# Contents

<table>
<thead>
<tr>
<th>The Homeland Security APG: Resolution Letter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter from the Commissioner to Ms Hilary Aked, 8 December 2014</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Written evidence received by the Parliamentary Commissioner for Standards</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Email from Ms Hilary Aked to the Parliamentary Commissioner for Standards, 9 September 2014</td>
<td>4</td>
</tr>
<tr>
<td>2. Letter from the Commissioner to Ms Hilary Aked, 15 October 2014</td>
<td>5</td>
</tr>
<tr>
<td>3. Letter from the Commissioner to Mr Bernard Jenkin MP, 15 October 2014</td>
<td>5</td>
</tr>
<tr>
<td>4. Letter from Mr Bernard Jenkin MP to the Commissioner, 29 October 2014</td>
<td>8</td>
</tr>
<tr>
<td>5. Attachments to the Letter from Mr Bernarid Jenkin MP to the Commissioner, 29 October 2014</td>
<td>10</td>
</tr>
<tr>
<td>7. Letter from the Commissioner to Mr Bernard Jenkin MP, 4 December 2014</td>
<td>14</td>
</tr>
</tbody>
</table>
The Homeland Security APG: Resolution Letter

Letter from the Commissioner to Ms Hilary Aked, 8 December 2014

I wrote to you on 15 October 2014, saying that I would begin an inquiry into your complaint about the Homeland Security APG (the APG). I have now concluded my work.

After correspondence with Mr Bernard Jenkin MP, the ‘registered contact’ for the APG, I have concluded that there has been a breach of paragraph 53 of the Guide to the Rules on All Party Groups (the rules) because the APG did not obtain, in advance, the agreement of the Henry Jackson Society to make available on request, a list citing any commercial company which had donated more than £5,000 to the Society either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request was made.

In reaching my conclusion I have considered carefully the operation of paragraphs 38 and 53 of the rules. (Paragraph 38 makes the registered contact responsible for ensuring the APG’s compliance with the rules, and paragraph 53 requires a charity or not-for-profit organisation providing an APG with a secretariat function to agree to make information available ‘on request’.) I make no direct criticism of Mr Jenkin. He has demonstrated that his staff drew to the attention of the Henry Jackson Society the changes in the rules in February 2011 and July 2014. The emails they sent implied an expectation on the part of the APG that the Henry Jackson Society would comply with the rules but did not seek an explicit agreement that they would do so.

While APGs cannot guarantee that a charity or not-for-profit organisation will provide the required information on request, I have concluded that registered contacts should ensure on behalf of their APG that an agreement to do so is reached with any charity or not-for-profit organisation proving a secretariat function before the APG accepts their services. The APG should also stand ready to discontinue the arrangement in the event that a request is then refused. New rules for APGs will come into effect after the General Election and the requirements of paragraph 53 will be reinforced when the new groups are established.

I also considered carefully your argument that ensuring compliance with paragraph 53, would entail the APG supplying the information on request, if necessary obtaining it themselves from the secretariat, if the charity or not-for-profit organisation did not provide it on request from a third party. I do not consider that to be a reasonable or practicable interpretation of the rules. Paragraph 53 refers only to the charity or not-for-profit organisation agreeing to disclosure; it does not require the APG to obtain the information on a monthly basis from the charity or not-for-profit organisation and this would not be proportionate.
Paragraph 53 is a transparency provision, which places a duty on the charity or not-for-profit organisation with a clear consequence if they subsequently decide not to comply with that duty. It is clear that your request and subsequent complaint led to the cessation of the secretariat arrangements that the APG had previously enjoyed. I have no power to require the Henry Jackson Society to provide the information retrospectively, and I do not believe that an APG would be able to do this either.

In the light of the above, I have upheld your complaint against the APG. Given the changes that have since occurred, I now regard the matter as closed.

I will report the outcome briefly to the Committee on Standards. In due course, this letter, and the relevant evidence (a copy of which I enclose), will be made available on my parliamentary web pages.

I am copying this letter to Mr Jenkin.

8 December 2014

Kathryn Hudson
Written evidence received by the Parliamentary Commissioner for Standards

1. Email from Ms Hilary Aked to the Parliamentary Commissioner for Standards, 9 September 2014

I am writing to complain that my request for information about the Henry Jackson Society – who until recently provided the secretariat for both the APPG on Transatlantic and International Security and the APPG on Homeland Security – has not been met.

