



Parliamentary Commissioner for Standards
Annual Report 2010-11





Parliamentary Commissioner for
Standards

Annual Report 2010–11

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Foreword

This has been the year of a new start for a new Parliament. The general election of May 2010 brought 227 new Members to the House of Commons to join the 423 returning Members. New Committees of the House were established, including the Committee on Standards and Privileges, which oversees my work and which is comprised largely of Members new to the Committee. A new body (the Independent Parliamentary Standards Authority) started its work of dealing independently with Members' expenses. There is now the opportunity for all parts of the House, returning and new Members alike, to restore and improve the standing and reputation of Parliament, and public confidence in its elected Members.

With my staff, I have been pleased to give all Members such help, support and advice as we can to assist in this important task. It is important for all Members that they should attract the confidence of constituents in their conduct and propriety. It is equally important that the public know that, with those standards met, the House and its Members are able to concentrate on the work they carry out on behalf of their constituents and the country as a whole.

My office's particular contribution to this important first year of the new Parliament covered three main areas.

First, I have been able to clear the complaints legacy. I have resolved all but one of the 25 active inquiries which I carried over from the last Parliament. The remaining inquiry was suspended as a result of possible criminal proceedings. This completion rate was achieved by maintaining a concentrated focus on inquiry work. As a result, over the reporting year, I completed work on 33 inquiries, leaving just four active inquiries to be carried over into the current year. I was pleased that the newly elected House agreed to my proposals, supported by the Committee, for greater openness about the initiation and resolution of my inquiries, while maintaining the necessary degree of confidentiality while those inquiries are under way. My parliamentary webpages now carry information about my current caseload, and factual information about all concluded inquiries from the last three years.

The second area of activity was my office's contribution to the induction of Members to the House. I attach considerable importance to all Members—and their staff—having a proper and practical understanding of the requirements set out in the Code of Conduct for Members of Parliament and the fuller Guide to the Rules. As well as writing to all Members of the House, both new and returning Members, I and the Registrar of Members' Financial Interests gave a series of seminars to Members about the Code and the more detailed requirements in relation to the registration and declaration of their interests. My office continued to give personal confidential advice to every Member who asked for our assistance. I was pleased that we were able to produce the first Register of Members' Financial Interests within four months of the general election, a substantial

document produced in record time which we know is regularly accessed by constituents and others.

The third main area was starting a review to ensure that the standards of conduct expected of Members remained relevant and up to date for the new Parliament. I was pleased, therefore, to be able, with the agreement of the Committee on Standards and Privileges, to launch my review of the Code of Conduct for Members of Parliament in March this year. The review will also provide an opportunity to align Parliament's responsibility for the conduct of its Members with the different responsibilities of the Independent Parliamentary Standards Authority for ensuring compliance with its expenses regime. I look forward to reporting to the Committee in 2011-12 the outcome of my review with my recommendations for any changes to the Code.

I have been very grateful this year for the oversight and support of the Committee. My thanks also go to the staff of the Committee, particularly the Clerk, Mr Steve Priestley, and the Committee Assistant, Ms Jane Cooper, both of whom retired at the end of the reporting year. Finally, I have been very grateful for the work of all the staff in my office, including those temporary staff who assisted with complaints inquiries. The professionalism and commitment which they have all brought to this work are, I hope, clearly reflected in this report.

6 July 2011

John Lyon CB

1 Review of the year

1.1 The year began with the Dissolution of the House on 12 April 2010 for the general election, which took place on 6 May. The election brought 227 new Members to the House—some 35% of the new Parliament. This is a greater proportion than in any Parliament since 1997.

1.2 In any new Parliament one of our first tasks is to arrange briefings for new Members, and then to compile the first Registers of the Parliament. My office must explain to new Members the standards expected of them and the detailed requirements of the House as regards registration and declaration. Then they must receive and collate Members' initial Register entries. We published the first Register of All-Party Groups on 30 July 2010, followed by the Registers of Members' Secretaries and Research Assistants and of Journalists. The first Register of Members' Financial Interests of the 2010 Parliament was published on 20 September 2010.

1.3 Following the expenses disclosures of 2009–10, major new arrangements came into effect after the election for the financial support of Members and their offices, passing responsibility from the House to an independent body. In last year's Report I described the passage of the Parliamentary Standards Act 2009 and the Constitutional Reform and Governance Act 2010, and the establishment of the new Independent Parliamentary Standards Authority (IPSA), which assumed responsibility after the general election for paying Members' salaries and determining and paying their expenses. IPSA laid its new expenses scheme for Members before the House on 29 March 2010 and the new rules came into force on 7 May, the day after the general election. Those rules have since been subject to modifications. The first of these was announced on 25 May, and further amendments were made on 16 June and on 3 September. On 5 January 2011 IPSA launched its consultation on the first annual review of the Members' expenses scheme. Following this consultation IPSA published a new edition of the scheme on 25 March which included a number of further adjustments.

1.4 As well as providing for IPSA, the Parliamentary Standards Act 2009 made provision for a statutory Commissioner for Parliamentary Investigations to look into complaints about the misuse of Members' allowances. The Constitutional Reform and Governance Act 2010 modified this and replaced that Commissioner with a statutory Compliance Officer. The office of the Compliance Officer marked a change to my remit. Previously, complaints about the misuse of expenses paid by the House had fallen to me to consider. Such complaints are now received by the Compliance Officer unless they relate to a period before the current Parliament.

1.5 The role of Compliance Officer has some similarities with my own, but it also differs in that my decisions are not subject to a formal review procedure, while the Compliance Officer's decisions are subject to review by the courts. The Compliance Officer also has the power to require repayments, while my remit does not extend to sanctions. The Compliance Officer has the power to refer complaints to me, for example if they appear to entail a breach of the Code of Conduct. The arrangements for such referrals will be set out in a joint statement to be drawn up between IPSA and the Compliance Officer, which will set out how they will work with me and others, including the Metropolitan Police. I have

had informal contacts with the Interim Compliance Officer about those working arrangements, including the circumstances in which he might refer a complaint to me for inquiry, and I have been consulted formally about the agreement which is being drawn up. I look forward to the publication by IPSA of the joint statement.

1.6 My work on complaints inquiries continued in 2010–11. I brought forward from 2009–10 some 25 active inquiries. Nineteen of these related to Members' use of the allowances or facilities of the House. During the Dissolution of the House for the general election from 12 April 2010, I was not able to continue with my inquiries since I was no longer able to work under the authority of the House. I therefore wrote to all the Members under inquiry and to all those who had complained about them, to explain that my investigations would be suspended until the new Parliament had assembled. I wrote to them again on 18 May to say that I was resuming my inquiries. My work on the consideration of complaints is described in more detail in Chapter 3.¹

1.7 I am pleased to report that, on 2 December 2010, the new Parliament considered and approved the proposal that I had put to the previous Committee on Standards and Privileges, that I should in future publish more information on my consideration of complaints against Members of Parliament.² Until then I had issued statistical information only in my Annual Reports, and information about completed inquiries had been published only about those inquiries on which I reported formally to the Committee by way of a memorandum. I now publish each month statistics on complaints I have received and considered, together with information on complaints which I had not upheld or rectified during the previous month. I consider the impact of this change, and the amendments to Standing Order No. 150, in more detail in Chapter 2 of this Report.³

1.8 The House also approved two other resolutions on 2 December 2010. These followed recommendations made by the Committee on Standards in Public Life, in the course of its review of Members' expenses and allowances, which were subsequently supported by the Committee on Standards and Privileges. The first of these extended my remit so that in future I should have the power to inquire into a matter without having first received a complaint about it. This extension to my remit will, for example, enable me to act on a referral from IPSA's Compliance Officer.

1.9 The second resolution related to the recommendation, originally made by the Chairman of the previous Committee on Standards and Privileges, that that Committee should in future include lay members. The House has invited the Procedure Committee to inquire into the privilege implications of this recommendation, and the practical considerations involved. That Committee launched its inquiry on 9 February 2011.

1.10 On 7 February 2011 the House approved amendments of the Guide to the Rules as they relate to Members' earnings, and I discuss these in Chapter 4 of my Report.

1.11 On the same date, 7 February 2011, the House also approved new requirements for All-Party Parliamentary Groups to register more information about themselves and the

¹ See paragraphs 3.9–3.11 for more information on the impact of the general election on complaints work.

² Committee on Standards and Privileges, *Complaints against MPs: proposal to publish more information*, press notice of 27 January 2010

³ Standing Orders Nos 149 and 150, as amended, may be found at Appendix 1.

sources of their financial and non-financial support.⁴ These requirements were based on recommendations in a Report by the previous Committee on Standards and Privileges, which in turn followed recommendations made by my predecessor in the light of his inquiry into a complaint about six named All Party Groups in 2005–06.^{5 6} Following a period of consultation, the Committee published its proposals on 16 July 2009.⁷ I welcome the new requirements approved on 7 February, which will provide greater transparency about Groups and the sources of their support. I describe these changes in more detail in Chapter 4 of this Report.

1.12 On 7 March 2011 I launched a consultation on the Code of Conduct for Members of Parliament. The Code is an important document which sets out the standards expected of all Members in discharging their parliamentary and public duties. It is part of the Commissioner's responsibilities, as set out in Standing Order No. 150, to monitor its operation and to make recommendations to the Committee on Standards and Privileges.⁸ In addition, the Committee on Standards in Public Life in its Eighth Report in November 2002 recommended that: "*In each Parliament, the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules.*"⁹ The consultation paper was placed on my webpages and I wrote to all MPs, and former Members of the House in the previous session, as well as to a number of public bodies with an interest in the subject matter, to invite them to respond.

1.13 The consultation period closed on 31 May. I will be considering the responses I received and the issues raised in the consultation paper before submitting a report on the Code to the Committee on Standards and Privileges. It will be for the Committee to consider whether to recommend to the House any changes to the Code following on from the conclusion of my review.

1.14 In my oral evidence to the Committee on Standards in Public Life's inquiry into Members' expenses and allowances in July 2009, I had noted the importance of achieving the right arrangements for party funding.¹⁰ I therefore welcomed the announcement on 20 July 2010 of the Committee on Standards in Public Life's review of the funding of political parties. I look forward to the publication of that Committee's Report.

