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Summary

I investigated the allegation that the Member had breached paragraph 16 of the Code of Conduct for Members, by offering a guided tour of Parliament in an auction to raise funds for a political party.

- 5 During my inquiry, I established that the Member had agreed to sell through a Crowdfunder site a personal tour of Parliament and a signed Order paper, to raise funds as part of her re-election campaign.¹

On considering the sale of the signed copy of the Order paper, and after seeking advice from the House, I concluded this was not a breach of the rules.

- 10 However, my investigation established that the Member had, on her return to Parliament after the election, hosted a tour of Parliament, which had been paid for via an online fundraising campaign. I found that in doing so the Member had acted in breach of the rules. The Member acknowledged their breach, apologised and undertook not to repeat it.

- 15 I concluded the inquiry using the rectification procedure available to me under Standing Order no 150.

¹ Referred to elsewhere as auction lots

Ms Caroline Lucas MP: Resolution letter

Letter from the Commissioner to Mr Michael Fabricant MP, 19 March 2020

5 I wrote to you on 16 January 2020 to tell you I had begun an inquiry into your allegation that Ms Caroline Lucas MP had acted in breach of the rules of conduct. I am writing to you now to tell you the outcome of my inquiry.

I found that by offering a guided tour of Parliament as part of a Crowdfunder to raise funds for her election campaign, Ms Lucas breached paragraph 16 of the rules of conduct for Members.

10 As part of my inquiry I also considered whether Ms Lucas further breached the rules by offering a signed copy of the Order Paper for sale as part of a Crowdfunder. After seeking advice from the House, I concluded this was not a breach of the rules.

15 Ms Lucas has acknowledged that, in offering a paid-for tour of Parliament, she breached the rules. She has apologised for this and committed to avoid a recurrence. I consider that to be an appropriate outcome and have concluded the matter using the rectification procedure available to me under Standing Order no 150.

I will notify the Committee on Standards of the outcome in due course, and the evidence pack will be posted on my webpages in the next few days.

This matter is now closed.

19 March 2020

Written evidence

1. Letter from Mr Michael Fabricant MP to the Commissioner, 18 December 2019

5 During the General Election period, I was concerned to read the extract below from the Mail Online concerning Caroline Lucas. As you will see, it alleges that she is offering a tour of the House of Commons for a donation of £150:

"A £150 donation gets you a guided tour of the Commons, while £250 secures lunch with her." [Third party comments on the offer have been redacted.]

10 I understand that this has also been reported in the local newspaper, the Brighton Argus.² This article says that this is a personal guided tour if she is re-elected.

I believe it inappropriate for her to be touting for donations using the facilities of the House of Commons as an inducement. This is also an unfair advantage over other election candidates.

Is this permissible?

15 I initially raised this with the Serjeant At Arms who suggested that I write to you direct.

18 December 2019

2. Letter from the Commissioner to Ms Caroline Lucas MP, 16 January 2020

20 I would welcome your help with an allegation I have received from Mr Michael Fabricant MP, about your compliance with the House of Commons' Code of Conduct for Members. I enclose a copy of Mr Fabricant's letter for information.

My Inquiry

25 I have decided to begin an inquiry into the allegation that you acted in breach of paragraph 16 of the Code of Conduct for Members, specifically by offering a "Personal guided tour of the House of Commons if re-elected", and a "Signed copy of Saturday sitting Order paper", as part of your re-election fundraising campaign.

² <https://www.theargus.co.uk/news/18062018.caroline-lucas-will-bake-cake-donate/>

The Code of Conduct for Members³

Paragraph 16 of the current Code of Conduct for Members states:

5 *“Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal advantage or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation”*

10

The Members’ Handbook

Under the heading *“Essentials – Everyone’s responsibility; and the use of parliamentary resources”* it says:

“Use of parliamentary resources

15 *The House provides various facilities and services to Members, the cost of which is either met in full or subsidised by public funds. These include, but are not limited to:*

Accommodation, including offices and meeting rooms

Stationery and postage

20 *Research support*

Computer equipment and services

Catering facilities.”

