

REPORT BY THE INDEPENDENT ADVISER ON MINISTERS' INTERESTS

As is established practice, I have been fully engaged with the Cabinet Office in the preparation of the list of Ministers' interests published today. As part of the process of drawing up the list, all Ministers are required to complete a form giving information about:

- their financial interests, including both assets and liabilities
- any blind trusts or blind management arrangements they have set up
- their tax affairs
- directorships and shareholdings
- investment properties
- any public appointments
- any links with charities as a patron, trustee or member
- any other relevant interests
- interests of their spouse, partner or close family members

I have gone through the individual returns made by Ministers and raised queries where I thought that was appropriate. The Cabinet Office has also drawn particular issues to my attention, which I have discussed with them. The Cabinet Office has then gone back to the Ministers concerned, and any issues have been resolved to my satisfaction.

The bulk of the issues have concerned:

- whether it was appropriate for Ministers to hold shares in particular companies where there might be thought to be a connection to their portfolio. In some cases this has been resolved by Ministers placing their holdings under a blind management arrangement; in others by them disposing of their shareholding;
- whether it was appropriate for Ministers to remain as directors of private family companies. This has depended on the nature of the company and on the circumstances. But where it has been accepted that a Minister may continue as a director, this has generally been on the basis the Minister plays no active role in the management of the company.
- whether it was appropriate for Ministers to continue as trustees or members of particular organisations – primarily charities or interest groups. In some cases, Ministers have resigned from their role; in others, the Cabinet Office and I have accepted that there is no conflict with their ministerial role and the details have been published in the register;
- which of the interests of a Minister's spouse, partner or close family member were relevant to the minister's interests and should be published in the register.

I have not felt it necessary in the circumstances to request individual meetings with the Prime Minister or other ministers.

Since my last report (published in March 2019), there has been a change of Prime Minister. All Ministers appointed in July were asked to fill out the form outlined above and to provide a list of all interests which might be thought to give rise to a conflict.

The List reflects the Government as it stood on 5 November 2019, immediately before the dissolution of Parliament.

Investigations

The Ministerial Code provides that: *“If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary feels that it warrants further investigation, he may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the independent adviser on Ministers’ interests.”* (Para 1.4)

There have been two occasions since my last report in March 2019 where the Prime Minister has directly referred an issue to me for investigation. My findings as a result of those investigations under the Ministerial Code are provided as Annexes A and B respectively to this report.

Sir Alex Allan

December 2019

ANNEX A

Investigation relating to Rt Hon Alun Cairns MP

The Ministerial Code

1. The issue for the Ministerial Code is whether Mr Cairns' statement that he "had no knowledge of the role of Ross England" in the collapse of the trial was true, and hence whether or not Mr Cairns breached the requirement to observe the principle that "Holders of public office should be truthful."
2. Mr Cairns statement confirmed that he knew about the collapse of the trial but stated that he did not know the details until they became public recently. Mr Cairns worked closely with his special adviser, who had had conversations with Mr England and who was more likely than not to have known about Mr England's role (as demonstrated by the 2nd August email) – though I accept that Mr Cairns' Special Adviser would not necessarily have known the judge's actual remarks.
3. The issue is whether it is plausible that Mr Cairns could have been told about the collapse of the trial without inquiring or being told about the reasons, especially given that he knew Mr England was a witness. Mr Cairns' asserted that he was not a lawyer and did not then understood the difference between an adjournment, a delay and a collapse. It seems to me that these terms are self-evident. Mr Cairns' evidence was that what he would have drawn from the content of the conversation with a member of his staff that there had been difficulties with the trial. But that the member of staff had not told him that Mr England had had anything to do with it.
4. I find it unlikely that Mr Cairns would not have been told something about Mr England's role when he was told about the collapse. But all those involved state that they had not informed Mr. Cairns of Mr England's role, and there is no direct evidence to contradict this. On that basis, I do not find that the evidence upholds the allegations of a breach of the Ministerial Code.

Sir Alex Allan

December 2019

ANNEX B

Investigation relating to Mark Field MP *

The Ministerial Code

1. The Ministerial Code says:

“Ministers of the Crown are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety. ... [They should] treat all those with whom they come into contact with consideration and respect.”

2. My view is that Mr Field was justified in intervening to try to stop Ms Barker reaching the top table. The issue is the actions he took first of all to restrain her and grab her by the neck and then to forcibly remove her from the room. I accept that he had to take a split-second decision on what to do. But having intercepted her, he had the option of simply blocking her way. And he could have waited for others to shepherd her out rather than pushing her by the neck out of the room and down the stairs. Having seen the film of the incident, and the comments of the interviewees reported, my view is that the actions Mr Field took, and the force he used, were not consistent with the high standards of behaviour expected of Ministers and with treating Ms Barker with consideration and respect. As such it was a breach of the Ministerial Code.

Sir Alex Allan

July 2019

* Mr Field was not re-appointed as a Minister by the new Prime Minister in July 2019.