

WEST OXFORDSHIRE DISTRICT COUNCIL

COUNCIL

WEDNESDAY, 26 FEBRUARY 2014

**MOTION RELATING TO THE TRANSPARENCY OF LOBBYING, NON-PARTY
CAMPAIGNING AND TRADE UNION ADMINISTRATION BILL**

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

(Contact: Keith Butler, Tel: (01993) 861521)

1. PURPOSE

To consider the Notice of Motion proposed by Councillor D A Snow and seconded by Councillor D S T Enright at the meeting held on 22 January 2014 and referred to the Cabinet prior to its consideration and determination.

2. RECOMMENDATION

That the Council considers the motion in light of the recommendation made by the Cabinet at its meeting held on 12 February.

3. BACKGROUND

3.1. The following motion was proposed by Councillor D A Snow and seconded by Councillor D S T Enright, at the meeting of the Council held 22 January 2014:

“West Oxfordshire District Council is extremely concerned about the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill currently working its way through parliament, and resolves to advise the Prime Minister of the severe blow this proposed legislation would have on our local democracy. Community Groups, Charities, and Church Based Organisations by their very nature often pursue or campaign on issues that coincide with, or are similar to that of political parties. If this Bill passes into law, any one of these groups could be breaking the law, simply by acting on the wishes of their supporters, and straying into the realms of what the government could deem "campaigning for political purposes". Legislation such as this could potentially silence the very community-spirited people that voted us into office! This Council believes this proposed legislation is hugely disrespectful to our electorate, whose voice should always be heard, however big or small, and especially in the run up to an election. As a council, we aim to guard this democratic freedom vigilantly.”

3.2. The Council decided to refer the motion to Cabinet for consideration, prior to it being determined at this meeting as it wished for more information to be presented to help councillors consider the issue.

3.3. A comprehensive report incorporating various independent background material was prepared for the Cabinet and circulated to all Members. The Cabinet report can be viewed on the Council's website at [Transparency of lobbying non party campaigning and trade union administration bill](#)

3.4. After the original preparation of the report, the Bill subsequently received Royal Assent, and passed into law, on 30 January. It is understood that the main changes to the rules will come into effect on 19 September 2014.

3.5. The report was considered by the Cabinet at its meeting held on 12 February at which time the Cabinet decided that Council be advised that the Cabinet does not support the Motion in light of the safeguards provided by the final

amendments to the Bill. The relevant extract from the minutes of that meeting is attached as Appendix A.

- 3.6. Members are now invited to consider and determine the motion in the light of the Cabinet's recommendation.

Keith Butler

Head of Legal and Democratic Services

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Date: 14 February 2014

Background Papers:

None.

113. MOTION RELATING TO THE TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING AND TRADE UNION ADMINISTRATION BILL

The Cabinet received and considered the report of the Head of Legal and Democratic Services regarding the motion, referred by Council, prior to its consideration and determination at the Council meeting scheduled for 26 February 2014.

The Leader of the Council invited the proposer of the Motion, Mr D A Snow, to address the meeting. Mr Snow expressed his disappointment that the Bill had now been passed and considered that the Council owed it to the electorate to monitor its impact. He believed that it had been unfortunate that the Motion had not been debated at the last Council meeting and encouraged Members to support the tenure of the Motion when it was passed back to the full Council, the Bill having now moved to law.

Mr Norton asked Members to respect the Chairman of Council's decision to refer the Motion to the Cabinet, reminding them that this had been based upon the view that there was a need for further information to inform debate.

Mr Langridge indicated that he understood the concerns expressed and had listened to the points that had been made at the Council. However, he felt that it was clear that the Bill would not have the unintended consequences that had been suggested. The intention of the Bill was only to regulate third party campaigning during elections and its provisions would only apply to candidates. There was no threat to organisations that campaigned on 'policy issues'.

The Government had taken account of the concerns referenced in the Motion and amendments had been made to the Bill to address these as outlined at Appendix B to the report.

Mr Langridge went on to propose that the Cabinet does not support the Motion in light of the safeguards referred to above.

Mr Hoare questioned whether, given that the Motion had come forward at such a late stage in the Parliamentary process, any view expressed by the Council had it been debated at the last meeting could have had any effect. He considered that the concerns expressed by those opposed to the Bill had been ill founded and misleading; its intention being to ensure transparency with regard to political funding by the Trades Union movement. He questioned whether there was any merit in considering the matter further now the Bill had received Royal Assent.

Mr Norton advised that the Council's Rules of Procedure required the Motion to be referred back to the Council and noted that the Prime Minister had notified his intention of bringing forward legislation regarding political funding in the aftermath of the Parliamentary expenses scandal. Mr Norton considered that the proposed registration of lobbyists would ensure that Members of Parliament were open to public scrutiny.

Mr Harvey thanked Mr Snow for raising his concerns over this issue but indicated that he considered that these had been addressed by the final amendments to the Bill.

Mr Snow suggested that it was incumbent upon the Council to be alert to any possible infringement of civil liberties and, in response, Mr Norton reiterated that it was intended to review the impact of the Bill after the 2015 elections.

Mr Howard advised that, having considered the potential impact of the Bill in his capacity as a Chairman of a small charity, he and his fellow trustees had found nothing to give rise to concern.

Mr Snow indicated that he respected the views expressed but had not envisaged that any representations made by the Council would have stopped the progress of the Bill. However, he believed that it would have been good practice if the Motion had been discussed at the last Council meeting and he welcomed its reference back to the Council as he considered that scope for further discussion remained.

Mr Cotterill thanked the Officers for their report and recognised the concerns expressed. He stated that it was his expectation that any potential problems that arose would be tested by the large charitable organisations.

The Chief Executive confirmed that the Motion would stand as an independent item on the next Council agenda where it would be open to amendment and debate in accordance with the Council's Rules of Procedure.

Whilst he acknowledged that there may have been some issues in its initial drafting, Mr Booty indicated that the amendments that had been passed had addressed these. The impact of the Bill was to be monitored and, whilst there may have been some relevance in discussing the matter at an earlier stage, he questioned the merit of such further debate now that it had passed into law.

Mr Snow suggested that the provisions would have far reaching effects beyond the Trades Union movement which ought not to be down played. It was incumbent upon all elected Members to protect the democratic process.

DECISIONS: that Council be advised that the Cabinet does not support the Motion in light of the safeguards provided by the final amendments to the Bill.

REASONS: The Cabinet considered the concerns expressed to be unfounded.

OPTIONS: None appropriate.