25 Further to this, guidance contained in the folder titled *“Code of Conduct and related rules of the House”*, which was distributed to Members after the 2017 General Elections, stated;⁴

³ <https://publications.parliament.uk/pa/cm201719/cmcode/1474/147401.htm>

⁴ <https://www.parliament.uk/documents/commons-governance-office/General%20Election%202017/Code%20Of%20Conduct%20%20Rules%20of%20the%20House.pdf>

5.iii Tours of the Parliamentary Estate, raffles and auctions

5 *Members are reminded that the rules of the House apply to any tours which they or their office arrange, and that the Parliamentary Commissioner for Standards may investigate if there is sufficient evidence of a breach of the rules.*

Members must not offer tours of the House or of the Elizabeth Tower or Big Ben in raffles or auctions.

10 *Members are reminded that tours on the parliamentary estate which would otherwise be available at nil cost (for example, public tours of the Visitor Route) should under no circumstances be offered as raffle or auction prizes.*

Next steps

In addition to receiving your response to the allegation made by Mr Fabricant, I would welcome your comments on the following questions.

- 15
- Were you aware of the rules regarding the use of House provided facilities and services, and the limitations around the use of these?
 - What involvement did you have with the online auction, hosted on the website Chuffed.org, which was raising funds for the Green Party?
- 20
- Were you aware that a tour of Parliament (which was to be led by you) was offered as an auction lot?
 - By whom was the signed Order paper, also featured in the online auction, obtained? (A copy of the relevant webpage is enclosed)
- 25
- If you were aware of this fundraising campaign, did you take advice from the House authorities before the two lots were listed on the Chuffed.org website as part of an election campaign?
- 30
- Please provide copies of any relevant advice you may have received.
 - Have you offered access to the parliamentary estate or signed Order papers as a raffle or auction prize for any other fundraising events or campaigns?
 - On reflection, do you consider that these auction lots might be seen as using resources funded by the public purse to confer an undue benefit on a political party?

Your answers to these questions, along with any other points you may wish to make to help me with this inquiry, would be most welcome.

Important information

5 As you may be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation into an alleged breach of the Code of Conduct. I must ask that you respect the decision of the House and the confidentiality of my inquiry. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

15 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. (I am making a similar request of Mr Fabricant.) All the relevant evidence, including our correspondence, will be published when I have concluded my work.

Procedure

I am writing to Mr Michael Fabricant MP to let him know that I have decided to begin an inquiry into this matter.

20 I enclose a copy of the *Commissioner's Information Note*, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

25 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

I should also say now, as a matter of courtesy, that I may seek the advice of the relevant House authorities as part of this inquiry.

Action

30 I would be grateful to have your response to this letter as soon as possible and no later than 30 January 2020. Please let me know before that date if you require more time.

16 January 2020

3. Email from Ms Caroline Lucas MP to the Commissioner, 21 January 2020

Thank you for your letter dated 16 January about the complaint you have received concerning my compliance with the House of Commons Code of Conduct. I have always been very mindful of my responsibility to comply with the code and have
5 previously read and thought I understood the relevant guidelines.

I knew about this fundraiser and did not check specifically before these two items were offered as rewards, because my understanding has always simply been that nothing can be offered for auction or raffle that is otherwise freely available to members of the public. In that respect, I considered that a reward offering a personal
10 tour was about someone accessing my time and experience, rather than a public tour which would otherwise be available at a nil cost. For example, I showed the recipient parts of Parliament that are significant to me personally and which have shaped my experiences and views: the scarf worn by the suffragette Emily Wilding Davidson on the day she was killed, for instance.

15 The reward was advertised here [hyperlink omitted] as follows:⁵

Personal guided tour of House of Commons if re-elected

Caroline will give a 30-minute tour around Parliament. See where it all happens!

