



House of Commons
Committee on
Standards and Privileges

Complaints against Mr Clive Betts

Fifth Report of Session 2002–03



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Mr Clive Betts**

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*Report and Appendices,
together with formal minutes*

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Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons 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' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/parliamentary_committees/standards_and_privileges.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Mike Clark (Second Clerk) and Lisa Hasell (Secretary).

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Complaints against Mr Clive Betts

1. We have considered a memorandum by the Parliamentary Commissioner for Standards relating to allegations against Mr Clive Betts, Member for Sheffield Attercliffe. The Commissioner's memorandum is appended to this Report.

2. On 26 February, the Sun newspaper made a series of allegations about the circumstances in which Mr Clive Betts had employed a personal friend, Mr José Gasparo, a Brazilian national, to work for him at the House of Commons. Further allegations were made by the Sun newspaper over the next three days, including a claim that Mr Betts had been party to the altering of a letter for the purpose of facilitating Mr Gasparo's re-entry to the United Kingdom after the two of them had travelled abroad together.

3. On 28 February, Mr Betts wrote to the Parliamentary Commissioner for Standards, seeking an investigation by him, in the context of the Code of Conduct for Members of Parliament, of the propriety of his actions in relation to Mr Gasparo. Mr Betts had employed Mr Gasparo on a temporary basis as a Parliamentary researcher. In this letter, Mr Betts said "I am anxious to ensure that I have complied fully with the Code of Conduct". Mr Betts, accompanied by his solicitor, subsequently met the Commissioner on 3 March.

4. The Commissioner's remit in this regard, under the Standing Orders, is to investigate "specific complaints from Members and from members of the public in respect of ... the propriety of a Member's conduct". With no complaint having been received, he reported to the Committee on his contacts with Mr Betts, and on Mr Betts' request for an investigation. The Committee authorised an investigation, having regard to Mr Betts' request.

5. A complaint was also received, on the day the Committee authorised the Commissioner to proceed with his investigation, based on related allegations which appeared in the Daily Mail on 5 March.

6. The details of the allegations against Mr Betts are summarised in the Commissioner's report. The issues of concern can broadly be summarised as follows:

- whether Mr Gasparo had the skills and experience to do the job for which he was recruited, and whether his employment represented a proper use of public funds;
- whether there were any other factors, besides Mr Gasparo's skills and experience, that Mr Betts should have taken account of before employing him; and
- the events surrounding Mr Gasparo's re-entry into the United Kingdom following his holiday with Mr Betts (his leave to enter as a student having expired in the course of the holiday).

7. We agree with the Commissioner that, on the evidence available, Mr Betts did not contravene any rules of the House relating to the staffing allowance in employing Mr Gasparo.

8. At the time when Mr Betts offered to employ Mr Gasparo, he was aware that Mr Gasparo had recently worked as a male escort. He was also aware that Mr Gasparo had leave to enter as a student, due to expire on 19 February, some six weeks before it was intended that Mr Gasparo's period of employment should end.

9. As to Mr Gasparo's previous work as a male escort, Mr Betts told the Commissioner that he genuinely believed that Mr Gasparo had given up his escort activities. He said that he did not know anything about the rest of Mr Gasparo's life or about his other friends.

10. The responsibility for the decision to employ Mr Gasparo was Mr Betts' alone. While an application for a House of Commons pass would reveal whether Mr Gasparo had previous criminal convictions or known terrorist involvement, it would not have revealed, and was not designed to reveal, other possible grounds on which he might have been unsuitable for employment in the House. It was Mr Betts' responsibility to satisfy himself on this point. Indeed, whether or not a pass was authorised, we understand that Mr Betts could have continued to employ Mr Gasparo on the Parliamentary Estate, provided he continued to be escorted by a full pass-holder at all times.

11. Past experience indicates how the employment in the Palace of Westminster of a person with a history of work in the sex industry can become a cause of public scandal, and thereby risk damaging public confidence in Parliament as an institution. We consider that Mr Betts might have considered this aspect of Mr Gasparo's employment further. We agree with the Commissioner that Mr Betts had a duty in this respect, to other Members and to the House itself.

12. We agree with Mr Betts that Mr Gasparo's conditions of entry into the United Kingdom posed no barrier to his employment. However, Mr Betts will have been aware that Mr Gasparo's leave to remain expired significantly before his employment by Mr Betts was due to end. Mr Betts does not appear to have grasped the possible significance of this. Although it was Mr Gasparo's responsibility to ensure that he continued to comply with his conditions of entry, Mr Betts might have been expected to take more interest in this matter as, although he would have committed no offence by so doing, he would not have wished knowingly to have employed an over-stayer in view of the potential adverse publicity this might have brought. Had he sought advice, as he was entitled to do, from the Personnel Advice Service operated by the Department of Finance and Administration, it would have suggested a temporary contract of employment pending possible renewal of Mr Gasparo's leave to remain in the United Kingdom.

13. We consider that Mr Betts might have thought rather more carefully before employing Mr Gasparo. While we acknowledge the steps that Mr Betts did take to seek to satisfy himself as to Mr Gasparo's suitability for the post in the broadest sense, we believe his decision to employ him was unwise.

14. On the question of the circumstances of Mr Gasparo's re-entry into the United Kingdom, there is no dispute that a copy was made of the altered fax of the letter of enrolment for Mr Gasparo's proposed further course of study. There is a difference of view over the part, if any, which it might have played in securing Mr Gasparo's re-entry to the United Kingdom.

15. The key issue is that Mr Betts succumbed to pressure and made such a copy, for which there was no legitimate need. Mr Betts told the Commissioner that Mr Gasparo already had with him a letter confirming that his current course of study did not finish until 7 March and Mr Betts had urged him to rely on that. He also told the Commissioner that Mr Gasparo did not have with him the original documents necessary to have obtained, on his re-entry to the United Kingdom, leave to enter as a student for the duration of his proposed new course. The terms of the limited entry given by the immigration officer are consistent with this.

16. There can be little doubt that Mr Gasparo hoped that the altered version of the letter of acceptance would have been looked upon more favourably than the original. The upshot of Mr Betts' action in agreeing to make a copy of the altered letter was that he connived in a course of action which might have led to the immigration officer being deceived as to facts on which to decide on Mr Gasparo's re-entry to the United Kingdom.

17. It is clear from the immigration officer's report that neither the original fax (had it not been altered), nor the copy of the altered version, were going to be relevant to her decision, as they were not the required original documents. Mr Betts should have trusted his earlier judgement, that Mr Gasparo should rely instead on the fact that his current course did not finish until 7 March (and according to Mr Betts he had a letter with him to that effect) to regain entry into the United Kingdom.

18. The Commissioner concluded that by applying for a Parliamentary pass for Mr Gasparo, which he described as "a natural consequence of the decision to employ him", Mr Betts was in breach of the provision of the Code of Conduct requiring Members to conduct themselves at all times in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament. We have concluded that Mr Betts was unwise to employ Mr Gasparo, and therefore agree with the Commissioner's conclusion that there was a breach of the Code.

19. We also agree with the Commissioner that, in making a photocopy of the altered fax of the college letter, when Mr Gasparo's improper intentions in relation to the copy should have been clear to him, Mr Betts' conduct fell well below the standard expected of a Member, in terms of maintaining and strengthening the public's trust and confidence in the integrity of Parliament and never undertaking any action which would bring the House of Commons, or its Members generally, into disrepute.

20. Having been shown a full copy of the Commissioner's report, Mr Betts made a written submission to us. This is reproduced at Appendix B.

21. We have given very careful consideration to Mr Betts' submission; his welcome recognition of the fairness of the Commissioner's report; and the further points he has made about the circumstances in which he agreed to copy the altered letter. We also acknowledge that Mr Betts voluntarily sought an investigation of his conduct, and his co-operation with the Commissioner. We recognise, too, that there are related aspects of these events, with which we are not concerned, that have caused him considerable personal distress.

22. Mr Betts stated in his submission that, if the Committee agreed that he had made the errors of judgement contained in the Commissioner's report, he would wish to apologise unreservedly for his actions, for the inconvenience caused and for any embarrassment that may have been caused to the House. As we agree with the Commissioner's conclusions, we look to Mr Betts to make an early apology to the House.

23. We have also considered whether we should recommend further action to the House. Of the two errors of judgement identified in the Commissioner's report, that relating to the copying of the altered document is undoubtedly the more serious. As we have said earlier, Mr Gasparo's intentions were clear, and Mr Betts should not have been party to them. Mr Betts undoubtedly acted extremely foolishly, given the risk of immigration offences being committed. We recommend that he should be suspended from the service of the House for seven days.

Appendix A: Memorandum from the Parliamentary Commissioner for Standards

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Complaints against Mr Clive Betts

Introduction

1. Over a period of 4 days between 26 February and 1 March 2003, the 'Sun' newspaper ran a series of articles about Mr Clive Betts, the Member for Sheffield Attercliffe. These variously alleged that:

- a) Mr Betts had employed his lover, Mr Jose Gasparo (a male escort agency worker) as a research assistant. He had applied for a "*full Westminster pass for him [Mr Gasparo] which would give him alarming access to the corridors of power*".
- b) Whilst working for Mr Betts, Mr Gasparo had continued to work as a male prostitute.
- c) Mr Betts had lent Mr Gasparo £4,000 and a £50 deposit to help him obtain a place at a college and an extended student visa.
- d) The final paragraph of a letter from the City of London College confirming that Mr Gasparo had a provisional place on a diploma in travel and tourism management course at the college had been missing when a copy of the letter had been given by Mr Gasparo to immigration officers at Stansted airport on the return of Mr Betts and Mr Gasparo from a holiday in Venice.

2. On 28 February, Mr Betts wrote to me as follows:

I am writing to seek your guidance regarding the Code of Conduct for Members of Parliament.

There have been a number of press reports recently regarding my relationship with a young man whom I employed on a temporary basis as a Parliamentary researcher. Questions have been raised about the propriety of my actions and I am anxious to ensure that I have complied fully with the Code of Conduct.

I am writing to request that you investigate this matter and I look forward to meeting with you in the near future.

3. Accompanied by his solicitor, Mr Michael Napier, Mr Betts came to see me and the Registrar of Members' Interests on 3 March. I told Mr Betts that:

- a) An amendment made by the House to the Code of Conduct for Members on 14 May 2002 makes clear that the Code "*does not seek to regulate what Members do in their purely private and personal lives*".
- b) I was not therefore interested in his private life nor was I concerned with his sexuality.
- c) As I had not, at that stage, received a complaint against Mr Betts, I saw the meeting as arising out of my function to advise Members about the Code.
- d) I would not normally investigate allegations made in a newspaper in the absence of a complaint, except with the authority of the Standards and Privileges Committee.

4. Mr Betts gave me his account of the substance behind the newspaper stories. During the course of the conversation, I identified two possible areas where issues relevant to the Code might arise from the events alleged in those stories:

- a) Mr Betts' decision to employ Mr Gasparo as his part-time research assistant; and
- b) the circumstances surrounding Mr Gasparo's re-entry to the United Kingdom at Stansted Airport with Mr Betts, including the question of the alleged alteration of the letter from the City of London College.

