPs in support of a Members Bill in the UK Parliament on High Cost Credit. The Council has now been asked to sign up to a Charter on high cost credit by a cross party group of MPs. Supporting this Charter would involve campaigning for a change in Government position. In the year before an Election we are concerned that acting on this long standing policy may not be possible.
- c) Encouraging members of congregations to write to their MSPs to support or oppose particular Bills or amendments in areas in which we work e.g. to support a Scottish Parliament members bill on Human Trafficking, as this is an issue which has devolved and reserved aspects it unclear whether work focussed on the Scottish Parliament could be caught by the Bill as campaigning in relation to elections for the Westminster Parliament and vice versa.

12. **Action:** Please can you gather specific examples of campaigning activity that is planned or happened at the last election that:

- a. Could not happen under the Lobbying Bill
- b. Would be much more difficult
- c. You feel your organisation would be deterred from carrying out as a result of the prospect of falling close to / foul of the law  
(Please let me know ASAP if you would like to have a conversation with one of the lawyers working with 38 Degrees to check any specifics of your case studies)

See question 1 and 11.

13. **Question:** Do you agree with the thresholds set for third parties needing to be registered with the Electoral Commission as set out in the Bill? Do you have any suggestions for what the thresholds should be?

It is necessary that the thresholds are high enough that it is possible for a large organisation to undertake campaign work. The inclusion of staff time and the decision to apply spending by a coalition to all partners rather than a lead partner or through percentage basis to multiple partners are particularly problematic.

14. **Question:** Do you agree with the limits on constituency spending by third parties set out in the Bill? If you do not think the limits set out are right, what would be appropriate?

We do not normally work at constituency level.

15. **Question:** What do you think the particular effects of Part 2 of the Lobbying Bill will be on your campaigning in Scotland/Wales/NI?

As a Scottish organisation with an interest in social and moral issues that are both reserved and devolved we have specific concerns about the impact of these proposals in Scotland. Scottish civic society has consistently had a positive working relationship with the Scottish Parliament and Government across issues of agreement and differences of opinion. Limiting the range of interaction we have in advance of elections may damage those relationships and therefore hinder our democratic process.

The limitations imposed by the Bill will apply for significantly more time in Scotland because we have more elections and our work can be more complex because of the need to do similar but different activity in relation to two Parliaments, e.g. in relation to child poverty where there are elements of devolved and elements of reserved policy. We could frequently have elections a year apart and therefore 2 years of spending limits which affect a proportion of a wider UK campaign.

16. **Question:** Do you think there should be a pause in the passage of this legislation? How long do you think this pause should be?

Yes, there should be a 3 month pause for a proper public consultation. In recent years the time for public consultation has been diminishing but 3 months has previously been seen as best practice and is still the norm in Scotland.

17. **Question:** If this Bill passes, how long do you think the Electoral Commission should take to consult civil society on its guidance?

There should be a 3 month public consultation period.

**Action:** Please share any other thoughts which you feel your organisation would like to share with the Commission on Civil Society and Democratic Engagement

No further comments.