20 The order paper was a personal copy that had been saved and specifically signed by me, and I did not consider making it available was the equivalent of charging for something that was otherwise available at nil cost. Order papers are not listed in the guidance regarding parliamentary resources.

This reward was advertised here [hyperlink omitted] as follows:⁶

Signed copy of Saturday sitting order paper

25 On 19th October, Parliament had a historic Saturday sitting. On that day, Boris Johnson lost, by 322 to 306, the vote on the 'Letwin amendment', meaning that he had to write to the EU asking for a further extension. Caroline has kept - and signed - her copy of the 'order paper' for the day, and it's available to one lucky donor!

30 I have not offered access to the estate or signed order papers as raffle or auction prizes on any other occasions.

I do not believe I have breached the code, since the public cannot freely access time with me, or a signed copy of my order paper- and my understanding is that neither

⁵ <https://chuffed.org/project/carolinelucas2019>

⁶ See previous link

my time and personal insight, nor a personal signed copy of an order paper, is a public resource.

I would be happy to be interviewed as required and to answer any further questions you might have.

5 *21 January 2020*

4. Letter from the Commissioner to the Director of Customer Experience and Service Delivery, 27 January 2020

10 I would like to ask your advice on a complaint I have recently received about Ms Caroline Lucas MP. In essence, the complaint is that Ms Lucas acted in breach of paragraph 16 of the Code of Conduct for Members, specifically by offering a “Personal guided tour of the House of Commons if re-elected”, as part of a re-election fundraising campaign.

15 I have enclosed a copy of my letter to Ms Lucas, dated 16 January 2020, and her reply, dated 21 January 2020. I have also enclosed copies of the relevant fundraising webpages, hosted on Chuffed.org, for your information.

It would be helpful to know how you would have advised Ms Lucas if she had sought advice from you/your team, taking into consideration the points she has made in her reply to my questions.

It would be very helpful to have your reply by 10 February 2020.

20 *27 January 2020*

5. Letter from the Commissioner to the Clerk of the Journals, 27 January 2020

25 I would like to ask your advice on a complaint I have recently received about Ms Caroline Lucas MP. In essence the complaint is that Ms Lucas acted in breach of paragraph 16 of the Code of Conduct for Members, specifically by offering a “Signed copy of the Saturday sitting Order paper”, as part of a re-election fundraising campaign.

I have enclosed a copy of my letter to Ms Lucas, dated 16 January 2020, and her reply, dated 21 January 2020. I have also enclosed copies of the relevant fundraising webpages, hosted on Chuffed.org, for your information.

30 It would be helpful to know how you would have advised Ms Lucas if she had sought advice from you/your team, taking into consideration the points she has made in her reply to my questions. It would be very helpful to have your reply by 10 February 2020.

27 January 2020

6. Letter from the Commissioner to Ms Caroline Lucas MP, 27 January 2020

Thank you for your email of 21 January 2020, and the information it provided. In my first letter to you, on 16 January 2020, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual
5 practice, I have today written to both the Director of Customer Experience and Service Delivery, [name redacted] and the Clerk of the Journals, [name redacted].

My letters ask how they would have advised you had you sought advice about offering the personal tour of Parliament, and the signed Order paper, as auction items on the Chuffed.org fundraising page. I enclose a copy of both letters for your
10 information.

I will write to you again when I have received their replies and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

15 *27 January 2020*

7. Email from the Clerk of the Journals to the Commissioner, 4 February 2020

You asked me how I would have advised a Member about auctioning a signed copy of an Order Paper to contribute to their election expenses. I would have advised them to consult the Electoral Commission and your office because I think this is
20 more about election rules and the appropriate uses of parliamentary resources than about the treatment of the Order Paper itself.

