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## Summary

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5 Following the publication of a media article, I opened an investigation into an allegation that the Member had failed to register a financial interest in the Register of Members' Financial Interests as required by the Guide to the Rules relating to the Conduct of Members. This allegedly put the Member in breach of Paragraph 14 of the Code of Conduct.

I upheld the allegation.

10 I concluded that the Member had failed to register his interest as required by the Guide and also failed to register a similar previous interest. I decided that those actions were a breach of the Guide and amounted to a breach of Paragraph 14 of the Code.

15 The Member accepted my decision, acknowledged his breach of the Rules, apologised for the breach, and assured me that he had taken steps to ensure that his entry in the Register would be updated in line with the requirements of the Guide. I was satisfied with the Member's remedial actions and, on balance, decided to conclude the matter by way of the rectification procedure available to me under Standing Order number 150.

## Written evidence

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### 1. Letter from the Commissioner to Mr Adam Afriyie MP, 6 January 2020

As you will be aware, on 23 November 2019 the Daily Mirror published online an article concerning the rental and sale of a property allegedly owned by you. I enclose  
5 a copy of the text of the article for your reference.

I am writing to you now to seek your assistance with my inquiry.

#### **My inquiry**

My inquiry will focus on whether you have acted in breach of paragraph 14 of the House of Commons' Code of Conduct for Members through a potential failure to  
10 register the alleged income, and the property, on the Register of Member's financial interests.

#### **The Code of Conduct**

Paragraph 14 of the current Code states:

15 Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders

20 Further to this, paragraph 47 of the Guide to the Rules relating to the Conduct of Members states:

Members must register, subject to the paragraphs below, any land or property in the UK or elsewhere which:

25 i. has a value of more than £100,000; or forms part of a total property portfolio whose value exceeds £100,000; and/or

ii. alone or together with other properties owned by the Member, provides rental income of more than £10,000 in a calendar year.

This requirement is exempted where paragraph 49 of the Guide is engaged, which reads:

30 Members should not register under this category:

a) Any land or property which is used wholly for their own personal residential purposes, or those of their spouse, partner or dependent children

## 5 Next steps

I would welcome your comments on the allegation that your alleged actions have amounted to a breach of paragraph 14 of the Code of Conduct for Members. I would appreciate your comments on the following specific questions:

1. Is the property shown in the media article owned, or part owned, by you;
- 10 2. Is the media article accurate regarding the rental of the property and the value of the associated rental income;

In light of your answers to questions one and two, does your entry in the Register of Members Financial Interests need to be amended;

- 15 Are any further amendments to the Register needed in relation to any additional property owned, or part owned, by you.

It would be helpful to receive any relevant documentation that you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would also be most welcome.

## Important information

- 20 As you will 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 of an alleged breach of the Code of Conduct. 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  
25 generally but will neither confirm nor deny that I have begun an inquiry.

## Procedure

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.

- 30 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. All the relevant evidence, including our correspondence, will be published when I have concluded my work.

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.

- 5 I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry.

### **Action**

I would be grateful to have your response to this letter as soon as possible and no later than Monday 20 January.

- 10 Thank you for your cooperation with this matter.

### **Tory MP's mansion on Airbnb for £2,000 a night while he faces bankruptcy battle**

**By Alan Selby 23 November 2019**

- 15 The £4.5million mansion of a Tory MP once touted as David Cameron's successor is being rented out for £1,950 a night on Airbnb.

The news emerged as the Sunday Mirror can also reveal Adam Afriyie is facing court action from an HMRC bankruptcy petition over unpaid tax.

And that comes after Axonn Media, the firm which helped make him worth up to £100million, was separately plunged into insolvency.

- 20 Mr Afriyie, 54, was once dubbed the Tory Barack Obama and was a shadow minister. But his business empire has fallen into disarray in recent years.

Since October last year visitors have been able to rent Grade II listed Old Windsor House – built in 1700.