In line with the new rules regarding disclosure of donations to bodies providing the secretariats for APPGs I believe I am entitled to it:

The new ‘Guide to the Rules on All-Party Groups (published by the House of Commons in July 2014) covers rules effective from 01 July 2014 to the dissolution of this Parliament. Paragraph 53 stipulates that: if a charity or not-for-profit organisation wishes to act as [an APPG’s] secretariat, the charity or not-for-profit organisation must agree to the charity or not-for-profit organisation must agree to making available, on request, a list citing any commercial company which has donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group’s secretariat.

[The Registrar] advised me on 8 August 2014 to contact the HJS itself. However, HJS itself does not supply this information – and indeed is under no obligation to do so. The rules apply to the APPGs and it is surely their responsibility to retain and supply this information on request, if necessary obtaining from the charity if that charity does not provide it.

I have asked both Ms Gisela Stuart MP and [name], (Assistant to Bernard Jenkin MP), who are the listed points of contact for the APPGs, respectively, for this information, and been told that HJS no longer provides the secretariat to either.

I responded by asking them to confirm the precise date at which HJS ceased to provide the secretariat and to provide the information anyway, since unless the organisation ceased to hold this role prior to the onset of the new rules for disclosing donations, transparency is
still demanded. Both failed to respond. I would like this information as soon as possible please.

9 September 2014

2. Letter from the Commissioner to Ms Hilary Aked, 15 October 2014

Following your email correspondence with the Registrar, Ms Heather Wood, I am writing to confirm that I will begin an investigation into your complaints about the Transatlantic and International Security APG and the Homeland Security APG. In essence, the complaints I will investigate are that these APGs have breached paragraph 53 of the Guide to the Rules on All Party Groups, which requires that ‘... a charity or not-for-profit organisation which wishes to act as the group’s secretariat must agree to making available, on request, a list citing any commercial company which had donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group’s secretariat.’

I have written to the ‘registered contact’ of each of the APGs to invite their comments. While the inquiries I am initiating today are directed to the Members who are the registered contacts for the groups, I should emphasise that my inquiries are of alleged breaches of the rules by the APGs and not of alleged breaches of the House of Commons Code of Conduct and its associated rules by the individual Members. When I have the responses from the registered contacts, I will decide how best to proceed. I will, as far as possible, follow my usual procedures, which are set out in the enclose Procedural Note.

The emails that you have sent to the Registrar are now part of the evidence for these inquiries. You should not circulate the contents of those emails or of this letter more widely. I will, in the next few days, include on my parliamentary web-page the fact that I am conducting an inquiry into these complaints. I will not give progress reports during the course of my inquiry. I will be in touch again when my inquiry is complete.

15 October 2014

3. Letter from the Commissioner to Mr Bernard Jenkin MP, 15 October 2014

I would welcome your help, as the registered contact for the Homeland Security APG, with a complaint I have received from Ms Hilary Aked about that APG. The Guide to the Rules on All-Party Groups says at paragraph 38 that ‘The group’s ‘registered contact’
is the person nominated by the group as its main contact and as the person ultimately responsible for ensuring the group’s compliance with the House’s rules....’

I enclose a copy of the complaint submitted by Ms Aked on 9 September 2014. The complaint I am investigating is that the APG has breached paragraph 53 of the Guide to the Rules, which requires that ‘... a charity or not-for-profit organisation which wishes to act as the group’s secretariat must agree to making available, on request, a list citing any commercial company which had donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group’s secretariat.’

I have explained to Ms Aked that, while the inquiries I am initiating today are directed to you as the registered contact for the group, my inquiry is about an alleged breach of the rules by the APG. It is not an inquiry into an alleged breach of the House of Commons Code of Conduct and its associated rules.

I will, in the next few days, include on my parliamentary web-page the fact that I am conducting an inquiry into this complaint about the APG. I will, as far as possible, follow my usual procedures, which are set out in the enclosed Procedural Note.

**Background to the complaint**

I thought it might be helpful to summarise my understanding of the key facts.