⁴ HC Deb, 7 February 2011, cols 99 to 124

⁵ Committee on Standards and Privileges, Eighth Report of Session 2008-09, *All Party Groups*, HC 920

⁶ Committee on Standards and Privileges, Ninth Report of Session 2005-06, *Lobbying and All Party Groups*, HC 1145

⁷ Committee on Standards and Privileges, Eighth Report of Session 2008-09, *All Party Groups*, HC 920

⁸ Standing Order No. 150(2)(d), reproduced at Appendix 1

⁹ Eighth Report of the Committee on Standards in Public Life, *Standards of Conduct in the House of Commons*, Cm 5663, November 2002

¹⁰ Twelfth Report of the Committee on Standards in Public Life, *MPs' expenses and allowances*, Cm 7724, November 2009. My evidence is available on the Committee's website at http://www.public-standards.org.uk/OurWork/MPs_Expenses_Evidence.html

2 Looking outward: information and advice

Publication of information about inquiries

2.1 The main development this year in respect of the publication of information was the very welcome agreement of the House on 2 December 2010 that I should publish significantly more information about my complaints work on my parliamentary webpages. I had, during the previous Parliament, submitted to the then Committee on Standards and Privileges proposals for the publication of more information about current complaints under consideration and the resolution of cases on which I had not formally reported to the Committee.¹¹ These included both cases concluded by means of the rectification procedure and those not upheld. While the Committee supported my proposals, the House had not been able to consider them by the time the last Parliament was dissolved. I was therefore pleased that, after a Report by the new Committee,¹² the newly-elected House considered, and on 2 December approved, an amendment to Standing Order No. 150. This gave me leave to publish from time to time information about matters I had rectified, cases I had not upheld, complaints I had received and matters under investigation.¹³

2.2 One week later, on 9 December, having notified both the Members who were or had been the subject of my inquiries and those who had complained about them, I published for the first time on my webpages this additional information. This comprised a list of my current inquiries, statistics on complaints I had received and considered during the financial year to date, and my determination letters sent since 1 April 2008 on cases in which it had not been necessary to report formally to the Committee, together with the evidence I had received. It is now the practice of my office to update this information at the beginning of every month.

Responding to enquiries from the general public

2.3 During the year my office continued to receive, and to respond to, regular enquiries from the general public by telephone, email and letter. To those who approached my office with concerns about individual Members, we responded explaining my role and, as appropriate, the extent of my remit, and the procedure for submitting complaints, including the need for complainants to supply sufficient evidence to justify an inquiry. To those who asked about particular inquiries, my office replied in accordance with the guidance approved by the Committee, confirming, when asked, whether or not a specific complaint against a particular Member had been received and was under inquiry.¹⁴ In

¹¹ Committee on Standards and Privileges, *Complaints against MPs: proposal to publish more information*, press notice of 27 January 2010

¹² Committee on Standards and Privileges, Sixth Report of Session 2010-11, *Publication of Complaints against Members*, HC 577

¹³ HC Deb, 2 December 2010, Col 995-1017. See also the revised Standing Order at Appendix 1

¹⁴ Procedural Note 5: *Policy on the Disclosure of Information about the Handling of Complaints against Members of Parliament*, September 2003

response to comments or questions about parliamentary processes, or about Parliament as a whole, my office directed enquirers to those best placed to respond.

Freedom of Information requests

2.4 During the year the House of Commons received ten requests for information about my work under the Freedom of Information Act 2000. Six related to individual inquiries or to repayments made by individual Members. Two asked for details about rectification arrangements, one asked for information about all-party groups and one about the hospitality received by Members.¹⁵ The House responded to these requests in accordance with the statutory procedures. Of the ten requests received, a full or partial disclosure was made in four cases, three cases requested information which was not held, and in the remaining three cases information was held but was not disclosed as it fell under the exemptions in the Act. Between 9 December (when I began to publish additional information about my inquiries) and 31 March, only one request was received under the Act. It remains to be seen whether the additional information which I have placed in the public domain will continue to lead to a lower level of inquiries under the Act in future years.

Responding to enquiries from the media

2.5 My office responded to over 120 media enquiries during the year. The majority of these related to complaints received or under inquiry. In such cases my office confirmed, when asked, whether or not a specific complaint had been received and whether it was under inquiry.¹⁶ Since 2 December 2010 we have also identified the general subject matter of the complaint since this information is now published on my webpages. We do not comment on the progress of particular inquiries while they are in train but, once inquiries are completed, the course and chronology of each inquiry is available in each memorandum I submit to the Committee or otherwise on my webpages.

Relations with other standards bodies

2.6 I am pleased to report that during the year my office continued to maintain our contacts with the Standards Commissioners for the devolved administrations including participating in a videoconference meeting on 25 March 2011. We have also maintained our close working relationship with the Electoral Commission.

International work

2.7 My office has continued to provide presentations and discussion sessions to visiting parliamentarians and parliamentary staff. This year I have given presentations to delegations organised under the auspices of the Commonwealth Parliamentary Association

¹⁵ See Chapter 3, paragraphs 3.50 and 3.51 for further details of the rectification process.

¹⁶ Procedural Note 5: *Policy on the Disclosure of Information about the Handling of Complaints against Members of Parliament*, September 2003

and to interns from the University of Hull and I have had meetings with the Speaker of the House of Representatives in the Parliament of Australia, the Greffier of the States of Jersey and representatives of the Legislative Council of Hong Kong. In addition, members of my office have had meetings with legislators from Argentina and visitors from the Costa Rican Parliament.

Advice to Members and others

2.8 My office provides, as a core part of its work, confidential advice to Members either by telephone, letter, e-mail or face-to-face. This includes advice on registration and declaration and on wider issues which could raise questions of propriety. Such advice is confidential. It is disclosed only in the event of its becoming relevant to one of my inquiries. My office also provides general guidance to Members and their staff on registration and declaration matters through presentations to small groups, as in the briefings which followed the general election.

2.9 The Assistant Registrar provides advice in respect of the obligations placed by the House on Members' staff, All-Party Groups and journalists. She also contributes to the House's induction sessions which are held every few months for new employees of Members.

3 Complaints

Overview

3.1 During the year beginning 1 April 2010 I received 115 formal complaints against named Members including one from a Member who referred himself to me.¹⁷ While most of these fell outside my remit or would not have constituted a breach of the rules, I accepted 12 complaints in 2010–11 for inquiry.¹⁸

3.2 In the course of the reporting year, I concluded work on 33 complaints. These comprised 24 inquiries which remained active from the previous year (one further inquiry which I brought forward was suspended when I referred it to the police), plus one inquiry I reactivated following a previous suspension, and eight of the 12 new inquiries I accepted. At the end of the year I carried forward to 2011–12 four inquiries which were active, and four which were suspended.¹⁹

Complaints received and considered in 2010–11

3.3 The 115 complaints which I received from complainants in 2010–11 (including the one self referral) related to 80 Members. 10 complainants made more than one complaint, one of whom made two separate complaints against the same Member.

3.4 I carefully considered each of the 115 complaints to see whether it came within my remit and if the complainant had provided sufficient evidence to justify me initiating an inquiry. Almost all these complaints received a response within five working days of receipt by my office. I accepted 12 new complaints for inquiry, including two which were originally received towards the end of 2009–10. All of these were from different complainants, although one complainant had made a complaint against the same Member in 2009–10 which I had accepted for inquiry.

3.5 Under the procedures agreed by the Committee on Standards and Privileges, I do not accept complaints unless they are signed and in hard copy. My office receives each year a number of complaints by fax or e-mail. When the subject matter of these complaints appears to come within my remit, my office invites the complainant to submit their complaints formally in writing with their evidence so that I can consider them further. Those which were so submitted are recorded among the 115 formal complaints I received.

3.6 Table 1 shows the number of complaints accepted and the number not accepted for inquiry during each quarter, and the reasons why I did not accept certain complaints. As in previous years, the largest category of those I was unable to accept were where the complaint fell outside my remit. Under the provisions agreed by the House my remit does not include policy matters, a Member's views or opinions or a Member's handling of or decision about an individual case (whether or not the individual is a constituent of the

¹⁷ In the context of this chapter, complaints include allegations referred to me by the Member themselves ("self-referrals").

¹⁸ The 12 complaints accepted for inquiry in 2010-11 include two which had been received during 2009-10.

¹⁹ Two of the inquiries which remained suspended on 31 March 2011 had been suspended at the start of the year.

Member). Complaints on these matters formed a substantial proportion, over 70%, of the formal complaints I received.

Table 1: Complaints considered in 2010–11

	<i>Quarter 1 Apr–Jun 2010</i>	<i>Quarter 2 Jul–Sept 2010</i>	<i>Quarter 3 Oct–Dec 2010</i>	<i>Quarter 4 Jan–Mar 2011</i>	<i>Total</i>
1. Formal complaints received	27	23	36	29	115
2. Complaints subject of inquiry:					
(a) Complaints under inquiry and brought forward from 2009–10	25	0	0	0	25
(b) New complaints accepted for inquiry	4	2	3	3	12
3. Complaints not inquired into:					
(a) because complaint fell outside remit	13	18	31	20	82
(b) because complaint did not concern a breach of the rules	8	2	1	6	17
(c) because insufficient supporting evidence was provided	4	1	1	0	6
(d) because a similar complaint had already been accepted	0	0	0	0	0
Total complaints not inquired into	25	21	33	26	105

Note 1: If a correspondent names more than one Member in a complaint, each is recorded as a separate complaint. Similar complaints from different individuals are also recorded as separate complaints.

Note 2: ‘Formal complaints received’ includes one self referral in Quarter 1.

Note 3: In addition to the complaints shown in the table, I brought forward four inquiries from 2009–10 which were suspended. During the year I resumed work on three of these. I concluded one in January 2011; I suspended one for a second time; and one was under inquiry at the end of 2010–11.

