



HOUSE OF LORDS

Report from the Commissioner for Standards

The conduct of Lord MacLaurin of Knebworth

Commissioner for Standards

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

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Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020. The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020. The Codes and Guide are kept under review by the Conduct Committee.

Advice

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

Address: Registrar of Lords' Interests, House of Lords, London SW1A 0PW

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Registers of Interests

A list of interests of members and their staff can be found online: www.parliament.uk/hlregister

Independent Complaints and Grievance Scheme Helpline

0808 168 9281 (freephone)

Support@ICGShelpline.org.uk

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The conduct of Lord MacLaurin of Knebworth

Summary of complaint and investigation

1. On 9 December 2020, I received a complaint from a member of the public, Mr Hugh Cullen, about the conduct of a retired member of the House, Lord MacLaurin of Knebworth (see Appendix 1).
2. Mr Cullen complained that Lord MacLaurin had used House of Lords headed notepaper to write a letter in support of a planning application. Mr Cullen suggested that Lord MacLaurin was trying to use his parliamentary headed notepaper to influence the planning application process.
3. In his complaint, Mr Cullen suggested that Lord MacLaurin had breached paragraph 9(b) of the Code of Conduct for Members of the House of Lords, which refers to one of the seven general principles of conduct identified by the Committee on Standards in Public Life: integrity. This principle says those in public life “should not act or take decisions in order to gain financial or other material benefits for themselves, their families, or their friends”. Paragraph 11 of the Code provides that “complaints will not be entertained solely on the basis of alleged failures to abide by the seven principles”. Therefore, I could not launch an investigation into Lord MacLaurin’s conduct based on a potential breach of paragraph 9(b).
4. Most of the Code of Conduct is only applicable to current members of the House. However, paragraph 5 of the Code provides that some aspects of the Code continue to apply to retired members: paragraph 17 (expected standards of conduct) and paragraph 113 (use of facilities and services of the House).
5. The relevant part of paragraph 113 says that:

“Paragraph 11(c) of the Code of Conduct states that members shall ‘act in accordance with any rules agreed by the House in respect of ... the facilities of the House.’ A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports¹ which are in the Handbook on facilities and services for members and their staff.”
6. One of the reports referenced in paragraph 113—*Rules Governing the Use of Facilities*—includes the following provision specifically related to the use of parliamentary stationery:

“House of Lords headed paper and envelopes may be used for all correspondence relating to the work of the House, including the work of all-party groups, and for personal correspondence in modest quantities

¹ House Committee, *Banqueting rules* (1st report, session 2014–15, HL Paper 8) and *Rules Governing the Use of Facilities* (2nd report, session 2009–10, HL Paper 47)

but not for circulars, general correspondence (except that of an essentially Parliamentary nature) or business letters.”²

7. Given that the provision of House of Lords headed notepaper is a facility of the House, I considered Mr Cullen’s complaint against that provision and decided that it passed preliminary assessment.
8. I decided to investigate whether Lord MacLaurin had breached paragraph 113 by using headed notepaper for general, non-parliamentary correspondence.
9. I wrote to Lord MacLaurin on 15 December 2020 to inform him that I had received a complaint from a member of the public about his use of House of Lords headed notepaper and had determined that an investigation was appropriate (see Appendix 2). In concluding my letter, I asked Lord MacLaurin to provide a written response to the allegation that he had breached paragraph 113 of the Code of Conduct.
10. On 11 January 2021, Lord MacLaurin provided a written response to the allegations made against him (see Appendix 3).
11. In his response, Lord MacLaurin apologised for using House of Lords headed notepaper for his general correspondence and explained that his secretary had used the notepaper by mistake. Lord MacLaurin also said that he had “destroyed all remaining headed paper”.