- 25 The former coaching inn and monastery is in Old Windsor, Berks, near the Thames and boasts a croquet lawn, tennis court and swimming pool.

One reviewer said: "Most amazing Airbnb we have been to. I want to go back right now."

- 30 Reviews show the property has been rented a minimum of eight times this year, so at least £15,600 was paid based on the current advertised price of £1,950 for one night.

The home is registered solely in Mr Afriyie's name. But he has not declared the income – which he said went to his wife – or his ownership on Parliament's register of interests.

5 Parliament's rules say property worth more than £100,000 or rental income over £10,000 a year must be declared.

The Lib Dems have slammed Mr Afriyie's decision to rent out the Windsor mansion, currently for sale at £4.5million.

Ex-leader Tim Farron said: "While millions struggle to get into basic housing and thousands sleep on our streets, Tory MPs are renting out their mansions."

10 Mr Afriyie, who sold his Westminster home for £9.5million last year, said: "There's no requirement to declare my private homes in the register of members interests, because I have never claimed Parliamentary expenses for them nor received rental income from them."

15 He said that he would ask Parliament's registrar for advice and update the register if he had made any mistakes.

*6 January 2020*

## **2. Letter from Mr Adam Afriyie MP to the Commissioner, 17 January 2020**

Thank you for your letter of 6th January 2020.

20 Following the dissolution of Parliament December election I have checked with the Register of Members' Financial Interests, as I have always been very keen and careful to ensure that my entries are as accurate and open as they can be.

25 You should know that I have taken the 'precautionary' action of updating the Section 8, Miscellaneous, part of record to reflect what 'may' happen over a 12 month period and to remove any ambiguity that may be felt to arise from the article to which you refer.

Although I am not entirely sure it is necessary today, I thought it better safe than sorry. The new entry is as follows:

30 Section 8: Miscellaneous: "Occasional income derived from short lets of my Windsor home and from using the grounds for events. This income is paid to a family member. (Registered 09 January 2020)."

In response to your questions regarding paragraph 14 my responses are as follows.

1. The article related to my private domestic family home & grounds in the constituency, which is wholly owned by me.
  - 5 a) Expenses have never claimed expenses for this home, or any other home, that I have owned since I was first elected as an MP in 2005. Indeed, it wasn't necessary for a primary or private domestic home to be declared if expenses were not being claimed in the past.
  - b) Rental income has never been received by me from any of the homes I have owned during my time as an MP.
  - 10 c) I once declared a flat in East London in the Register, on the basis that there was a 'possibility' that it might at some point attract rental. Instead, I allowed a family member, who was facing challenges, to live there rent free for a period, so there was actually no need to have registered it at all; but that's history.
- 15 2. The media article speculates inaccurately about the number of occasions and the level of income from paying visitors or guests.
  - a) Visitors occasionally stay at our home when we are away for the weekend or on holiday.
  - 20 b) Some visitors/guests do not actually stay overnight at our home. I am aware that on a handful of occasions over the last 12 years our home has been used as a film location and I do recall that an arts class was once held there.
  - c) Charity and other events do take place in our home and gardens. Sometimes a payment is made to cover the costs and sometimes it is not.
- 25 3. It is not possible to know how much income was received until a tax return is completed for April 2020 (due January 2021), as there will no doubt be significant costs to taken into account by accountants when the records are prepared. I am always been exceptionally careful to declare and register interests as needed and take a lot of time and effort reviewing relevant information and tax returns once they are prepared.
- 30 Nevertheless I am genuinely unsure about the need to register my private home as of today, given the wording of the rules. This is why in light of the media speculation, I have added the entry above prematurely and as a precautionary measure.

