

Sir William Shawcross CVO

The Commissioner for Public Appointments Ground Floor 1 Horse Guards Road London By email: publicappointments@csc.gov.uk

X April 2025

Dear Sir William,

Formal complaint: Failure to publish information on political interests

I am requesting you undertake an investigation and audit further to your powers under Section 4 of the Public Appointments Order in Council 2023. This relates to a series of potential breaches of both the principles of public appointments and of the guidance on making public appointments.

As you will know, political activity is not a bar to holding a public appointment. Indeed, it is to be welcomed that those with an interest in public service are also willing to support a healthy democracy. But such political activity should be transparently declared when a public appointment is made.¹ Under the Labour Government, this is not happening.

I would like to provide a number of substantive examples, but I believe this is a pattern of a wider picture that deserves a full audit and investigation. I will also refer to answers to recent Parliamentary Questions which indicate that the lack of transparency is an intentional policy adopted by Labour Ministers. This comes amidst wider concerns about the politicisation of the Civil Service and 'crony' appointments.

I am aware that the Commissioner prefers that a complaint is made to the department in first instance. Please consider the Parliamentary Questions as evidence that we have sought to raise these matters with Ministers, but they have declined to take action.²

[.]

¹ The Governance Code on Public Appointments states: "9.2 Political activity should not affect any judgement of merit nor be a bar to appointment or being a member of an Advisory Assessment Panel, with the exception of Senior Independent Panel Members. It should be publicly disclosed however if a panel member, or a successful candidate, has, in the last five years, been employed by a political party, held a significant office in a party, has stood as a candidate for a party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a party" (link).

² If you would prefer a further formal complaint to be made first to all three departments mentioned in this letter, or one central complaint to the Cabinet Office, this can be arranged.

Chair of the Independent Football Regulator

On 25 April 2025, DCMS announced their preferred candidate for Chair of the new Independent Football Regulator, David Kogan. The DCMS press release makes no reference to any political activity.³

Electoral Commission records show that in the last five years (as per the Code's requirements), he has made £33,410 in political donations to the Labour Party or Labour-linked regulated donees. This includes a donation to Keir Starmer's constituency Labour Party two days after the 2024 general election was called – i.e. he helped bankroll Starmer's election campaign. According to the House of Commons Register of Interests, Mr Kogan donated an additional £70,000 to Labour MPs and successful Labour Parliamentary Candidates in 2023 and 2024 (listed in Annex A to this letter). Up to 14 April 2025, he was a director of Labour List, a news website for the Labour Party; it is notable that he has only just resigned the role, which is clearly linked to the appointment to the regulator. 5

Past convention is that such activity should be listed in the press release or gov.uk news story that announces the substantive appointment. This is particularly important in the case of a 'significant' appointment requiring a pre-announcement hearing by a Select Committee. The Committee needs to have full acknowledge of the background of the appointee prior to the hearing.

Indeed, the House of Commons' guidance on such pre-hearings recommends that there is specific scrutiny of political activity:

"Questioning may also cover some areas... such as party-political activity or political donations, where these are relevant." ... "[Suggested question] Have you ever held any post or undertaken any activity that might cast doubt on your political impartiality? If so, how will you demonstrate your political impartiality in the role if appointed."

It is clearly intentional that no statement has been made in the DCMS press release on the political activity. As of the date of writing this letter, nor is there any "announcement" entry for an Independent Football Regulator position on the Cabinet Office's Public Appointments website.⁷ Nothing has been published on the appointee's extensive party political activity.

I note in the Commissioner's Decision Notice of 1 October 2024 relating to a public body in Wales, the Commissioner upheld a complaint relating to there being no declaration of political activity.⁸ So there is clear precedent of taking action on such a matter.

You may wish to serve an information request to the department asking for the internal correspondence relating to the decision not to mention political activity.

³ DCMS press release, "Government announces preferred candidate for Independent Football Regulator Chair, 25 April 2025, (<u>link</u>).

⁴ Data sourced from: https://search.electoralcommission.org.uk/ and (link).

⁵ Companies House, Labourlist Limited (06996133), (link).

