

Report from the Commissioner for Standards

The conduct of the Earl of Shrewsbury

Commissioner for Standards

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

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Registrar of Lords' Interests

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

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Register of Interests

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

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The conduct of the Earl of Shrewsbury

Summary of complaint

1. On 28 January 2022, my office received a complaint from a member of the public, Mr Tom Winnifrith, regarding the conduct of the Earl of Shrewsbury.¹
2. Mr Winnifrith alleged that Lord Shrewsbury was in breach of the Code of Conduct for Members of the House of Lords (“the Code of Conduct”) by: (i) failing to register SpectrumX as a client of his company, Talbot Consulting until November 2021, and only doing so following an article published by Mr Winnifrith; (ii) failing to declare his interest in SpectrumX when submitting a question for written answer on matters related to the Government’s response to COVID-19 and the production of hand sanitisers; (iii) using his position to undertake paid lobbying; and (iv), failing to state that he was the Commercial Director for SpectrumX, which was not listed in his register of interests at the time.

Relevant aspects of the Code

3. Paragraph 9 of the Code of Conduct states:

“Members of the House:

 - (a) must comply with the Code of Conduct;
 - (b) should act always on their personal honour in the performance of their parliamentary duties and activities;
 - (c) must never accept or agree to accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.”
4. Paragraph 12 of the Code of Conduct states:

“In order to assist in openness and accountability members shall:

 - (a) register in the Register of Lords’ Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions;
 - (b) declare when speaking in the House, or communicating with ministers or public servants, any interest which is a relevant interest in the context of the debate or the matter under discussion”
5. Paragraph 16 of the Code of Conduct states:

“A member must not seek by parliamentary means to confer exclusive benefit on an outside body or person (a) in which he or she has a

¹ The investigation and report were completed by Akbar Khan.

financial interest (including by way of salary, fees, shareholding or other arrangement) or (b) in return for payment or reward.”

Preliminary assessment

6. During the preliminary assessment stage, I wrote to Lord Shrewsbury on 3 February to ask him three questions namely, (i) what was the relationship between Talbot Consulting Ltd and Spectrum X, (ii) what was the date on which Spectrum X became a client of Talbot Consulting Ltd, and (iii) what was the date when he was appointed as Commercial Director for Spectrum X, including information regarding any other positions previously held within the company.
7. Lord Shrewsbury stated the following in his response:

“Whilst I had registered my interest as a director and majority shareholder in Talbot Consulting Limited, I was originally advised by the Registrar’s Office that it was not necessary to register details of individual clients of the Company, as I had suggested that so to do would be commercially sensitive. As soon as I was made aware of Mr Winnifrith’s article I contacted the Registrar’s Office and volunteered the names of the Consultancy’s clients, having also read the updated guidance on Declaration and Registration of Interests.”
8. The Registrar confirmed that he had not and would not have advised Lord Shrewsbury not to register his clients for Talbot Consulting Ltd after the rules on registering clients of personal service companies came into effect in July 2020.
9. Lord Shrewsbury further stated that he had not been appointed as Commercial Director of SpectrumX and held no positions within the company.
10. Lord Shrewsbury said he registered the names of the clients of Talbot Consulting Ltd following the publication of Mr Winnifrith’s article in November 2021. The rules regarding registration of clients of personal service companies came into effect in July 2020.² Therefore, in my view there was evidence to suggest that Lord Shrewsbury was in breach of the Code for failing to register the clients of his company between July 2020 and November 2021.
11. In his response to me, Lord Shrewsbury had also included emails sent to Esther McVey MP and Alex Burghart MP, a Minister at the Department of Education, inviting them to attend the opening of SpectrumX’s new manufacturing facility. I determined that there was sufficient *prima facie* evidence to investigate whether Lord Shrewsbury had breached the rules governing paid advocacy and parliamentary influence.
12. Lord Shrewsbury also stated in his response that he directly contacted officials at the Antivirals Task Force, which was set up in April 2021 to provide and investigate potential treatments for COVID-19 and which had invited interested parties to submit details. He said the following:

“I suggested to [SpectrumX] that they would be well advised to make such a submission. I asked the Special Advisers in the House of Lords to provide me with details of whom to contact. I declared my interest to

2 <https://committees.parliament.uk/publications/1739/documents/16887/default/>

them. I passed the details to Mr Hancox at [SpectrumX]. On the 9th June 2021 I wrote to Claire Scutt at the Antivirals Task Force declaring my interest and providing technical details of the Nasal Spray product being developed by [SpectrumX].”

13. Given Lord Shrewsbury’s position as a paid consultant advising SpectrumX, I also considered the possibility that his contact with the Antivirals Task Force engaged the rules in the Code of Conduct governing lobbying and paid advocacy.

Summary of investigation

14. Following the completion of my preliminary assessment, I wrote to Lord Shrewsbury on 25 February to inform him that I had determined there was sufficient evidence to establish there was a *prima facie* case to be investigated. I therefore advised him that I was opening an investigation and invited him to respond in writing to a number of questions.

Paid lobbying and conferring an exclusive benefit

15. Lord Shrewsbury responded to my letter on 8 March. In his letter, he stated that he did not believe that his contact with MPs in relation to SpectrumX constituted paid lobbying or advocacy, and confirmed he had no meetings with other government ministers or officials regarding the production or procurement of sanitisation products.

