

Title Report into Allegations made on the Anna Raccoon blog dated 14 April 2011

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Addressees LPUK NCC

Date 27April 2011

Background

On 14 April an article appeared on Susanne Nundy's Anna Raccoon blog, entitled 'Libertarian Liberties' This contained a number of detailed allegations made against named individuals, including in particular Andrew Withers, then leader of the Party. Whilst many of her allegations were purely of a personal nature, some related to activities said to have been carried out by Andrew in his capacity as Party Treasurer. This report is intended to address those issues only; it will not concern itself with any of the personal matters as they do not concern the Party.

The report will identify each of the relevant matters and address them in turn.

Issues

- 1 *I joined the Libertarian Party. £15 and I got a very nice key ring. I didn't get an invitation to the Libertarian Party forum, didn't know there was one, or a members blog. The inner sanctum was reserved for the gentlemen it seems.*

I joined the Party in May 2008 which is approximately 8 months before Ms. Nundy apparently did as, by her own admission she joined the party around January 2009 (the blog entry opens with the phrase "A while ago, two years and three months, to be precise..."). . Her experience was identical to mine in all respects so her allegation that the forum /members blog was, in some way, closed to her on the grounds of her sex can be safely repudiated. It may indicate a lack of professionalism in how the Party handled new members but that is an entirely different matter.

- 2 *I met Andrew in person; he seemed very friendly and charming. Good fun, in fact. All would be changing shortly, he reassured me once more. Stick with us, renew*

your subscription, and all will be well. I did. It did. Chris Mounsey was eventually elected leader. That was the last newsletter I ever received. I seemed to have fallen off the mailing list.

This is the first mention of a newsletter. It is not clear whether she is referring to the occasional 'Libertarian Party News' or is using the expression as a generic term covering all communications from the Party, including emails from individuals. Either way, it is clear from the contents of my LPUK email archive that the Party has been woefully inadequate in terms of our communication with our membership. It is entirely conceivable that she did indeed fall off the mailing list; what is not at all clear to me that this was a deliberate or malicious act as she implies.

- 3 *Meanwhile, Dr Kapur ... had also taken to posting as 'Clarissa' or some such name on the web site of two 'Libertarians' who had taken an instant dislike to me and whose site appeared at times to be entirely devoted to derogatory articles regarding myself. This was no time to make public my misgivings concerning the Party.*

These 'misgivings' are unstated but, based on the events as set out in her blog and assuming them to be sequential, appear mainly to concern what she views as the erratic behaviour of Dr Kapur and the Party's lack of polished administration, as evidenced above in points 1 and 2. Without any more information, it is impossible to comment further, except to say that maybe it would have been helpful if she had at least voiced them within the Party.

- 4 *I heard nothing from the Libertarian Party save the constant flow of e-mails from Andrew P Withers. ... Always friendly, he begged me to renew my lapsed membership. He told me ... [that] ... he hadn't been able to stand for leadership of the party himself; but he did intend to do so in the future, please would I have patience? He wanted to see an inclusive party, not rent by factions, properly financed, with regular newsletters, everyone able to access the blog and the forum, and he was going to clear out all those who merely used the blog to abuse others. It sounded promising.*

There is a major difficulty over this point as the timescales seem not to be

accurate. I address this more fully at the end of this section.

- 5 *Andrew had asked me several times to provide money, both to re-launch the Libertarian Party ... The answer had always been the same. I wasn't in a position to help anybody financially whilst we had two houses, maybe when we had sold one.*

As Treasurer, Andrew was carrying out a perfectly legitimate activity, namely attempting to raise money for the Party. We should expect nothing else. Anyone so approached would have the right, as Ms. Nundy did, to decline to be involved. This is a non-issue.

- 6 *'Not a problem', said Andrew. 'and in the meantime, could you sign my nomination forms for the Libertarian Party, election in a couple of weeks; I have a trusted group of people who will help me revitalise the Party and in gratitude to you for all you have done, I would like you to be the chief nominee'. I did. I wonder now, how many other people did?*

This is another timescale issue. If she wasn't a member at the time of the nomination, Andrew's candidacy would be invalid so it is an important issue to get clear.

- 7 *Andrew ... was still Treasurer too, apparently unable to hand over the books until he had time to 'put them in order'.*

This is an important point about financial responsibility. It is the case that responsibility for all the financial activities are only now in the final stage of being handed over to the new Treasurer, four months after he should have taken up his duties. Whilst there have been some valid reasons for the delay, this is clearly far from ideal and must not be allowed to happen again. However, the implication in the blog is clearly that 'put them in order' should be construed as 'cook them'.