⁶ House of Commons Liaison Committee, *Revised Guidelines for Select Committees carrying out pre-appointment hearings*, paras 20, 43, (<u>link</u>).

⁷ https://apply-for-public-appointment.service.gov.uk/announcements. Nothing is listed on the original advertisement either: https://apply-for-public-appointment.service.gov.uk/roles/8097

⁸ Commissioner for Public Appointments, *Decision Notice: Reappointment Process for Board Members of a Public Body*, 1 October 2024, (<u>link</u>).

Lead Non-Executive Director, MHCLG (Mo Baines)

I also wish to draw your attention to the series of deficiencies in relation to the appointment by the Ministry for Housing, Communities and Local Government of their Lead Non-Executive Director. The appointment was made without open and fair competition, following the sacking of all the existing Non-Executive Directors after the 2024 general election (outlined in more detail below).

When the appointment was made on 23 October, of Mo Baines, no declaration of political activity was made in the press release, despite otherwise referencing her background.⁹

Yet Ms Baines is a long-standing Unison trade union activist¹⁰. She previously led the Labour Party's "Community Wealth Building Unit"; this "municipal socialism" sought to support Labour councils "in the restructuring of production and the democratisation of ownership and control" – in other words, end the role of the voluntary and private sector, and reverse the outsourcing of public sector contracts. ¹¹ This is clearly relevant to the role of MHCLG. The Deputy Prime Minister, Angela Rayner, also has responsibility for the Laboure Government's changes to employment and trade union law: so the trade union activity should also have been declared. ¹²

When asked for her declaration of interests and political activity, Labour Ministers have repeatedly refused to publish them, instead referring to the annual publication of board members' interests.

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, what (a) interests and (b) political activities Mo Baines declared when she was appointed as Lead Non-Executive Director.

Alex Norris: Relevant information will be published in due course as part of the annual publication of board members' interests."¹³

The reference to an "annual publication" contradicts the Cabinet Office guidance that "NEBM interests are updated and published twice yearly on gov.uk in this manner." ¹⁴

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 3 December 2024 to Question 15805 on Mo Baines, for what reason Mo Baines' declaration of political activity was not published when her appointment as Lead Non-Executive Director was announced on 23 October 2024.

Alex Norris: Non-Executive Board Members' relevant interests are updated and published biannually as part of an established process as set out on the following gov.uk page: Non-Executive Board Member declaration of interests process - GOV.UK

⁹ MHCLG press release, "MHCLG appoints Mo Baines as MHCLG Lead Non-Executive Director", 23 October 2024, (<u>link</u>).

¹⁰ For example, she has served as President of the Manchester arm of UNISON (<u>link</u>).

¹¹ Labour Party, *About: Community Wealth Building Unit*, (\underline{link} and \underline{link}).

¹² Cabinet Office, List of Ministerial Responsibilities, March 2025, (link).

¹³ *Hansard*, 3 December 2024, PQ15805, (link).

¹⁴ Cabinet Office, Non-Executive Board Member declaration of interests process, November 2024, para 37, (link).

[https://www.gov.uk/government/publications/non-executive-board-member-declaration-of-interests-process/non-executive-board-member-declaration-of-interests-process]"¹⁵

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 15 January 2025 to Question 22321 on Mo Baines, if she will publish a copy of Mo Baines' declaration of political activity (a) submitted when she applied for the role of Lead Non-Executive Director and (b) any revised versions.

Alex Norris: As noted in the Answer of 15 January 2025 to Question 22321, Non-Executive Board Members' relevant interests are updated and published bi-annually as part of an established process as set out on the following gov.uk page: Non-Executive Board Member declaration of interests process - GOV.UK.

[https://www.gov.uk/government/publications/non-executive-board-member-declaration-of-interests-process/non-executive-board-member-declaration-of-interests-process]." 16

Yet, six months after the appointment, despite a requirement to publish twice a year, no such interests have been declared on the MHCLG website. The page merely says that such interests are internally declared.

"MHCLG Board and Non-Ministerial Board Register of Relevant Interests

The Ministry of Housing, Communities & Local Government Board and Non-Ministerial Board members are asked to declare any interests or related party interests that are relevant to the work of the department as well as all remunerated outside employment, work and appointments whether relevant or not. Mitigation plans are in place for any perceived, potential or actual conflicts of interest. Ministers' interests are recorded and published by the Cabinet Office."