We don't assert any copyright-based restrictions over the House's business papers; they are all subject to the Parliamentary Open Licence, which positively encourages reuse and onward exploitation (although I am sure without having online auctions
25 in mind). The Vote Office advises Members that papers are provided to them for their parliamentary duties but doesn't rule out any specific activities. If a Member acquired an Order Paper to assist in their parliamentary duties on a particular day, I don't think we would assert any restrictions over what subsequent use they might make of it (line a parrot cage, sell on an online auction).

30 So, if my role is to be guardian of the integrity of the House's papers, I would not see that integrity compromised by them being auctioned after use. Since they are all freely available online, arguably the only real value lies in the Member's signature.

I hope this is helpful and happy as ever to discuss.

4 February 2020

8. Letter from the Director of Customer Experience and Service Deliver to the Commissioner, 4 February 2020

Thank you for your letter dated 27 January 2020, regarding the complaint you received about Ms. Caroline Lucas MP.

- 5 I can confirm if Ms. Lucas had approached the Access and Services team in the first instance about the rules regarding offering a "*personal guided tour of the House of Commons*" as part of a re-election fundraising campaign, the following advice would have been given:

10 *Tours of the House or of the Elizabeth Tower or Big Ben must not be offered in raffles or auctions.*

Tours of the parliamentary estate which would otherwise be available at nil cost (for example, public tours of the Visitor Route) should under no circumstances be offered as raffle or auction prizes.

15 *Members are reminded that the rules of the House apply to any tours which they or their office arrange, and that the Parliamentary Commissioner for Standards may investigate if there is sufficient evidence of a breach of the rules.*

This advice is also available on the intranet.⁷

20 Should you wish any further information on this please do not hesitate to contact me.

4 February 2020

9. Letter from the Commissioner to Ms Caroline Lucas MP, 11 February 2020

25 When I wrote to you on 27 January 2020, I said that I was seeking the advice of the House authorities and that I would give you the opportunity to comment on that advice before I reach any decision.

I have now received responses from both the Director of Customer Experience, [name redacted]; and the Clerk of the Journals, [name redacted]. I have included their advice below for ease of reference.

The Director of Customer Experience replied;

30 *I can confirm if Ms. Lucas had approached the Access and Services team in the first instance about the rules regarding offering a "personal*

⁷ A link was provided for the relevant Parliamentary intranet page

guided tour of the House of Commons" as part of a re-election fundraising campaign, the following advice would have been given:

Tours of the House or of the Elizabeth Tower or Big Ben must not be offered in raffles or auctions.

5 *Tours of the parliamentary estate which would otherwise be available at nil cost (for example, public tours of the Visitor Route) should under no circumstances be offered as raffle or auction prizes.*

10 *Members are reminded that the rules of the House apply to any tours which they or their office arrange, and that the Parliamentary Commissioner for Standards may investigate if there is sufficient evidence of a breach of the rules.*

This advice is also available on the intranet: [link redacted]

The Clerk of the Journals replied;

15 *You asked me how I would have advised a Member about auctioning a signed copy of an Order Paper to contribute to their election expenses. I would have advised them to consult the Electoral Commission and your office because I think this is more about election rules and the appropriate uses of parliamentary resources than about the treatment of the Order Paper itself.*

20 *We don't assert any copyright-based restrictions over the House's business papers; they are all subject to the Parliamentary Open Licence, which positively encourages reuse and onward exploitation (although I am sure without having online auctions in mind). The Vote Office advises Members that papers are provided to them for their parliamentary duties but doesn't rule out any specific activities. If a*
25 *Member acquired an Order Paper to assist in their parliamentary duties on a particular day, I don't think we would assert any restrictions over what subsequent use they might make of it (line a parrot cage, sell on an online auction).*

30 *So, if my role is to be guardian of the integrity of the House's papers, I would not see that integrity compromised by them being auctioned after use. Since they are all freely available online, arguably the only real value lies in the Member's signature.*

35 I would be grateful to receive any comments you wish to make in the light of the above advice, either via post or by emailing standardscommissioner@parliament.uk, by 25 February 2020.

