

FDF Scotland response to the Scottish Parliament's Public Audit and Post-Legislative Scrutiny Committee call for evidence into the operation of the Lobbying (Scotland) Act 2016

What has changed

1. In your view, what concerns was the Lobbying Act seeking to address?

In our view the aim of the Lobbying Act is to ensure public transparency and that any lobbying activity is carried out in a professional way.

As a trade association - representing food and drink manufacturers - it is vital that Food and Drink Federation (FDF) Scotland can set out the views and concerns of our members to MSPs, Scottish Government Ministers, and Scottish Government officials. This allows politicians and policy makers to understand how policy will impact food and drink businesses who are an essential part of the Scottish economy and provide high quality jobs in communities across the country. It will also be vital at a time when we need to work in partnership with the Scottish Government and politicians from across all parties to ensure the recovery of Scotland's food and drink industry.

It has always been important to FDF Scotland that we advocate for the industry in a high-quality manner and that that we are open and transparent about our work.

2. Two years' on, has the Lobbying Act addressed those concerns?

In particular, has the Act added value? If so, in what way? For example, has the Act improved transparency? Do you think it has changed the way lobbying is carried out?

The Lobbying Register provides a method for the public to view regulated lobbying activities and therefore it allows public transparency.

It has not changed the way FDF Scotland carries out our advocacy. We are proud to represent our members to the Scottish Government and politicians from across all parties. It is important to our organisation that we continue to advocate positively for the industry – and have vital conversations - in a high-quality manner and that that we are open and transparent about our work.

We do note that there have been occasions where entries in the Lobbying Register have been used as the basis of media stories which seek to negatively portray legitimate engagement and advocacy with those covered by the Act. This does not support those in Scotland who are open and transparent as it paints a negative picture of normal engagement which is necessary to ensure industry issues are understood by parliamentarians.

We have engaged constructively with the Lobbying Registrar Team in the run up to the Act coming into force in March 2018 and subsequently. This included working with the team to provide a training course for our members. We will continue to engage with the team and to record any regulated lobbying as effectively as possible.

3. Do you support a legislative approach to regulating lobbying activity? If so, why? If not, for what reason? Has your view on the value of a legislative approach changed since the commencement of the Lobbying Act?

Yes, we do support a legislative approach to ensure a level playing field across all commercial, representative bodies and Non-Government Organisations who all have reason to discuss issues with MSPs.

Improvements without legislation

4. In your view, is the Lobbying Act working in the way it was intended? If not, why not? What needs to change to ensure that it is working as intended (i.e without making changes to the legislation)?

We think there could be improvements in the way in which information is logged on the Lobbying Register.

Improvements to the register system

We feel that improvements could be made to the IT system itself to make the process more streamlined and reduce the amount of time it takes to log information returns. To use one example, when an MSP is selected as the “person lobbied” organisations are required to type the MSPs full name and constituency in the description of the meeting box. If this information return was for a speech we delivered this often means we need to type this information for around 20 MSPs. We do not feel this is necessary given we need to select who we have lobbied from a drop-down box.

Often when we submit an information return the specific wording or language is queried by the Lobbying team, this can be helpful but it can also take quite a bit of time to get the entry approved. We are a very small team, and this can be onerous.

We have had issues submitting an event as a lobbying activity on the register. For example, the system has not allowed us to note all MSPs that were in attendance at the event under one submission and we have had to submit more than one entry.

If we have not carried out any ‘regulated lobbying’ in a six-month period we do not think there should be a need to submit an information return to advise no ‘regulated lobbying’ has been carried out.

Managing events

It can be difficult to manage the recording of ‘regulated lobbying’ at an event. For example, FDF Scotland holds an annual MSP sponsored reception at the Scottish Parliament, with over 120 participants. This event celebrates the importance of our sector and adds great value to members allowing them to directly engage with MSPs from across all parties.

We are required to register speeches that take place at the reception where we highlight the key successes and challenges of our industry. Although we believe being open and transparent about this activity is important, we are not able to track all MSPs, Scottish Government Ministers, and Special Advisors that have attended the event and indeed which were present when we were delivering our speech. We do the best job we can in accurately reporting this information but cannot guarantee we capture all the relevant contacts.

FDF Scotland and our guests are also required to include the content of conversations at the event. It can be difficult for those attending to recall all MSPs they spoke to and whether that

conversation would constitute as lobbying. We invite food and drink business owners to these events, some of whom only come to Holyrood once a year, and they can't be expected to always know when they are with an MSP or Scottish Government official. It is therefore possible inadvertent mistakes could be made at events.

Clarity on exemptions

FDF Scotland would like greater clarity on what constitutes video conferencing, often telephone calls now take place over the internet. We would also like greater clarity around the requests we receive from MSPs, Ministers and Special Advisors to take part in meetings and events – it is difficult to know what to log and what not to log, this results in some information returns being rejected.