When pressed further, Ministers have stated that such declarations of political activity are made public on the (obscure) Public Appointments website. But there was no such posting in this case (not least as the appointment was made without any open competition).¹⁸

"Kevin Hollinrake: To ask the Minister for the Cabinet Office, pursuant to the Answer of 3 March 2025 to Question 33485 on Public Appointments: Political Activities, through what process a declaration of previous political activity within the last five years is made public.

Georgina Gould: Declarations of previous political activity within the last five years made by successful candidates in the Public Appointments process are published on the announcements page of the Public Appointments website. This can be found using the following link: https://apply-for-public-appointment.service.gov.uk/announcements." ¹⁹

But this also flags a wider deficiency. The declared interests of existing board members do not list previously political activity from the last five years. This creates a significant lacuna: public appointees are supposed to declare their previous political activity; it is not being published when they are appointed. But there is then no publication of such information in the Board

¹⁵ Hansard, 15 January 2025, PQ22321, (link).

¹⁶ Hansard, 30 January 2025, PQ25697, (link).

¹⁷ MHCLG website, *Our governance*, April 2025, (<u>link</u>).

¹⁸ The only references on the public appointments website are to a competition for 3 MHCLG NEDs, opened in May 2024, that was subsequently cancelled by the Labour Government (<u>link</u>); and for the current competition for 4 NEDs (<u>link</u>).

¹⁹ Hansard, 21 March 2025, PQ38052, (link).

register of interests: as Labour Ministers have admitted, "previous political activity is not retained".

"Kevin Hollinrake: To ask the Minister for the Cabinet Office, pursuant to the Answer of 30 January 2025 to Question 25696 on Public Appointments: Political Activities, at what point in the appointment process should the public disclosure on political activity be made for a regulated public appointment.

Georgina Gould: The Governance Code on Public Appointments requires that any political activity, as defined within the Code, by successful candidates should be publicly disclosed. Generally, this is done within the wider declarations of interest process for Non-Executive Board Members, published guidance for which is set out on Gov.uk, https://www.gov.uk/government/publications/non-executive-board-member-declaration-of-interests-process/non-executive-board-member-declaration-of-interests-process."²⁰

"Mike Wood: To ask the Minister for the Cabinet Office, if he will ensure that public appointments of Departmental non-executive directors publish declarations of interest.

Georgina Gould: The Cabinet Office, and indeed all departments with Non-Executive Board Members, will publish declarations of interest of departmental Non-Executive Board Members in accordance with the guidance which can be found on gov.uk."²¹

"Kevin Hollinrake: To ask the Minister for the Cabinet Office, pursuant to the Answer of 15 January 2025 to Question 22321 on Mo Baines, if he will make it his policy to require that political activity is published as part of announcements of (a) non-executive directors and (b) public appointments.

Georgina Gould: The interests of non-executive board members and public appointments will continue to be updated and published bi-annually as part of an established process as set out in the Non-Executive Board Member declaration of interests process - GOV.UK. The Governance Code on Public appointments makes clear that political activity should not affect any judgement of merit nor be a bar to appointment for a candidate being considered for a public appointment. The Governance Code already requires, for successful candidates, public disclosure where candidates, in the last five years, have been employed by a political party, held a significant office in a party, have stood as a candidate for a party in an election, have publicly spoken on behalf of a political party, or have made significant donations or loans to a party."²²

"Kevin Hollinrake: To ask the Minister for the Cabinet Office, pursuant to the Answer of 4 February 2025 to Question 27548 on Cabinet office: Public Appointments and with reference to the his Department's Non-Executive Board Member declaration of interests process, published on 28 November 2024, whether a required declaration of previous significant political activity under paragraph 9.2 of the Governance Code on Public Appointments in the last five years prior to taking up a public appointment is deemed to be a (a) declarable interest and (b) an interest which must be published under the Non-Executive Board Member declaration of interests regime; and for what period of time a declaration of pre-appointment political activity would be retained on the bi-annual NED declaration record.

²⁰ Hansard, 3 March 2025, PQ32148, (link).