Note 4: New complaints accepted are shown under the quarter in which they were initially received, even if they were accepted in a subsequent quarter. The complaints accepted for inquiry in the first quarter of 2010–11 include two received during 2009–10.

3.7 I accepted for inquiry one allegation referred to me by the Member himself during the first quarter of 2010–11. This was in addition to the five self referrals which I had brought forward from 2009–10, three of which were suspended. The procedures agreed for me by the House require me to consult the Committee if a Member refers to me an allegation against him- or herself (a “self referral”).²⁰ Since, however, the new Committee had not yet been appointed at the time when I received the self referral in the first quarter of 2010–11, I informed Mr Speaker that I had decided provisionally to accept this Member’s request, and that I would seek the authorisation of the new Committee when it was appointed. I did so, and the Committee agreed that I should continue with the inquiry.

²⁰ The Code of Conduct and Guide to the Rules relating to the Conduct of Members 2009, HC 735, paragraph 104

Complaints inquired into and resolved in 2010–11

3.8 During the year I concluded work on 33 inquiries. I upheld 24 complaints in whole or in part. I did not uphold seven complaints. In addition I submitted a memorandum to the Committee on one further case on which the Committee has postponed its consideration.²¹ I also closed my inquiry on one further complaint following the conclusion of criminal proceedings in that case. Table 2 sets out on a quarterly basis the numbers of complaints which I concluded during the year and how they were resolved. Where complaints are submitted to the Committee, these are recorded as concluded only when the Committee has published its report with its conclusions on my findings.

Table 2: Complaints resolved in 2010–11

	Quarter 1 Apr–June 2010	Quarter 2 Jul–Sept 2010	Quarter 3 Oct–Dec 2010 ²²	Quarter 4 Jan–Mar 2011	Total
1. Complaints upheld:					
(a) resolved through the rectification procedure	3	3	5	3	14
(b) subject of a memorandum to Committee on Standards and Privileges	0	0	8	2	10
<i>Total complaints upheld</i>	3	3	13	5	24
2. Complaints not upheld:					
(a) without a formal report to Committee on Standards and Privileges	1	0	1	0	2
(b) subject of a memorandum to Committee on Standards and Privileges	0	0	5 ²³	0	5
<i>Total complaints not upheld</i>	1	0	6	0	7
3. Other complaints submitted to the Committee on Standards and Privileges					
(a) Consideration of memorandum postponed because of possible criminal proceedings	0	0	1	0	1
(b) Inquiry closed following the conclusion of criminal proceedings	0	0	0	1	1
<i>Total complaints inquired into and resolved</i>	4	3	20	6	33

²¹ Consideration was postponed on account of possible criminal proceedings (see Table 2).

²² The new Committee was appointed in July 2010. However, in practice it was not able to consider any memoranda from me until it started its regular meetings in September.

²³ This included one complaint which I did not uphold but where I found a different breach of the rules.

The general election

3.9 I am not able to initiate or continue inquiries into complaints during periods when the House is dissolved. Upon the Dissolution of the House on 12 April 2010 I therefore wrote to all Members under inquiry, and to those who had complained about them, to explain that during the Dissolution period I was not able to continue my work. On 18 May I wrote again to say that I was resuming my work. This period of nearly five weeks inevitably and unavoidably extended the time taken to conclude work on these inquiries. While the new Committee was appointed in July 2010, in practice it was not able to consider any memoranda from me until it started its regular meetings in September.

3.10 19 of the 25 Members who were the subject of inquiries which I carried over from the previous reporting year left the House at the general election. In such cases, I continue with my inquiries so that I can resolve the matter and report the outcome to the Committee and to the complainant. I was grateful for the continued co-operation which almost all the former Members gave me. In one case, where the former Member had been slow to respond, the Committee noted in their report that, in their view, a former Member who is the subject of a complaint which is under investigation by me is under just as much of an obligation to comply with this aspect of the Code as a sitting Member.²⁴

3.11 The volume of complaints received seems not to have been affected by the Dissolution period.

Suspended inquiries

3.12 Under arrangements agreed between the Chairman of the Committee, the Commissioner of Police of the Metropolis and myself in April 2008, criminal proceedings against Members, where these are considered appropriate, take precedence over the House's own disciplinary proceedings.²⁵ If I am informed by the police that they are considering initiating criminal inquiries into a matter involving a Member who is also the subject of inquiries by me, I will normally inform the Committee of that fact and suspend my inquiries until the question of possible criminal proceedings has been resolved. I also have regard to the possibility of criminal behaviour when investigating complaints, and I liaise with the police whenever I consider it appropriate to do so. If at any point in my investigation of a complaint, I believe that there are sufficient grounds to justify reporting the matter to the police for them to consider a criminal inquiry, I submit a recommendation to that effect to the Committee, who then decide whether such a report should be made. Again, I would normally suspend my inquiries until the question of possible criminal proceedings has been resolved.

3.13 I had brought forward from 2009–10 four complaints which had during that year been suspended on account of possible criminal proceedings. During 2010–11 I resumed inquiries into three of the suspended cases. Of these, I closed one inquiry following the conclusion of criminal proceedings against that Member,²⁶ I again suspended one inquiry, this time on medical advice, and at the end of the year I was inquiring into one complaint

²⁴ Committee on Standards and Privileges, Eleventh Report of Session 2010-11, HC 788, paragraph 26

²⁵ Eighth Report of Session 2007-08, *The Complaints System and the Criminal Law*, HC 523

²⁶ Committee on Standards and Privileges, press statement of 25 January 2011

against a Member who had been the subject of criminal proceedings in the previous year. By the end of 2010–11, therefore, two inquiries which had first been suspended in 2009–10 remained suspended.

3.14 These suspended inquiries were joined by two more suspensions during 2010–11. With the agreement of the Committee, I suspended the first of these on being informed of possible criminal proceedings against someone who was by then a former Member. I suspended the second after I had submitted a report to the Metropolitan Police Service, with the agreement of the Committee, so that they might consider possible criminal proceedings.²⁷ This was the first time that a matter had been referred to the Metropolitan Police Service at the initiation of the Commissioner as a result of information received during the course of the Commissioner's inquiry. In such cases, the Commissioner informs the police of the nature of his concern, but it is then for the police to obtain and consider such evidence as they believe necessary, to decide on the conduct of any investigation and to report as necessary to the Crown Prosecution Service: the Commissioner and the Committee have no further part to play in any criminal inquiry.

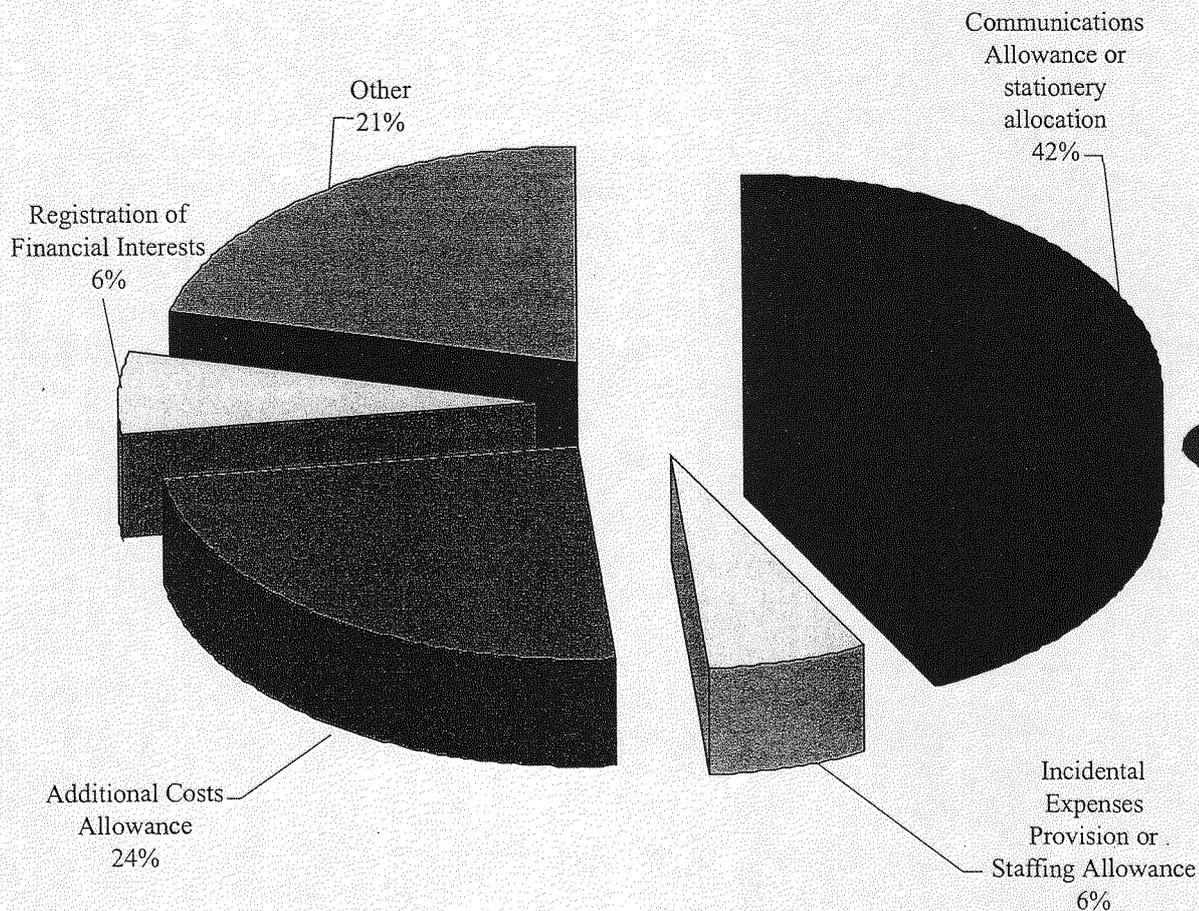
Analysis of complaints resolved during the year

3.15 I resolved 33 complaints in 2010–11. Fourteen cases (42%) were about Members' use of House of Commons pre-paid envelopes and embossed stationery, their Communications Allowance or the misuse of House communications facilities. Four of these resulted from actions in the current Parliament, all concerning the use of House stationery and the rest emanated from actions in the last Parliament. In addition, I resolved eight cases (24%) about Member's use of the Additional Costs Allowance and two cases (6%) concerning the use of the Incidental Expenses Provision or the Staffing Allowance all of which were complaints about Member's conduct in the last Parliament or earlier. Two further cases (6%) related to the registration or declaration of Member's financial interests, both in the current Parliament. I also resolved seven inquiries (21%) about other matters, all from the last Parliament. Six of these arose out of discussions which the Members had had in early 2010 with an undercover reporter, and one concerned a payment received by a Member from his landlord in 2005–06 to give up certain beneficial rights in respect of accommodation on which he had claimed against the Additional Costs Allowance.