Improvements requiring legislative change

- 5. Could the legislation be improved in any way? If so, please indicate why and in what way? In particular, do you have any views on whether the changes should be made to the following (please indicate why and in what way):**
 - a. the Act covers lobbying to a Member of the Scottish Parliament, a member of the Scottish Government, a junior Scottish Minister, a law officer, a special adviser or the permanent secretary. Does the Act cover the right groups of decision makers?**
 - b. the Act requires face-to-face communications, including via video conferencing and other similar means, which are also regulated lobbying to be registered. Are these the right communications to capture?**
 - c. the circumstances in which a person undertaking "regulated lobbying" is required to provide information, to be included in the register, about costs incurred by them when engaging in regulated lobbying.**

We believe the Act covers the correct groups of decision makers and communications.

FDF Scotland is a very small team and if the scope of the Act was extended to include a wider range of decision makers or communications the administrative burden would be greatly increased and would become difficult to resource.

We share essential industry information with civil servants on a regular basis, which supports their vital work, this has often been daily throughout the Covid-19 crisis, and will be necessary through the end of the Transition period and beyond. If the Act were to include a wider range of civil servants it would make it very difficult for us to decide if we were carrying out 'regulated lobbying', and the costs of recording this information would be overwhelming

Bill assumptions v. reality of the Act

- 6. Have assumptions made at the Bill's introduction in its Financial Memorandum and Policy Memorandum and during its passage through Parliament held true (for example, on costs or impact) and, if not, why not?**

The aim of the Lobbying Act is to ensure public transparency and that any lobbying activity is carried out in a professional way. FDF Scotland fully supports this aim - it is vital we continue to advocate for the industry in a high-quality manner.

However the Act has also introduced bureaucracy and this has costs which impact on any organisation covered. These are measured not just in time spent recording on the system in a bespoke way, but also in considering what fall in the auspices of the Act, and in dialogue with the administrator to ensure compliance. The IT system used to log information returns requires improvement to make the system more streamlined and save time. Logging information returns has inadvertently cost many organisations such as ourselves a great deal of resource, likely more time than was intended when the system was put in place.

If the scope of the Act was extended the administrative burden would be increased by many multiples for an organisation such as ours and would become difficult to resource. This may make it more difficult for Scottish businesses and their representative bodies to engage with Members of the Scottish Parliament and the Scottish Government, or anyone else who came into the scope of an expansion of the Act, and deter engagement from all bodies across the spectrum of those likely to be covered. This engagement is vital for informed decision making and dialogue, and ultimately to ensure policy and legislation makers have the best possible information to hand as they make decisions.

Any other points

7. Are there any other issues you would like to raise in connection with the operation of the Lobbying Act?

It is vital that politicians and policy makers understand the key issues businesses are facing and how policy could impact them. It is therefore important that the Lobbying Act doesn't prevent or make it more difficult for Scottish businesses and their representative bodies to engage with Members of the Scottish Parliament, Scottish Government Ministers or Scottish Government officials.

David Thomson, Chief Executive Officer, FDF Scotland

The Food and Drink Manufacturing Industry

Food and Drink Federation (FDF) Scotland represents the food and drink manufacturing industry in Scotland. We are Scotland's largest manufacturing sector, accounting for 31 per cent of total manufacturing turnover¹. Our gross value added to the economy is £3.9 billion, representing 32 per cent of Scottish manufacturing value added². We have 1,385 food and drink manufacturing businesses, employing 47,000 people, which represents 26 per cent of the Scottish manufacturing workforce³. In 2018, manufactured food and drink exports from Scotland increased by 8 per cent to £7.0billion⁴.

The Food and Drink Federation (FDF) is the voice of the UK food and drink manufacturing industry, the largest manufacturing sector in the country. Our industry has a turnover of more than £105billion, which is almost 20 per cent of total UK manufacturing, and Gross Value Added (GVA) of more than £28billion. Food and drink manufacturers directly employ over 430,000 people across every region and nation of the UK. Exports of food and drink make an increasingly important contribution to the economy, exceeding £23billion in 2019, and going to over 220 countries worldwide. The UK's 7,400 food and drink manufacturers sit at the heart of a food and drink supply chain which is worth more than £120billion to the economy and employs 4.3 million people.

The following Associations actively work with the Food and Drink Federation:

ABIM	Association of Bakery Ingredient Manufacturers
BCA	British Coffee Association
BCUK	Breakfast Cereals UK
BOBMA	British Oats and Barley Millers Association
BSIA	British Starch Industry Association
BSNA	British Specialist Nutrition Association
CIMA	Cereal Ingredient Manufacturers' Association
EMMA	European Malt Product Manufacturers' Association
FCPPA	Frozen and Chilled Potato Processors Association
FOB	Federation of Bakers
GFIA	Gluten Free Industry Association
PPA	Potato Processors Association
SA	Salt Association
SNACMA	Snack, Nut and Crisp Manufacturers' Association
SSA	Seasoning and Spice Association
UKAPY	UK Association of Producers of Yeast
UKTIA	United Kingdom Tea & Infusions Association Ltd

FDF also delivers specialist sector groups for members:

Biscuit, Cake, Chocolate and Confectionery Group (BCCC)
Frozen Food Group
Ice Cream Committee

¹ Source: Scottish Annual Business Statistics.

² Source: Scottish Annual Business Statistics.

³ Source: Scottish Annual Business Statistics.

⁴ Source: Exports Statistics Scotland. Figures include tobacco manufacturing.

Meat Group
Organic Group
Seafood Industry Alliance