²¹ Hansard, 4 February 2025, PQ27548, (link).

²² Hansard, 30 January 2025, PO25696, (link).

Georgia Gould: With reference to the guidance on declarations of interests published on 28 November 2024, political activity is a declarable interest, and any current political activity declared by a Non-Executive Board Member will be published on the online register of interests. This is consistent with paragraphs 3.11 - 3.15 of the Code of Conduct for Board Members of Public Bodies. The Governance Code on Public Appointments is separate guidance and its scope is limited to the appointments process. Paragraph 9.2 applies to political activity of candidates which may be explored further by the Advisory Assessment Panel, and if successful will be made public as part of the appointments process. As this is a separate process to the management of Non-Executive Board Members' interests outlined above, **previous political activity is not retained on the departmental register of interests.**"

Hence, in this case, there is no current or future publication of Mo Baines' previous political activity, despite it being directly related to her work for the Department. Officials are hiding behind the bi-annual publication of interests (which is not happening), but this then omits to publish previous political activity. The net effect is secrecy rather than transparency.

You may wish to serve an information request to the departments for the internal background notes in relation to these Parliamentary Questions: this will provide further information about the stance that Ministers have taken.

Appointment of the Lead MHCLG Non-Executive Director

The manner of the appointment of this lead departmental non-executive director is also irregular. As you will be aware, departmental NEDs are a regulated public appointment, meaning they must be recruited by open and fair competition, unless an exception is approved by the Commissioner for Public Appointments. You may not be aware of the full circumstances in which MHCLG asked you to approve the exceptional appointment.

The department wrote to you to say: "The Deputy Prime Minister has decided that exceptional circumstances exist in this instance: MHCLG's departmental board has been without Non-Executive Board Members since 7 July 2024 and has been unable to meet during this time. An interim Lead NED appointment is needed urgently to deliver ministerial priorities and to ensure that there is NED representation at the first Ministerial Board in November". ²⁴

First, they did not mention her previous political activity, merely telling you:

"Mo has extensive and broad experience of working in public policy and local government, with a particular background in service delivery models, local government finance and research. She is the Chief Executive at the Association for Public Service Excellence (APSE) and visiting professor at the University of Staffordshire's Centre for Business, Innovation and the Regions... there is no other reason that they are aware of which might cause this individual to be unsuitable to undertake the role" (ibid).

They did not mention the fact that the Board was unable to meet, and had no NEDs, was because Angela Rayner had sacked them all.

²⁴ Letter of 2 October 2024 from James Blythe, Deputy Director, Executive Team & Central Operations, to Sir William Shawcross, deposited paper, further to *Hansard*, 3 December 2024, PQ16179, (link).

²³ Hansard, 3 March 2025, PQ33485, (link); emphasis added.

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the answer of 14 October 2024 to Question 6112 on MHCLG: Public Appointments, if she will name the four public appointees who left their posts; and whether they were asked to resign.

Alex Norris: The four appointees were: Dame Alison Nimmo, Lord Porter, Jeff Dodds and Tom Taylor. The new administration decided to appoint new non-executive board members upon taking office."²⁵

"Paul Holmes: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 18 December 2024 to Question 18954 on Ministry of Housing, Communities and Local Government: Public Appointments, for what reason her Department was without Non-Executive Board Members since 7 July 2024.

Alex Norris: Following the decision to appoint new non-executive board members to the Departmental Board, Mo Baines was appointed as Interim Lead Non-Executive Director in October 2024. An open competition for Non-Executive Directors is also underway to bring the Board to full complement and these appointments will be announced in due course. We have full confidence in our ongoing governance arrangements."²⁶

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 21 January 2025 to Question 24230 on Ministry of Housing, Communities and Local Government: Public Appointments, whether her Department has had discussions with the office of the Commissioner for Public Appointments on the reasons for which the Departmental board was unable to meet.