3.16 Chart 1 shows the principal subject matter of the 33 complaints I resolved in 2010–11. 27 of these related to alleged breaches of the rules in the last Parliament or earlier. Six were about Member's actions in the new Parliament.

²⁷ First Special Report of Session 2010–11, HC 527

Chart 1: Principal subject matter of complaints considered and resolved in 2010–11



Note 1: Due to rounding, percentages do not sum to 100%.

Note 2: On 1 April 2009 the categories for claims in the last Parliament were renamed as follows:

- Communications Allowance (to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties) became Communications Expenditure;
- Incidental Expenses Provision (to meet the cost of: accommodation for office or surgery use; equipment and supplies for office or surgery; work commissioned or other services; and certain travel and communications) became Administrative and Office Expenditure;
- Staffing Allowance (to enable Members to employ staff) became Staffing Expenditure; and
- Additional Costs Allowance (to reimburse Members for necessary costs incurred when staying overnight away from their main home for the purpose of performing parliamentary duties) became Personal Additional Accommodation Expenditure.

Reports to the Committee

3.17 During the year I submitted to the Committee ten memoranda, involving 16 complaints or self-referrals in respect of 16 Members. I upheld allegations in respect of 10 of these complaints. I did not uphold five complaints. The Committee postponed its consideration of the remaining memorandum on account of possible criminal proceedings. In each case where I set out my findings in a memorandum, I include in that memorandum the allegation I had received, the relevant rules relating to the allegation, the inquiries I conducted, with all the relevant evidence submitted to me as a result, my

findings of fact (which I aim to agree with the Member complained of) and my conclusions on whether the Member has been in breach of the rules and, if so, how serious I consider that breach to have been. It is for the Committee to decide whether to accept my conclusions and, if so, what action, if any, to recommend to the House. The Committee accepted my overall findings in each of the 15 cases they considered before deciding what action to take or recommend.

3.18 Five memoranda related to Members' use of the Additional Costs Allowance, available to cover the costs incurred on living away from their main home. One memorandum related to a Member's use of pre-paid envelopes and centrally provided stationery. And one memorandum was about a Member's use of the Incidental Expenses Provision, available to cover office and travel costs.²⁸ Of the remaining three memoranda, one concerned my inquiry into allegations that six Members had engaged in lobbying in a way which was contrary to the rules of the House, had failed to declare relevant interests and had brought the House into disrepute; one related to a Member's acceptance of a sum of money for giving up his protected tenancy; and one was about a Member's failure to declare an indirect interest during a debate.

3.19 The first two memoranda which I submitted to the Committee concerned complaints which I considered should have been capable of being resolved by means of the rectification procedure available to me under Standing Order No. 150, had the Members been willing.^{29 30} They did not in my view justify a formal submission to the Committee.

3.20 The first case concerned a complaint that a Member had used House of Commons provided notepaper bearing the portcullis and pre-paid envelopes for an unsolicited letter to his constituents.³¹ Under the rules, Members are permitted to use such envelopes and stationery to reply to individuals—including constituents—and to organisations about issues on which they had already contacted the Member, but not for updates of more general concern. I found that this letter was not a reply on such an issue and therefore was a breach of the rules. I upheld the complaint. I noted that the Communications Expenditure could have been used instead to fund these letters and their postage.

3.21 In February 2010, the Member agreed to my proposal to resolve the issue by means of the rectification procedure. However, in late March he changed his mind and requested a hearing before the Committee, saying that he was uncomfortable with accepting that he was in breach of the rules of the House. After the Dissolution period I accordingly submitted a memorandum to the new Committee, which agreed with my findings.³² They concluded that the Member's primary motivation in rejecting rectification of the complaint was to avoid the fact that he had breached the rules coming to public knowledge at a politically sensitive time. They recommended that he repay the costs of £557 from his own

²⁸ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2009-10, HC 735, paragraphs 14 and 15

²⁹ First Report of Session 2010-11, HC 433 and Second Report of Session 2010-11, HC 478

³⁰ See paragraphs 3.50 and 3.51 for further details of the rectification procedure.

³¹ First Report of Session 2010-11, HC 433

³² The new Committee was appointed in July 2010. However, in practice it was not able to consider any memoranda from me until it started its regular meetings in September.

pocket and apologise to the House in writing, not only for his breach of the rules but also for his conduct in causing the delay. The Member did so.

3.22 The second case concerned a Member's claims for insurance of a diamond ring belonging to his wife.³³ He had claimed against his Additional Costs Allowance for £235 in total for two years' cover for the ring whilst away from his second home. The Member voluntarily repaid the cost of these insurance premiums in January 2010, soon after I opened my inquiry. Despite repeated requests, he did not, however, provide the information I needed for my investigation until early April 2010, shortly before the Dissolution of the House. He was not returned at the general election.

3.23 I found that these premiums were not an expense necessarily incurred for the Member's overnight stays away from his main home. I therefore upheld the complaint. The Committee agreed with my conclusions, both that this former Member had breached the rules of the House and that the breach was not serious. They welcomed his decision to repay the premiums and recommended that he apologise to the House in writing, both for the breach and for failing to respond sufficiently promptly to my investigation. The former Member did so.

3.24 The third memorandum I submitted to the Committee concerned a complaint that for much of the period from 2004 to 2006 a Member had made fixed monthly claims against his Additional Costs Allowance which were not justified by the costs he had incurred.³⁴ These claims were for council tax, telephone costs, utilities, and service and maintenance costs. In most months he claimed £240 under each of these headings, just £10 below the threshold established by the rules at the time for the provision of invoices or receipts.

3.25 I found that, with the exception of council tax, it was not possible to give a definitive answer to the question of whether the Member had actually incurred these costs because he had provided very little evidence to substantiate his claims. The Member had not taken up my suggestion that he approach his suppliers for evidence of his costs. In my memorandum I noted that it was disappointing that he did not make a greater effort to identify what he actually paid for the various services for which he had claimed.³⁵ I did not find that the Member was in breach of the rules at the time in claiming £240 a month for items of expenditure for which, as a result, he did not need to provide invoices or receipts. But I concluded that he was, on the balance of probabilities, in breach of the rules in receiving payments as a result of his routine monthly claims which I considered were more likely than not to have been in excess of his actual expenditure. The excessive payments I judged that he received were for service and maintenance and telephones in 2004–05 and 2005–06 and for council tax and utilities in 2005–06 only. I therefore upheld these elements of the complaint. I found also that the Member was in breach of the rules of the House for wrongly designating his London home as his main home from January 2004 to January 2007 when he had intended it to continue to be his second home for allowance

³³ Second Report of Session 2010–11, HC 478

³⁴ Third Report of Session 2010–11, HC 526

³⁵ Third Report of Session 2010–11, HC 526, Appendix 1, paragraph 131

purposes. This matter did not form part of the original complaint but emerged in the course of my investigation.

3.26 In his written evidence to the Committee, the Member said that he did not accept that he had failed to check for records to substantiate his claims. The Committee, while noting that my memorandum did not contain such a broad allegation, offered him a further opportunity to obtain evidence. The Member then provided further information in respect of his gas and electricity costs. On the basis of this, the Committee concluded that although these costs appeared remarkably high, it would be unsafe to conclude that the Member had claimed more for utility costs than he actually incurred. The Committee agreed with my assessment that the Member's failure to designate his main home correctly was "*unfortunate and unintended*" but noted that the Member gained nothing and the public purse lost nothing from this mistake.³⁶ The Committee also agreed that the rest of the Member's breaches were serious. They recommended that he apologise to the House in writing and repay the over-claimed allowances of £4,294. The Member did so. The Committee also noted the remarks I made about the Member's approach towards my inquiry and reminded all Members of their obligations to cooperate, at all stages, with any investigation.

3.27 The fourth memorandum I submitted to the Committee was a complaint that a Member had breached the rules by claiming expenses in respect of overnight stays in her constituency home, which the complainant said was in fact her main home.³⁷

3.28 After an extensive inquiry, I found that the Member's constituency home was not in fact her main home, and did not uphold the complaint. Whilst investigating the complaint, however, I also found that the Member had failed to notify the Department of Resources of two changes to the address of her main home. This was a breach of the rules, but there was no evidence that her omissions had any effect on the claims which the Member made against her parliamentary allowances and I did not regard the breach as serious. The Committee agreed with my findings on the initial complaint and on the failure to keep her main home designation updated, which they agreed was not serious. The Committee noted that the Member had apologised for the breach "*wholeheartedly and sincerely*" and made no further recommendation.³⁸ In my memorandum I commented on the length of time the Member took to provide some information I requested. The Committee agreed with me that prompt, full and open responses to these inquiries are of great importance and, in their report, reminded Members of that fact.

3.29 The fifth memorandum I submitted to the Committee was a complaint against two Members who were husband and wife and who both subsequently stood down at the Dissolution of Parliament.³⁹ The complaint against the first Member was that he had wrongly identified a property outside London as his main home for the purposes of making claims under the Additional Costs Allowance on his London property. The complaint against the second Member, his wife, was that she had wrongly claimed for costs

³⁶ Third Report of Session 2010-11, HC 526, paragraph 35

³⁷ Fourth Report of Session 2010-11, HC 539

³⁸ Fourth Report of Session 2010-11, HC 540, paragraph 23

³⁹ Fifth Report of Session 2010-11, HC 540

not wholly, exclusively and necessarily incurred on her parliamentary duties. The second Member's claims were for the mortgage interest costs of building an extension to the property which was her designated second home for the purpose of her parliamentary allowances, but also her husband's main home. This extension was used by a family member to assist her with childcare. Both Members had been judged by Sir Thomas Legg's audit of Members' claims to have over-claimed and to have jointly obtained a financial benefit unintended under the rules by the designation of their main and second homes.⁴⁰ Their appeals had been dismissed by Sir Paul Kennedy.⁴¹ Both Members were required to pay one-third of the sums they had claimed, which amounted to £29,243 each. The Committee agreed with me, that given the seriousness of the allegations, it was right that I should inquire into them.