11 February 2020

10. Email from Ms Caroline Lucas MP to the Commissioner, 19 February 2020

Thank you for your correspondence of 11.2.20 sharing the responses you have received from the Director of Customer Experience and from the Clerk of the Journals to inquiries made in relation to a complaint received about my conduct.

My view is that these indicate I have not breached the Code of Conduct.

The Clerk of Journals makes clear that there are no restrictions placed on what happens to an Order Paper acquired to assist me in my duties.

The Director of Customer Experience states that tours should not be offered as prizes in an auction or raffle and then explains this rule i.e. tours which would otherwise be available at nil cost cannot be offered as raffle or auction prizes. The tour I offered was highly personalised, taking in parts of Parliament that are significant to me as an individual, and not on offer at nil cost via any other means as e.g. a public tour of the Visitor Route (to use the Director's example).

Please do let me know if you have any further questions and I look forward to hearing from you further

19 February 2020

11. Email from Ms Caroline Lucas MP to the Commissioner, 21 February 2020

I just wanted to add something to my reply [above], that I hope you will find useful. Since the complaint against me has been covered extensively in the media - and I would like to write to you separately about that once things have concluded - I have received emails from members of the public in 5 separate constituencies advising that they have either been winners of raffles offering bespoke tours of the House of Commons from their MPs or seen such prizes on offer. This would indicate that my reading and understanding of the rules is shared by other MPs and they too think prizes of this nature can be offered if there's is a personal element included which cannot be accessed at nil cost. I hope this information might be helpful as you consider the matter at hand.

[Details about arrangements for a meeting redacted⁸.]

21 February 2020

⁸ A telephone call was later substituted for the planned meeting

12. Note of a telephone call on 25 February 2020, at 11:00

Caroline Lucas MP (CL)

Kathryn Stone (KS)

5 KS – Thanked CL for calling and emphasised that she would understand if CL preferred to postpone the conversation given her [relative's] current ill health. CL preferred to go ahead.

10 KS - Set out the two allegations, auctioning of signed Order paper and a personal tour of Parliament. KS said she was minded not to uphold the allegation concerning the Order Paper. KS was persuaded by advice from Clerk of the Journals on this matter. However, KS was also persuaded by the Service Delivery Director's advice and that it had been a breach of the rules for CL to offer a tour of Parliament as part of the online auction. KS said the rules are clear on this point.

15 CL – Does not feel the rules are clear. CL was certain that the tour she offered was not publicly available. The auction was for access to her and her time, and the tour focused on those parts of the building that were important to her. CL said this is not something that is freely available elsewhere.

KS – Quoted from the Code of Conduct for Members ...

5.iii Tours of the Parliamentary Estate, raffles and auctions

20 Members are reminded that the rules of the House apply to any tours which they or their office arrange, and that the Parliamentary Commissioner for Standards may investigate if there is sufficient evidence of a breach of the rules. [KS emphasised bold text in the call].

25 Members must not offer tours of the House or of the Elizabeth Tower or Big Ben in raffles or auctions.

Members are reminded that tours on the parliamentary estate which would otherwise be available at nil cost (for example, public tours of the Visitor Route) should under no circumstances be offered as raffle or auction prizes.

30 CL – Suggested that the final paragraph strongly supported her position as she was not taking people along the main Visitor Route.

KS – Pointed out that CL would not have been able to offer a tour of any part of the building but for her position of MP. In response to CL's question about possible outcomes, KS explained that it is open to CL to disagree with her decision and it

would then be referred to the Committee on Standards to decide if they agreed with KS. The next step is for KS to write to CL, formally setting out her decision and outlining her rationale.

5 CL – Asked KS to outline the process, if CL agreed with KS’s decision after seeing the letter.

10 KS – Described the process; if after receiving her letter, CL accepted and apologised for her breach of the rules and undertook to avoid future breaches, this matter could be rectified under Standing Order No. 150. The written evidence, including their correspondence, would be posted on KS ‘s webpages and she would report the outcome to the Committee on standards in due course. At which point the matter would be closed.