Finding

12. **Lord MacLaurin breached paragraph 113 of the Code of Conduct by using House of Lords headed notepaper—a facility of the House—for general, non-parliamentary correspondence related to a planning application.**
13. However, I consider that this breach of the Code was minor and inadvertent. Furthermore, once the matter had been brought to his attention, Lord MacLaurin promptly apologised for the breach and said he would destroy all remaining House of Lords headed notepaper.
14. In the light of these factors, I considered this to be a breach of the Code for which remedial action was an appropriate outcome. On 14 January 2021, I wrote to Lord MacLaurin and proposed a letter of apology to Lord Mance, Chair of the Conduct Committee, would be sufficient remedial action in this case (see Appendix 4).
15. On 17 January 2021, Lord MacLaurin wrote a letter of apology to Lord Mance (see Appendix 5).
16. The case was therefore resolved by remedial action. I am grateful to Lord MacLaurin for his cooperation in this matter.

2 House Committee, [Rules Governing the Use of Facilities](#) (2nd report, session 2009–10, HL Paper 47)

APPENDIX 1: EMAIL FROM MR HUGH CULLEN TO THE COMMISSIONER FOR STANDARDS, 9 DECEMBER 2020

Please find my complaint form as attachment 1 & 2 and supporting evidence as Application Support Letter attachment.

I appreciate that the complaint is about an Ex member of the House of Lords, but consider that he is still trying to use past privileges and connections together with the continued use of Lords Headed paper to influence decisions for the financial benefit of a friend.

Substance of complaint

The above mentioned person [Lord MacLaurin], being an ex-member of the House of Lords, wrote a letter supporting a planning application on House of Lords headed paper in contravention of House of Lords Code of Conduct Rule 9(b)—to gain financial or other material benefits for themselves, their families or their friends. The application was by [a director of a building contractor], who was working at the home of Ian MacLaurin at the time the letter of support was written. The application was refused but is now the subject of an appeal. It is believed that Ian MacLaurin will again try to influence the result of the planning appeal by using political influence and House of Lords headed notepaper. As he is no longer a member of the House of Lords, should this be allowed?

Supporting evidence: letter from Lord MacLaurin to planning department written on House of Lords headed notepaper

I write in support of this application. Having a good home in [place where Lord MacLaurin lives] for the past twelve years I am very aware that there is a lack of good holiday accommodation in our area. This particular property lends itself very well to high class accommodation for holiday makers.

It is an ideal opportunity to encourage walkers and cyclists in an area of outstanding natural beauty and prolific wildlife. If this application is allowed it will bring large benefits to the local economy.

APPENDIX 2: LETTER FROM THE COMMISSIONER FOR STANDARDS TO LORD MACLAURIN, 15 DECEMBER 2020

I am writing to let you know that I have received a complaint from a member of the public, Mr Hugh Cullen, in relation to your use of House of Lords stationery. Mr Cullen complains that you used House of Lords headed notepaper to write a letter in support of a planning application in [place where Lord MacLaurin lives]. A copy of the complaint is attached.

I have carried out a preliminary assessment of the complaint. I have decided that there is sufficient prima facie evidence to investigate whether the Code of Conduct might have been breached.

In his complaint, Mr Cullen suggests that in expressing your support for this planning application, you have breached paragraph 9(b) of the Code, which warns against members acting “to gain financial or other material benefits for themselves, their families, or their friends”. I will not be investigating whether you have breached paragraph 9(b) as suggested by the complainant because this section of the Code does not apply to retired members.

However, paragraph 5 of the Code says that “all current and retired members are subject to the provisions of paragraph 17 (standards of conduct) and paragraph 113 (use of facilities and services) of the Guide when on the Parliamentary estate or using the facilities of Parliament, regardless of their membership status”.

