



HOUSE OF LORDS

Committee for Privileges

2nd Report of Session 2007–08

Declaration of Relevant Interests
when Communicating with
Ministers

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The Committee for Privileges

The Committee for Privileges is appointed each session by the House to consider questions regarding its privileges and claims of peerage and precedence and to oversee the operation of the Register of Interests. Detailed consideration of matters relating to the Register of Interests is undertaken by the Sub-Committee on Lords' Interests.

Current Membership

The Members of the Committee for Privileges are:

Baroness Anelay of St Johns
Baroness Ashton of Upholland
Lord Brabazon of Tara (*Chairman*)
Lord Brooke of Sutton Mandeville
Baroness D'Souza
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Lord Marsh
Baroness Royall of Blaisdon
Lord Shutt of Greetland
Lord Strabolgi
Lord Strathclyde
Lord Woolf

The Members of the Sub-Committee on Lords' Interests are:

Earl Ferrers
Baroness Lockwood
Lord Marsh
Lord Smith of Clifton
Lord Woolf (*Chairman*)

A full list of Members' interests can be found in the Register of Lords' Interests:

<http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm>.

General Information

General information about the House of Lords and its Committees is on the Internet at

<http://www.parliament.uk/lords/index.cfm>.

Contacts

General correspondence should be addressed to the Clerk of the Committee for Privileges, House of Lords, London, SW1A 0PW (telephone 020 7219 8796).

Correspondence relating to Members' interests, or the work of the Sub-Committee on Lords' Interests, should be addressed to the Registrar of Lords' Interests, House of Lords, London SW1A 0PW (telephone 020 7219 3120).

Declaration of Relevant Interests when Communicating with Ministers

1. The Sub-Committee on Lords' Interests has considered a complaint against Lord Hoyle. The Sub-Committee's report is printed in the Appendix.¹
2. The background to this complaint is as follows: on 26 October 2007 a number of allegations relating to Lord Hoyle appeared in the *Guardian* newspaper. Shortly after, on 16 November, a *Guardian* reporter, Mr Rob Evans, wrote to the Registrar of Lords' Interests, claiming that Lord Hoyle had breached the House's Code of Conduct, and asking that the matter be referred to the Sub-Committee on Lords' Interests. In support of the allegations Mr Evans enclosed a considerable amount of written material.
3. The Registrar forwarded the letter and supporting material to the Sub-Committee Chairman, who took the view that, in the interests of the House and of Lord Hoyle himself, he should put the complaint before the Sub-Committee for more detailed investigation.
4. The complaint relates primarily to section 8(b) of the Code of Conduct, which requires that Members must "declare when speaking in the House, or communicating with ministers, government departments or executive agencies, any interest which is a relevant interest." It also has a bearing on section 4(d) of the Code, which requires that Members "must not ... promote any matter, in return for payment or any other material benefit (the 'no paid advocacy' rule)".
5. The Sub-Committee has concluded that there was no deliberate misconduct by Lord Hoyle, and has therefore not upheld the complaint against him. We endorse this conclusion, and recommend no further action.
6. We have noted the Sub-Committee's observation that in the course of its investigation "some fundamental questions have arisen about the appropriate way to handle complaints against Members of the House". We shall bring forward recommendations with a view to clarifying these matters in the near future.

¹ Given the nature of the complaint against Lord Hoyle, Lord Woolf, as Chairman of the Sub-Committee, drew Lord Hoyle's attention to the fact that he was chairing an independent committee set up to review arms maker BAE Systems' business ethics. Lord Hoyle agreed to Lord Woolf conducting the investigation.

APPENDIX: REPORT FROM THE SUB-COMMITTEE ON LORDS' INTERESTS

Background

The Sub-Committee on Lords' Interests has examined a complaint about Lord Hoyle from the *Guardian* newspaper. The complaint is that Lord Hoyle took money to introduce a lobbyist for arms companies to Lord Drayson, who was at the time the Minister for Defence Procurement.