15 CL – Referred to the recent media interest, arising from a member of the public breaching confidentiality. CL reiterated that certain aspects of reports in the press had been inaccurate. In observing the requirement for House’s requirement of confidentiality CL has been unable to counter these inaccurate points.

20 KS – Said that her position on the House’s decision not to allow her to name MPs whose conduct is under investigation was well-documented. She said she would continue to address the wider issues around confidentiality separately. She acknowledged that CL had been put in a difficult situation, not being able to respond to media reports and set out the facts.

CL – Asked how the allegation against her compared to other events, for example, where people pay large sums of money to attend dinners alongside Ministers.

25 KS – Said that the rules relate to events on the parliamentary estate. She asked where these events are held. If KS were to receive evidence of events held on the parliamentary estate against the rules, she would consider investigating.

KS – Said she would write to CL, setting out the rationale for her decisions and CL would then have a chance to reflect before responding further.

CL – Asked for details about what would happen if she disagreed with the Commissioner’s decision.

30 KS – Explained that CL would receive details about next steps when she writes to her, which would be in the next couple of days. KS closed the call, reiterating that CL had other, more pressing concerns just now [detail redacted]

Call finished at 11:18. 25 February 2020

13. Letter from the Commissioner to Ms Caroline Lucas MP, 26 February 2020

Thank you for making time to speak to me on the phone yesterday. I enclose a short note of the main points of our meeting. [Detail not relevant to the inquiry redacted.]

5 You will know from our discussion, that I believe I have sufficient information to reach a decision regarding the allegations under investigation.

My Decisions

The Order Paper

The Clerk of the Journals was clear in his advice about offering a signed copy of an Order Paper for sale. He said

10 *“If a Member acquired an Order paper to assist in their parliamentary duties on a particular day, I don’t think we would assert any restrictions over what subsequent use they might make of it...”*

I am persuaded by his advice and I **do not** find you in breach of the rules for having enabled the sale of a signed Order Paper.

15 The tour of Parliament

You have not disputed that in return for a donation of £150 to your fighting fund for the General Election campaign you gave a personally guided tour of Parliament.

20 The Director of Service Delivery has drawn attention to the rule against offering a *“tour of the parliamentary estate which would otherwise be available at nil cost”* as a raffle or auction prize. You have suggested that because the tour was not along a recognised visitor route and was tailored around places on the estate with particular personal significance to you, it was not *“otherwise available at nil cost”*. I do not agree. You were able to offer the tour only because your status as a Member allows you, and your visitors, access to the parliamentary estate. You could have made such
25 a tour available without charge.

30 The Code of Conduct has long prohibited using publicly funded resources to *“confer any undue personal financial benefit on themselves, or anyone else, or confer undue advantage on a political organisation.”*⁹ The overarching principle when considering the proper use of parliamentary premises was articulated by the then Commissioner in 2007, as follows.

“... offices and facilities on the Parliamentary estate are provided to enable Members to carry out their Parliamentary duties, that is, to

⁹ Paragraph 16 of the Code of Conduct, as amended in July 2018

facilitate the discharge by them of the duties and functions of the office of Member of Parliament.”

He also said, in the same report

5 *“In my submission the Parliamentary estate is not provided out of the public purse to be used as part of a device to attract party fundraising and the suggestion that it is so being used is not one likely to enhance the public reputation of the House.”¹⁰*

The principle still stands. And, to summarise the more detailed rules:

- 10
- The published advice on raffles and auctions states that *“Members must not offer tours of the House or of the Elizabeth Tower or Big Ben in raffles or auctions.”*
 - It also says that *“Members are reminded that the rules of the House apply to any tours which they or their office arrange...”* [**my emphasis**]

15 The rules as quoted give examples of what a tour might include and refer specifically to the tour of the Visitor route, but this is not an exhaustive list. I have, therefore, decided that offering a guided tour of Parliament as part of an auction to raise funds for your re-election campaign was a breach of paragraph 16 of the rules of conduct, and I **uphold the allegation**.

