



House of Commons  
Committee on  
Standards and Privileges

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# Handling of future complaints on misuse of the private dining facilities

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**Fifth Report of Session 2006-07**

*Report and Appendix, together with formal  
minutes*

*Ordered by The House of Commons  
to be printed 12 June 2007*

## The 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.

### Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)  
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)  
Rt Hon David Curry MP (*Conservative, Skipton & Ripon*)  
Mr Andrew Dismore MP (*Labour, Hendon*)  
Nick Harvey MP (*Liberal Democrat, North Devon*)  
Mr Brian Jenkins MP (*Labour, Tamworth*)  
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)  
Mr Chris Mullin MP (*Labour, Sunderland South*)  
The Hon Nicholas Soames MP (*Conservative, Mid Sussex*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)

### Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

### Publications

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/sandp](http://www.parliament.uk/sandp). 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), Dr Susan Griffiths (Second Clerk) and Miss Michelle Owens (Secretary).

### Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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## Handling of future complaints of misuse of the private dining facilities

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1. In our Third Report,<sup>1</sup> we considered a number of complaints concerning private dining functions in the House. In our Fourth Report,<sup>2</sup> we reported on a complaint against Mr Julian Brazier concerning an event held after its publication, but similar in character to some of those which were the subject of that report. The proximity of the date of publication of the Third Report to the date of Mr Brazier's function meant that he could not have cancelled it without incurring a financial penalty. **We agree with the Commissioner that it is not reasonable, given the long history of such events, to require Members to cancel them in circumstances which would leave them with a personal financial liability to the Refreshment Department.**<sup>3</sup>

2. In his memorandum submitted to us on the complaint against Mr Brazier, the relevant excerpt from which is appended to this Report,<sup>4</sup> the Commissioner suggested<sup>5</sup> that we set a cut-off point after which, in considering complaints that political parties have benefited inappropriately from functions held in the private dining rooms, we should:

- look only at the consistency of the function with the provisions of the Banqueting Regulations, and no longer have regard to historic custom and practice in relation to such functions; and
- assume that the sponsor of the function has satisfied themselves that, in acting as sponsor, they are acting in a manner fully consistent with the strict requirements of the Regulations.

3. **We agree with the Commissioner that it would be helpful to Members generally for us to provide a clear statement of our intentions in this respect. We will apply the criteria set out above to complaints in relation to events booked from 18 June 2007, and are asking the Refreshment Department to draw this to the attention of Members when acknowledging their booking.**

4. **We also consider that, as regards functions already booked, there should be a limited opportunity for Members to withdraw their sponsorship, without financial obligation to the Refreshment Department, from any function which they consider, on reflection, may not meet the strict requirements of the Banqueting Regulations. We therefore propose to apply the criteria in relation to complaints in respect of**

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1 HC 431.

2 HC 682.

3 See HC 682, Appendix 1, para. 28 (also reproduced in the Appendix to this Report).

4 The full text of the memorandum is set out in the Committee's Fourth Report, HC 682, at Appendix 1.

5 Appendix, para. 29.

**existing bookings to all functions taking place on or after 1 September 2007. This will mean that a Member can cancel such a function before the end of June without incurring a financial penalty under the existing Banqueting Regulations.**

# Appendix: Extract from the Memorandum submitted by the Parliamentary Commissioner for Standards on the complaint against Mr Julian Brazier

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## Handling the Implications of the Committee's Third Report

23. This further complaint by Mr Mann and Mr Jones raises the question how best to handle the implications of the Committee's conclusions in its Third Report. Since the publication of that report the Registrar of Members' Interests and I have been approached by many Members seeking advice on the report's implications for bookings they already hold in the House's private dining facilities. The advice we have given is as follows.

24. The Committee's report did not change the Banqueting Regulations. A decision on changing the Regulations in the light of the Committee's recommendation in that report (see paragraph 6 above) is a matter for Mr Speaker and the Administration Committee. Unless and until the Regulations are changed, the formal basis for using the private dining rooms remains unchanged.

25. However, the Committee's conclusions, in particular that the distinction between 'direct' and 'indirect' fund-raising is unsustainable, indicates that it is likely to take a broader, rather than a narrower view of what constitutes 'direct fund-raising' in relation to future complaints.

26. With that in mind, Members sponsoring functions in the House (who are personally responsible under the Regulations for ensuring that the function is in compliance with them) would from now on be wise to be fully cognisant of both the ways and the full extent to which any outside interest might be benefiting financially, and reach a decision on whether to sponsor it in the light of that. They would also be wise to ensure that, where a specific charge is levied, participants are only charged the direct costs so there can be no basis for assertions that a profit has been made from the use of House facilities and, where access to the function is in effect conditional on payment of a subscription to an organization (such as when the cost of attendance is included in the subscription), satisfy themselves of the consistency with the Regulations of any wider objectives and activities of the organization.