That is a serious charge. The NCC may take the view that as the Electoral Commission has given the accounts submitted to them a clean bill of health (A1 in Andrew's words), there is no more to be said and we should consider the matter closed. Conversely, it may believe that the only way to draw a line under the past is to carry out an audit of the accounts from one or more previous years. This

could be carried by someone within the Party, or be entrusted to an external auditor, which will undoubtedly be quicker, but very costly. That last point is very important as it has excited a few people over the last week. The NCC must act in an open and transparent manner but what cannot be denied is that the Party is not in good financial shape and commissioning an external audit might not be something we can commit to in the short term.

Whatever the NCC chooses to do with regard to the accounts themselves, it is clear that the Party's financial control is not all it should be. The new Treasurer is proposing a clear set of rules for the way the Party should conduct its financial affairs going forward; future financial standing orders must be implemented forthwith, based on these.

8 *... some time ago, Andrew had rung me one day asking if I happened to remember the name of the Libertarian member who had put up the money when the funds to release Nick Hogan were trapped in 'money laundering regulations'. As it happens, I had only ever known his Christian name. 'Xxxxx Somebody' I said.*

He e-mailed me back a list of members with that Christian name; he urgently needed to raise funds for the party to meet some outstanding bills from the last election. Did any of them ring a bell? To my ever lasting shame, I said that one of them might do. He e-mailed me later that day to say that 'Xxxxx somebody' had kindly made a three month loan to the party and he was grateful for my help.

We now know the identity of the donor. The loan has been part paid back and the new Treasurer has been in touch to apologise that the whole was not paid back within the three month period and to reassure him that the balance will be forthcoming.

Whilst Ms. Nundy has, in an email, copied to the donor, cast aspersions on the purpose of the loan, it is clear that it was needed for a legitimate purpose (I here declare an interest as it paid for my election leaflets!) which Andrew made plain to the donor when he approached him. Unfortunately, as with several other aspects of the Party's administration, it has not been recorded as well as it might.

There is an issue here over confidentiality. I am not in a position to state whether or not Andrew's actions in sending out a list of Party members with a particular forename constituted a breach of the Data Protection Act. If the NCC decides that it needs a definitive view, it will be necessary to consult with the Information Commissioner's Office. It seems almost certain that that action DID constitute a breach of the Party's Privacy Statement, and as such should be regretted.

9 I found that my newly acquired password to the lpuk web site had been changed; my posts were removed from the blogroll.

This matter must be investigated thoroughly and, if true, not allowed to be repeated. It is the antithesis of libertarianism.

10 *There's no one to complain to, for all e-mails to the party go through the lpuk web site, controlled by Andrew. All post goes to Andrew's personal address The Party has a new office, set up by Andrew, in his home village – conveniently in the centre of the High Street.*

It has been established recently that Andrew does not control the LPUK website. It is indeed the case that Andrew's home address appears on the website, and has also appeared on election leaflets. Election publications must, by law, have an address printed on them and, in the absence of any Party office, someone's home address is a necessary evil. However, we as a Party rely mainly on electronic means of communication and I do not therefore expect that much in the way of post actually arrives in Andrew's doormat.

The Party office would have addressed that issue – whilst Ms. Nundy gives its location as far as I am aware it has never actually existed at all, but was an idea dismissed as being unaffordable some time ago.

It is clearly not appropriate for the Party to rely on the home addresses of Party officials for any communication and the idea of setting up a PO Box has been discussed recently. It would be prudent to consider this as quickly as a matter of some urgency.

11 *... he was standing as a candidate in his forthcoming local elections – but not as a Libertarian candidate, as you might imagine, as an Independent!*

This is a pointless dig. I am a member of the Parish Council in my home village, indeed I have been so since 1995, and have been Chairman since 2003. As a Parish Councillor I admit to no political allegiance and do any of my co-Councillors as I fail to see the relevance in carrying out my duties. I see nothing amiss here.

12 *I have contacted the party before publishing this, of course. My first contact, the membership and subscription office forwarded my enquiry directly to Andrew – and then curled up in a corner and refused to communicate. I then enlisted the help of an ex-member who contacted Tim Carpenter. We received a reply over a week ago, saying they were ‘investigating’, and have failed to reply since then.*

Tim's response to this, which he posted onto the Anna Raccoon blog is as follows.

Anna, you sent your first email to me last Friday, 8th April.

Chris contacted me later that day, and Anna, you recall you contacted me on Saturday 9th April, wherein I replied to you the same day asking for patience as this will be investigated, also reminding you of what I told Chris, in that the truth was the objective.

You emailed me again, two days later, on Monday 11th April AM, but I was in no position to reply.

You posted this three working days afterwards. yesterday, Thursday 14th April.

I have not “gone into hibernation”, nor was it a week since any contact. It may have felt like it to you, but that was not the case.

