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# Parliamentary Standards - All-Party Parliamentary Groups

## Position Paper - A Campaigner's Comment

Frank Brehany - [frankbrehany.com](http://frankbrehany.com) - 19 November 2020

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## **Introduction:**

I have recently become aware of this Consultation, instituted by the Parliamentary Committee on Standards.

The comments that follow are independent, but I also express support of those comments created by Mrs Stephanie Trotter OBE, President of The Carbon Monoxide & Gas Safety Society, who intends to submit additional and indeed similar comments in the Society's name. I have seen the Charity's comments and also support their concerns.

I would stress that between 2004 to the present day, I have engaged within the political system at Westminster along with the systems in the European Union, the United States and Australia. Whilst campaigning in the UK, I have met some outstanding Members of Parliament and have worked with some excellent APPG's. My comments relate to a general and indeed specific experience.

Having witnessed the operation of some 'industrial' focussed APPG's, I believe that it is time for a radical root and branch reform of the APPG system, to not only protect MP's, but to also instil a greater Public confidence in the parliamentary consultative system.

I have read the guidance document and consider that I can best contribute to this Consultation by limiting my observations to the following points detailed in that document:

- (a) The risk of APPGs being used for access by lobbyists, other organisations or by foreign governments, and how any conflicts of interests arising can be managed;*
- (b) Who should be accountable for ensuring an APPG complies with the rules, and*
- (c) How APPGs can be better supported to comply with the rules.*

**In my opinion, these are the fundamental issues that face the structure and operation of APPG's.**

## **About the Author:**

I am a retired Police Officer and a self-funded Solicitor. I work extensively in the media, providing comment on Travel Consumer related issues. I am not connected to nor do I work within or with any Law Firm or other Legal entity; my role has been confined to Consumer Advocacy.

In the last 15 years, I have provided extensive comment to the UK & EU about Travel Consumer issues, creating over 70 reports to highlight the detriment they suffer.

For 14 years, I was the Consumer Director of the Independent Travel Consumer Organisation, HolidayTravelWatch (HTW), until I left that post in July of 2017.

I have some 20 years experience, both in the handling of holiday claims and latterly as a Consumer Campaigner, helping Consumers deal with their Travel Complaints. Whilst at the helm of HTW, we proudly aided 97.5% of holidaymakers to self-resolve their complaints and worked with specialist lawyers to help progress less than 2% of holidaymakers cases, where it was clear that they would not be capable of settlement by self-resolution methods.

I am currently active in the work of creating an Aviation Standard for Cabin Air Quality. I am the BSI's UK Representative on the CEN TC436 Committee and I also sit as a Passenger Representative on the USA's ASHRAE SSPC161 Committee.

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I do not receive any funding from any source and my continuing work to independently advocate the Consumer position is entirely self-funded, with the exception of a contribution to my travel expenses by the BSI in my work representing the UK and occasional media fees.

I voluntarily subscribe to the Nolan Principles of Standards in Public Life.

### **Comment and Solutions:**

1. I have noted the bullet point that expresses concern about the ‘risk’ that APPG’s could be used by lobbyists, or other third parties, and therefore by implication, that conflicts of interest can arise. In the first instance, where an APPG operates an interest on ‘industrial or social’ interests, I would observe that the horse has already bolted from the stable! It is abundantly clear that when such APPG’s meet, the dominance of an Industry is apparent. It is difficult for Individuals, Charities and Consumer representatives to sometimes engage, be considered as equal stakeholders, be actively informed or raise important issues, in the face of that dominant opinion. Equally, where a subscription may apply to an external body, that may support an APPG, it can be potentially cost prohibitive, which in turn dictates the membership of that particular group and therefore the opinion that flows into an APPG; the same issue can apply with non-subscription policy groups. The risk therefore is already present, through the membership of ‘industrial or social’ interests, or through external advisory or policy groupings, that may or may not provide secretarial support to APPG’s:

(a) Therefore, to mitigate this important issue, there is a need to recognise the actualité of how key industrial or social APPG’s are constructed;

(b) It is also necessary to reflect on the words found at Rule 5 of the **‘Guide to the Rules on All-Party Parliamentary Groups’**, where it states:

(i) [APPG’s Purpose] *“They provide a valuable opportunity for parliamentarians to engage with individuals and organisations outside Parliament who share an interest in the subject matter of their group”;*

(c) It is therefore argued that the rules and the operation of APPG’s is nebulous, when presenting this rationale for gathering interested parties together and soliciting opinion. What it does not do, even in within the transparency commentary, is to introduce the concept of seeking diverse opinion and seeking to develop a consensus of opinion. I would strongly suggest that this fluidity of ‘rules’ leaves APPG’s open to the potential of domination by one set of stakeholders over another;

(d) In addition, whilst the rules may well speak of transparency, they only offer that transparency in relation to structure and finance;