Concluding the inquiry

20 You have given an assurance that this is the only occasion on which you have offered such a prize as part of a raffle or an auction and that, contrary to some media reports, the offer on the fund-raising website was for just one tour. While the principle is important and the tour should not have been offered in return for a donation, I consider this breach of the rules to be at the less serious end of the spectrum. I have
25 decided this matter could be concluded through the rectification procedure.

Standing Order No 150 makes provision for me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances. The Committee would generally expect the Member to have acknowledged and apologised for their breach of the rules, and to have taken any steps necessary to
30 rectify their breach.

I can, therefore, conclude the matter in this way only with your agreement. If you do not accept my decision, you should tell me that and I will prepare a Memorandum the Committee on Standards, so that they may consider the matter. I would give you

¹⁰ <https://publications.parliament.uk/pa/cm200607/cmselect/cmstnprv/429/42904.htm> HC429, Second Report of the Committee on Standards and Privileges, 2006-2007 Session

the opportunity to see and comment on a draft of the Memorandum, but the content of it would, in the final analysis, be for me alone.

Next steps

5 If you agree to my proposal to conclude the inquiry through the rectification procedure, acknowledging and apologising for your breach of the rules and undertaking not to repeat the breach, I would then share the draft written evidence pack with you to check its factual accuracy, before publishing that material on my webpages, here: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/rectifications-2018-19/>.
10 I would also report the outcome to the Committee on Standards in due course.

Please let me have a response to this letter as soon as you are able to do so. If you are not able to reply by 10 March 2020 please contact my office.

15 In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

26 February 2020

14. Email from Ms Caroline Lucas MP to the Commissioner, 3 March 2020

20 Thank you for your letter of 26th February advising that you have decided to uphold the allegation that I breached the parliamentary rules in offering a personal guided tour of the House of Commons for £150, and that offering a signed copy of the order paper was not a breach of the rules.

25 I am minded to accept your decision at this point, and your proposal for how this matter should be concluded, but before formally doing so, I would like to request an acknowledgement that the rules are not as clear as they might be and should be reviewed.

In your letter you have quoted from the rules but I think it's important to note that I, along with other MPs, was originally reading the content regarding tours in full, as follows:

30 *Tours of the House or of the Elizabeth Tower or Big Ben must not be offered in raffles or auctions.*

Tours of the parliamentary estate which would otherwise be available at nil cost (for example, public tours of the Visitor Route) should under no circumstances be offered as raffle or auction prizes.

Members are reminded that the rules of the House apply to any tours which they or their office arrange, and that the Parliamentary Commissioner for Standards may investigate if there is sufficient evidence of a breach of the rules.

5 I genuinely read the second paragraph to be an explanation of the first, and the third as a further clarification.

I don't think it's as clear as it should be that the second paragraph is a separate and distinct point from the first paragraph, because it's really not necessary if the intention of the rules is to advise against *any* tours being offered as prizes. It would
10 be much clearer to say, for example, *Tours of the House or of the Elizabeth Tower or Big Ben or any other part of the Parliamentary Estate must not be offered in raffles or auctions under any circumstances.*

That is much more definitive and not open to misinterpretation, whereas the repetition contained in the current wording means that it can easily be read – as I
15 read it - to suggest that it's only tours which are not otherwise available at nil cost that cannot be offered i.e. for the paragraphs to read as following on from and linked to one another.

It seems to me that the unclear wording of the rules lies at the heart of the decision you are making and I would welcome this point being taken on board going
20 forward. If you are willing to accept the point that the rules need to be clarified, and include that in your judgement, then I would be happy to accept it.

I look forward to hearing from you.