5. When the Committee on Standards and Privileges met on 11 March, I reported the position, including the request Mr Betts had made that I investigate his conduct in relation to the Code. The Committee authorised me to conduct an inquiry. Immediately following the Committee's meeting, I received a complaint, also requesting an investigation, from a member of the public, Mr Michael Barnbrook. A copy of Mr Barnbrook's letter is at Appendix 1.

The Scope of the Inquiry and the Relevant Provisions of the Code

6. When informing Mr Betts on 11 March 2003 that the Committee had authorised me to conduct an inquiry, I described its scope as follows:

I should make clear that my inquiry will not be concerned either with your sexuality or with your private life but will focus primarily on two issues which appear at first sight to be relevant to the Code of Conduct for Members:—

Whether, in employing Mr Jose Gasparo temporarily in your office, you observed properly the rules of the House relating to the employment of staff, in particular those relating to the staffing allowance made available to Members for this purpose; and

Whether your actions in connection with your return with Mr Gasparo to this country from a holiday in Venice—and in particular the alleged 'doctoring' of a letter from the City of London College relating to Mr Gasparo—were appropriate bearing in mind the provisions of the Code.

7. I wrote to Mr Betts again on 19 March 2003 (see Appendix 2) drawing his attention to the provisions of the Code of Conduct which might be particularly relevant;

- The duty on Members to uphold the law and to act on all occasions in accordance with the public trust placed on them;
- The obligation to observe the general principles of conduct applying to holders of public office, including selflessness, objectivity, honesty and leadership;
- The duty to follow the public interest and to resolve any conflict between public and private interest, at once, in favour of the former;
- The responsibility not to bring the House into disrepute;
- The obligation to use parliamentary payments and allowances properly and strictly to observe the rules applying to them.

My Inquiries

8. In the course of my inquiries, I have had extensive contact with Mr Betts and Mr Napier, and been in touch with the United Kingdom Immigration Service as well as the Finance and Administration and the Serjeant at Arms Departments of the House of Commons. I also wrote to Mr Gasparo at his last known address in London inviting him to contact me, but have had no response. (There is some uncertainty as to whether Mr Gasparo is still in the United Kingdom.) I also wrote on 20 March to the editor of the 'Sun', informing her of my inquiry and inviting her to submit relevant evidence. Apart from an acknowledgement, I have had no written reply, although when my office telephoned to inquire on 10 June they were told that there was nothing the 'Sun' wished to send me.

Mr Betts' Account of Events

9. In my letter of 19 March I invited his account of the circumstances surrounding the two issues which are the focus of my inquiry. A copy of this letter is at Appendix 2. Mr Betts' account of what happened is contained in a two-part written memorandum and appendices, the final signed copy of which he delivered to my office on 12 June. The text of the two sections of this memorandum (though not of the supporting appendices) is reproduced at Appendices 3 and 4 respectively. I have not included the appendices in order to avoid unnecessary printing but they are supportive of the memorandum in the respects indicated in it and can be made available to any Member of the Committee on request.

10. Mr Betts' account was confirmed and, to some extent, amplified by him when (again accompanied by Mr Napier) he met me on 21 May. The agreed note of that meeting is at Appendix 5.

11. Putting together the contents of those documents, a summary account of what happened as described by Mr Betts is as follows.

(1) Mr Gasparo's Employment

12. Mr Betts' decision to employ Mr Gasparo as a temporary assistant in his parliamentary office followed the failure early in January of a planned internship arrangement, and mounting pressure on the office.

13. Mr Betts mentioned the failure of the internship to Mr Gasparo, who indicated his interest in the role. Mr Betts and his parliamentary assistant, Alison McGovern, interviewed Mr Gasparo and decided to employ him for 12 hours per week on a two week trial basis from 22 January.

14. Mr Betts obtained a satisfactory reference from Mr Gasparo's tutor at his then college; checked his passport and visa; and made sure that Mr Gasparo had a National Insurance number. Following advice from the House's Finance and Administration Department, he paid Mr Gasparo £6 an hour, slightly above the lowest rate.

15. Mr Betts applied for a House of Commons pass for Mr Gasparo on 23 January. The form was returned because it lacked some of the information required but was re-submitted on 30 January. Security clearance to enable a pass to be issued was received by e-

mail on 24 February. However, by this time Mr Gasparo's employment had ended, so a pass was never issued.

16. In the absence of a pass, Mr Gasparo was escorted during the period of his employment when it was necessary for him to visit parts of the House other than Mr Betts' office and nearby facilities.

17. At no time did Mr Gasparo work on or have access to matters with national security implications. At the time when he employed him, Mr Betts knew that Mr Gasparo had been a male escort. During the period Mr Gasparo worked for Mr Betts, Mr Betts did not know anything about the rest of Mr Gasparo's life or his friends. He did not at any stage believe Mr Gasparo's employment in the House to be a threat to national security.

18. Mr Gasparo carried out his duties well and, after the 2 week trial period was over, Mr Betts and Ms McGovern decided to extend his employment to the end of March. However, no formal contract of employment was issued and on 22 February Mr Gasparo told Mr Betts that, following the press attention they had received, he did not wish to return to work in the office. Mr Gasparo's employment was therefore terminated with effect from 14 February, the date immediately prior to their holiday in Venice. When Mr Betts discovered that the Finance Department had inadvertently paid Mr Gasparo to the end of the month, he (Mr Betts) repaid the amount of the overpayment to the Department.

(2) Mr Gasparo's Immigration Status

19. Mr Gasparo is a Brazilian national. When Mr Betts met him he was "a legitimate temporary resident holding a student visa, studying on an English course in London". The visa was due to expire on 19 February.

20. Mr Gasparo's English course was due to end in March and he was looking to take a place on a new course on travel and tourism.

21. Mr Betts helped Mr Gasparo to secure such a place. He loaned Mr Gasparo money to pay the course fees, gave him a letter confirming employment and asked his constituency assistant, Steven Vincent, to make some non-specific inquiries about the conditions attached to the grant of a student visa. Mr Vincent advised Mr Betts of the documentation that would be required to support the application. In spite of the advice he was given, Mr Gasparo travelled to Venice with Mr Betts without original documents or bank statements to support the application for a new student visa that he intended to make on his return to the United Kingdom.

22. On the final day of their holiday, the two men returned to their hotel in Venice to find themselves greeted by press photographers. Mr Betts had already arrived at the very difficult decision to make public his sexual orientation but wanted to control how this was done, not to be propelled into it by the press. He was therefore in a state of some distress. Mr Gasparo was also very distraught.

23. These traumatic circumstances were made worse by delay in receiving a faxed copy of the letter from the City of London College which confirmed that Mr Gasparo had the offer of a place on his new course. When this arrived, less than an hour before Mr Betts and Mr Gasparo were due to leave for the airport, it contained the words: "*You may use this letter*

to process foreign exchange. However, to obtain a student visa overseas students will require a Certificate of Enrolment, which is issued on receipt of the fees stated above in this letter”.

24. Mr Betts’ account in his signed written statement of these events continues:

Mr Gasparo became very upset when he read this because it was contrary to the advice I had received from my assistant. Mr Gasparo wanted to remove these words from the fax. I told him that this was unnecessary but he was determined and did so. He would not leave for the airport without a copy of the amended letter and pressurised me into doing so. Given the press attention, we were under considerable emotional pressure but despite this I successfully persuaded Mr Gasparo not to use the amended letter because I knew that, not being an original, it would not be accepted.

However, contrary to what had been agreed, Mr Gasparo produced the amended letter to the Immigration Officer when we arrived at Stansted Airport. I was very alarmed that he produced the letter and explained to the Immigration Officer that it was not an original document and that it differed from the original. The Immigration Officer was not interested in my explanation because she said that apart from the letter not being an original, Mr Gasparo had not produced bank statements or any other documentation to confirm financial support. Nevertheless, she was willing to extend his existing visa for two months, giving him time to produce the original documents necessary in an application for a new student visa.

At immigration I did not represent myself as a Member of Parliament. Indeed, throughout the whole episode, I did not represent myself in acting in any official capacity for Mr Gasparo. Further, I did not have any subsequent dealings with the authorities about Mr Gasparo’s immigration status.

25. On 27 June Mr Betts provided me with a further statement in relation to events at Stansted (see Appendix 8). In this, and in conversation on 30 June, he said that he had told the Immigration Officer that: the letter from the college was not an original; it was a copy of a fax; it stated that only the registration fee, and not the full course fee, had been paid; and that a further statement of the college’s belief that a full fee had to be paid before a visa could be granted had been removed from the copy. He also stated that the officer stopped the conversation short to say that this information was irrelevant because she was not going to issue a visa due to missing information and because the letter was not an original, although she was willing to give Mr Gasparo an extension for two months to get his papers together.

Evidence from other sources

26. In the following paragraphs, I summarise the evidence available from other sources relevant to each of the two key aspects of my inquiry.

(1) Mr Gasparo’s Employment

27. The Finance and Administration Department of the House has confirmed Mr Betts’ account of the period for and the terms on which Mr Gasparo was employed. The rate of pay was reasonable for the sort of work Mr Gasparo was engaged to do. Although the

Department did not receive a contract of employment for Mr Gasparo (and one is legally required for temporary staff employed for one month or more), Mr Gasparo's employment totalled less than a month.

28. I asked the Department with what rules and procedures of the House they would have expected Mr Betts to comply with when employing Mr Gasparo. They replied:

We would have expected Mr Betts to comply with rules for the staffing allowance as set out in the Green Book [of guidance on Members' allowances], Section 5. Paragraph 5.1 may be particularly relevant. It states that:

'The staffing allowance is available to meet the costs wholly, exclusively and necessarily incurred on the provision of staff to help Members perform their Parliamentary duties'.

We would also have expected Mr Betts to observe the guidance on pay rates which specifies the pay range appropriate for each kind of job.

29. As regards the question of Mr Betts' application for a Parliamentary pass for Mr Gasparo, the Serjeant at Arms Department has said that they do not offer advice to Members regarding the security implications of staff employment. Each Member does, however, have to sign, as sponsor, a copy of the pass application and security questionnaire, which contains questions as to criminal convictions and terrorist involvement. The completed forms are submitted to the security authorities and if information is forthcoming which indicates that the applicant is unsuitable to hold a pass, the Serjeant at Arms will make a judgement as to issue or refusal.

30. Checks carried out on Mr Gasparo did not reveal any convictions or other information which would have precluded him from having a pass. However, before a pass was issued, the Department became aware of the newspaper stories about Mr Betts and Mr Gasparo and contacted Mr Betts' office. When they were told that Mr Gasparo's employment had ceased, the Pass Office was instructed not to issue a pass.

31. The Department has emphasised that in all these issues, the presumption it and the Pass Office make is that applications from Members are bona fide. They are treated as such unless there is compelling evidence to the contrary.