My thinking is torn for many reasons:

- a) It seems to me that it would be inaccurate and wrong to register my private family home as a 'property investment' or 'rental property' in Section 6 as it stands today.
- b) It is not an investment property.
- 5 c) It is not a rental property.
- d) I have not received rental income from it.
- e) I cannot know how much income has been derived until a tax return is completed.
- f) It is not rented on a regular basis.
- 10 g) It has not been rented out for the last several months.
- h) There are no future rentals scheduled so far as I understand.
- i) I have never claimed any taxpayers' money for this home, nor any home.
- j) It has no bearing on debates or proceedings in Parliament (Para 14).
- 15 k) For all intents and purposes most people would consider this to be 'wholly' their private domestic family home, even if they had the occasional paying guest or event.
- l) The property is my/our private family home.
- 20 m) Thus far less than £10,000 has been derived from the property in a calendar year, and I cannot know how much was derived in 2019 for several more months.
- n) A premature declaration would require a false or speculative.
4. There are no other property related issues to update in the register.

I've let the Registrar's office know that I'll be in touch if needed once the income figures for the calendar year 2019 are available. To assess any income requires accountancy input for a tax return to March 2020 and the allocation of the appropriate proportion to the calendar year 2019.

25

On a separate note, I'd be happy to help to highlight the challenges for MPs around making declarations, given the inherent conflicts, incompatible approaches and misalignment of the language between the Nolan Principles, Code of Conduct, rules



for declarations, category headings, accounting and financial terminology and the common understanding of words and phrases.

5 I also mentioned to the Registrar that I'd be happy to assist with updating the rules and associated declarations, around Section 14, so that they are clearer, easier to comply with and avoid placing pressure on MPs to make, what might appear to be, false statements or misstatements, given the difficulty with accommodating reality and ease of public understanding within the current rules.

10 In summary, I've made a precautionary (premature) declaration, and will update Section 6 if needed, once I am in a position to know the outcome for 2019 and I hope this helps to clarify the situation.

*17 January 2020*

### **3. Letter from the Commissioner to Mr Adam Afriyie MP, 27 January 2020**

15 Thank you for your detailed letter of 16 January 2020, in response to my initiation of the inquiry into the registration of property under paragraphs 47(i) and 47(ii) of the Guide to the Rules relating to the Conduct of Members.

Unfortunately, your correspondence has generated two further questions, as below, which I would be grateful if you could please address no later than 10 February 2020.

- 20 1. Although, at this time, you may not be able to confidently comment on the income generated by the property for this financial year. Please can you confirm the gross income derived from the property for the calendar years, as required by paragraph 47(ii) of the Guide, of 2019, 2018, 2017, 2016, and 2015. I appreciate that the figure for 2019 may be an estimate at this time.
- 25 2. If the property is, from time-to-time, sublet through AirBnB, rented as a film location, used to host art classes, and also used to host charity events, please could you expand on why you still consider the property to be "...used wholly for (your) own residential purposes...".

30 Please can I remind you that our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued co-operation with this matter.

*27 January 2020*

#### **4. Letter from Mr Adam Afriyie MP to the Commissioner, 12 February 2020**

Thank you for your further letter dated 27th January 2020, which I received this afternoon; I'm unclear at this time as to why it took so long to arrive with me.

5 In response:

1. So far as I recall no income was generated by the property in 2015, 2016 or 2017 and in 2018 it was about £6,500.

2. As previously explained, it is not possible to calculate income for the calendar year 2019 as yet. However, if I were forced to 'guess' or use 'instinct' then I feel  
10 it might be broadly the same as 2018.

Our home is not a single house and family members generally remain in residence either in the main house or in the ancillary accommodation or annexes. When used as a film location, for an art class or charity events, our home is not vacated, as only a small part of the property or grounds is available to guests for a limited period of  
15 time such as a morning, afternoon or evening.

I hope that the above is helpful and trust that the precautionary/explanatory declaration, already made, highlights the occasional income derived from my home. I have attempted to adequately pick the fine line between wrongly declaring my private home as an investment or rental property (thereby providing a misleading  
20 impression), and ensuring that it is quite clear that some income has been derived, albeit below the £10,000 threshold.

