



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Tam McFarlane
Executive Council Member
Fire Brigades Union
158 Muller Road
Horfield
Bristol
BS7 9RE

13 December 2013

Ref. C/Ind/MCFA01005
Please quote in further correspondence

Dear Mr McFarlane,

Further to my last letter, please find enclosed a letter I have now received from Greg Clark MP from the Cabinet Office.

If you have any further queries or if I can be of assistance in any other way then please do not hesitate to get in touch.

With very best wishes,

Ben Bradshaw MP



**Ben
Bradshaw**

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Cabinet Office

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Our Ref: MP611565
Your Ref: C/Ind/MCFA01005

The Rt Hon Ben Bradshaw MP
House of Commons
London
SW1A 0AA

7 December 2013

Ben

Thank you for your letter of 22 October to the Minister for the Cabinet Office sharing the concerns of Tam McFarlane of the South West Region Fire Brigades Union, 158 Muller Road, Horfield, Bristol, BS7 9RE regarding the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill.

The aim of the Bill is to extend the Government's transparency agenda further and to give the public more confidence in the accountability of third parties who have an impact on public and political debate. This Bill will ensure that we know who lobbyists lobby for, how much money is spent on third party political campaigning, and provide greater assurance that trade unions know who their members are.

Part 1 is designed to address a specific problem: that it is not always clear whose interests are represented by consultant lobbyists. The statutory register of lobbyists will complement the existing transparency regime, whereby ministers and permanent secretaries publish details of their external meetings, by requiring consultant lobbyists to disclose the names of their clients on a publicly available register.

Part 2 aims to bring greater transparency where third parties campaign at an election in a way which supports a particular political party or candidates. This will be achieved by requiring expenditure on those campaigns to be fully recorded and disclosed. As a result of amendments made in the House of Commons, the test for controlled expenditure in the Bill is now the same as the existing test in the Political Parties, Elections and Referendums Act 2000 – namely expenditure “which can be reasonably be regarded as intended to promote or procure the electoral success” of a party or candidates. This test operated at the 2005 and 2010 UK General Elections – campaigns which did not see charities or other campaign groups prevented from engaging with, commenting on or influencing public policy.

However, following debate about the impact of Part 2 of the Transparency Bill, the Government has committed to revise the order of consideration in the House of Lords so Part 2 will not be debated before 16 December. This will give nearly six weeks for the Government to consult widely and to listen to the concerns of organisations which are affected by Part 2.

Part 3 recognises the importance of union activity and decisions reflecting the will of their members. Knowing who their members are, and being able to engage them, is fundamental to unions' democratic accountability. The requirement for trade unions to keep a list of their members' names and addresses is not new, and the Bill does not change this overarching duty. What the Bill will do is require unions to demonstrate annually that they can meet that existing duty.

The Department for Business, Innovation and Skills is actively engaging a range of trade unions and other experts to understand how the provisions will work in practice, with a view to reducing any additional or transitional burden as far as possible. However, to clarify, independent assurers will be required to assess the systems in place for complying with the overarching duty – not to conduct an audit of all individual entries on the membership register.

The Bill does not change any of the statutory requirements surrounding industrial action, including the type of information a union must provide to an employer. The provisions in this Bill are distinct from, and should not have any impact on, unions' ability to take industrial action. Furthermore, I can confirm that the provisions in the Bill are entirely distinct from the existing rules surrounding the maintenance of a political fund by a trade union, or a trade union's affiliation to any political party.

Please thank Mr McFarlane for making me aware of his concerns.

with best wishes



RT HON GREG CLARK MP