32. I subsequently asked the Department whether, if they had known at the time of the application on behalf of Mr Gasparo that Mr Gasparo had relatively recently been active as a male escort, a pass would have been authorised. The Deputy Serjeant at Arms has replied:

Had I been aware of this fact, I would not have granted him (Mr Gasparo) a pass as I would have considered such activities to be a potential security risk. I would have taken the same point of view had Mr Betts' potential member of staff been female with a recent history of escort service.

A copy of the Deputy Serjeant's letter is at Appendix 6.

33. I put the Deputy Serjeant at Arms' letter to Mr Betts and he responded in writing on 27 June 2003 (see Appendix 8);

There is absolutely no question of me misleading or attempting to mislead anyone in the application for a pass for Mr Gasparo. The application was made on a bona fide basis and there was no failure to disclose any information in the procedure which I followed precisely. I genuinely believed that Mr Gasparo had given up his escort activities and that he was rehabilitating himself from that occupation so it did not occur to me that it might have been relevant as a security issue. I do of course respect the view of the Deputy Serjeant at Arms that he would have considered Mr Gasparo's previous escort activities as a potential security risk and would have not have issued a pass. However, I beg to differ that there was or might have been a potential security risk or how any such risk could have materialised. Like any other MP I believe that I was entitled to rely on the efficiency of the vetting procedures that operate when pass applications are made. As mentioned in paragraph 29 of the Commissioner's draft memorandum¹ the Serjeant at Arms does not offer advice on the security implications of staff employment. I therefore followed the procedure as I had understood it.

34. The Immigration and Nationality Directorate of the Home Office has confirmed that students given leave to enter to pursue a course of study in the United Kingdom are authorised to take casual employment for up to 20 hours per week in term time, without needing to obtain specific permission.

(2) Mr Gasparo's Immigration Status

35. According to information from the Directorate, it is unclear when Mr Gasparo first arrived in the United Kingdom but by the time he returned from Venice with Mr Betts, the leave to enter he had most recently been given had expired the day before, on 19 February 2003. This confirms Mr Betts' account. On entering at Stansted on 20 February, he was given two months 'leave to enter' as a student and told to submit an application to the Home Office, supported by full documentation, for a further extension. In the event, he did not do so.

36. The published requirements in force at the time for a person seeking leave to enter the United Kingdom as a student were, in summary, that he:

- i) had been accepted for a course of study at a publicly funded or bona fide private education institution or school;
- ii) was able and intended to follow a full-time degree or other course of study;
- iii) intended to leave the United Kingdom at the end of his studies; and
- iv) did not intend to engage in business or to take employment, except part-time or vacation work undertaken with the consent of the Secretary of State for Employment; and

¹ In accordance with the practice agreed by the Committee I shared with Mr Betts those parts of the report which dealt with issues of fact.

- v) was able to meet the costs of his course and accommodation and the maintenance of himself and any dependents without taking employment or engaging in business or having recourse to public funds.

37. As regards the alleged alteration of the letter from the City of London College, it is relevant to record that Section 26 (1) of the Immigration Act 1971 (as amended) states inter alia:

A person shall be guilty of an offence punishable on summary conviction with a fine of not more than £5,000 or with imprisonment for not more than six months, or with both, in any of the following cases-

(c) if on any such examination or otherwise, he makes or causes to be made to an immigration officer or other person lawfully acting in the execution of this Act a return, statement or representation which he knows to be false or does not believe to be true;

(d) if, without lawful authority, he alters any certificate of patriality, entry clearance, work permit or other document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any passport, certificate of patriality, entry clearance, work permit or other document which he knows or has reasonable cause to believe to be false;

38. As to what happened when Mr Gasparo and Mr Betts returned from Venice through Stansted airport on 20 February, the Directorate has supplied a copy of a statement made by the Immigration Officer on duty at the time. A copy of the statement, made 10 days after the event, is at Appendix 7. This confirms that Mr Gasparo was unable to provide evidence that he could maintain and accommodate himself, or a receipt to show that he had paid his course fees. The report continues:

When I explained that I was unable to grant entry to the passenger for the duration of his course due to the lack of evidence provided, I recall having to explain this several times to the passenger and his boss as his boss in particular was reluctant to accept this. I explained that I would stamp the passenger's passport for two months on a code two which would enable him to get his paperwork in order and apply to the Home Office for an extension of his student stamp.

39. Mr Betts' commented "*there was no discussion or questioning of this decision; rather my feeling was one of overwhelming relief that the letter had played no part in the decision that the officer had made. I certainly did not express any reluctance to accept her decision. My contribution to the conversation was to explain about the letter which I may have been doing at some length when the officer interrupted to make her position clear. I can only surmise that she mistakenly interpreted my explanation about the letter as reluctance, which was not my attitude; rather I was anxious to co-operate. Finally, the officer's statement makes it clear that the amended letter played no part in the granting of the visa extension*".

40. Mr Betts told me that he had explained at some length to the Immigration Officer that the letter from the college was a copy of a fax, and that the original differed from the document presented to her. The Immigration Officer states;

I do not recall if the letter I was shown from the City of London College was a fax or the original document. Secondly I most certainly recall that no mention was made by either party that the document had been altered in any way as this would have led to at the least a further interview and most probably Mr Gasparo being refused entry to the UK. (Appendix 9).

41. In conversation with me on 30 June, Mr Betts repeated that the Immigration Officer had stopped the conversation short and suggested that, having made up her mind that she was not able to grant the visa Mr Gasparo sought, she was no longer paying attention to Mr Betts when he drew attention to the fact that the document was a fax and differed from the original.

42. The Immigration Officer does not recall Mr Betts representing himself as an MP during these exchanges. This confirms Mr Betts' account.

Findings of Fact

43. Having considered this evidence, I reach the following findings of fact.

(1) Mr Gasparo's Employment

44. Mr Gasparo's employment as a temporary part-time office assistant by Mr Betts was occasioned by the failure of an internship arrangement and mounting pressure in Mr Betts' Parliamentary office. The terms on which Mr Gasparo was employed were consistent with the requirements of the House. He was permitted to take up part-time employment of this sort under the terms of his then student visa.

45. Mr Betts was careful to ensure that Mr Gasparo could do the job for which he was recruited. There is no suggestion in the evidence that Mr Gasparo did not do the job; rather it seems that he did it perfectly satisfactorily.

46. At the time he recruited Mr Gasparo, Mr Betts was in a close friendship with him. He knew that Mr Gasparo had relatively recently worked as a male escort. However, he was not (according to his evidence) aware during the time Mr Gasparo worked for him that Mr Gasparo was (according to the reports in the 'Sun' newspaper) continuing to work as an escort.

47. When Mr Betts sponsored Mr Gasparo's application for a Parliamentary pass, he did not reveal that Mr Gasparo had recently worked as an escort. He did not believe that Mr Gasparo's past represented a threat to national security and thought that this aspect would in any event be dealt with by the checks carried out by the security authorities. However, Mr Gasparo's past was not known to the security authorities, there being no criminal convictions or suggestion of terrorist involvement. As there was no information to suggest otherwise, the issue of the pass to Mr Gasparo was authorised. In the event, however, the pass was not issued because, meanwhile, Mr Gasparo had ceased to work for Mr Betts.

48. According to the Deputy Serjeant at Arms, if he had known about Mr Gasparo's past activities he would not have issued him with a pass, on the grounds that he would have considered such activities a potential security risk. Mr Betts, while accepting that the

Deputy Serjeant holds this view, disputes his assessment as to whether any security risk would have been involved had a pass been issued.

49. Mr Betts was punctilious in re-paying out of his own pocket the overpayment of salary made to Mr Gasparo as a result of Mr Gasparo's early departure from his employment.

(2) Mr Gasparo's Immigration Status

50. Mr Gasparo had a valid student visa at the time he began working for Mr Betts. This was due to expire on 19 February 2003. Mr Gasparo intended to apply for a new visa when he returned to the United Kingdom after his holiday with Mr Betts.

51. Mr Betts helped Mr Gasparo to obtain a place on a travel and tourism course at the City of London College. He gave Mr Gasparo a letter confirming employment, paid the course registration fee of £50 and loaned him £4,000 to ensure that he had the funds to ensure that he could pay for his course. He obtained advice for Mr Gasparo on aspects of his visa application. However, Mr Gasparo failed to act on this advice when the two men left for their holiday in Venice.

52. According to Mr Betts, in traumatic circumstances on the last afternoon of their holiday, Mr Gasparo removed the last paragraph of a faxed letter from the City of London College which he believed would be injurious to his (Mr Gasparo's) chances of securing a fresh student visa. Under pressure from Mr Gasparo, Mr Betts photocopied the altered letter as the two men made their way to the airport at Venice. Mr Betts tried to persuade Mr Gasparo not to produce this altered copy letter to the Immigration Officer at Stansted but somehow or other Mr Gasparo produced an altered copy when the two arrived at Stansted.

53. Mr Betts followed Mr Gasparo through the immigration channel at Stansted. He participated in the conversation between Mr Gasparo and the Immigration Officer but the Officer does not recall him representing himself as a Member of Parliament during that conversation. On that, Mr Betts and the Immigration Officer are agreed. Their evidence differs, however, as to whether Mr Betts drew the attention of the Immigration Officer to the fact that the document submitted by Mr Gasparo was a fax and that it differed from the original in that the final paragraph of the letter had been removed.

54. The Immigration Officer on duty gave Mr Gasparo two months leave to enter as a student and told him to submit an application to the Home Office for an extension. He has not done so and his current whereabouts are unknown.

Conclusions

55. This is a novel case, not least because it is the first in which a Member has asked the Commissioner to investigate whether his or her conduct in a particular situation complied with the Code of Conduct and Rules of the House. The decision of the Committee on Standards and Privileges to authorise me to respond positively to the request to investigate his conduct in Mr Betts' letter of 28 February—taken before Mr Barnbrook's letter of complaint was received—represents a significant strengthening of previous arrangements. It indicates the Committee's willingness to take the initiative in authorising an

investigation, when I place a request before it, without waiting for a complaint from a Member or a member of the public.

56. Mr Betts deserves considerable credit for requesting an investigation of his own conduct. He could have sat tight when the ‘Sun’ newspaper stories circulated, and waited to see whether or not a complaint would materialise. The fact that he took the initiative in requesting an investigation and in coming to see me should weigh much in his favour.

57. Before turning to consider the application of the Code of Conduct and Rules of the House to Mr Betts’ actions in relation to Mr Gasparo, it is important to stress again that:

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.

The nature of Mr Betts’ personal relationship with Mr Gasparo is not therefore of interest to the Committee or to me. It may only become of concern in so far as it may be relevant to evaluating Mr Betts’ conduct in relation to his obligations under the Code.

58. Nor is Mr Betts’ sexuality relevant to the application of the Code. In assessing Mr Betts’ actions, my judgement must be the same whether Mr Betts’ relationship had been with a man or a woman.

(1) Mr Gasparo’s Employment

59. The Code of Conduct provides that:

No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.

60. The rules relevant to Mr Gasparo’s employment by Mr Betts principally concern those relating to the staffing allowance. These say that the allowance is provided “*to meet the costs wholly, exclusively and necessarily incurred on the provision of staff to help Members perform their Parliamentary duties*”.

