

Scottish Sports Alliance

# Scottish Government

Consultation on proposals for a  
Lobbying Transparency Bill

A submission on behalf of the Scottish Sports Alliance

July 2015.



The Scottish Sports Alliance thanks the Scottish Government for the opportunity to contribute to this consultation.

The Scottish Sports Alliance comprises: the Scottish Sports Association (SSA), the Scottish Association of Local Sports Councils (SALSC) and Scottish Student Sport (SSS). Together the Scottish Sports Alliance represents 52 Scottish Governing Bodies (SGBs) of sport, 40 Local Sports Councils and Scotland's sizeable student population across further and higher education. Collectively our members provide opportunities for the development and delivery of voluntary sport and provide a formal structure for the over 900,000 individuals in Scotland who are members of one of Scotland's 13,000 sports clubs. Most of these organisations are run on a not-for-profit basis and are managed by volunteers. They provide coaching, competition and participation development opportunities for their local communities and most of the 195,000 people who volunteer in sport do so within the club structure.

The Scottish Sports Alliance has, as usual, compiled this response in consultation with our members.

Our members would be happy to further discuss the detail of this response and wish to raise a few points in relation to the consultation:

1. Our members do not disagree with the three identified core principles. However, they feel that the principles and purpose require to be clearer – including a commitment that the registration process will be free for voluntary sector organisations.
2. As intimated in our response to Neil Findlay MSP's related consultation: our members suggest that responsibility to report meetings should not be placed on organisations such as our members, but remain with elected politicians, as per the Scottish Parliament's Code of Conduct for Members.
3. Our members are concerned as to the additional bureaucratic burden this Bill could place on voluntary organisations. However, the scale of the impact of this Bill is impossible for our members to calculate due to significant further clarity being required in relation to a number of key definitions:
  - a. What is the definition of 'part of the work' of in-house lobbyists? Very few of our members have in-house lobbyists, therefore any lobbying is usually as a very small part of someone's role (often as an "other" duty which may not be specifically outlined) – hence this definition requires considerable consideration to ensure that it doesn't, inadvertently, encompass many roles within the voluntary sector where lobbying is a very small part of the role
  - b. The frequency of meetings which will determine a requirement to register
  - c. Clarification is required as to the premise that an organisation may require to register before "any other circumstances" in which an organisation may engage with an MSP or Minister
  - d. What information is required for registrations and the frequency of these require clarification to further determine the impact and burden on organisations.

Clarification will be required in relation to these definitions before an accurate assessment can be made of how it will impact on our members and the voluntary sector more broadly. Due to concerns regarding the added administrative burden on our members, any new system

needs to be as clear as possible so as not to prevent legitimate meetings between our members and MSPs/Ministers.

4. Our members support further consideration of an exemption for in-house lobbying for charities and trade unions, but this needs to be extended to include the wider voluntary sector – very few sports organisations are charities, hence the requirement to more comprehensively consider the wider voluntary sector in any such exemption.
5. Our members propose that a threshold is introduced, to minimise the impact on our smallest member organisations. If such a threshold is not introduced, this may contradict the core principle which requires no restriction on how stakeholders and the public engage in public policy issues.
6. Our members propose that it should be organisations, rather than individuals, who register. In relation to one of the core principles, which highlights the need for a simple approach, our members would observe that the suggested approach of making individuals responsible to register, and the introduction of qualifications to that requirement, is contrary to that principle. Our members therefore support the Committee’s recommendation that registration should be by organisations rather than individuals.
7. Our members support the proposed review period to ensure that any new requirements are fit for purpose, to ensure that these are not overly-bureaucratic to further burden the voluntary sector and to ensure that there are no unintended consequences of the Bill.
8. The impact on organisations which support the secretariat for Cross Party Group meetings – and those that are regular attenders at Cross Party Group meetings – requires clarification.
9. It is not clear as to whether the potential sanctions will be different for different sectors – consideration should be given to differing sanctions where the lobbying is not for commercial or financial gain – i.e. that different sanctions may be applicable to the voluntary sector.
10. Our members support the exclusion of NDPBs from the scope of the Bill.

As detailed above, the principle concern of the Scottish Sports Alliance’s combined membership is related to the potential, and currently unknown, impact on our members and wider voluntary sector organisations and that new measures will add further burden to, and may impact on the lobbying of, our members and the voluntary sector as a whole.

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On Behalf of the Scottish Sports Alliance.

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