3.30 I considered whether the first Member was acting within the rules of the House in identifying as his main home the property he shared with his wife, when he knew that she had identified that home as her second home and would claim parliamentary allowances on it. In 1997 the rules did not seek to define a Member's main home and therefore allowed Members to choose the designation of their main home. I concluded that as an established couple living together, in my judgement the right course would have been for them to have decided together which was their main home and which their second home. I considered that the evidence suggested that the London property was the main home for them both.

3.31 I therefore upheld the complaint against the first former Member and found him in breach of the rules in wrongly designating his main home. I concluded that his claims against the London property were therefore not above reproach. He had made a serious misjudgement which was sustained over more than 12 years. The Committee agreed with my findings. The Committee noted that, had he still been a Member, they would have recommended a period of suspension and an apology on the floor of the House. As it was, they recommended that he apologise to the House in writing. The former Member did so.

3.32 Having found that this former Member had breached the rules in designating the property outside London as his main home, I concluded it would be unreasonable to hold that his wife could not claim second home allowances for the same property which was in her constituency. I concluded that she was within the rules in claiming the mortgage interest costs of the extension to her additional home, without reflecting the cost of the family member who used the extension, since his stays were properly in support of her parliamentary duties. I therefore did not uphold the complaint against her. The Committee agreed with this decision.

3.33 The seventh memorandum I submitted to the Committee concerned a complaint that a Member had used a risograph (a type of printing machine), the purchase of which had been funded by parliamentary resources, to subsidise the production of party political material.⁴² This Member was not returned in the 2010 general election.

3.34 Upon inquiry I found that the arrangements for the purchase and location of the risograph, as well as some of the running costs, had had the effect of providing a benefit

⁴⁰ First Report from the Members Estimate Committee, Session 2009–10, HC 348

⁴¹ First Report from the Members Estimate Committee, Session 2009–10, HC 348, Appendix 2

⁴² Eighth Report of Session 2010–11, HC 622

from parliamentary resources to a political party. I therefore upheld the complaint. I also found that while a sharing agreement had been drawn up and signed by the party chair in January 2008, the former Member admitted to me that he had only signed it in June 2010 and backdated his signature to January 2008. The former Member apologised unreservedly for what he accepted was a serious error of judgment. The Committee noted what was, in their view, a very serious misjudgement. The former Member also accepted that he should not have used the risograph to produce a newsletter to constituents in January 2010, following a change to the rules which prohibited the use of equipment funded by the Communications Expenditure.

3.35 I noted that my inquiry had been hampered by the paucity of evidence on the use of the machine and the source of its supplies. I commented that, if a Member shares facilities with his political party, very great care needs to be taken to ensure that these can be fully accounted for. The Committee agreed with my findings and stated that, even if there had been any saving to public funds, that saving could not be considered in mitigation of this breach. They recommended the former Member repay £3,620 which represented the benefit to his political party of its use of the machine. The former Member did so.

3.36 My eighth memorandum to the Committee concerned six former Members and reported on my inquiries into allegations, arising out of discussions each had held with an undercover reporter when each was a Member of Parliament. The former Members believed that they were attending an interview for a job opportunity with a communications company. However, the company was fictitious. The allegations were that these recorded discussions showed that each of these Members had engaged in lobbying activities in a way which was contrary to the rules of the House; that their conduct during the interview had been contrary to the rules; that that conduct was not such as to maintain or strengthen the public's trust in the integrity of Parliament; and that it had brought the House into disrepute.^{43 44} The meetings were secretly recorded and material from these recordings was subsequently used in a Sunday newspaper article and a television programme.

3.37 Following the first reports in the Sunday newspaper in March 2010, three of the Members who had met and discussed the possible job opportunity with the undercover reporter sought to refer their conduct to me. I also received complaints against five of the six Members. A valid complaint takes precedence over a self referral when it has been received before the self referral has been accepted. I therefore accepted these five complaints for investigation and with the Committee's agreement accepted one self referral. None of these Members stood in the 2010 election. I did not uphold the allegations in respect of three of the former Members. But I upheld the allegations against the other three.

3.38 The first of these, who was also a former Minister, had made a number of statements which he knew were untrue in respect of his work as a Member. I concluded that, by telling

⁴³ Ninth Report of Session 2010-11, HC 654 I & II

⁴⁴ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2009-10, HC 735, paragraph 15

these untruths, he had brought the House and its Members generally into disrepute.⁴⁵ In my view this was a particularly serious breach. The former Member fully accepted this conclusion and apologised unreservedly for his conduct.

3.39 I found that the second former Member, who was also a former Minister, had given the impression that he would draw on information he received in a briefing by government officials when briefing clients about the strategic defence review and that he was offering an inside track on the government's defence strategy. I concluded that these statements by the former Member had brought the House and its Members generally into disrepute. I found that these were particularly serious breaches of the rules and upheld the complaint.⁴⁶ The Committee recommended that the former Member apologise to the House in writing.

3.40 I found that the third former Member had breached the rules when sponsoring three events in Parliament on behalf of outside organisations because he failed to declare a relevant interest and, that in the course of a meeting with the Chairman of a health authority who was also a friend and constituent, he had failed to declare a relevant financial interest. I found no evidence that these failures were caused by deliberate intention: it was more likely that they were the result of careless oversight. In my view, they were therefore less serious. In this comparatively limited respect, I upheld the complaint against him. On the recommendation of the Committee the former Member apologised unreservedly to the House in writing.

3.41 The Committee agreed with my findings. As well as requiring the written apologies detailed above, they recommended the suspension of the parliamentary photopasses of all of the three former Members who were found to be in breach of the rules. In the first case the suspension was for two years, in the second for five years and in the third for six months. The Committee noted in its report the lack of modern precedent and the limited range of sanctions available to the House for the misconduct of former Members. They said:

“The principal sanction, however, is and will in all likelihood remain the damage which an adverse finding by the Commissioner, backed up by a critical Report from this Committee, inflicts on someone whose status, and in some cases, livelihood depends in large part on their public reputation.”⁴⁷

3.42 My memorandum also said that these cases had raised, in my judgment, some questions about the adequacy of the rules on lobbying by Members and former Members. The Committee agreed that there was a strong case for a review of these rules and said that such a review would be carried out as soon as time permitted. I refer to this wider work in Chapter 6.

3.43 In 2009–10 the previous Committee had published its report and my memorandum on my inquiries into six Members who had accepted payments from the new owners of an

⁴⁵ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2009-10, HC 735, paragraph 15

⁴⁶ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2009-10, HC 735, paragraph 15

⁴⁷ Ninth Report of Session 2010-11, HC 654, Report I, paragraph 16

apartment block in London, where their rents had been funded from parliamentary allowances, in return for giving up certain favourable tenancy conditions and rights.⁴⁸ The then Committee found that four had made serious misjudgements when they had accepted payments, which ranged from £8,000 to £18,000. My ninth memorandum submitted to the Committee in 2010–11 was on a complaint I received alleging that another Member had accepted a similar payment from the owners of this apartment block.⁴⁹ In 2005 he had accepted a lump sum of about £14,500 in exchange for surrendering the tenancy of his flat and accepting a new lease at a higher rent and with no security of tenure on expiry of the fixed term. The Member was not returned at the general election in 2010.

3.44 I noted that this former Member was only in a position to benefit from the payment made by the new owners of this apartment block because of the claims he had made against parliamentary allowances. I concluded that, in deciding to keep the payment, the former Member had put his own interest before the public interest. This was in my view a serious misjudgement. I therefore upheld the complaint. I noted, however, that unlike the other six Members who had accepted these payments, this former Member had consulted the Fees Office. This was done informally in late 2004 or early 2005.

3.45 In the course of my investigation I also discovered that the former Member had made an overclaim of £3,050 in 2005–06, an error which in my view was a serious one, although there was nothing to suggest it was deliberate. It was some mitigation that the payment had not been picked up by the House authorities at the time and that he had now agreed to repay this extra money.

3.46 The Committee agreed with my findings and recommended that the former Member repay the House one fifth of the sum he had received from the new owners of the apartment block (after deducting any capital gains tax he might have paid on the sum), in addition to the £3,050 overclaim, and apologise to the House in writing. The former Member did so. The Committee also noted that this former Member had replied only sporadically to my initial requests for information, taking some six months to reply to my initial letter.

3.47 The final memorandum I submitted to the Committee concerned a complaint that a Member had failed to declare an indirect interest during a debate in the House.⁵⁰ The rules of the House require Members to declare indirect interests, including those of a spouse or partner, when they are relevant to the proceeding in which they are taking part.⁵¹ I found that the Member was in breach of the rules in not declaring her relevant indirect interests in two organisations when she took part in a debate in the House. I therefore upheld this complaint. In my memorandum I said that I hoped this inquiry would serve as a reminder of the importance of the rule that requires Members to declare any direct or indirect interest which others might reasonably think could influence them in their conduct of their Parliamentary duties.

⁴⁸ Eleventh Report of Session 2009–10, HC 491

⁴⁹ Eleventh Report of Session 2010–11, HC 788

⁵⁰ Twelfth Report of Session 2010–11, HC 840

⁵¹ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, Session 2009–10, HC 735, paragraph 73

3.48 The Committee agreed with my finding that the breaches “*were not at the most serious end of the spectrum*” but nonetheless stressed the importance of openness about such matters.⁵² They recommended that the Member apologise to the House in writing. The Member did so.