61. There is no bar on Members employing relatives, partners or personal friends on their staff. The relevant considerations in interpreting the rules relating to the allowance should, I suggest, include;

- is the person employed to meet a genuine need in supporting the Member in performing their Parliamentary duties?
- are they qualified/able to do the job?
- do they actually do the job?
- are the resulting costs, in so far as they are charged to the allowance, reasonable and entirely attributable to the Member’s Parliamentary work?

62. On the evidence available, all these questions can be answered affirmatively in relation to Mr Betts’ decision to employ Mr Gasparo. The failure of the planned internship meant

that there was a genuine need in the office. Mr Gasparo was employed on duties involving opening post, making appointments, maintaining the London diary and general clerical duties which were supportive of Mr Betts in his parliamentary functions. Mr Betts took care to ensure that Mr Gasparo was capable of doing the job and, on the evidence of those in a position to judge, Mr Gasparo did the work entirely satisfactorily. The rate of pay set by Mr Betts was, in the view of the Finance and Administration Department, reasonable for the sort of work Mr Gasparo was engaged to do and Mr Betts rapidly repaid out of his own pocket the money which the Department inadvertently overpaid Mr Gasparo because of the sudden ending of his employment.

63. Mr Betts did not therefore contravene any rules of the House relating to the staffing allowance in employing Mr Gasparo.

64. There is, however, a second element relevant to my consideration of Mr Betts' employment of Mr Gasparo. In its coverage of these matters the 'Sun' newspaper alleged that Mr Betts' decision to employ Mr Gasparo resulted in a threat to national security, given Mr Gasparo's history as a male escort worker. Mr Betts rejects this argument. At no time did Mr Gasparo work on or have access to matters to do with national security. Mr Betts did not at any stage believe that employing Mr Gasparo represented such a threat. He believed, further, that such matters were in any event for the judgement of the relevant authorities when they considered the application for a Parliamentary pass for Mr Gasparo which Mr Betts had sponsored.

65. The checks carried out when that application was received were for previous criminal convictions or known terrorist involvement. Mr Gasparo had neither, and so the issue of a pass was authorised. The pass was not in fact issued because Mr Gasparo had by then ceased to work for Mr Betts.

66. There is no evidence that national security was compromised during the short period Mr Gasparo worked for Mr Betts. Nonetheless the letter from the Deputy Serjeant at Arms (at Appendix 6) indicates that had the House authorities known that Mr Gasparo had relatively recently been active as a male escort, they would not have issued a pass to him, regarding his activities as a potential security risk. (They would have taken the same view had Mr Betts' [potential] member of staff been a female with a recent history of escort service.) Mr Betts did not reveal Mr Gasparo's recent history as a sex worker to them, believing that Mr Gasparo was rehabilitating himself and that the security checks would reveal anything relevant.

67. Although he did not contravene any rules of the House relating to the staffing allowance in employing Mr Gasparo, in employing someone with Mr Gasparo's history, Mr Betts was undoubtedly taking a risk. In the view of the Deputy Serjeant at Arms (though not of Mr Betts himself) he was taking a risk with the security of the House. Equally, he was taking a risk with his own reputation—in that he might be exposing himself to unfavourable press comment with resultant distress to himself—and also with the reputation of the House. Past experience indicates how the inadvertent grant to a person with a history of work in the sex industry of the privileged access to Parliament which a pass affords can become a cause of public scandal, and thereby risk damaging public confidence in Parliament. Mr Betts had a duty of care in this respect, to other Members and to the House itself.

68. The Code of Conduct provides that:

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute.

I understand that the application for a Parliamentary pass for Mr Gasparo was a natural consequence of the decision to employ him, which was not, in itself in breach of the rules of the House. Nonetheless, I believe that it was an error of judgement. I also conclude that in endorsing this application Mr Betts committed a breach of the Code of Conduct in respect of the provision quoted above.

69. This aspect of the case gives rise to a further consideration. As noted in paragraph 29 and commented upon by Mr Betts, the Serjeant at Arms does not issue guidance on the security implications of staff employment. The experience of this case may give grounds for considering whether such guidance could be useful, and the Committee may wish to invite the Serjeant at Arms to consider whether any such should be issued.

(2) Mr Gasparo's Immigration Status

70. When Mr Betts decided to employ Mr Gasparo, the latter had a valid student visa which permitted him to work up to 20 hours a week. The visa was due to expire on 19 February 2003. Just as Mr Betts took careful steps to interview Mr Gasparo and obtain a reference for him before employing Mr Gasparo in his office, so he was careful to ask Mr Vincent to obtain advice for Mr Gasparo about his application for a new visa.

71. There is no suggestion that in asking Mr Vincent to obtain this advice Mr Betts made any improper use of his position as a Member. Nor did he refer to that position when he returned with Mr Gasparo through Stansted on 20 February after their holiday in Venice. The Immigration Officer on duty at Stansted at the time who interviewed Mr Gasparo confirms this.

72. An evaluation of Mr Betts' conduct in relation to this issue turns on what happened concerning the alteration to the letter from the City of London College and whether the attention of the Immigration Officer was drawn to this alteration when Mr Betts and Mr Gasparo returned together through Stansted.

73. There is no dispute that the letter was altered to remove the final paragraph. Mr Betts says that the alteration was made by Mr Gasparo and I see no reason to doubt his assertion.

74. Mr Betts has acknowledged that, in the traumatic circumstances of the final afternoon of their holiday in Venice, and under pressure from Mr Gasparo, he took a photocopy of the altered letter. However, he tried to persuade Mr Gasparo not to produce his altered letter to the Immigration Officer at Stansted, and thought that he had succeeded. Somehow or other Mr Gasparo did nonetheless show the Officer such a copy (whether the one Mr Betts had taken or one Mr Gasparo had somehow, unknown to Mr Betts, obtained is uncertain).

75. Were Mr Gasparo, at some future time, to seek to obtain fresh leave to enter the United Kingdom, it may be that his conduct would be of interest to the immigration authorities in relation to the provisions of Section 26 (1) of the Immigration Act 1971 (as amended) to which I refer to in paragraph 37 above.

76. As to Mr Betts' conduct, while I accept that in taking the photocopy Mr Betts was under enormous emotional pressure and that (according to his evidence) he sought to persuade Mr Gasparo not to use it, I believe that when he saw Mr Gasparo present the copy of the altered document to the Immigration Officer, Mr Betts' obligation (which Members share with other citizens, which is specifically embodied in the Code, and which applies to them whether or not they are acting in an official capacity) made it incumbent on him to draw the Immigration Officer's attention to it.

77. The critical issue here is what was said to the Immigration Officer and whether she was told that the document differed from the original. There is dispute about this. The Immigration Officer recalls that she was not. In favour of her view are the likelihood that such a statement would have been so unusual as to stay in her memory and the probability that it would have had a material influence on her assessment of the case, including her decision as to whether Mr Gasparo should be allowed back into the UK. Mr Betts is equally unshakeable in his contention that he did draw attention not only to the document's being a copy but also to its differing from the original.

78. I am here presented with a straight conflict of evidence which it is only possible to resolve if I accept that the Immigration Officer, having made up her mind about the case on other grounds, interrupted and failed to note Mr Betts' statement. Mr Betts has offered a similar explanation for the Immigration Officer's belief that he disputed her decision, which he puts down to her mistaking his attempts to explain the letter for a desire to argue about her decision.

79. Mr Betts was under the same obligation as any other citizen not to connive at an attempt to mislead an Immigration Officer. Had he failed to draw the attention of the Immigration Officer to the altered nature of the document presented to her, that would, in my view, have constituted a serious breach of the Code in respect of his duty to uphold the law. The evidence on this point is not sufficiently conclusive, and for that reason I do not find that Mr Betts has breached the Code in this respect. Nonetheless, I believe that, taken overall, his conduct in this matter—especially in relation to taking the photocopy of the altered letter—fell below the standard expected of a Member of Parliament. He should have refused entirely to become involved in Mr Gasparo's apparent attempt to mislead the Immigration authorities.

Summary

80. To sum up, in my view Mr Betts has committed two errors of judgement. The first was his decision to appoint Mr Gasparo to his staff, given his recent history, and, in particular, to apply for a House of Commons pass for him. This error of judgement, although it may have been made for laudable reasons (see paragraph 33), might have exposed the House to a security risk and certainly exposed it to a reputational risk. I therefore conclude that in his decision to apply for a House of Commons pass for Mr Gasparo, Mr Betts was in breach of the obligation under the Code of Conduct to conduct himself in a manner which

will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never to undertake any action which would bring the House of Commons, or its Members generally, into disrepute.

81. The second error of judgement was to take a photocopy of the altered document. Having done this, on Mr Betts' own explanation, he did everything within his power to prevent Mr Gasparo from using it and when, despite this, Mr Gasparo did so, he pointed out to the Immigration Officer that the document was neither the original nor identical to the original. Given the straight conflict of evidence on this last and crucial point between Mr Betts' evidence and that of the Immigration Officer, I do not find that Mr Betts was in breach of the Code of Conduct in respect of his duty to uphold the law. Taken overall, however, I conclude that his conduct in the matter, and especially in respect of the photocopy, fell below the standard expected of a Member.

82. In reaching its own assessment of Mr Betts' conduct, the Committee will want to bear in mind considerable psychological pressure on him on the day of his return from Venice and Mr Betts' welcome decision to ask for an investigation into his conduct.

3 July 2003

Sir Philip Mawer

Appendices to Appendix A

Appendix 1: Letter to the Commissioner from Mr Michael Barnbrook

Re: Clive Betts MP for Sheffield Attercliffe

With reference to my 'E' mail to you on 5 March, 2003 and your response on 6 March, 2003 relating to my complaint against Clive Betts, Member of Parliament for Sheffield Attercliffe.²

As requested I am making a written, signed letter of complaint against Mr Betts based on an article in the Daily Mail on 5 March, 2003.

According to the article Mr Betts has volunteered to be investigated by you regarding his apparently misleading voters over details of his relationship with a Mr Jose Gasparo and the subsequent security concerns about his application for a Commons Pass for Mr Gasparo.

You, however, are unable to concede to Mr Betts offer unless you receive a complaint from a third party. It is for this reason I wish to register a complaint.

As I do not personally have evidence regarding my complaint I am requesting that you investigate the matter under the same conditions as my recent complaint against Mr Michael Trend MP.

Paragraph 15, subsection (b) and (c) of your Memorandum submitted to the Committee on Standards and Privileges in the Third Report of Session 2002–03 covers this point.

As stated in Paragraph 15, although you would not normally regard a complaint founded upon no more than a newspaper story as a substantiated allegation it would

b) be difficult in the circumstances of this case for a member of the public to provide evidence additional to that published by the Daily Mail and

c) the allegations are serious. It is in the interests of all concerned—including the House and the public—that they are seen to be properly investigated.

This will give you the remit to carry out an investigation.

I look forward to hearing from you.