*12 February 2020*

#### **5. Letter from the Commissioner to Mr Adam Afriyie MP, 13 February 2020**

25 Thank you for your letter of 11 February 2020 in response to my supplementary questions. I think it would be useful for us to now meet in-person to discuss my inquiry. Please could you ask a member of your office team to contact my personal assistant, [name redacted], as soon as possible, on either [number redacted] or standardscommissioner@parliament.uk to arrange a meeting.

Thank you for your ongoing assistance with this matter.

30 *13 February 2020*

#### **6. Letter from Mr Adam Afriyie MP to the Commissioner, 5 March 2020**

I want to thank you, and [name redacted], for your time today in discussing my entry in the register.

- 5 It has always been my intention to keep my registration entry up-to-date in accordance with the prevailing rules, and our meeting was very helpful in clarifying the interpretation of certain words and phrases.

To save time all round and to bring matters to a conclusion, I have moved my current declaration from section 8. Miscellaneous, to section 6. Land and Property Portfolio,  
10 which will avoid the difficulty of attaining or disclosing third party private information.

I apologise if, through any mistaken interpretation of the rules on my part, the placing of my entry in section 6 is a little late, and hope it will not have an impact on the reputation of the House.

- 15 Once again, thank you for the work you do in ensuring that declarations are made correctly and standards are maintained, and for the professional way in which you approach that difficult challenge.

*5 March 2020*

### **7. Letter from the Commissioner to Mr Adam Afriyie MP, 16 March 2020**

- 20 Thank you for meeting with me on 5 March, and for your follow-up letter confirming that you have now asked the Registrar to amend your register entry and for your apology for not doing so sooner.

As you are aware, our meeting of 5 March was a formal interview and this letter will form part of the official record of my inquiry. Please review the key points of our  
25 meeting, noted below, and let me know if you believe any corrections or additions are necessary. Please do this by 25 March 2020. I will consider carefully any suggested amendments.

- 30
- You confirmed that the value of your property in Windsor is approximately in line with the value reported in the press article of 23 November 2019.
  - You told me that the property is available as a holiday let, to vetted friends and family only, subject to availability and acceptance of the booking request, on AirBnB.

- You said that the rental price published on AirBnB is a guide price, which is often negotiated and adjusted.
- You also confirmed that the property has also been used once respectively as a video shoot location, for an art class, and to host a wedding reception.
- 5 • You also confirmed that the income derived from your property is offset by costs, such as cleaning and accountancy fees.
- You said you thought only the net income, calculated once the deductions described above have been made, should be treated as income for the purposes of registration.
- 10 • You reassured me that the alternative uses of your property are not a formal business arrangement but are occasional ad-hoc arrangements.
- You stated that your letter of 11 February 2020, should be taken as an unequivocal assurance that no income was derived from the property between 2015-7 and that the income accrued in 2018 was less than  
15 £10,000. You did not say explicitly whether the 2018 income was the gross or net income.
- You told me that you do not have access to any accounts for last year or this year and cannot therefore tell me how much income was generated by the property during 2019 nor provide a year-to-date figure for 2020.  
20 You said that [a family member] handles the management of the holiday lets, including the finances, separately from you.
- You explained that you were attempting to keep your private life separate from your responsibilities as an MP and you had struggled to know what course of action was best. This is why you had registered the property under category 8 as a “precautionary” measure and as per your  
25 understanding of the Registrar’s advice.

Thank you for your ongoing assistance with this matter.

*16 March 2020*

#### **8. Letter from Mr Adam Afriyie MP to the Commissioner, 26 March 2020**

- 30 I think there might have been a miscommunication because I thought I said that the property was only let through AirBnB, not directly in any other way, so [a family member] could keep control of managing things, so family and friends would be asked to book through AirBnB. Bookings were also taken on AirBnB for people [a family member] did not know.’