3.49 In 2010–11 a former Member, about whom I had submitted a memorandum in the previous year,⁵³ made a complaint to the Clerk of the House claiming that the outcome of the inquiry would have been different had a piece of evidence held by the House authorities been discovered before my inquiry had concluded. In 2009–10 I had upheld a complaint against the Member and found that he was in breach of the rules in identifying a property, which he had let out for substantial periods, as his main home for the purpose of parliamentary allowances. The Committee had agreed with my findings, and in view of the particularly serious breach of the rules, had recommended that the Member apologise by means of a personal statement on the floor of the House. It also recommended, since he had already announced that he was not to stand again, that his resettlement grant be withheld. Following the complaint from the former Member, the Committee appointed Sir Paul Kennedy, a former Court of Appeal judge, as a legal adviser pursuant to Standing Order No. 149(5) to review their conclusion that the former Member’s breach was a particularly serious one.⁵⁴ After taking into consideration the additional evidence, Sir Paul Kennedy concurred with the Committee’s findings and recommendations.⁵⁵

Use of the rectification procedure

3.50 The rectification procedure is set out in subparagraph 3 of Standing Order No. 150. This provides that no report to the Committee shall be made by the Commissioner:

“(a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner’s opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

(b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.”

3.51 I normally consider whether to institute this procedure in circumstances where the Member accepts that there has been a breach of the rules of the House, where there is no clear evidence that the breach was intentional and it was at the less serious end of the

⁵² Twelfth Report of Session 2010–11, HC 840, Appendix 1 paragraph 88

⁵³ Seventh Report of Session 2009–10, HC 310

⁵⁴ HC Deb, 2 December 2010, Col 996–1017. See also the revised Standing Order at Appendix 1

⁵⁵ Thirteenth Report of Session 2010–11, HC 883

spectrum. I also consider whether the Member has taken appropriate action to rectify the matter, including any financial recompense, and to avoid a recurrence. The Committee expects the Member to tender an apology. I then write to the complainant explaining the actions the Member has taken, and I report the outcome to the Committee. As I explained in Chapter 2, I now publish on my webpages my determination letters and the relevant evidence which I have received.⁵⁶

3.52 During the year I resolved 14 inquiries by means of this procedure. The majority (11) concerned Members' use of their Communications Allowance, of House of Commons stationery and pre-paid envelopes or of House communications facilities. In addition, I rectified two complaints over the use of the Incidental Expenses Provision, one of which also involved the use of the Staffing Allowance, and one further complaint about the registration of the Member's financial interests.

3.53 In eight cases which involved the use of either or both pre-paid House of Commons envelopes and House of Commons stationery for unsolicited or party political correspondence contrary to the rules of the House, the Members and former Members concerned accepted their breaches and repaid the sums involved. In one of these cases, where the content of the correspondence meant that almost all of the cost could properly have been funded from her IPSA expense account, the Member transferred the appropriate costs to that account, and repaid the balance. In two further cases involving minor breaches of the rules the former Members accepted that they had breached the rules, and apologised, but no repayment was called for. The remaining case was a complaint that a Member had used House of Commons facilities to send a party political communication by e-mail to certain party supporters, contrary to the rules on the use of House facilities. I upheld this complaint. The Member apologised for the error and took steps to avoid a recurrence.

3.54 I was able to resolve by means of the rectification procedure two of the complaints I considered about Members' use of the Incidental Expenses Provision, the allowance provided to pay for their offices, equipment and supplies. Both cases involved complaints that the Members' claims had not been wholly, exclusively and necessarily incurred on their parliamentary duties and had helped to meet the costs of party political activities, contrary to the rules of the House. Neither Member was returned in the general election.

3.55 In the first of these cases, I investigated the Member's claims for his constituency office premises and a risograph. He had in fact had three separate offices since his election in February 2006. The first and third of these were sublet from his political party. That party, together with a Member of the Scottish Parliament, shared the third premise with him. I concluded that there was no evidence that the proportion of the costs the former Member had agreed to meet had been unreasonable or that his arrangements had been intended to benefit his political party. I found, however, that the former Member had not concluded and lodged with the House authorities the required sharing agreements in respect of the costs of the office and the risograph; and that his claims were for £2,647 more than his agreed share of the costs. These were breaches of the rules and I upheld the complaint in this respect. The former Member apologised and agreed to repay these costs.

⁵⁶ <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/pdfs/publications/inquiries/matters-rectified/>

3.56 In the second of these cases, I investigated the Member's claims against the Incidental Expenses Provision in relation to her constituency office, and against the Staffing Allowance for a part-time staff member also employed as party organiser. I concluded that the former Member was not in breach of the rules in the way she had apportioned the costs of her office between her parliamentary use and its political use and in the claims that she made. I did not, therefore, uphold that aspect of the complaint. However, I found that the practical effect of the arrangements she had made for recouping from her local political party their share of the costs was to create a sub-lease. Members were not permitted to sublet their office premises to others. I therefore concluded that she was in breach of the rules in that sub-leasing arrangement and in that there were no written cost sharing agreements. The former Member accepted these breaches and apologised. After investigating her claims against the Staffing Allowance, I found no evidence that the political party had benefited improperly from her arrangements. I did not, therefore, uphold this aspect of the complaint.

3.57 I upheld one complaint concerning the Register of Members' Financial Interests, which I was able to resolve by means of the rectification procedure. The complaint was that the Member had failed to meet the requirement to register, within four weeks, the details of his remunerated employment as a Councillor and Executive Member of a Council between May and October 2010, contrary to the rules in respect of the registration of Members' interests. The Member immediately accepted and apologised for his breach of the rules. He took action to avoid a recurrence, and the necessary registrations were made. These will appear in the Register in bold type for 12 months and until they have appeared in one printed Register.

Complaints not upheld

3.58 In 2010–11 I did not uphold seven of the complaints which I inquired into. This was because, upon inquiry, the facts did not substantiate the complaints made. In one case this became clear at an early stage, but in others it was necessary to obtain detailed corroborative evidence before I could conclude my inquiry. In each case, as soon as I had satisfied myself that the complaint was not substantiated, I wrote promptly to the complainant and to the Member concerned to explain both my conclusion and the reasoning behind it. As I explained in Chapter 2, I publish on my webpages my determination letters and the relevant evidence which I have received.⁵⁷

3.59 If I decide not to uphold a complaint, I would only submit a memorandum to the Committee if I considered there were nevertheless matters on which I should report. There were five such cases in the reporting year. These are described at paragraphs 3.28, 3.32 and 3.37 above.

3.60 Of the remaining two complaints which I did not uphold, the first related to the Member's alleged use of the Communications Expenditure. I found that a Communications Expenditure imprint had mistakenly been included on a newsletter and survey which were wholly funded by the Member's party. No parliamentary allowances had therefore been used. The second complaint related to claims that another Member had

⁵⁷ <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/pcfs/publications/inquiries/matters-not-upheld/>

made against his Additional Costs Allowance. It was alleged that he had claimed twice for the installation of a new washer/drier and the disposal of an old one. I accepted the Member's evidence that this was because it was not possible for the retailer's agent to carry out this work, which was included—with conditions—in the original purchase price. I therefore did not uphold this complaint.

Complaints not inquired into

3.61 It is in the nature of most complaints systems that a large number of the complaints received raise matters which are not proceeded with. That has been the position with complaints sent to the Commissioner since this office was established, and this year has been no exception. Of the 115 complaints I received in 2010–11, 82 fell outside my remit, for example because they concerned what might broadly be called customer service issues, such as about a Member's decision not to support a particular constituency issue or campaign, about the time taken to respond to constituents' letters, or about the way the Member had handled their case, including whether or not the Member had responded to correspondence. Other complaints concerned the views or opinions expressed by a Member or the actions of Government Ministers.

3.62 It is understandable that many complainants are not familiar with the rules of the House. I therefore receive a significant number of complaints where the allegations, if substantiated, would not constitute a breach of the rules. There were 17 such complaints last year. Some of these involved misunderstandings about the provisions in the Green Book on Members' allowances, or about the requirements of the House in relation to apparent conflicts of interest. The House does not prevent Members undertaking paid employment outside the House but it does require them to register and declare those interests openly.

3.63 In six cases complainants wrote making allegations that Members had breached the rules of the House, without providing the evidence to substantiate their claim. My office replied reminding complainants that my remit is to consider complaints where the complainant has provided sufficient evidence to justify an inquiry into whether a particular Member has breached the rules of the House.

Frivolous or vexatious complaints

3.64 If I receive a complaint which appears to be frivolous or vexatious I will draw this to the attention of the Committee. I am pleased to say that I have not needed to report any such complaints to the Committee in 2010–11.

Complaints about other Registers

3.65 During the year I received six complaints about All-Party Groups. I describe these in Chapter 4 of this report. I received no complaints about entries in the Register of Members' Secretaries or Research Assistants or the Register of Journalists.

Trends in complaints from 2005 to 2011

3.66 The number of complaints I receive fluctuates markedly from year to year. The 115 formal complaints in 2010–11 was the lowest level received in the last six years, while the previous year had been the highest. The peak in 2009–10 represented a 65% increase in complaints received over the previous year and the fall in 2010–11 represented a 63% reduction. Numerically there were 125 more complaints in 2009–10 than the previous year, and in 2010–11 there were 202 fewer. As the majority of complaints received are not inquired into, for example because they are outside my remit, the complaints workload is principally governed by the number and complexity of active inquiries undertaken each year. Over the last year I undertook 37 active inquiries. I resolved 33 of these. On average, therefore, I was resolving more than one complaint for every two weeks throughout the year. Excluding two cases suspended for significant periods (because of possible criminal proceedings or for health reasons), 30% of the complaints I resolved in 2010–11 were concluded in a little over three months of their being accepted for inquiry. A further 45% were resolved within nine months and all but one case out of the remaining 25% took less than one year.⁵⁸

3.67 I always look to resolve inquiries as quickly as possible. Whenever I request evidence, I set a deadline for the response. I always follow up where, for whatever reason, that deadline is exceeded. In the past year when I have considered that a Member has been unduly dilatory in responding, I have drawn this to the attention of the Committee in my published memorandum. I have been grateful for the Committee's support in this matter. Nevertheless, I think it right that I should follow the evidence and where necessary take time to question, substantiate or corroborate statements I receive so that the House and the public can have a reasonable assurance that any inquiries are thorough, fair and evidence-based. The best contribution any Member who is the subject of an inquiry can make is to respond fully to the questions I ask, and draw my attention to any points of potential difficulty in the evidence which they provide.