9 March 2003

Appendix 2: Letter to Mr Clive Betts from the Commissioner

Further to my letter of 11 March³ and our subsequent telephone conversation, I am writing to seek your account of the circumstances relating to your dealings with Mr Jose Gasparo, with particular reference to their possible implications for the Code of Conduct applying to Members of the House.

As you know, the Code does not apply to Members in their private life, and I emphasise again that I am not concerned with issues concerning your sexuality. I am concerned to understand your relationship with Mr Gasparo only in so far as it may be relevant to assessing actions taken by you in your public capacity.

2 Not appended to the Commissioner's memorandum.

3 Not appended to the Commissioner's memorandum.

You already have a copy of notes of guidance sent to Members who are the subject of a complaint, which set out the procedure I follow when conducting an inquiry. I should reiterate that any information you give me may have to feature in any report I may make to the Committee on Standards and Privileges. However, both the Committee and I are sympathetic to omitting confidential or private information from our published reports where this is not germane to an understanding of our conclusions.

My inquiries will focus particularly on two aspects of your conduct which appear at first sight to be relevant to the Code of Conduct for Members of the House:

1. Whether, in employing Mr Jose Gasparo temporarily in your office, you observed properly the rules of the House relating to the employment of staff, in particular those relating to the staffing allowance made available to Members for this purpose; and
2. Whether your actions in connection with your return with Mr Gasparo to this country from a holiday in Venice—and in particular the alleged ‘doctoring’ of a letter from the City of London College relating to Mr Gasparo—were appropriate bearing in mind the provisions of the Code.

In examining these matters, the following provisions of the Code may particularly be relevant:

- the duty on Members to uphold the law and to act on all occasions in accordance with the public trust placed on them;
- the obligation to observe the general principles of conduct applying to holders of public office, including selflessness, objectivity, honesty and leadership;
- the duty to follow the public interest and to resolve any conflict between public and private interest, at once, in favour of the former;
- the responsibility not to bring the House into disrepute;
- the obligation to use parliamentary payments and allowances properly and strictly to observe the rules applying to them.

In order for me to assess the two aspects of your conduct I have mentioned above, I should be grateful if you will give me an account in your own words of the circumstances surrounding them. It would be helpful if this account could, without preventing you from covering any other matters which you consider at all relevant, address the following points:

A. Mr Gasparo’s Employment

1. When and where did you first meet Mr Gasparo?
2. What was the nature of your relationship with him?
3. When and why did you employ Mr Gasparo? For how long did you employ him? On what terms and who paid? Did he have a contract or letter of appointment? If so, may I see it? If he did not, why not?
4. What was the nature of his duties?
5. What steps did you take to ensure that he was competent to undertake those duties?
6. Were you satisfied that he undertook all those duties satisfactorily, including working the hours he was expected to work?
7. Were you satisfied that his employment by you was consistent with the terms on which Mr Gasparo had been given leave to enter the UK? What action did you take to ensure this?
8. When and why did Mr Gasparo cease to work for you?

9. During the period of his employment by you, did Mr Gasparo have free access to the Palace of Westminster? If not, what arrangements were made for him to have access to your office or to you?

10. Whilst employed by you, did Mr Gasparo have any access to material of a national security nature, or to any other material of a confidential character? If so, please describe (without breaching confidentiality) the nature of the material.

11. Did you apply for a House of Commons pass for Mr Gasparo? Why? Did you have any reservations about doing so? If so, why?

12. On what date did you apply? Was the pass issued? If not, why not?

B. Mr Gasparo's Immigration Status

13. Am I correct in understanding that Mr Gasparo is a Brazilian national? If so, what was Mr Gasparo's immigration status in the UK when you employed him?

14. What sort of visa did he have? When did it run out? When did you become aware that it would expire?

15. I understand that you went on holiday with Mr Gasparo to Venice during the 'half term' parliamentary recess in February and that a document relevant to Mr Gasparo's immigration status was faxed out to your hotel while you were in Venice. What was the nature of this document? Why was it necessary for it to be faxed to you?

16. On receiving the document, did you alter it in any way? If so, in what respect(s) did you alter it and how? What was your intention in making any alteration?

17. What happened when you and Mr Gasparo arrived in the UK on your return from Venice? Was the faxed document presented to the immigration authorities? By whom? Did you or Mr Gasparo draw attention to any features of the document? Did you represent yourself as acting in any official capacity for Mr Gasparo?

18. What was the response of the immigration authorities to Mr Gasparo's request to re-enter the UK?

19. Did you subsequently have any dealings with the authorities on behalf of Mr Gasparo about his immigration status?

20. When did you cease to have contact with Mr Gasparo and why?

If you would find it helpful to discuss any of these matters with me before letting me have your written response, please do not hesitate to contact my office.

I am copying this letter to Mr Napier, as you have requested.

19 March 2003

Appendix 3: Memorandum submitted by Mr Clive Betts

Mr Gasparo's Employment

1. In response to the first aspect of my conduct raised by the Commissioner I believe that I did properly observe the rules of the House in employing Mr Gasparo as my temporary office assistant and that I did not breach the code of conduct.

2. My account of the circumstances relating to Mr Gasparo's employment is set out below. The documents referred to by notation are attached at Appendix 1.⁴

3. Due to pressure of work in my Parliamentary office, including my Select Committee responsibilities, my Permanent Part Time Parliamentary Assistant, Alison McGovern, was spending too much time on basic clerical duties and too little time on research. I therefore considered making an additional part time appointment but decided to wait until the completion of a planned short term internship which had been arranged with Global Eyes Student Programmes. I had received confirmation on 28 December¹ that the intern arrangement was being made. However, shortly before the internship was due to commence, I received an email² dated 8 January advising that due to the international situation and lack of volunteers the intern programme had been cancelled. It was too late to arrange an internship with another organisation so I decided that I would engage temporary assistance either by using the House of Commons network to ascertain whether another MP's assistant needed additional temporary work (this is common practice) or by recruiting via an employment agency which would have involved additional expense.

4. When I informed my friend Mr Gasparo about cancellation of the internship he indicated an interest in the job and confirmed this by email.³ He was a college student in London, spoke fluent English and had clerical office experience in the travel industry in Brazil. Together with my parliamentary assistant, Alison McGovern,⁴ I interviewed Mr Gasparo who produced his passport with visa stamp inside. We agreed to employ him for 12 hours per week on a two week trial basis, commencing on 22 January 2003, subject to receiving a satisfactory reference from his college and confirmation that his student status allowed him to engage in temporary employment. The job he had applied for entailed opening post, making appointments, maintaining the London diary and general clerical duties. If the trial period was successful we would extend it by a short term contract to the end of March when the internship would have ended.

5. Following advice from the House of Commons Fees Office about pay scales I offered Mr Gasparo £6 per hour, slightly above the lowest rate.⁵ I checked his passport and visa and ascertained that he was entitled to work a maximum of 20 hours per week during term time. I contacted his tutor as UIC by telephone on 21 January and received a highly satisfactory verbal reference,⁶ followed by a written reference⁷ which arrived on 28 January. Because the need for assistance was urgent and because I had received a satisfactory verbal reference I was satisfied that Mr Gasparo should start work on 22 January prior to conclusion of the formalities of his employment.

6. Because it is proper procedure to apply for a security pass for MPs' staff and because the lack of a security pass placed additional burdens on me and my parliamentary assistant (Mr Gasparo could not even go to the Post Office in the House of Commons without an escort) an application for a security pass was made on January 23. The application form was returned because Mr Gasparo was not immediately able to provide all the detailed information required but it was resubmitted on 30 January.⁸ Security clearance to enable a pass to be issued was received by email⁹ on 24 February. However, by this time Mr Gasparo's employment had ended so a pass was not issued. During the period 22 January to 14 February when his employment ended Mr Gasparo did not have a security pass and had to be escorted. Other than short trips to the photocopier, toilet and Vote Office in One Parliament Street he was always escorted. To the best of my knowledge he was required only twice to go from One Parliament Street to another part of the Palace of Westminster and on each occasion he was escorted.

7. Mr Gasparo neither worked on nor had access to any matters with national security implications. Neither I nor my office have such access. In relation to letters from constituents Mr Gasparo's only task was to send an acknowledgement. From his interview he was well aware that he had to treat all documents as confidential. I do not believe that allowing Mr Gasparo the very restricted access that he had to my office in One Parliament Street created any security risk. I emphasise that (1) his job was in my office which did not receive any security sensitive information; (2) at all times Mr Gasparo was escorted other than the short trips referred to in paragraph 6; (3) by the time that a security pass was issued Mr Gasparo had left my employment which would in any event only have lasted until the end of March; (4) even if a pass had been issued during Mr Gasparo's employment it would only have given him restricted access to the post office, the Vote Office and catering facilities and I do not believe would have created any security risk; (5) no evidence has been produced to

4 See "List of documents appended to Mr Betts' memorandum" and Appendix A, paragraph 9.

support any suggestion of a security risk. In addition, no one I have spoken to believes that the security risk suggestion is anything other than an attempt to justify “in the public interest” an unwanted intrusion into my private life. It is interesting that none of the broadsheet newspapers have given this issue any attention or credence.

8. As part of the proper formalities of Mr Gasparo’s employment I ensured that he applied for a National Insurance number. Attempts to use the Benefits Agency Hotline were unsuccessful so on 28 January I accompanied him to the Benefits Agency at Tavistock Square where he applied for a National Insurance number¹⁰ and I provided a letter of confirmation.¹¹ Whilst there I ascertained that Mr Gasparo could work for a maximum of 20 hours during term time and longer during the vacation.

9. Also as part of the proper formalities of Mr Gasparo’s employment, I completed the relevant Inland Revenue reference form¹² and made arrangements for him to be paid by completing form A¹³ which was returned to the fees office.

10. Mr Gasparo’s work during the two week trial period was extremely good and he carried out his duties to the satisfaction of both myself and my assistant. He began to take the Sheffield diary work from my constituency office. My Parliamentary Assistant and I therefore agreed to extend his employment to the end of March. A formal contract of employment for the short period of seven weeks was not actually completed. I was waiting for confirmation of Mr Gasparo’s National Insurance details and security clearance. I was also under extreme pressure of work. Frankly, I put the employment contract aspect on one side until after the Parliamentary recess.