27. In practice this has boiled down to advising Members that where a body on whose behalf they are sponsoring an event in the private dining rooms has made donations to a political party, the Member may be vulnerable to a complaint if the event proceeds. If they wish to avoid any risk of a complaint, they should cancel their booking in the House and hold the event elsewhere.

28. In a number of instances, however, Members have bookings which cannot be cancelled without incurring a financial penalty. Paragraph 8 of the Banqueting Regulations provides for an ascending scale of charges where an event is cancelled at 60 days or less notice, the amount charged being greater the shorter the notice given. I do not think it reasonable, given the long history of such events, to require Members to cancel events in circumstances which would leave them with a personal financial liability of this nature.

29. In my footnote to paragraph 193 of my memorandum attached to the Committee's Third Report, I suggested that any new guidance issued to Members, following consideration by Mr Speaker and the Administration Committee of the Committee's recommendations, should apply to all bookings made after the date on which the guidance is promulgated to Members. The question remains as to how to handle any further complaints relating to functions held under the existing Regulations. I suggest that the Committee sets a cut-off date, after which, in considering complaints that political parties have benefited inappropriately from functions held in the private dining rooms, it will:

- i) look only at the consistency of the function with the provisions of the Banqueting Regulations, and no longer have regard to historic custom and practice in this matter; and
- ii) assume that the sponsor of the function has satisfied him or herself that, in acting as sponsor, they are acting in a manner fully consistent with the strict requirements of the Regulations.

30. Given that bookings may be made up to 18 months ahead, the Committee may wish to set different dates for new bookings and for events taking place, with the date for the latter being such that no Member who acts reasonably promptly need incur a financial penalty in canceling a function in the House. If the Committee agrees with this approach, it may wish to decide that it will adopt the approach set out in the preceding paragraph in respect of complaints relating to (a) events booked from 18 June 2007 (i.e. following the likely date of publication of its report on this case), and (b) events already booked but taking place on or after 1 October 2007 (cancellation of which prior to the beginning of August will not incur a financial penalty).

*4 June 2007*

*Sir Philip Mawer*

# Formal minutes

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**Tuesday 12 June 2007**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron

Mr David Curry

Mr Andrew Dismore

Nick Harvey

Mr Elfyn Llwyd

Mr Chris Mullin

The Hon Nicholas Soames

Dr Alan Whitehead

\* \* \*

The Committee deliberated.

*Ordered*, That paragraphs 6 to 8 of the Chairman's draft report (Conduct of Mr Julian Brazier) be read a second time, paragraph by paragraph.

Paragraphs 6 and 7 read, amended and agreed to.

Paragraph 8 read, amended, divided and agreed to

*Resolved*, That the title of the Report be *Handling of future complaints of misuse of the private dining facilities.*—(*The Chairman.*)

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

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

A Paper was ordered to be appended to the Report.

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

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[Adjourned till Tuesday 18 June at 10.30 am

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

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### Session 2006–07

|               |   |        |
|---------------|---|--------|
| First Report  | Evidence to the SSRB Review of Parliamentary pay, pensions and allowances | HC 330 |
| Second Report | Conduct of Mr David Cameron   | HC 429 |
| Third Report  | Complaints about alleged misuse of Parliamentary dining facilities        | HC 431 |
| Fourth Report | Conduct of Mr Julian Brazier  | HC 682 |
| Fifth Report  | Handling of future complaints of misuse of the private dining facilities  | HC 683 |

### Session 2005–06

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| First Report   | Conduct of Mr Jonathan Sayeed  | HC 419  |
| Second Report  | Conduct of Mr John Horam   | HC 420  |
| Third Report   | Conduct of Mr Tony Baldry  | HC 421  |
| Fourth Report  | Pay for Standing Committee Chairmen  | HC 568  |
| Fifth Report   | Electoral Administration Bill: Simplification of Reporting Requirements                    | HC 807  |
| Sixth Report   | Mr Stephen Byers (Matter referred on 19 October 2005)                                      | HC 854  |
| Seventh Report | Conduct of Mr George Galloway  | HC 1067 |
| Eighth Report  | Conduct of Mr Mark Lancaster   | HC 1144 |
| Ninth Report   | Lobbying and All Party Groups  | HC 1145 |
| Tenth          | Conduct of Mr Michael Foster (Worcester)   | HC 1223 |
| Eleventh       | Conduct of Ms Emily Thornberry   | HC 1367 |
| Twelfth        | Conduct of Nadine Dorries  | HC 1368 |
| Thirteenth     | Conduct of Mr John Prescott  | HC 1553 |
| Fourteenth     | Conduct of Dr Desmond Turner   | HC 1578 |
| Fifteenth      | Conduct of Mr Eric Illsley   | HC 1579 |
| Sixteenth      | Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document | HC 1580 |