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The Transatlantic and International 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 Transatlantic and International Security APG (the APG). I have
now concluded my work.

After correspondence with Ms Gisela Stuart 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 they 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 Ms Stuart.

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 compliance with paragraph 53 would
require 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 that
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. That consequence appears to have taken effect, in that the Henry Jackson Society is no longer acting as the APG’s secretariat. I have no power to require the Henry Jackson Society to provide the information retrospectively, and I do not believe the APG would be able to do this either.

In the light of the above, I have upheld your complaint against the APG. Ms Stuart has confirmed that the Henry Jackson Society have ceased to provide the secretariat function to the APG, which she has told me has been ‘winding down for some time’. 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 Ms Stuart.

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

5 3. Letter from the Commissioner to Ms Gisela Stuart MP, 15 October
2014

I would welcome your help, as the registered contact for the Transatlantic and
International 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?

5 • 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?

15 • 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/pdfs/publications/inquiries/.

15 October 2014

4. Email from Ms Gisela Stuart MP, 28 October 2014

In response to your letter of 15th October 2014. If memory serves me right the APPG was set up in 2009 and the inaugural event was held on 2nd February 2009. The last meeting was on 18th of March 2014; the one before last on 12th September 2013.

The group’s activities had been winding down for some time and the decision to cease secretarial functions was by mutual agreement. There was no specific agreement (in writing or otherwise) about provision of information, but there was an understanding and shared desire that rules should be complied with in the way they were understood by the parties.

Ms Aked contacted me on 1st of August. I regarded the question she raised as a technical one and forwarded it together with a request for advice to HJS. I was informed that HJS’s reading of the rules was such that they were in compliance. HJS said they would contact the Commissioner to go through the rules and the interpretation.

My contacts with Ms Aked have been limited to receiving her request, forwarding her request and informing her that HJS would no longer provide the secretariat for the APPG.

My primary concern was to act within the rules and I was given to understand that the APPG had done so. I hope this helps in your enquiry.
5. Letter from the Commissioner to the Registrar, 30 October 2014

I am writing to seek your assistance with a complaint concerning the Transatlantic and International Security All Party Group (APG). In essence, 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 enclose a copy of the reply I have received in response to notice of the inquiry from the registered contact for the APG. You will see that Ms Stuart says the Henry Jackson Society told her they would contact me to go through the rules and their interpretation. I have not had any communication from the Henry Jackson Society and it seems likely that they would have contacted you or one of your Assistant Registrars in the first instance, in any case.

I would be grateful for any comments that you wish to make on this matter and, in particular, for sight of any records you and your team hold about contact from the Henry Jackson Society about the correct interpretation of paragraph 53 of the current rules (paragraph 50 in the 2011 rules). The Henry Jackson Society was, until recently, providing a Secretariat function to the Homeland Security APG as well and it is possible, therefore, that any contact from them may have been recorded in that file rather than the Transatlantic and International Security APG’s.

It would be helpful to have your advice by 7 November 2014.
6. Letter from the Registrar to the Commissioner, 30 October 2014

Thank you for your letter of 30 October.

You ask if I (or my staff) have had any contact with the Henry Jackson Society about the meaning of paragraph 53 in the current Guide to the Rules. The answer is no. I am not aware of any such contact between the society and this office.

I should say that I am however aware of contact between the Members concerned and my office after the complainant had asked for the missing information.

7. Letter from the Commissioner to Ms Gisela Stuart MP, 24 November 2014

Thank you for your email of 28 October 2014 about the complaint I am investigating about the Transatlantic and International Security APG (the APG), which was made by Ms Hilary Aked.

In your email you said that the Henry Jackson Society had told you that they would contact me to ‘go through the rules’. They have not contacted me directly and, as you can see from the copy correspondence I enclose, we have no record of them contacting my office for advice.

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