11. On 22 February Mr Gasparo told me that because of media attention he did not wish to return to work in my office. I agreed that his employment should cease immediately. It subsequently came to my attention that Mr Gasparo was inadvertently paid by the Fees Office on the assumption that he would have worked for the whole of February. I promptly regularised this situation.¹⁴

12. I am satisfied that Mr Gasparo’s temporary employment represented good value for the public purse. I have now made an additional permanent part time (19 hours) appointment to carry out general clerical duties at £6 per hour. I also believe that the arrangements for Mr Gasparo’s employment as described above were proper and in accordance with the MPs Code of Conduct

List of documents appended to Mr Betts’ memorandum:

1. E-mail to Mr Clive Betts from Global-Eyes Student Programmes, confirming internship, 28 December 2002.
2. E-mail to Mr Betts from Global-Eyes Student Programmes, confirming contents of an e-mail of 8 January 2003, 10 April 2003.
3. E-mail to Mr Betts from Mr Jose Gasparo, confirming his interest in a job vacancy, 20 January 2003.
4. Statement by Ms Alison McGovern, Mr Betts Parliamentary Assistant, 10 April 2003.
5. Copy of House of Commons guidance on pay rates for members of staff.
6. Handwritten note of questions asked during telephone reference for Mr Gasparo.
7. Written reference for Mr Gasparo from his English tutor at UIC, 28 January 2003.
8. Mr Gasparo’s completed pass application and security questionnaire, 30 January 2003
9. E-mail to Mr Betts from the Assistant Pass Office Manager, regarding Mr Gasparo’s pass application, 24 February 2003.
10. Copy of Mr Gasparo’s application form for a National Insurance number, 28 January 2003.
11. Letter to the Benefits Agency from Mr Betts, confirming Mr Gasparo’s employment, 28 January 2003.

12. Copy of Mr Gasparo's completed Inland Revenue form, 23 January 2003.
13. Copy of Mr Gasparo's completed form A (form of authority for the Direct Payment of Secretarial Salaries), 23 January 2003.
14. Letter to the Finance and Administration Department from Mr Betts, regarding over payment of Mr Gasparo's salary, 3 April 2003.

12 June 2003

Appendix 4: Memorandum submitted by Mr Clive Betts

Mr Gasparo's Immigration Status

1. In response to the second aspect of my conduct raised by the Commissioner I believe that my behaviour was not inappropriate and that I have not breached the provisions of the Code of Conduct.
2. My account of the circumstances relating to Mr Gasparo's Immigration status are set out below. The documents referred to by notation are attached at Appendix 2.⁵
3. Mr Gasparo is a Brazilian national and when I employed him was a legitimate temporary resident holding a student visa, studying on an English course in London.
4. Mr Gasparo's English course was due to end in March. He was looking to take a place on a new course on travel and tourism. He was aware that if he were to continue studying in England he would need a new student visa because his existing visa was due to expire on February 19. It was therefore his intention to take a short overseas break and apply for a new student visa (as he was entitled to do) when returning through entry control. I was also planning to take a holiday abroad so we agreed to go together.
5. I made the travel and hotel arrangements for the holiday. Mr Gasparo made arrangements relating to his need to obtain a new visa on his return. In my capacity as his employer I supplied him with a letter¹ certifying that he had employment and that he had a college place. In addition Mr Gasparo asked me whether the production of evidence that the registration fee of £50 had been paid for his new course would be sufficient to support his visa application. I did not know the answer but after my constituency assistant Steven Vincent (who did not know either) made some general, non specific, enquiries² he provided me with the relevant information³ which is available to any member of the public. He also mentioned the importance of producing original documents including bank statements. However, Mr Gasparo was dismissive about this aspect and travelled abroad without original documents or bank statements.
6. On the final day of the holiday in Venice Mr Gasparo and I were "door stepped" by press photographers which came as a great shock. My friendship with Mr Gasparo was likely to be made public and my gay sexuality was likely to be "outed". I was extremely distressed at the prospect of being "outed" by the tabloid press. I had already arrived at the very difficult decision to make public my sexual orientation but wished to control how this was done as well as timing disclosure because of the need to have discussions beforehand with family, friends, staff and parliamentary colleagues.
7. Mr Gasparo was also very distraught about the possibility of a story appearing in Brazilian newspapers and the upset this would cause to his parents. He was additionally distressed about the delay in him receiving a fax from the City of London College confirming a reserved place on a course. He believed that he needed to produce such a letter in support of his application for a new visa.
8. The fax from the City of London college eventually arrived, less than an hour before we were due to leave for the airport. It contained the words:

5 See "List of documents appended to Mr Betts' memorandum" and Appendix A, paragraph 9.

“You may use this letter to process foreign exchange. However, to obtain a student visa overseas students will require the Certificate of Enrolment, which is issued on receipt of the fees stated above in this letter”.⁴

Mr Gasparo became very upset when he read this because it was contrary to the advice I had received from my assistant. Mr Gasparo wanted to remove these words from the fax. I told him that this was unnecessary but he was determined and did so. He would not leave for the airport without a copy of the amended letter and pressurised me into doing so. Given the press attention, we were under considerable emotional pressure but despite this I successfully persuaded Mr Gasparo not to use the amended letter because I knew that, not being an original, it would not be accepted.

9. However, contrary to what had been agreed, Mr Gasparo produced the amended letter⁴ to the Immigration Officer when we arrived at Stansted Airport. I was very alarmed that he had produced the letter and explained to the Immigration Officer that it was not an original document and that it differed from the original. The Immigration Officer was not interested in my explanation because she said that apart from the letter not being an original, Mr Gasparo had not produced bank statements or any other documentation to confirm financial support. Nevertheless, she was willing to extend his existing visa for two months, giving him time to produce the original documents necessary in an application for a new student visa.

10. At immigration I did not represent myself as a Member of Parliament. Indeed, throughout the whole episode, I did not represent myself in acting in any official capacity for Mr Gasparo. Further, I did not have any subsequent dealings with the authorities about Mr Gasparo’s immigration status.

List of documents appended to Mr Betts’ memorandum:

1. Open letter from Mr Clive Betts, confirming Mr Gasparo’s employment, 10 February 2003.
2. Statement by Mr Steven Vincent, Assistant to Mr Betts, regarding the events of 14 February 2003, 11 April 2003.
3. General information regarding student visas.
4. Letter of acceptance to Mr Jose Gasparo from City of London College, 20 February 2003.

12 June 2003

Appendix 5: Note of the Commissioner’s meeting with Mr Clive Betts

Meeting on 21 May 2003

Present: Sir Philip Mawer, Parliamentary Commissioner for Standards
Ms Alda Barry, Registrar of Members’ Interests
Mr Clive Betts MP
Mr Michael Napier, Mr Betts’ solicitor.

The Commissioner explained that the purpose of the meeting was to enable him to put questions to Mr Betts on the basis of his account of events, in order to arrive at as true an understanding of what had happened as possible. It was also to give Mr Betts an opportunity to reflect on his draft response to the Commissioner’s letter of 19 March before formally submitting it.

It was necessary that the meeting be recorded; he and Ms Barry would produce a note and send it to Mr Betts and Mr Napier for comment. It would be possible to tape-record the meeting in order to verify the accuracy of the note if Mr Betts were willing.

Mr Betts said that he would rather no tape recording was made.

The Commissioner's questions would be directed mainly towards the two areas covered in Mr Betts's draft, but he might need, for context, to go beyond them. Mr Betts should answer in his own words, but Mr Napier might advise him, and add any comments of his own. Anything either said would be noted and might be used in producing the Commissioner's memorandum to the Committee on Standards and Privileges. Mr Betts would be sent a draft of the factual elements of that memorandum before it was finalised.

The Commissioner would need a signed copy of Mr Vincent's statement and the address and other bona fides of the United International College, whose tutor had provided the reference for Mr Gasparo in respect of his employment in the House. (Mr Betts here clarified that although the reference had been physically delivered to him by Mr Gasparo because of e-mail problems, he had spoken to the tutor on the phone and had confirmed the contents.)

The Commissioner said that in his letter of 19 March he had asked Mr Betts when and where he had met Mr Gasparo and the nature of their relationship. Mr Betts had not replied to this point. This might be an area which would not need to feature in his report but he would still like a reply as the information could help him understand the context of and, perhaps, the motivation for some of Mr Betts' actions.

Mr Betts said that in his draft reply, he had addressed the issue that Mr Gasparo was a friend when he had employed him. At his previous meeting, the Commissioner had said that he was interested in the relationship between Mr Betts and Mr Gasparo as far only as it impacted on Mr Betts' actions in his public capacity. The Commissioner said that he needed fully to understand Mr Betts's motives for the employment, and the context. He had understood that the two had met at the club Villa Gianni and that they were lovers. Mr Betts said that when he began to employ Mr Gasparo they had a close friendship. He did not think the public interest needed to know more. The money paid Mr Gasparo was a salary for work done.

Mr Betts said that the Sun newspaper stories about him were contrary to the public interest. The excuse that national security was involved was spurious. He might wish to take action against the Sun through the Press Complaints Commission. Mr Betts said it would be unacceptable to argue that discussion of his private life in the press was not in the public interest and outside the PCC Code of Conduct, and yet by discussing these issues as part of the Parliamentary investigation, the report of the investigation could, if made public, appear in the press without contradicting the Code. The public did not seem interested in the matter; he had not, for example, been 'bombarded' with e-mails or letters about it, and he had received many expressions of support.

The Commissioner said that Mr Betts had clearly explained the situation in his office at the time of the offer of employment. Mr Betts said it was even worse than he had suggested, as Ms McGovern was new and even before the internship fell through the need for more permanent help had been considered.

The Commissioner said that it appeared that, when the internship fell through, Mr Betts had told Mr Gasparo. Who had suggested that Mr Gasparo work for Mr Betts? Mr Betts said that he had mentioned the failure of the internship to Mr Gasparo who had suggested he could do the work and would be interested in the role. He had believed that Mr Gasparo might be interested in the role. When Mr Gasparo had suggested that he work for Mr Betts, Mr Betts had said that there must be a proper interview, and made clear that Mr Gasparo would neither get nor keep the job if he were not capable of doing it properly.

The decision to employ Mr Gasparo had been based on the needs of the office; Mr Betts was satisfied that Mr Gasparo was able to do the job and that he had done it properly.

The Commissioner commented that paragraph 6 of Mr Betts's document referred to Mr Gasparo's appointment ending on 14 February, while paragraph 11 stated that Mr Gasparo had informed Mr Betts on 22 February that he did not wish to continue in the employment. Mr Betts explained that Mr Gasparo had indeed phoned on 22; the Fees Office were not informed immediately because Mr Betts was pre-occupied with other issues surrounding his 'coming out', speaking to his constituency party, agent, family and so on. As a consequence, the Fees Office had paid Mr Gasparo on the assumption that he would continue to work for Mr Betts throughout the month. (The original agreement, to employ him for two weeks, had been extended to end of March as indicated in paragraph 11 of the draft submission.) On realising that there had been an overpayment, Mr Betts decided to repay the Fees Office. He decided that the appropriate date on which to end payment was Friday 14 February, the last day on which Mr Gasparo had actually worked before the two went on holiday together to Venice.

In answer to the Commissioner, Mr Betts said that the initiative to end the employment had come from Mr Gasparo, in a telephone conversation. The Commissioner commented that that accorded with his impression that as the holiday unfolded there had been no suggestion that the employment would cease. Mr Betts agreed that that had only happened because of the events of the last afternoon in Venice.

The Commissioner understood the practical reasons why Mr Betts had applied for a pass for Mr Gasparo. In paragraph 6 of his submission, Mr Betts said that originally the application form had been returned because Mr Gasparo was not immediately able to provide all the detailed information required, and the Commissioner asked if Mr Betts could explain further. Mr Betts explained that the problem was a technical one caused by Mr Gasparo's parents having a physical address and also a post box one, living as they did in the country.