- In its Eighth report of Session 2008-09 on ‘All-Party Groups’ the Committee on Standards and Privileges recommended a number of amendments to the rules on APGs. These were debated and approved by a Resolution of the House on 7 February 2011. Among the changes was the insertion of the text quoted above (now paragraph 53 of the Guide).
- APGs were alerted to these changes in a letter from the Assistant Registrar, dated 17 February 2011.
- The Assistant Registrar’s letter of 17 February 2011 said that groups already on the Register had until 7 May 2011 to comply. (For groups new to the Register, the new requirements had immediate effect.)
- The Henry Jackson Society is a not-for-profit organisation.
- The Henry Jackson Society was, until recently, providing a secretariat for the APG
- Ms Aked has asked you to provide the information listed in paragraph 53 of the Guide to the Rules and has been told that the Henry Jackson Society no longer provide a secretariat function to the APG
• Ms Aked has asked the Henry Jackson Society to provide the information and they have not done so.

Please can you confirm the accuracy of my understanding and/or correct any misunderstanding of these basic facts.

Questions
I would be most grateful if you could supply answers to the following questions to assist me with my inquiry:

• When did the Henry Jackson Society first provide a secretariat function to the APG?
• When did the Henry Jackson Society cease to provide a secretariat function to the APG?
• What, if any, reason did the Henry Jackson Society give for withdrawing those services?
• Did the Henry Jackson Society give any notice before withdrawing those services?
• Had the APG obtained agreement in principle from the Henry Jackson Society to provide on request the information cited in paragraph 53 of the Guide to the Rules at any time since 7 February 2011. (If the APG had obtained that agreement in writing, please provide a copy of that document.)
• If the APG did not obtain agreement in principle from the Henry Jackson Society was there a reason for that and, if so, what was that reason?
• What contact have the APG had with Ms Aked?
• What did you do on receipt of Ms Aked’s request?
• On receipt of Ms Aked’s enquiry about the Henry Jackson Society, did you contact them to request the information she sought?
• If you did, what was their response?

I would be very happy to receive any other information or comments that you think may assist my investigation and it would be most helpful to have documentary evidence to support your responses (for example, copies of emails and letters exchanged with Ms Aked and/or the Henry Jackson Society) wherever that exists. I would be grateful to have your responses to the ten questions above as soon as possible and no later than 29 October 2014.

Your response will form part of the evidence for my inquiry, the results of which I would expect to publish on my web-pages (or those of the Committee on Standards) in due course. In the meantime, this correspondence is covered by Parliamentary Privilege.
Finally, it may be helpful to say that you can see examples of the outcome of past investigations via the links on the right-hand side of this web page: http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/pcfs/publications/inquiries/.

15 October 2014

4. Letter from Mr Bernard Jenkin MP to the Commissioner, 29 October 2014

Thank you for your letter of 15th October regarding your investigation of a complaint made by Ms Hilary Aked about the Homeland Security APG.

I have at all times sought to ensure that the APG and its secretariat have complied with the House’s rules. This has included my asking at the outset of the APG’s relationship with Henry Jackson Society (HJS) that they were complying with the rules. They have always assured me that they and the group were in compliance. Until, Ms Aked’s request under rule 53, HJS never suggested there would be any unwillingness to comply with such a request.

I have sought to answer your specific questions as accurately as I can. This has involved asking my staff to recover emails which they exchanged with the complainant, with HJS, and with others.

It may also be helpful for me to disclose that we did have a Fol request from a different party at the end of 2013 in respect of HJS. It does not make any request for information concerning what donations HJS receives, but about the relationship between HJS and the APG. I cannot recall whether I was informed about this at the time. My office correctly responded that APGs are not subject to Fol.

When did the Henry Jackson Society first provide a secretariat function to the APG?

23rd November 2009

When did the Henry Jackson Society cease to provide a secretariat function to the APG?

8th August 2014
What, if any, reason did the Henry Jackson Society give for withdrawing these services?

This is set out in the email from HJS of 4th August (email 1) and is their response to "the rule change". HJS said "we do not intend to make our donors public, so will cease serving as the Secretariat for any APPGs." The email also suggested "alternative arrangements" which were never specified and which we have not pursued.

Did the Henry Jackson Society give any notice for withdrawing these services?

No. HJS told us of their intention to withdraw as the secretariat on 4th August and asked us to inform the Registrar, and this was done on 8th August.

Had the APG obtained agreement in principle from the Henry Jackson Society to provide on request the information cited in Paragraph 53 of the Guide to the Rules at any time since 7 February 2011?