3.68 Overall, the complaints trend taken over a number of years suggests a lower level of complaints should be expected in the first years of a new Parliament, building up later in the Parliament, with a similar pattern for complaints accepted. There is no discernable trend in the pattern of complaints resolved.

3.69 Table 3 shows the trends in complaints from 2005–06 to 2010–11.

⁵⁸ See paragraphs 3.9 and 3.10 on the impact of the General Election on the time taken to conclude inquiries

Table 3: Complaints received from 2005–06 to 2010–11

	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11
1. Specific complaints against a named Member	129	176	226	192	317	115
2. Complaints subject of inquiry	23	81 ⁵⁹	71	54	80	37
3. Complaints not inquired into						
a) because complaint fell outside remit	105	87	94	83	105	82
b) because complaint did not concern a breach of the rules				32	76	17
c) because insufficient supporting evidence was provided				27	53	6
d) because a similar complaint had already been accepted				18	11	0
<i>Total complaints not inquired into</i> ⁶⁰	106	95	155	160	245	105
4. Complaints resolved						
a) upheld by means of rectification procedure	0	10	7	16	14	14
b) upheld by means of a memorandum to Committee on Standards and Privileges	0	38	15	17	20	10
c) Complaints not upheld (where no memorandum was submitted to the Committee)	15	11	29	13	16	2
d) Complaints not upheld (where a memorandum was submitted to the Committee)	0	15	0	3	1	5
(e) Consideration postponed because of possible criminal proceedings					1	1
(f) Inquiry closed following the conclusion of court proceedings					1	1
<i>Total complaints resolved</i>	15	74	51	46	51	33

⁵⁹ Fifty of these related to a series of complaints by the same two Members about dining clubs.

⁶⁰ Before 2008-09 the office did not maintain detailed statistics on the reasons why complaints were not inquired into.

4 Registers of interests for Members, Members' Secretaries and Research Assistants, Journalists, and All-Party Groups

Introduction

4.1 The Commissioner's office is responsible for the compilation of the four registers of interests required by the House, namely the Register of Members' Financial Interests, the Register of Interests of Members' Secretaries and Research Assistants (commonly called the Members' Staff Register), the Register of Journalists' Interests and the Register of All-Party Groups. The registers provide a publicly available record of the interests which might be thought to influence the actions of a Member in his or her parliamentary capacity, or the actions of other holders of a parliamentary pass, to enable readers to make their own assessment of their significance.

4.2 All four registers are published electronically on the parliamentary website. The Members' Register is also published broadly every year in hard copy, every entry appearing in at least one printed edition to ensure the availability of a complete historical record, in hard copy, of every Member's entries. Print-outs of the current edition of each Register are available for public inspection, by appointment, and arrangements can be made to see earlier editions of the Register of Members' Financial Interests, as these do not appear on the parliamentary webpages.⁶¹

Register of Members' Financial Interests

4.3 The main purpose of the Register of Members' Financial Interests, as amended on 27 March 2008, is:

"To provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament, and such other information as the House may from time to time require."⁶²

4.4 Under the Resolution of the House of February 2009, Members are required to submit their entries for the Register within one month from the date of each general election.⁶³ Previously the deadline for Members' registration had been three months after a general election. Immediately following the general election, I wrote to all Members, both new and returning Members, to introduce myself and the work of my office. With this letter I sent each Member a copy of the Code of Conduct and Guide to the Rules, a registration form

⁶¹ This can be arranged by calling our general enquiries line on 020 7219 1883.

⁶² HC Deb 27 March 2008, Col 382-394

⁶³ HC Deb, 9 February 2009, Cols 1114-1227

and a note from the Registrar of Members' Financial Interests on the obligation to declare interests when taking part in parliamentary proceedings or making approaches to others, including Ministers. My staff then received and recorded entries from each Member and prepared them for inclusion in the published Register.

4.5 I am pleased to report that we published the first Register for the new Parliament on 6 September 2010, just four months after the election. This compares to the beginning of the last Parliament when the first Register was published six months after that election. The Register for September 2010 was published in both electronic and hard copy form.

4.6 On 7 February 2011 the House approved amendments to the Guide to the Rules as they relate to Members' earnings.⁶⁴ Since 1 July 2009 Members with earnings registered under Categories 1 (Directorships), 2 (Remunerated employment, office, profession etc) and 3 (Clients) had been required to record the full details of the payment and the time worked.⁶⁵ This meant that they had to provide information on a monthly basis setting out the exact amount of any payment received over and above their parliamentary salaries for work they carried out, together with the nature of that work, the number of hours worked and—in most cases—details of the person or organisation paying them.

4.7 The Committee on Standards and Privileges, reviewing the operation of this rule in January 2011, noted that it had been interpreted—rightly in their view—as requiring Members to register items such as a bottle of wine or a bunch of flowers received in return for or in recognition of a service provided.⁶⁶ They commented that the trivial nature of some payments and the disproportionate effort involved in recording and then registering them called into question the utility of the rule. The Committee proposed that a financial threshold should be reintroduced and that this should be, for individual payments in money or in kind, 0.1% of a Member's salary and for the cumulative total of payments from the same source in the year, 1% of salary. The House agreed this change on 7 February 2011. I welcomed this amendment which, in my view, aligns the information collected more closely with the purpose of the Register, which is to show whether a Member has received a material benefit which might reasonably be thought by others to influence his or her actions, speeches or votes, while reducing the burden on Members and avoiding the Register being cluttered with irrelevant or trivial entries.

Complaints relating to the registration and declaration of Members' interests

4.8 During the year I inquired into allegations concerning the registration or declaration of interests by eight Members. I upheld the allegations against three Members. I describe these inquiries in more detail in Chapter 3.⁶⁷

⁶⁴ HC Deb, 7 February 2011, Cols 98-124

⁶⁵ The House agreed these changes on 30 April 2009: see HC Deb, 30 April 2009, Col 1130-1132

⁶⁶ Tenth Report of Session 2010-11, *Registration of Income from Employment*, HC 749

⁶⁷ Paragraphs 3.36-3.42, 3.47-3.48 and 3.57

Register of Interests of Members' Secretaries and Research Assistants

4.9 Those holding a parliamentary pass as a Member's secretary or research assistant are required to record their details in the Register of Members' Secretaries and Research Assistants. Such staff are required to register any other occupation from which they receive income exceeding half of one per cent of a Member's salary from the same source in the course of a calendar year, if that occupation is in any way advantaged by the privileged access to Parliament afforded by their pass. They also have to register any tangible gift (e.g. glassware) and any other benefit (e.g. hospitality, services or facilities provided) which they receive, if the value of the gift or benefit exceeds that sum and the gift or benefit relates in any way to their work in Parliament.

4.10 The number of registered staff as at 31 March 2011 was 1,680, compared with 1,611 on 31 March 2010. The number of staff with registered interests was 299 on 31 March 2011 compared to 346 on 31 March 2010. At any given time there are approximately 1,500 staff on the Register, with a turnover of about 33% in a typical year.

Register of Journalists' Interests

4.11 Those holding a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting are required to record in this Register any occupation or employment, apart from that with their sponsoring organisation, from which they receive income exceeding one per cent of a Member's salary from the same source in the course of a calendar year, if that occupation or employment is in any way advantaged by the privileged access to Parliament afforded by their pass.

4.12 The number of registered journalists as at 31 March 2011 was 417, compared with 413 on 31 March 2010. The number of journalists with registered interests was 74 on 31 March 2011 compared to 66 on 31 March 2010. At any given time there are approximately 400 journalists on the Register, with a turnover of about 20% in a typical year.

Register of All-Party Groups

4.13 The membership of All-Party Groups consists mainly of backbench Members of the House of Commons and Members of the House of Lords but may also include Ministers and non-parliamentarians. There are two types of group: subject groups and country groups. A subject group relates to a particular topic. A country group relates to a particular country or region.

4.14 The number of registered groups as at 31 March 2011 was 501, comprising 127 country groups (25%) and 374 subject groups (75%). This compared to 593 registered groups on 31 March 2010 comprising 145 country groups (24%) and 448 subject groups (76%). There was, therefore, no significant change in the balance between country and subject groups, although, as with previous Parliaments, the number registered so far in the first year of the new Parliament is predictably fewer than at the end of the last Parliament. The number of groups with registered financial or material benefits was 305 on 31 March 2011, compared to 367 on 31 March 2010.

Recent changes to the rules on All-Party Groups

4.15 Until February 2011 inclusion on the Register of All-Party Groups was compulsory for any group that included Members of the House of Commons from more than one political party and that had at least one officer who was a Member. Such groups were required to register the group's title and the names of its officers. Financial or material benefits received by the group as a whole also had to be registered, where the group had received during a calendar year one or more benefits from the same source whose total value was £1,000 or more. Lastly, the group had to register the name and paid employment or occupation outside Parliament of any staff servicing the group who held a parliamentary pass, if that occupation or employment was advantaged by the passholder's privileged access to Parliament.

4.16 On 7 February 2011 the House debated and approved various changes to the rules on All-Party Groups.⁶⁸ These were recommended by the Committee in its report on *All-Party Groups* following a report from my predecessor.⁶⁹ The changes aligned the rules governing groups on the Register with the more demanding rules governing groups on the Approved List maintained by the Administration Committee. Inclusion on the Approved List entitled groups to higher priority when booking rooms, and to other privileges such as the right to use the word 'parliamentary' in their title. In order to be included on the Approved List, groups had to have at least 20 members and hold an annual election of officers. The two sets of rules have now been merged, the scope of the Register increased and the Approved List abolished.

4.17 The new rules introduced new membership requirements. Groups must now have a minimum of 20 members to qualify for registration: ten from the government's party (or parties in the case of the present coalition government), plus ten who are not from the government's party (of which a minimum of six must be from the main opposition party). In future any group that is unable to fulfil the new criteria (e.g. because it has fewer than 20 Members) will no longer qualify for registration.