Alex Norris: The Commissioner for Public Appointments regulates public appointments and provides independent assurance in relation to these. We wrote to the Commissioner on 2 October 2024 to consult him on the appointment of an interim Lead Non-Executive Director to ensure non-executive representation at the departmental board. This is in line with central governance requirements for government departments. We report on the activities of the departmental board as part of our standard annual reporting processes, which include the Annual Report and Accounts."²⁷

"Kevin Hollinrake: To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 16 December 2024 to Question 18378 on Ministry of Housing, Communities and Local Government: Public Appointments, what assessment she made of the potential impact of changing the non-executive board members on the effectiveness of that board.

Alex Norris: It is standard practice across government for non-executive board membership to be periodically reviewed, to ensure that the expertise and advice provided is a suitable fit for performance and delivery priorities. We have full confidence in our ongoing governance arrangements and will be announcing the remaining appointments to the Board in due course."²⁸

²⁵ Hansard, 16 December 2024, PQ18378, (link).

²⁶ Hansard, 22 January 2025, PQ24230, (link).

²⁷ Hansard, 3 March 2025, PQ31883, (link).

²⁸ Hansard, 17 January 2025, PQ22913, (<u>link</u>).

I would question the assertion that there is "full confidence in our ongoing governance arrangements". There currently remains just one crony NED, appointed without open competition. The rules requiring open and fair competition have been sidestepped by the action of Angela Rayner: allowing a clearly political appointment, by a purge of the existing directors.

It is also poor corporate practice to dismiss all the existing NEDs in one go. The Public Administration and Constitution Affairs Select Committee recommended in 2023: "Ministers should avoid replacing all departmental NEDs on appointment". The then Conservative Government replied: "to date it has not been the case that an incoming Secretary of State removes all NEBMs. We would expect that to continue to be the case." This principle has been ripped up by the Labour Government to the detriment of good governance.

Would you have consent to the exceptional appointment had you known the full context? You may wish to serve an information request to the department for all Ministerial submissions relating to the removal and appointment of the non-executive directors.

Government Lead Non-Executive director (Louise Casey)

The lack of a declaration of interests at appointment again took place with the appointment of Louise Casey as the Government Lead Non-Executive director. ³⁰ And once more, Ministers have since refused to publish this information.

"Richard Holden: To ask the Minister for the Cabinet Office, whether Baroness Casey made a declaration of political activity following her appointment as Lead Non-Executive Director.

Georgia Gould: Baroness Casey followed the published process for declaring any interests."31

"Richard Holden: To ask the Minister for the Cabinet Office, pursuant to the Answer of 16 January 2025 to Question 22993 on Cabinet Office: Directors, for what reason the declaration of political activity was not published with the announcement of the appointment.

Georgia Gould: As was the case under the previous administration, the relevant interests of non-executive board members and public appointments will continue to be updated and published bi-annually as part of an established process as set out in the Non-Executive Board Member declaration of interests process - GOV.UK.

(https://www.gov.uk/government/publications/non-executive-board-member-declaration-of-interests-process/non-executive-board-member-declaration-of-interests-process)" 32

In November 2024, the Cabinet Office published the register of interests of its Board Members in the 2023-24 financial year. Nothing has been published since.³³ It is spectacularly evasive to meet the requirements for transparency of a current (Labour) Government by only publishing the list of interests of the *previous* (Conservative) Government. Again, the six month requirement is being ignored, compounded by the failure to publish interests on appointment.

²⁹ PACAC, "The Role of Non-Executive Directors in Government: Government response to the Committee's Seventh Report of Session 2022-23", HC1805, September 2023, p.8-9, (link).

³⁰ Cabinet Office, "Baroness Louise Casey appointed as Government Lead Non-Executive Director", 3 January 2025, (<u>link</u>).

³¹ Hansard, 16 January 2025, PQ22993, (link).

³² Hansard, 13 February 2025, PQ29030, (<u>link</u>).

³³ Cabinet Office, Cabinet Office register of board members' interests 2023 to 2024, 6 November 2024, (<u>link</u>). Eight of the nine NEDs had left by this point.

Eight of the nine NEDs were sacked in August 2024, again displaying poor corporate governance. You may wish to serve an information request on the Cabinet Office for the internal background notes on the Parliamentary Question, and for all submissions relating to this appointment and to the publication of the declaration of interests.