(e) Nowhere in the rules does it offer a definition of the diversity of membership or opinion that should be sought;

(f) Nowhere in the rules does it state that consensus is key to the operation of APPG’s:

(i) These failures in rule-making must surely be illogical, when clearly the purpose of an APPG is not only to examine and present on a wide range of ‘diverse’ interests, but at Rule 4 it states:

(a) *“An All-Party Parliamentary Group consists of Members of both Houses who join together to pursue a particular topic or interest. In order to use the title All-Party Parliamentary Group, a group must be open to all Members of both Houses, regardless of party affiliation”;*

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(ii) **This strongly suggests that the purpose of bringing Members of both Houses together is to establish a consensus amongst them; to narrow the issues within a particular interest or topic;**

(iii) If therefore the category of parliamentary membership can be defined, it must also follow that the non-parliamentary membership and the scope of opinions to be sought should also be defined;

(iv) **It cannot therefore be logical in the operation of APPG's, to fail to recognise that in order to establish a clear line of thinking on any given topic, that consensus does not play an important role;**

(v) If the purpose of this Inquiry is to better establish the consultative nature of APPG's and therefore to mitigate the current risk pattern, then I would suggest the following action should be implemented:

(a) That the Rules be expanded to cause each APPG to **define the scope of opinion** that should be sought;

(b) That the Rules be expanded and offer a clear obligation on the parliamentary membership, to **seek and extract a 'Public Interest' Consensus** - an APPG must **demonstrate an equality of arms to cement such a consensus**;

(c) To solidify that requirement, Members of both Houses from an APPG should be obligated to sign their agreement to the new Code, strengthened by these obligations;

(d) Members of both Houses who are members of an APPG, should report annually, how they have sought diverse opinion, how they have engaged with that diverse opinion, what steps they have taken to bring a consensus together and how they have embedded consensual opinion within their internal and public operations;

(e) Where an APPG provides an **annual report, or a public or internal report** relating to their diverse interests, such a report should be obligated to state the following:

(i) **The exact composition of membership by reference to their status**;

(ii) **Whether that membership is either registered as, Consultant Lobbyists as required by Law, or that they voluntarily subscribe to a private register of lobbyists**;

(iii) With regard to any report published, clear statements should be provided as to the original sources or submissions of information they have received, which have aided in their conclusions;

(iv) **The statement of sources and the conclusions made by an APPG, either in a report or through its operations, should also indicate the percentage weight which they have attached to those submissions, and the subsequent affect on the conclusions and operations of the APPG**;

(v) **In addition, submissions received by the APPG from external (for example, Policy or Parliamentary Advisory Organisations),**



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**should reveal and identify the name of that organisation or body, the individual contributors of that opinion, and any statement should make clear, that any such contribution has been made either, within the ordinary operation of the APPG or as a result of a Consultation initiated by an APPG along with the weight attached to that opinion;**

(vi) To secure and embed transparency, it is vital that such declarations should be secured at each APPG meeting, along with a **clear statement made by each Member or non-parliamentary Member, as to any Conflict of Interest that exists;** the latter is a normal requirement found within many International meeting structures, with some placing this information as standard within their Public Information forum;

(vii) By taking these important measures, this could then be argued to better inform Members of both Houses, establishing a clear Public Record (which I would argue offers them greater protection), thus introducing on a more balanced basis on the opinion received, thereby contributing to transparency;

(viii) **However, the most important benefit from the introduction of these measures is found through the potential of increased Public engagement, and better access for Individuals, Charities and Consumer Representatives. It is not just about transparency, but Public Confidence and of that all-important, equality of arms.**

2. The Inquiry raises questions about enforcement of obligations of APPG's. I have noted within the Rules that the Parliamentary Commissioner for Standards, 'may' choose to investigate (note Rules 12 & 34). **With respect to this Inquiry, this is simply 'light-touch' regulation** (there are very similar issues embedded within the Parliamentary Code of Conduct). The key question here is: **'whether it is Parliament's intention to secure a better Public Confidence in the system?'**. If it is, then it needs to **introduce a root and branch reform of the investigation and enforcement of any rules applicable to APPG's.** In order to build Public confidence in APPG's, the role of investigation needs to be visibly separate from parliament. **A robust Independent body needs to be created and funded by the taxpayer.** One key example will be recognised by many Members as they are Solicitors. Solicitors Conduct is governed by the Solicitors Regulatory Authority which sits separately from The Law Society. **A similar Independent structure should be considered and encouraged for Parliamentary APPG's and its Members, and given the requisite structure and powers within an amended Recall of MP's Act 2015.**

### **Conclusion:**

This is once again a golden opportunity for radical reform of the relationship between Members of Parliament and external Stakeholders. If the fundamentals of structure, diversity, equality of arms, consensus, open reporting of interests and contribution of opinion and the strengthening of obligations are not resolved, through a stronger, enforceable methodology, then I fear we shall all return to yet another Consultation without end!

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