The essential facts appear to be as follows. Lord Hoyle has been retained as a consultant to Whitehall Advisers for various periods since 1999. He registered the interest for the periods of his employment. For present purposes the relevant date is June 2005 when Lord Hoyle notified the Registrar of Lords' Interests that he had been re-engaged by Whitehall Advisers as a non-parliamentary consultant, and his register entry was amended accordingly. Later that same month a meeting took place between Lord Hoyle, Mr Michael Wood of Whitehall Advisers, and Lord Drayson. Mr Wood is the lobbyist referred to in the *Guardian's* complaint. The meeting took place in the House of Lords Guest Room.

The issues

The *Guardian* complain that Lord Hoyle arranged the meeting with Lord Drayson at Mr Wood's request but failed to declare to the minister that he was retained and paid by Mr Wood as a consultant. They suggest that Lord Hoyle has at the very least given rise to a perception that he has broken the "no paid advocacy" rule by arranging this meeting: the rule prohibits a Member of the House from promoting any matter in return for payment or other material benefit. They also allege that Lord Hoyle misled the House over the true nature of his paid work for Whitehall Advisers, because he was in fact engaged in advising on or facilitating matters that were essentially parliamentary rather than non-parliamentary in character.

Lord Hoyle denies the allegations made by the *Guardian*. He says that his consultancy with Mr Wood was properly registered and a matter of public record. He points out that his consultancy did not require him to arrange meetings with ministers and that he was not specifically paid for the purpose of introducing Mr Wood to Lord Drayson. Lord Hoyle says that he cannot recall whether he informed Lord Drayson that he had a retainer from Whitehall Advisers. He disputes the nature and purpose of the meeting with Lord Drayson and says that the meeting was a social rather than a business occasion. He says that Mr Wood is in any case not a lobbyist for the arms' industry but an adviser to the defence and aerospace industries.

Lord Hoyle also says that his consultancy is a non-parliamentary consultancy, based on his experience and knowledge of trade unions, and that he did not give advice to Whitehall Advisers on parliamentary or related issues.

The Sub-Committee's findings

We have considered carefully over a period of months the *Guardian's* complaint and the evidence they have submitted in support of it, and also Lord Hoyle's rebuttal. In the course of our work some fundamental questions have arisen about the appropriate way to handle complaints against Members of the House. We note that the Committee for Privileges met the day before our final meeting on the *Guardian's* complaint to review these questions and others, and has undertaken to

meet in the near future to consider and give guidance on the handling of complaints.

In the meantime we must settle the matter according to the present rules. We are satisfied that we have received enough written material from both Lord Hoyle and the *Guardian* to reach a decision without the need to invite them to submit supplementary material or to attend the Sub-Committee in person. We are satisfied that no further investigation is needed.

We note that Lord Hoyle registered properly his connection with Whitehall Advisers and so there can be no criticism that he was trying to hide that relationship. This view is strengthened by the fact that the meeting with the minister took place in the House of Lords Guest Room, which is not a place that would normally be chosen for cloak-and-dagger activities inconsistent with the House's code of conduct.

It is not possible on the basis of the evidence that we have received to know whether Lord Hoyle did disclose his relationship with Whitehall Advisers to Lord Drayson at the meeting. But if he did not do so, then to that extent he was in error, because the House's code of conduct requires Members to disclose relevant interests when communicating with ministers (para. 8(b)).

Members of the House hardly need to be reminded by us that, in the present climate and given the interest in the media and general public about standards of conduct in public life, they should be especially careful to avoid situations that might give rise to a perception of misconduct by them.

Having considered carefully the evidence we have received, we do not believe that there was any deliberate misconduct by Lord Hoyle. So we do not uphold the *Guardian's* complaint against him. In any event, this is not a case that in our view would warrant any further action against Lord Hoyle.