I do not recall discussing the specific Rule 53 with HJS, but it was always implicit that as the secretariat they would have to comply with the rules, and this is clear by our sending HJS the new rules as soon as we were notified about them. This occurred in emails, including in July 2014 (email2), and prior to that, at the time of the introduction of what is now Rule 53 in February 2011 (email 1A). I also recall reiterating this to HJS on the telephone that they were under obligation to comply, and they assented to this.

If the APG did not obtain agreement in principle from the Henry Jackson Society was there a reason for that and, if so, what was that reason?

I always made it clear that as the secretariat they would have to comply with the rules, and they led me to understand that they accepted that obligation.

What contact have the APG had with Ms Aked?

Ms Aked e-mailed my office on 1st August to ask for a list of donors to the HJS, as the secretariat to the APG (email 3).

What did you do on receipt of Ms Aked's request?

We have an email which confirms that my office passed this request to the HJS on 5th August (email4). This was however after they had notified us of their intention to resign the Secretariat rather than to comply with such a request (email 1).
On receipt of Ms Ake'd's enquiry about the Henry Jackson Society, did you contact them to request the information she sought?

Yes. See above (email 4).

5 If you did, what was their response?

The HJS responded specifically to the request for information under Rule 53 on 6th August and re-stated their intention to cease providing the secretariat to the APG, rather than to comply with a request under Rule 53 (email 5).

10 I regret that HJS have decided not to comply with Rule 53. The APG would not have continued with HJS as Secretariat if there had been any suggestion that they would be unwilling to comply with the Rules of the House.

29 October 2014

15

5. Attachments to the Letter from Mr Bernard Jenkin MP to the Commissioner, 29 October 2014

Attachment 1
[To Mr Jenkin MP from Henry Jackson Society (HJS), 4 August 2014]

20 Subject: APPG Homeland Security

I’ve now discussed the rule change with [Redacted] who considers the safest way to handle this is to simply remove HJS as the Secretariat at this stage – can you do that with the Registrar?

25

[Redacted]

I’d be grateful if you could drop the Registrar a line to notify her of our ceasing to be the Secretariat and I’ll be in touch in due course to suggest alternative arrangements.

30

Attachment 1A
[From Mr Jenkin’s Office to HJS, 16 May 2010]

Subject: New rules to APGs

35 Further to previous emails have had a letter from Office of Parliamentary Commissioner saying we haven’t complied by providing some or all of the following information
If group current has a member of the House of Lords acting as the group’s registered contact they need the name of any MP who must be an officer of the group for this role instead

5 Must register secretariats website address,

Must state whether it’s a charity, not for profit, or a consultancy if it is any of these

Must also register website address of the group’s website if it has one

10 To remain on register they must have this info by 27th May

[From Mr Jenkin’s Office to HJS, 25 February 2011]
Subject: New rules to APGs

15 Sorry – had to wait for them to get the new rules and regulations up on the website…

Herewith the link which I think contains all the necessary information

20 http://www.publications.parliament.uk/pa/cm/cmallparty/mem01.htm

[Redacted]

[From Mr Jenkin’s Office to HJS, 22 February 2011]

25 Subject: New rules to APGs

I assume you’ve already seen the correspondence etc relating to this – if not let me know and I’ll send you a copy.

30 Attachment 2
[From Mr Bernard Jenkin MP to HSJ, 8 July 2014]
Subject: FW: Change to the Rules for All-Party Parliamentary Groups

For your information

35 [To Bernard Jenkin MP]

Committee on Standards
FAO: Mr Bernard Jenkin

CHANGES TO THE RULES FOR ALL-PARTY GROUPS

I am writing to draw your attention to changes to the rules for All-Party Groups (APGs), following the House’s decision on 13 May 2014 to approve the Sixth Report of the Committee on Standards, HC 357. I am writing to all Members to explain the changes which will take effect from 1 September 2014. The remaining changes set out in our Report will come into effect after the 2015 General election once we have had time to consider more detailed guidance.

[Redacted ]

Further information and advice is available from the Registrar and her team in the office of the Parliamentary Commissioner for Standards (020 7 219 0401 or 3277); or (on non-party campaigning) from the Electoral Commission on 020 7 2710616 or by email: pef@electoralcommission.org.uk.

I am writing in hard copy to all Members who are Registered Contacts of All-Party Groups, and therefore responsible for their compliance with the rules.