Therefore, I intend to investigate whether you have breached paragraph 113 by using House of Lords headed notepaper—a facility of the House—for non-parliamentary correspondence. Paragraph 113 says that:

“The House provides various facilities and services for members, most of which are paid for in full or subsidised by the public purse. These facilities and services are provided primarily to support members in their parliamentary work. The domestic committees are responsible for proposing rules on the use of facilities by members, and the key ones are reported to and agreed by the House. Paragraph 11(c) of the Code of Conduct states that members shall ‘act in accordance with any rules agreed by the House in respect of ... the facilities of the House.’ A breach of such rules therefore constitutes a breach of the Code of Conduct and could lead to an investigation by the House of Lords Commissioner for Standards. The rules on the use of facilities which have been agreed by the House are set out in two House Committee reports¹ which are in the Handbook on facilities and services for members and their staff. These reports also identify which official is responsible for the provision of each facility or service; a member who acts on the advice of that official in determining what use to make of a facility satisfies fully the requirements of the Code of Conduct in that regard.”

One of the reports referenced in paragraph 113—Rules Governing the Use of Facilities—includes the following provision specifically related to the use of parliamentary stationery:

“House of Lords headed paper and envelopes may be used for all correspondence relating to the work of the House, including the work of all-party groups, and for personal correspondence in modest quantities

but not for circulars, general correspondence (except that of an essentially Parliamentary nature) or business letters.”

I plan to use this report to guide my investigation, in particular to determine whether you have breached the Code by using House of Lords headed paper for “business letters” or for “general correspondence” which is not of a Parliamentary nature.

I invite you to respond in writing with a full and accurate account of the matters in question; this response may be by email or letter and to whatever length you feel necessary. A response by 4 January 2021 would greatly assist me in investigating this matter in a timely fashion.

I would also wish to draw your attention to paragraph 144 of The Guide to the Code of Conduct:

“From the point that the Commissioner decides to undertake an investigation all evidence and correspondence relating directly to the inquiry is covered by parliamentary privilege. It must remain confidential unless and until it is published. If such evidence or correspondence were to be published or disclosed to anyone else without the agreement of the Conduct Committee or the Commissioner, this would be a contempt of the House. An attempt to obstruct an investigation is a contempt of the House.”

In accordance with paragraph 133 of the Guide to the Code of Conduct, basic information about the case will be published on my pages of the parliamentary website.

**APPENDIX 3: EMAIL FROM LORD MACLAURIN TO THE
COMMISSIONER FOR STANDARDS, 11 JANUARY 2021**

Thank you for your e mail. Yes I did use H OF L headed paper it was my mistake with my secretary, I apologise and can assure you that I have now destroyed all remaining headed paper.

APPENDIX 4: LETTER FROM THE COMMISSIONER FOR STANDARDS TO LORD MACLAURIN, 14 JANUARY 2021

I am writing to you in relation to the ongoing investigation into your use of House of Lords headed notepaper for non-parliamentary correspondence.

Thank you for your email of 11 January 2021, in which you apologised for using House of Lords headed notepaper. In your email, you said that your secretary mistakenly used the notepaper, and you also said that you have since destroyed all remaining headed notepaper.

I accept your explanation that the breach was inadvertent.

However, paragraph 113, which covers the use of headed notepaper, not only continues to apply to retired members of the House, but also applies even if a breach of its provisions is inadvertent.

Given that your breach of the Code was minor and inadvertent, I propose rectification by a remedial action; namely writing a letter of apology to the Chair of the Conduct Committee, Lord Mance. The letter should include an explanation as to why you used House of Lords headed notepaper for non-parliamentary correspondence, and an apology for breaching the Code.

Please send your letter of apology to Lord Mance by 22 January 2020. You should send the letter by email, to HLCONDUCTCHAIR@parliament.uk. Please also send a copy to my office.

I will then write a report on this investigation and the report will be published on my parliamentary website. The report will reflect the fact that you have taken steps to resolve the matter prior to publication, and the case will be closed.

**APPENDIX 5: EMAIL FROM LORD MACLAURIN TO LORD MANCE,
CHAIR OF THE CONDUCT COMMITTEE, 17 JANUARY 2021**

I very aware of clear instructions given to retiring Peers, one of which is not to use HofL note paper. Due to lockdown I have not been able to attend my office, I dictated a letter to my assistant who used Hof L paper. As a result of this enquiry all HofL paper has been shredded. I apologise to you and your officers for the trouble I have caused in these difficult times.