Conclusion

I believe there will be many other examples across government. It is not immediately possible to ascertain the full lack of political declarations due to the omission of publishing them. However, you will have the ability to instruct departments to provide the information supplied by the (post-July 2024) public appointees when they applied. The fact that Labour Ministers have been so evasive in answers to Parliamentary Questions compounds the breaches of the Governance Code.

I would therefore request that you undertake an investigation and audit into these matters, including:

- 1) Determining how many public appointments have been made since July 2024 where such political activity information has (a) not been published, and (b) obscured by only being available in the small print of the Cabinet Office public appointments website.
- 2) Ensuring the declarations of political activity and other significant interests are openly declared alongside any press release or website news story on the announcement, using your powers under Section 4(5) of the Order in Council.
- 3) Ensuring the full political interests of the proposed chair of the Independent Football Regulator are published and made available to the Culture, Media and Sport Select Committee.
- 4) Requesting the Cabinet Office enforce the guidance that NEDs interests should be updated twice a year on gov.uk.
- 5) Reviewing whether it was appropriate for the Ministry for Housing, Communities and Local Government to make the exceptional appointment of Mo Baines in October 2024.
- Reviewing the dismissal of public appointees by the Labour Government since July 2024, and whether such practices represent good corporate governance.³⁴

Such an investigation and audit is necessary to restore confidence in the integrity of public life, which has already been corroded follow the Civil Service 'crony appointments' scandal under the Labour Government.

I look forward to your response. I am placing this letter in the public domain.

Yours sincerely,

Alex Burghart MP

Shadow Chancellor of the Duchy of Lancaster

³⁴ Whilst the remit of the Commissioner does not extend to the removal of individuals from public appointments, this matter clearly interacts with the appointment of replacement officeholders.

ANNEX A: KOGAN DONATIONS LISTED IN COMMONS REGISTER35

MP	Constituency	Amount Donated	Date Registered
Alex Baker	Aldershot	£2,150	30-Jul-24
Alice Macdonald	Norwich North	£2,000	29-Jul-24
Alice Macdonald	Norwich North	£3,000	29-Jul-24
Andrew Pakes	Peterborough	£2,000	29-Jul-24
Andrew Pakes	Peterborough	£1,000	29-Jul-24
Andrew Pakes	Peterborough	£725	29-Jul-24
Anna Turley	Redcar	£5,000	02-Aug-24
Dr Rosena Allin-Khan	Tooting	£5,000	22-May-23
Emma Reynolds	Wycombe	£7,625	01-Aug-24
Fred Thomas	Plymouth Moor View	£2,000	02-Aug-24
Fred Thomas	Plymouth Moor View	£1,500	02-Aug-24
Fred Thomas	Plymouth Moor View	£1,000	02-Aug-24
Joe Powell	Kensington and Bayswater	£2,000	31-Jul-24
Joe Powell	Kensington and Bayswater	£2,010	31-Jul-24
Lucy Rigby	Northampton North	£2,000	29-Jul-24
Lucy Rigby	Northampton North	£2,000	29-Jul-24
Matthew Patrick	Wirral West	£2,000	25-Jul-24
Matthew Patrick	Wirral West	£2,500	25-Jul-24
Michael Payne	Gedling	£2,000	02-Aug-24
Michael Payne	Gedling	£750	02-Aug-24
Michael Payne	Gedling	£2,250	02-Aug-24
Mr James Frith	Bury North	£5,500	29-Jul-24
Oliver Ryan	Burnley	£2,000	17-Jul-24
Oliver Ryan	Burnley	£3,000	04-Aug-24
Perran Moon	Camborne and Redruth	£5,000	02-Aug-24
Rachel Blake	Cities of London and Westminster	£5,000	02-Aug-24
Rachel Reeves	Leeds West	£5,000	18-Sep-23
Yuan Yang	Earley and Woodley	£5,000	29-Jul-24
Yuan Yang	Earley and Woodley	£3,000	29-Jul-24

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³⁵ Sourced from: https://members.parliament.uk/members/commons/interests/publications

The two Joe Powell donations, one Matthew Patrick donation, the Perran Moon donation and one Yuan Yang donation are also reported in the Electoral Commission registered donations. Taking this into account, this is a net £69,500 which is not otherwise reported in the Electoral Commission returns.