16. He told me:

“I do not consider that my contact with either Mr Burghart or Ms McVey constituted paid advocacy on behalf of SpectrumX . I was not trying to confer an exclusive benefit on them in representing their products to these MPs. Indeed my contact with Mr Burghart was a courtesy contact to congratulate him on his new appointment and to ask if he would be able to visit the new facility for the Official Opening which Ms McVey had agreed with Mr Hancox that she would undertake.

The facility was being constructed and was incapable of manufacturing hand sanitisers, or indeed any other product. I had visited the building in question once recently, and it was a shell. The hand sanitisers which I and my family had been given in 2020 were samples and I had been told by SpectrumX that they were not being produced or marketed and they had not been licensed at that stage, to the best of my knowledge.”

17. He also explained why he did not consider that he had breached the Code of Conduct in relation to his contact with officials in the Anti-Virals Taskforce:

“I do not consider that my contact with officials in the Anti Virals Task Force constituted paid advocacy on behalf of SpectrumX . I was not trying to confer an exclusive benefit in representing their products to these officials. I simply advised Mr Hancox whom and at what address he should contact with his application, and that information could be easily accessed on the Internet.”

Registration of interests

18. In his letter, Lord Shrewsbury conceded that he was in breach of the Code for failing to register the clients of his personal service company. He stated the following:

“As previously stated, Talbot Consulting Ltd is a personal service company. I freely admit that I did not read the rule change in 2020 and was unaware of its existence. I was made aware of Mr Winnifrith’s article in November 2021, and I read the ‘Code of Conduct for Members of the House of Lords’ published 28 October 2021, and straightaway contacted the Registrar to volunteer the names of Talbot’s clients. It was entirely through my failure to make myself aware of the change of rules in 2020 that I had failed to register the client’s names following that rule change, and I am totally at fault.”

Declaration of interests

19. Lord Shrewsbury stated he did not consider it necessary to declare his interests when submitting questions for written answer on hand sanitisers in October 2021. He told me:

“When I tabled my QWA in October 2021 on hand sanitisers, I was aware that SpectrumX had produced samples - as previously stated I had received some for my family - but I was unaware that they were producing them for sale, as their new factory at Nantwich wasn’t even commissioned, and that SpectrumX Healthcare was in Administration. I was however aware that there are numerous businesses in the UK already producing and selling alcohol free hand sanitisers, many with web sites, and so my QWA was a general question about that Industry and its ability to supply schools etc.”

Findings

20. **I have carefully assessed the responses from Lord Shrewsbury and am satisfied with his explanations regarding the correspondence with MPs and Ministers in relation to Spectrum X. Nothing in the correspondence I have seen suggests that he was attempting to obtain an exclusive benefit for the company or that he was seeking to exercise parliamentary influence on their behalf. I accept that there was no further contact between him and the Minister on behalf of SpectrumX beyond what he has supplied to me in evidence.**
21. **I also accept Lord Shrewsbury’s explanation for why he did not consider it was necessary to declare any interests when he submitted a question for written answer on hand sanitisers. I do not consider he breached the Code of Conduct in this regard.**
22. **Lord Shrewsbury’s has candidly admitted his failure to register the clients of Talbot Consulting Ltd which constitutes a breach of paragraph 12(a) of the Code of Conduct.**
23. **I accept Lord Shrewsbury’s explanation that his failure to register his interests correctly was inadvertent. Further, I do not believe that Lord Shrewsbury was seeking to avoid openness and accountability regarding his interests. I note that he set the record straight as soon as it was brought to his attention which shows his good faith. It is also**

worth noting that this is Lord Shrewsbury's first breach of the Code of Conduct during his long tenure in the House.

24. **I further note that in the light of the investigation into his conduct, Lord Shrewsbury voluntarily resigned his role as a Party Whip in recognition of the seriousness of this matter and his desire to co-operate fully to resolve the matters complained of.**
25. **In all the circumstances, I consider this to be a minor breach of the Code of Conduct and one for which I have determined that remedial action is an appropriate and proportionate outcome. I proposed that a letter of apology be sent to Lady Manningham-Buller, Chair of the Conduct Committee (see Appendix 1). This constituted sufficient remedial action in this case.**
26. I am grateful to Lord Shrewsbury for his full and timely cooperation during this investigation.

**APPENDIX 1: LETTER FROM THE EARL OF SHREWSBURY TO
BARONESS MANNINGHAM-BULLER, CHAIR OF THE CONDUCT
COMMITTEE**

Dear Lady Manningham-Buller,

I am fully aware that a complaint was made to the Commissioner for Standards by a Mr Tom Winnifrith with regard to my alleged conduct as a member of The House of Lords.

I am most grateful to the Commissioner and his offices for their fair and balanced investigation into the matter, and I am happy with his findings.

I would like to take this opportunity to apologise sincerely to both yourself, your Committee and the whole House for my inadvertent failure to declare properly my interests as specified in the Report, and I undertake to comply fully with the Terms of the Code of Conduct in the future.

Yours sincerely,

The Earl of Shrewsbury & Waterford DL