PM noted that Mr Betts had commented in paragraph 7 of his draft response on the alleged threat to national security adduced by the Sun, stating that there had been none since neither he nor his office had access to any matters with national security implications. He asked whether Mr Betts had had any reservations about applying for a pass for Mr Gasparo in the light of his knowledge of his personal history. Mr Betts said that he had had no reservations on national security grounds.

The Commissioner asked if Mr Betts had known that Mr Gasparo was still working as a male escort. Mr Betts said that from what he knew he did not believe Mr Gasparo's employment to be a threat to national security. The Commissioner suggested that the Sun newspaper might counter that a potential security issue arose, not because Mr Betts' office handled sensitive information but because Mr Gasparo had a certain track record and could exploit his position as a pass-holder, for instance to gain information about or to embarrass others. Therefore the decision to employ him exposed people in the Palace of Westminster to risk, because of the access he enjoyed. Mr Betts said that he did not believe this to be the case because if there was any such risk that side would be dealt with by the security check. He did not know about other people's private life.

The Commissioner said that nonetheless Mr Betts did know at least that Mr Gasparo had been an escort. Mr Betts said that he did not at the time, and still did not believe that there was a security risk.

The Commissioner asked if Mr Betts had known when employing Mr Gasparo that he was still working as an escort. Mr Betts said that Mr Gasparo was his friend. He did not know anything about the rest of his life or about his other friends. He pointed out that Mr Gasparo had been paid enough for his story by the Sun to buy a house (where, he did not know). He did not know where Mr Gasparo currently was; there was a possibility he was in the UK. Mr Gasparo had tried to contact Mr Betts a few times—once by telephone, once through e-mail and once through a friend—and in the telephone call he had indicated that he was out of the country. Mr Betts was not responding to these approaches.

The visa application

The Commissioner indicated that he understood that Mr Gasparo was a Brazilian national; that he was entitled to apply for a visa on entry; that he had held a student visa; that he was therefore allowed to work for 20 hours a week; and that the visa had been due to run out on 19 February. He asked if it was the case that Mr Betts had made inquiries about the documentation necessary for Mr Gasparo to acquire a new visa. Mr Betts said that he had asked Stephen Vincent to enquire about the issue of paying the registration fee rather than the full tuition fee, as Mr Gasparo had asked him for information on this point a couple of days before they went on holiday. He had not held any detailed discussions with Mr Gasparo about the visa; Mr Gasparo had been dealing with that while he organised the holiday.

Mr Betts had looked at courses with Mr Gasparo. Mr Gasparo had asked about the payment of fees up-front and Mr Betts had agreed to ask Stephen Vincent about the matter. Mr Vincent had made some inquiries of a non-specific nature. Mr Vincent had then asked him if Mr Gasparo had the necessary bank statements etc and he had said he did not know. Mr Vincent had told him to tell Mr Gasparo that he would need a bank statement and other supporting documents. In the end Mr Gasparo had not been in possession of these so that from the point at which his visa ran out he was not going to be given a new one until he obtained them. Mr Betts had lately discovered that the rules were different between first-time applicants and people applying for a new visa, as the latter were regarded as being in a position to have opened a British bank account and therefore to be able to produce statements.

The Commissioner said that he understood that Mr Betts had paid money into Mr Gasparo's bank account. Was this so that the bank statement would show funds? Mr Betts said that it was not, and in any case would have been too late to do so; The bank statements required would also need to show funds over a three month period. He had paid £4,000 as a loan to cover the course fees (enough to cover the cost of a more expensive course which had been a possibility). He had not seen that money again and would not do so, though a friend who had overseen the transfer of personal possessions between the two men had said that Mr Gasparo admitted the debt and would pay it. The Commissioner said that he had asked about the money because the Sun had described a bank statement showing another payment of £1,000. Mr Betts said that it had not been from him.

The Commissioner noted that a fax was expected at the hotel in Venice and asked who had requested it. Mr Betts said that Mr Gasparo had done so, telephoning from the hotel; he had had to wait until that point because he did not know earlier which hotel they would be in. It was a fax copy from the college of a document which had been sent by them to Mr Gasparo's home.

Mr Betts explained that, after a most enjoyable holiday, the two had returned to the hotel on the last afternoon to find press photographers waiting. That was the first intimation he had of press interest, though some people in a bar had previously shown some interest in the pair and might, with hindsight, have been journalists.

Once in the hotel, it had proved necessary to contact the college again (there had been problems receiving the fax). Mr Gasparo had become very excited, and had rushed off to an internet shop to try to expedite matters when the fax arrived at the hotel. It had contained the sentence at the end saying that it was necessary to have a certificate of enrolment, which would be issued following payment of the full course fee, before a visa would be issued. This had seriously upset Mr Gasparo. Mr Betts had told him that the words made no difference and the entry clearance officer would make up their own mind on the basis of the facts not on the college's opinion. In the end he thought he had persuaded Mr Gasparo of his point of view. He did not tell him that he thought the fax would not help anyway because it was not an original document, as he thought it would make the situation worse.

At the time, Mr Betts—who was simultaneously trying to contact his whips, his agent and Mr Napier and was worried about whether the two men would manage to catch their return flight—regarded the fax as a minor problem. The situation had been very tense. Mr Gasparo had rushed out after the photographers. Mr Betts suffered from a post-viral medical condition, exacerbated by stress, and by this time felt an attack coming on. Walking to the ferry which would take them to the airport, Mr Gasparo had stopped at a stationer to buy some Tippex, with which he amended the document to remove the offending sentence. He then tried to go to a copying shop to have a photocopy made, but Mr Betts, increasingly worried about the flight, was afraid that if Mr Gasparo went off he would get lost and so had made a copy himself.

The reason he had made the copy himself was that he trusted himself more than Mr Gasparo, and wished to get a grip of the situation. He had returned the altered original to Mr Gasparo, since it was his document, and retained the copy. Mr Betts could have walked away from Mr Gasparo in Venice but he had felt that this would not be the action of a friend. He added, in parentheses, that in the last few weeks he had learned the value of friendship.

At the airport Mr Betts thought that he had persuaded Mr Gasparo not to use the altered document and to rely instead on the fact that his current course did not finish until March 7 and he had a letter with him to that effect, to regain entry into the UK.

Somehow Mr Gasparo had got hold of a photocopy of the altered letter, (either by taking it from Mr Betts' bag without his permission or by obtaining another copy at the airport business centre) which he had produced to the immigration officer when they had arrived back at Stansted.

At this point Mr Betts said that he had deliberately tried not to be too graphic in his memorandum because he was aware that it might be published and he could not take a battering from the press again about the circumstances of that final day in Venice, which had been traumatic.

The Commissioner summed up. The fax had arrived on the final day of the holiday and in a situation where there were press photographers outside the hotel. Mr Gasparo was already distraught, and became more so on seeing that the fax contained a particular sentence which Mr Betts thought was in any case inaccurate and irrelevant. Mr Betts was pre-occupied, ill and under strain. On the way to the ferry, Mr Gasparo had bought Tippex and removed the final sentence of the document. He was about to go and get a copy of the letter, but in desperation Mr Betts did so himself, keeping the copy and returning the original to Mr Gasparo, and telling him not to rely on it but to use the letter from the college that he was already attending. At the airport they had had a conversation about not relying on the document. Nonetheless, at Stansted Mr Gasparo had produced a copy of the amended letter contrary to Mr Betts specific request not to do so. Mr Betts confirmed that this was an accurate summary of what had happened.

Mr Betts said that he had been worried about what Mr Gasparo might do at immigration control, so he had gone through the non-EU passport lane behind Mr Gasparo.

The Commissioner asked if Mr Betts had participated in the conversation with the immigration officer. Mr Betts replied that he had done so. It had been accepted that Mr Gasparo needed a new visa and the immigration officer had asked some standard questions, asking him if he had a bank statement and a letter from his parents saying that they would support him. Mr Gasparo had then produced a copy of the altered letter. The immigration officer had then said either 'Is this the original?' or 'This is not the original is it?' Mr Betts had said that it was not, it was a copy of a fax (this was to explain that an alteration had been made). He had explained that the original, which had gone to Mr Gasparo's home, had contained the comment about paying the full fee. Either in the course, or at the end, of Mr Betts's explanation the immigration officer had said 'This is all irrelevant' and that Mr Gasparo would not be given a new visa in the absence of the necessary documentation. She had given Mr Gasparo an extension of his existing visa on the basis of his existing course until the new course began, and had also given him a list of documents to produce at Stansted or London when pursuing the matter of a new visa.

Mr Betts had never told the immigration officer that he was an MP, but had represented himself throughout as a friend of Mr Gasparo's.

The Commissioner asked why Mr Betts thought the sentence in the letter was at odds with Mr Vincent's advice. Mr Betts said Mr Vincent's advice had been that it was possible to get a visa on the basis of the registration fee alone, and other documents. He added that not all colleges demanded a registration fee. He thought that the documents could be read as not being incompatible. Mr Betts said that he and Mr Gasparo thought that the college's document was both irrelevant and inaccurate. Mr Gasparo had been concerned that a decision on the visa would be made on the basis of it. Mr Betts believed that the entry clearance officer would make a judgement on the facts, not on opinions and that because Mr Gasparo had no bank statements and no original letter he would not be issued with a new visa related to this course anyway.

The Commissioner asked how the relationship had ended, and Mr Betts said that it had been ended by the article in the Sun.

The Commissioner asked if Mr Betts knew Mr Gasparo's current address, but Mr Betts did not know it.

The Commissioner asked if there was anything else Mr Betts wanted to say.

Mr Betts said that he was sure that he had acted properly in respect of the employment of Mr Gasparo, and had broken no rules of the House and caused no security risk. The matter of the visa was more personal, but he had acted throughout as a friend, and in Venice he had been in an impossible position. He had tried to stop Mr Gasparo acting as he did and felt he had potentially prevented him from attempting to mislead the immigration officer, as a friend should. The Sun had been concerned with 'outing' him; the 'national security' argument had merely been used to justify their doing so. He believed that many people realised this and he had received a lot of support.

Mr Napier said that he had no difficulty with any of the interview. Mr Betts had told his story in his own words.

The Commissioner explained what would happen next. He had been waiting for Mr Betts' document, of which he now had a draft. He might need to cross-check some points in Mr Betts' account of events. He would, as he had said, like a signed statement from Mr Vincent and some documentation about UIC, and Mr Betts's comments on the note of the meeting of 3 March.⁶ He needed an agreed record of that conversation, though he was unclear if it would be necessary to use it or any part of it. He would then prepare a memorandum for the Committee; the story had received much public attention and it was necessary to set matters out clearly, and fairly to Mr Betts. Mr Betts would be sent the factual parts of the report in draft to comment on, and to say if he disagreed on any matters of fact. After receiving the draft, Mr Betts might come and see him again, or let him have comments in writing. Thereafter, the Commissioner would complete and submit his report, and matters would be in the hands of the Committee.