4.18 The threshold for registration of benefits by an All-Party Group from the same source received during a calendar year increased to £1,500. Other existing rules were retained. In addition the House introduced new requirements for the disclosure of information about the sources of financial and material support provided to them, particularly support from consultancies and charities. Hence, if a consultancy (for example, a public relations firm) now wishes to act as the group's secretariat, the consultancy must either publish its full client list on its website or else agree to provide such a list on request, otherwise the consultancy is not permitted to act as the group's secretariat. Similarly, if a charity or not-for-profit organisation wishes to act as the group's secretariat, the charity or not-for-profit organisation must agree to making available, on request, a list citing any commercial organisation 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. Other new requirements include providing hyperlinks from the Register to the

⁶⁸ HC Deb, 7 February 2011, Col 122-124

⁶⁹ Eighth Report of Session 2008-09, *All-Party Groups*, HC 920. This in turn followed an earlier report by the Commissioner (Ninth Report of Session 2005-06, *Lobbying and All Party Groups*, HC 1145)

group's own website, if it has one, and to that of any organisation that is registered as acting as the group's secretariat.

Complaints relating to Registers of Members' Secretaries and Research Assistants, Journalists and All-Party Groups

4.19 Complaints alleging that a Member's secretary or researcher, a journalist or an All-Party Group has breached the rules governing the Registers should in the first instance be sent to the Registrar of Members' Financial Interests. It is the practice that in serious cases the Commissioner may investigate and if necessary report to the Committee on Standards and Privileges in the same way as in respect of complaints against Members.

4.20 During 2010–11 my office received six complaints about All-Party Groups. Three complaints concerned objections to the remit of one group and questioned the legitimacy of registering it. Three complainants questioned the suitability of an organisation appointed by another group to act as its secretariat and objected to the access to Parliament afforded to one member of the secretariat who, according to the Register, had been issued with a parliamentary pass.

4.21 All of these complaints fell outside my remit for inquiry. If a group has sufficient support amongst Members of the House of Commons and Members of the House of Lords, the fact that there is opposition in some quarters to its aims is no impediment to the group being registered, and groups representing opposing sides of an issue are not uncommon. In relation to the appointment of a secretariat, this is a matter for the officers of the group concerned. The Registrar found that the second group had in any case wrongly registered the staff member as a passholder when in fact no pass was ever issued. The Group therefore corrected their Register entry.

4.22 During 2010–11 I received no complaints about entries in the Register of Members' Secretaries and Research Assistants or in the Register of Journalists.

5 Resourcing the work

5.1 The table below shows the cost of running this office in 2010–11 compared to previous years.

Table 4: Costs of running the Commissioner's office

	2005–06 £	2006–07 £	2007–08 £	2008–09 £	2009–10 £	2010–11 £
Staffing etc	308,121	379,609	419,816	494,005	578,300	583,235
Other running costs	8,713	6,939	5,881	5,850	10,256	15,069
Total	316,834	386,548	425,697	499,855	588,556	598,304

5.2 Staffing costs account for over 95% of my office's expenditure. At the beginning of the year my office had 10.5 full time equivalent staff, including myself. This included two senior members of staff and two support staff (equivalent to three full time posts) who had been recruited during 2009–10 on time—limited contracts to assist with the large number of complaints inquiries under way, and one member of staff to help with the increase in work on the registration of interests associated with the general election. I was very grateful to the House authorities for their help in securing this additional resource for my office. By the end of the year, as the complaints caseload was completed, and in the light of a reduction in the volume of work on registration, I was able to reduce staffing levels by one third, equivalent to 3.5 full time posts. On 30 March 2011 my office had seven full time equivalent staff, including myself. I expect to realise the cost savings from these reductions in 2011–12.

5.3 Printing costs accounted for the majority of our other running costs. I noted in my last report the substantial increase in the cost of printing the Register of Members' Financial Interests, which is undertaken once a year. This accounted for more than half of my office's non-staff costs in 2010–11. We also incurred the costs of printing guidance material for Members after the general election, and of printing my 2009–10 Annual Report. I was however able to save on other printing costs by making my consultation paper on the review of the Code of Conduct available online instead of issuing printed copies. The remaining non-staff costs incurred in 2010–11 were those of expert advice for a particular investigation.

6 Conclusion and forward look

6.1 Much of the work of my office in the year ahead will remain properly responsive to events. I would hope that the volume of complaints and subsequent inquiries will remain at a substantially lower level than in the final years of the last Parliament. But it is impossible to predict whether an allegation or a series of allegations will require extensive investigative work this year. I, and my office, will remain flexible and responsive to any such developments.

6.2 With that caveat, I look forward this year to focusing on reviewing and if necessary recommending revisions to the framework for establishing the standards of conduct and propriety for the House. That work began with my review of the Code of Conduct for Members of Parliament which I started at the end of the last financial year. I hope to report my recommendations to the Committee on Standards and Privileges in the autumn. Subject to the Committee's agreement I would expect then to review the Guide to the Rules. It is some time since the rules in relation to registration were comprehensively reviewed (rather than incrementally revised) and I hope that the House would welcome the opportunity to ensure that the registration rules still fit today's requirements.

6.3 I will also look forward to reviewing the rules in relation to the declaration of interests, advocacy and lobbying, taking account of the Committee's recommendation in a report last autumn that there should be such a review of the rules relating to lobbying. I will consider further whether it would be best to conduct a review of all these requirements simultaneously, or focus first on registration and then move separately to the other matters.

6.4 While my office gave considerable attention this year to briefing all Members on the requirements of the Code and their obligations for registration and declaration, this is a continuing responsibility and commitment for my office. If there were to be changes agreed by the House to the Code of Conduct following my review, I would expect to arrange a programme of briefings on the new Code.

6.5 In these and other ways I and my office look forward to continuing to serve the House and the public in the year ahead.

6 July 2011

John Lyon CB

Appendix 1: Standing Orders Nos 149 & 150, as amended by the House on 7 February 2011

149.—(1) There shall be a select committee, called the Committee on Standards and Privileges—

(a) to consider specific matters relating to privileges referred to it by the House;

(b) to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and

(c) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.

(2) The committee shall consist of ten Members, of whom five shall be a quorum.

(3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

(4) The committee shall have power to appoint subcommittees consisting of no more than seven Members, of whom three shall be a quorum, and to refer to such subcommittees any of the matters referred to the committee.

(5) The committee and any subcommittee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time, to appoint legal advisers, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(6) The committee shall have power to order the attendance of any Member before the committee or any subcommittee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a subcommittee or of the Commissioner, be laid before the committee or any subcommittee.

(7) The committee, or any subcommittee, shall have power to refer to unreported evidence of former Committees of Privileges or of former Select Committees on Members' Interests and to any documents circulated to any such committee.

(8) The committee shall have power to refuse to allow proceedings to which the public are admitted to be broadcast.

(9) Mr Attorney General, the Advocate General and Mr Solicitor General, being Members of the House, may attend the committee or any subcommittee, may take part in deliberations, may receive committee or subcommittee papers and may give such other assistance to the committee or subcommittee as may be appropriate, but shall not vote or make any motion or move any amendment or be counted in the quorum.

150.—(1) There shall be an Officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.

(2) The principal duties of the Commissioner shall be—

(a) to maintain the Register of Members' Financial Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards and Privileges or an appropriate sub-committee thereof;

(b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;

(c) to advise the Committee on Standards and Privileges, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;

(d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards and Privileges or an appropriate sub-committee thereof; and

(e) to investigate, if he thinks fit, specific matters which have come to his attention relating to the conduct of Members and to report to the Committee on Standards and Privileges or to an appropriate sub-committee thereof, unless the provisions of paragraph (3) apply.

(2A) In determining whether to investigate a specific matter relating to the conduct of a Member the Commissioner shall have regard to whether in his view there is sufficient evidence that the Code of Conduct or the rules relating to registration or declaration of interests may have been breached to justify taking the matter further.

(3) No report shall be made by the Commissioner:

(a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

(b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.

(4) The Commissioner may at any time in the course of investigating a complaint, and if so requested by the Committee on Standards and Privileges shall, appoint an Investigatory Panel to assist him in establishing the facts relevant to the investigation.

(5) An Investigatory Panel shall—

(a) consist of the Commissioner, who shall be Chairman of the Panel, and two assessors, one of whom shall be a legally qualified person appointed by the Commissioner and the other shall be a Member, who shall not be a member of the Committee on Standards and Privileges, appointed by the Speaker; and

(b) meet in private.

(6) The Commissioner—

(a) shall determine the procedures of the Panel, subject to the provisions of this Order; and

(b) may appoint counsel for the purpose of assisting the Panel.

(7) Any report that the Commissioner may have made to the Committee on Standards and Privileges in

relation to the complaint before the appointment of the Panel shall be made available to the Panel by the Committee.

(8) Any Member who is the subject of the complaint under investigation shall, if he so requests, be heard by the Panel; may call witnesses; and may examine other witnesses.

(9) When the Panel has completed its proceedings—

(a) the Commissioner shall report as in paragraph (2)(e);

(b) the legal assessor shall report to the Committee on Standards and Privileges his opinion as to the extent to which its proceedings have been consistent with the principles of natural justice; and

(c) the Member assessor may report to the Committee on Standards and Privileges his opinion as to the extent to which its proceedings have had regard to the customs and practice of the House and its Members.

(10) The Commissioner shall report each year to the House on the exercise by him of his functions.

(10A) The Commissioner shall have leave to publish from time to time –

(a) Information and papers relating to –

(i) Matters resolved in accordance with paragraph (3) of this order; and

(ii) Complaints not upheld; and

(b) Information about complaints received and matters under investigation.

(11) The Commissioner may be dismissed only following a resolution of the House, moved for by a Member of the House of Commons Commission, after the Committee on Standards and Privileges has reported to the House that it is satisfied that the Commissioner is unfit to hold his office or unable to carry out his functions; and any such report shall include a statement of the Committee's reasons for its conclusion.