As an NCC member, I stand by the objective that I told Chris, and he reiterated, above, the truth based on hard facts and that innocent parties should be revealed, while the guilty only held accountable for their wrongdoing and no more.

I hope that clarifies matters.

Tim alerted me around midday on 14 April, we put up a message on the LPUK website that evening and I posted on the Raccoon blog shortly after that. In my

view, Tim's concise email demonstrates no particular tardiness. Bearing in mind that all NCC members are volunteers it would have been difficult to have moved much more quickly than that.

- 13 *Examination of the party accounts show that there are at least two different 'Ipuk' accounts under the control of Andrew P Withers. One into which you pay your subscriptions, and a completely different one into which the Party member was directed to pay his 'three month loan' – now six months old.*

Leaving aside the jibe concerning the time limit on the loan which has been covered under point 8 above, there can be nothing contentious about having more than one bank account. Many organisations (and indeed individuals) do the same and it is not untoward. What is clear is that the information about the two separate accounts was sent to Ms. Nundy by Chris Mounsey, in an email, a copy of which I have seen. In addition, Chris, posting as Devil's Kitchen on the Raccoon blog, stated, inter alia, "I should point out that I did not show her the accounts but, since I had just signed them off, I was able to answer one or two questions" so he may be the source of more information than might be thought reasonable.

I do not know the reasons behind Chris's actions, including his deciding not to renew his membership, but it does appear that he is being less than entirely supportive of the party he used to lead. Presumably he has some unresolved issues which may resurface in the future. Clearly the Party needs to be mindful of the hazards of parts of its business finding their way into the public domain in an uncontrolled fashion.

- 14 *Unfortunately, the party structure has failed to modernise its accounting package into the promised 'accounting units for regions', a move which would have ensured that the £1,500 loan showed up in the formal declaration of loans. The legal situation is that loans under £7,500 do not have to be declared to the electoral commission, perhaps this is why it has come as a surprise to all but the parties involved.*

She is conflating two unconnected issues here. The "modernisation" of the accounting software is irrelevant; the loan was not declared to the Electoral

Commission precisely because it didn't need to be, as she admits herself. That would be so whether the accounts were compiled on the latest computerised accounts package or by using a quill pen and parchment. As for the assertion that the loan came “as a surprise to all but the parties involved”, it was mentioned, by Andrew, at the recent NCC meeting in London, in my presence, so it is not the case that no-one knew about it.

Finally, I need to address a general point. Ms Nundy's blog post contains various references to timescales for the start of her membership, its renewal and, ultimately to its lapsing. As set out, these are inconsistent and cannot be reconciled with actual events.

For example, if her statement on when this all began is correct, her membership renewal should have been around January 2010, which invalidates her statement (see point 2) concerning Chris Mounsey “eventually” being elected leader, since he assumed that rôle at the AGM in Bristol on 28 November 2009, unless our membership administration was even more chaotic than would appear, although, to be fair to her, she has expressed some doubts about the timing of this renewal in an email sent to both me and the Treasurer. These apparent inconsistencies resurface in other places and it is, I believe, essential to unravel them, if only to assure ourselves that similar difficulties cannot arise in the future. This may prove particularly important in relation to point 6.

Conclusions

I have seen no evidence to suggest that Andrew Withers has acted unlawfully over the loan, other than a potentially minor breach of the Data Protection Act (see point 8). However, whilst I understand the urgency of his action, it seems likely that he did breach the terms of the Privacy Statement.

What is clear is that in several respects, the administration of the Party, with particular regard to membership, internal communication and, in particular finances, leaves an awful lot to be desired.

It has been suggested that references to Dr Kapur having been “sectioned” imply that the Party was happy with that. I am of the opinion that libertarians should not consider that as a bar for a candidate: it's the state of mind at the time of his/her candidacy that should be relevant, not what may have happened previously, so I have treated that as

part of Ms. Nundy's personal issue, rather than being a Party matter.

I suspect that, even if she had been treated fully competently, Ms. Nundy would still have launched her tirade, as most of the issues she appears to have with Andrew, as well as those with Dr Kapur and possibly Ian Parker-Joseph, are of a personal nature.

Recommendations

The NCC must convene swiftly to consider:-

- 1 Whether a breach of either the Data Protection Act or the Party's Privacy Statement has occurred and, if so, what action should be taken;
- 2 Whether further action should be taken in verifying the accounts from previous years and, if so, what that should be;
- 3 The implementation of clear financial standing orders to restore confidence in the administration of the Party's finances;
- 4 Robust procedures for managing internal communications and membership administration;
- 5 Continued improvement in the administration of the website, with particular reference to control of access to the site and any forum or blogroll on it;
- 6 The use of a P.O. Box number as a Party address; and
- 7 The resolution of the potential confusion over the timescales of Ms. Nundy's membership.