Mr Napier asked about the status of the meeting of 3 March. The Commissioner had said that his role at that meeting was advisory because he had received no complaint at the time. The arrival of the complaint seemed to have turned the note of the meeting into something which might be used when the Commissioner reported on the complaint to the Standards and Privileges Committee. Was this correct?

The Commissioner said that when a complaint was received, any documentation relating to the matter in question might be relevant. He could not at present exclude all possible need to use the note of that conversation, and did not want the record to contain any inaccuracies as a result of him having a recollection of the meeting that Mr Betts disputed.

Mr Napier wondered whether the Commissioner would be open to discussion about whether he should or should not rely on anything in the document.

The Commissioner said that he was always willing to hear argument and always shared drafts of his factual statement with the Member concerned.

Mr Napier raised the possibility that the draft would contain references to matters touched on in the Commissioner's first two questions to Mr Betts, which he and Mr Betts felt were not relevant to the Commissioner's remit because they related to Mr Bett's 'purely private life', such as where Mr Betts and Mr Gasparo had first met. He might need to advise Mr Betts not only as to inaccuracies in the document but as to whether any matter was not relevant to the Code of Conduct.

The Commissioner said that he was inviting Mr Betts and Mr Napier to let him know of any inaccuracy in the 3 March record. The other questions could be confronted when there was a draft memorandum. The question of whether there was anything inappropriate or outside the Commissioner's remit could be raised at that stage. He had no wish to step outside his brief. It was left that Mr Betts and Mr Napier would provide their comments as to the accuracy of the note of the 3 March meeting. Any other questions could be addressed if this proved necessary in the context of the preparation of the Commissioner's memorandum to the Committee.

The Commissioner concluded the meeting by thanking Mr Betts for his willingness to address again issues which all concerned recognised must be difficult, not to say painful for him.

This note was agreed by the Commissioner with Mr Betts on 27 May 2003

Appendix 6: Letter to the Commissioner from the Deputy Serjeant at Arms

Earlier this year Mr Clive Betts MP made an application for a House of Commons' pass for a Mr Jose Gasparo as a member of his staff. Although the issue of the pass was never taken up, it would have been granted as

6 Not appended to the Commissioner's memorandum.

enquiries in connection with the pass did not reveal anything which would have provided grounds for a refusal.

I have subsequently been informed that there is evidence that Mr Gasparo had been active as a male escort and that, indeed, his services had been advertised. Had I been aware of this fact, I would not have granted him a pass as I would have considered such activities to be a potential security risk. I would have taken the same point of view had Mr Betts' potential member of staff been female with a recent history of escort service.

24 June 2003

Appendix 7: Text of the Immigration Officer's Report

I do recall the above named [Mr Jose Gasparo] who arrived at Stansted on 20/02/03. He was travelling with a GBR national who he stated was his boss. The passenger presented his Brazilian passport which held an expired student stamp, although I do not recall when this expired. The passenger stated he wished to study further in the UK, however, he only held an enrolment letter from a school but was unable to provide any evidence of funding to prove he could maintain and accommodate himself. He stated that he had paid for the course fees, however, when asked to produce a receipt, he was unable to do so. I then recall asking how many hours per week he worked and his GBR boss replied that he worked 20 hours, however, I cannot recall with any certainty the nature of the work. The passenger stated that once he had completed his further studies in the UK, he would return to Brazil in order to complete his university course.

When I explained that I was unable to grant entry to the passenger for the duration of his course due to the lack of evidence provided, I recall having to explain this several times to the passenger and his boss as his boss in particular was reluctant to accept this. I explained that I would stamp the passenger's passport for two months on a code two which would enable him to get his paperwork in order and apply to the Home Office for an extension of his student stamp.

2 March 2003

Appendix 8: Additional comments submitted by Mr Clive Betts on 27 June 2003

Confirmation of Events at Stansted

"I confirm that the purpose of my conversation with the entry clearance officer was to say i) that the letter from the college was not an original, ii) that it was a copy of a fax iii) that it stated that only the registration fee, not the full course fee, had been paid and iv) that a further statement of the college's belief that a full fee had to be paid before a visa could be granted had been removed from the copy. The officer stopped the conversation short to say that this information was irrelevant because she was not going to issue a visa due to missing information and because the letter was not an original, although she was willing to give Mr Gasparo an extension for two months to get his papers together."

Comments on the report prepared by the Immigration Officer

"The statement confirms that I did not present myself as a Member of Parliament. I did not hear Mr Gasparo refer to me as his boss, possibly because initially I was standing behind him. I do not recall Mr Gasparo saying that he had paid the full course fees. The letter states that only the registration fee had been paid. I drew this to the attention of the officer. I do not recall making any reference to the number of hours that Mr Gasparo worked but if I had made any reference to 20 hours it would have been to explain that Mr Gasparo worked for no more than 20 hours a week which is only slightly different to the account given by the officer. At the conclusion of the interview the officer simply said that she would not issue a new visa for the reasons given in

her statement, consistent with my statement. She stated that she would grant an extension for two months to enable Mr Gasparo to get his paperwork together. There was no discussion or questioning of this decision; rather my feeling was one of overwhelming relief that the letter had played no part in the decision that the officer had made. I certainly did not express any reluctance to accept her decision. My contribution to the conversation was to explain about the letter which I may have seemed to have been doing at some length when the officer interrupted to make her position clear. I can only surmise that she mistakenly interpreted my explanation about the letter as reluctance, which was not my attitude; rather I was anxious to co-operate. Finally, the officer's statement makes it clear that the amended letter played no part in the granting of the visa extension."

The letter from the Deputy Serjeant at Arms

"There is absolutely no question of me misleading or attempting to mislead anyone in the application for a pass for Mr Gasparo. The application was made on a bona fide basis and there was no failure to disclose any information in the procedure which I followed precisely. I genuinely believed that Mr Gasparo had given up his escort activities and that he was rehabilitating himself from that occupation so it did not occur to me that it might have been relevant as a security issue. I do of course respect the view of the Deputy Serjeant of Arms that he would have considered Mr Gasparo's previous escort activities as a potential security risk and would have not have issued a pass. However, I beg to differ that there was or might have been a potential security risk or how any such risk could have materialised. Like any other MP I believe that I was entitled to rely on the efficiency of the vetting procedures that operate when pass applications are made. As mentioned in paragraph 30 of the Commissioner's draft memorandum the Serjeant at Arms does not offer advice on the security implications of staff employment. I therefore followed the procedure as I had understood it."

The Immigration Act 1971

"I was not in breach of any of the relevant provisions of the Immigration Act 1971 (as amended). In particular, I went out of my way to ensure that the entry clearance officer was not misled by the amended letter when to my surprise Mr Gasparo produced it contrary to my specific request not to do so."

27 June 2003

Appendix 9: Letter to the Commissioner from the Immigration and Nationality Directorate, Home Office

I write in response to your letter of 23 June.⁷

I have again contacted [the Immigration Officer] regarding the letter produced to her by Mr Gasparo at Stansted. Her response is as follows:

"Firstly, I do not recall if the letter I was shown from the City of London College was a fax or the original document. Secondly, I most certainly recall that no mention was made by either party that the document had been altered in any way as this would have lead to at the least a further interview and most probably Mr Gasparo being refused entry in to the UK."

I hope that this is of assistance.

25 June 2003

7 Not appended to the Commissioner's memorandum.

Appendix B: Letter to the Chairman from Mr Clive Betts

I hope it will assist the Committee's deliberations if I offer a few comments in writing in response to the Commissioner's Report.

1. I would ask the Committee to take note of Sir Philip's acknowledgement that I am the first MP to have volunteered an investigation into my own conduct. Before and after a complaint was made I have fully co-operated with Sir Philip.

2. I believe that Sir Philip has produced a fair report and I will accept the findings of the Committee if it decides that I have made the errors of judgement contained in Sir Philip's conclusion. In that event I would wish unreservedly to apologise for my actions, the inconvenience caused and any embarrassment that may have been caused to the House. If there has been any damage to the public's trust and confidence in the integrity of Parliament I suggest that it has been slight and that the major damage and embarrassment has been to myself in the very difficult period that I have had to endure over the last five months.

3. If the Committee does decide that any action is necessary I would ask that when assessing any recommendation it should take into account that:

- When I endorsed the application for a security pass it genuinely did not cross my mind that there might be any security risk. I believed that I was following the proper procedures of the security vetting system that dealt comprehensively with such matters. I also still believe that other members would share my view as many have indicated to me in recent months. The Commissioner's comments about the absence of any guidance on the scope of the security vetting system should, I suggest, also be taken into account.
- With regard to the photocopy letter and the events at Stansted I would ask the Committee to accept the Commissioner's comments about my psychological state. I was very shaken and under extreme emotional pressure whilst trying to do all that I could to stop the altered letter being used. Also, as the Commissioner finds and the evidence shows, I did not represent myself as an MP.
- I respectfully suggest that the Committee should take into account that insofar as there was any lack of judgement on my part this did not in fact cause a security risk to materialise nor was Customs & Excise misled.
- I would also ask the Committee to take into account that during 27 years of public service no allegations of impropriety have ever been made against me, let alone substantiated.

I should be most grateful if this letter could be placed before the Committee when it meets tomorrow.

7 July 2003

Formal minutes

Tuesday 15 July 2003

Members present:

Sir George Young, in the Chair

Mr Russell Brown

Ross Cranston

Mr Andrew Dismore

Mr Derek Foster

Mr Michael Jabez Foster

Mr Andrew Mackay

Mr Kevin McNamara

The Committee deliberated.

Draft Report [Complaints against Mr Clive Betts], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 23 read and agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Several Papers were ordered to be appended to the Report.

Ordered, That the Appendices to the Report be reported to the House.—(*The Chairman.*)

[Adjourned till Tuesday 16 September at 9.30 am.]

Reports from the Committee on Standards and Privileges in the current Parliament

Session 2002–03

First Special Report	Standards of Conduct: Letters from the Committee on Standards in Public Life	HC 516
First Report	Complaint against Mr Nigel Griffiths	HC 195
Second Report	Eighth Report of the Committee on Standards in Public Life: "Standards of Conduct in the House of Commons"	HC 403
Third Report	Complaints against Mr Michael Trend	HC 435
Fourth Report	Complaints against Mr Henry McLeish	HC 946
Fifth Report	Complaints against Mr Clive Betts	HC 947

Session 2001–02

First Report	Complaint against Mr Geoffrey Robinson: Supplementary Report	HC 297
Second Report	Complaint against Mr Roy Beggs	HC 319
Third Report	Complaint against Mr John Maxton	HC 320
Fourth Report	Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper	HC 478
Fifth Report	Complaints against Mr Keith Vaz	HC 605–I&II
Sixth Report	Registration of Interests by Members who have not taken their seat	HC 624
Seventh Report	Complaints against Mr Nigel Griffiths	HC 625
Eighth Report	Complaints against Mr Archy Kirkwood	HC 755
Ninth Report	A new Code of Conduct and Guide to the Rules	HC 763
Tenth Report	Complaint against Mr Peter Brooke	HC 1147