3 March 2020

15. Letter from the Commissioner to Ms Caroline Lucas MP, 5 March 2020

25 Thank you for your email of 3 March 2020

In my letter of 26 February 2020 I explained that in order to conclude an inquiry by way of rectification, the Committee on Standards would expect certain conditions to be met. These include the Member acknowledging and apologising for their breach of the Code, as well as committing to any steps necessary to prevent a recurrence of
30 that breach.

In your response, you say that if I "*am willing to accept that the rules need to be clarified, and include that in [my] judgement, then [you] would be happy to accept it.*" I believe the rules about raffling and auctioning tours of Parliament are clear and it is not, therefore, appropriate for me to do as you suggest. However, I would draw
35 to your attention that the detailed rules do not attempt to provide an exhaustive list of tours that cannot be raffled or auctioned. The reference to public tours of the visitor route is an example. These rules must be read in light of the over-arching

requirement contained in paragraph 16 of the Code of Conduct, which is that a Member's use of publicly funded resources "*should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*" If you wish to propose amendments to the current rules, it is open to you to put them direct to the relevant House authorities. You might write to the Director of Service Delivery about that in the first instance.

If you are willing to acknowledge and apologise for your breach of the rules, then I would conclude this matter through the rectification procedure as previously proposed. If you do not feel able to accept the terms for a rectification, the only option available to me would be a referral to the Committee. The Committee would then decide whether it agreed with my application of the rules as they currently stand and what, if any, further action to recommend. I should add now that the Committee on Standards does not 'own' the rules which you consider to be unclear. Nonetheless, it would be open to the Committee to consider writing to the relevant House authorities if they were persuaded that clarification is required.

I would be grateful to have a response to this email by 13 March 2020. However, if that is not possible, please let me know.

5 March 2020

16. Letter from Ms Caroline Lucas MP to the Commissioner, 10 March 2020

I am writing to confirm receipt of your letter of 26th February 2020 and to confirm that I accept your proposal for concluding the inquiry into the allegations against me through the rectification procedure. I acknowledge that, in offering a personal tour of Parliament for £150 in a Crowdfunder, I was in breach of the Code of Conduct, for which I apologise. I also undertake not to repeat the breach.

Thank you also for your letter of 5th March 2020 and for explaining that any concerns I have about the wording and clarity of the rules should be taken up with the relevant House authorities.

10 March 2020

17. Letter from the Commissioner to Ms Caroline Lucas MP, 13 March 2020

Before I go any further, I would like to offer you my condolences on your father's death. I appreciate your cooperation with my investigation at a personally difficult time. I am also very aware that the breach of confidentiality by a third party, which led to considerable media coverage, will have exacerbated the situation. I hope the conclusion of this inquiry will draw a line under the matter.

I appreciate your cooperation with my investigation at a personally difficult time. I am also very aware that the breach of confidentiality by a third party, which led to considerable media coverage, will have exacerbated the situation. I hope the conclusion of this inquiry will draw a line under the matter.

Thank you for your email of 10 March 2020, agreeing to my proposal to conclude my inquiry by way of the rectification procedure.

5 As previously discussed, I enclose a draft copy of the written evidence pack, which includes the correspondence relevant to my decision. In this you will find the draft of my concluding letter to Mr Fabricant. It is the first item in the pack, after the summary. While the content of the letter is a matter for me alone, I would welcome any comments you might like to make on the factual accuracy of this and the written evidence pack.

10 Once I have your comments, I will finalise and send Mr Fabricant's letter. I will send you both a copy of the final evidence pack, shortly after which, the information will be posted on my webpages. I will also inform the Committee on Standards of the outcome in due course.

15 I would be pleased to receive any comments you wish to make on these items as soon as possible. I'm aware you are keen to see an end to this matter, therefore, if you reply by mid-day Monday 16 March, I would expect to publish the evidence pack on my website by the afternoon of Tuesday 17 March. If, however, you would like more time to consider the information, please submit any comments no later than 26 March 2020.

20 In the meantime, our correspondence continues to be protected by parliamentary privilege.

13 March 2020