Attachment 3

[From Hilary Aked to Bernard Jenkin MP, 1 August 2014]

Subject: Request for info – APPG on Homeland Security

I am writing to you as the listed point of contact for the All-Party Parliamentary Group for Homeland Security. My reason for doing so concerns recent changes to the rules governing APPGs, made in the wake of the Commons’ recent approval (13 May 2014) of the Select Committee on Standards’ report on APPGs. The new ‘Guide to the Rules on All-Party Groups’ (published by the House of Commons in July 2014) covers rules effective from 01 July 2014 to the dissolution of this Parliament. Paragraph 53 stipulates that:

If a charity or not-for-profit organisation wishes to act as [an APPG’s] secretariat, the charity or not-for-profit organisation must agree to making available, on request, a list citing any commercial company which has donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group’s secretariat. (Guide to the Rules on All-Party Groups’, p. 10
As you know, the Henry Jackson Society think-tank currently acts as secretariat to the APPG on Homeland Security. It is a company limited by guarantee and a registered charity, number 1140489. However, its website contains no list of £5,000+ donations received over the course of the last 12 months.

I am writing to request that you send me a copy of such a list as soon as possible. Thank you very much.

**Attachment 4**

[Redacted – not relevant]

**Attachment 5**

[Redacted – not relevant]

**6. Letter from the Commissioner to Mr Bernard Jenkin MP, 24 November 2014**

Thank you for your email of 28 October 2014 about the complaint I am investigating about the Homeland Security APG (the APG), which was made by Ms Hilary Aked. Having considered all the relevant evidence, I am persuaded that the APG were in breach of paragraph 53 of the Guide to Rules on All-Party Groups (the rules) which sets out the requirement, which has existed since 7 May 2011, that ‘... a charity or not-for-profit organisation which wishes to act as the group’s secretariat must agree to making available, on request, a list citing any commercial company which had donated to the charity or not-for-profit organisation more than £5,000 either as a single sum or cumulatively in the course of the 12 months prior to the month in which the request is made, otherwise the charity or not-for-profit organisation is not allowed to act as the group’s secretariat.’ While I therefore propose to uphold Ms Aked’s complaint, I make no direct criticism of you.

As you know, I wrote to you about this complaint because you were the registered contact for the APG and because paragraph 38 of the rules says that the registered contact is ‘ultimately responsible for ensuring the Group’s compliance with the House’s rules...’ Complaints about alleged breaches of the APG rules are rare. My investigation of this and another similar complaint has brought to my attention that there are no agreed procedures for investigations of alleged breaches of these rules. Having considered these complaints, I also think it likely that at least some other ‘registered
contacts’ may not appreciate fully the responsibility they have to ensure – as far as they are able – that all of the rules are followed and that paragraph 53, in particular, requires pro-active steps. New rules for APGS will come into effect after the General Election and this point will be reinforced when the new groups are established.

I therefore propose to draw the procedural points to the attention of the Committee on Standards, and I wanted to alert you to that in advance of the Committee meeting. (You will, of course, appreciate that both my provisional decision and my intention to discuss the procedural implications with the Committee are confidential for the time being.)

I enclose a copy of the letter I propose to send to Ms Aked, along with a copy of the written evidence which I will post on my web-pages after writing to Ms Aked to close the complaint.
As I am sure you will appreciate, the content of the letter to Ms Aked is for me alone, but I would like to give you this opportunity to comment on its factual accuracy before I write to her.

It would most helpful if you could let me know if you have any concerns about the content of my letter to Ms Aked by 4 December 2014 at the latest. I will consider carefully any comments you make but I should be clear that the text of the decision letter is, in the final analysis, a matter for me alone.

When I have finalised my letter to Ms Aked I will post that letter on my parliamentary web-page, along with the evidence I have considered (also enclosed).

24 November 2014

7. Letter from the Commissioner to Mr Bernard Jenkin MP, 4 December 2014

Thank you for your letter of 2 December 2014 suggesting some factual changes to the draft I sent to you on 24 November. I am grateful for your prompt response.

I know that you understand that the wording of my decision letters is a matter for me alone. Nonetheless, your comments are extremely helpful and I do see the distinction that you make in paragraph 2 of your letter. I have, therefore, made some small drafting changes which I think give greater precision, as well as providing Ms Aked with some additional contextual information.

I am out of the office now until Monday. If you are able to let me know in writing (or by email) early next week whether or not you have any further comment, I will go ahead
and issue my decision and make arrangements for the material (a copy of which I also enclose) to be published on my web-pages.

4 December 2014