So I was just a bit concerned that your second point didn't quite reflect this. "You told me that the property is available as a holiday let, to vetted friends and family only, subject to availability and acceptance of the booking request, on AirBnB."

5 My only other concern is that I think I mentioned that income is offset against cleaning, maintenance, repairs and accountancy costs.

Otherwise that seems a fair reflection, albeit I don't have perfect recall.

*26 March 2020*

### **9. Letter from the Commissioner to Mr Adam Afriyie MP, 1 April 2020**

10 Thank you for your email of 26 March with your comments on the notes of our meeting of 5 March.

I am happy that our notes, through the entry reproduced below, capture your point about the rental income from your property being offset by deductions;

*You also confirmed that the income derived from your property is offset by costs, such as cleaning and accountancy fees.*

15 In relation to your other point, it is our recollection that although you stated that the property was available to book through AirBnB, we also recall that you stated that it was only available to family and friends. I am therefore not able to amend our record of the meeting in the way that you suggest, but I will add your comments to the official record as a helpful clarification of the information that you provided  
20 during the meeting.

I hope to be able to write to you again shortly with an update as to the next steps in my inquiry.

*1 April 2020*

### **10. Letter from the Commissioner to Mr Adam Afriyie MP, 20 April 2020**

25 As promised, I am now able to update you as to the next steps in my inquiry.

30 Thank you for confirming that you have now decided to register your Windsor property under both paragraphs 47(i) and 47(ii) of Category 6: Land and Property in "The Guide to the Rules relating to the Conduct of Members". I will ask the Registrar of Members' Financial Interests to implement that change once my inquiry is complete. Please ensure that you keep that register entry updated if the use of, or income from that property, changes during 2020.

Before I can close my inquiry, I need to be sure that you have recorded in the Register all the properties which need to be registered. I have noted that a property formerly owned by you, on [address redacted] in Westminster, was also available to let on Airbnb during 2018 via your [family member's] account. Please see attached  
5 the reviews from your [family member's] Airbnb account for the Windsor and Westminster properties. I note that a substantial proportion of these reviews seem to relate to the property in Westminster and suggest extensive bookings through Airbnb between April and October 2018.

I am disappointed that you did not bring this property and arrangement to my  
10 attention earlier in the inquiry as this property, given the volume of bookings, might also need registration. The relevant paragraphs from the Guide to the Rules relating to the Conduct of Members being:

*Category 6: Land and property*

*Threshold for registration*

15 *47. Members must register, subject to the paragraphs below, any land or property in the UK or elsewhere which:*

*i) has a value of more than £100,000; or forms part of a total property portfolio whose value exceeds £100,000; and/or*

20 *ii) alone or together with other properties owned by the Member, provides rental income of more than £10,000 in a calendar year.*

*Requirements for registration*

*48. Under this category Members must register:*

*a) Land or property which they own or hold, either by themselves or with or on behalf of their spouse, partner or dependent children.*

25 *49. Members should not register under this category:*

*a) Any land or property which is used wholly for their own personal residential purposes, or those of their spouse, partner or dependent children.*

30 As you will see from the above, due to its value, your former property in Westminster should have been registered under paragraph 47(i) as soon as it was no longer used only for your own residential purposes or those of your spouse or dependent children. It should have been registered under this paragraph at least from the point when it was first let out through Airbnb. My questions below are designed to establish whether it should have been registered earlier.

I shall also need to consider whether you were required to register the income from this property under paragraph 47(ii). During my inquiry you have stated that the gross income from the Windsor property in 2018 was below the paragraph 47(ii) threshold of £10,000 per year. However, for the purposes of determining whether the registration threshold has been exceeded, paragraph 47(ii), requires that rental income from all your properties should be combined i.e. the total income from your Windsor property for 2018 should be added to that from your former Westminster property for 2018 to determine if both sets of income should be registered.

In light of these additional considerations, please can you address the further points below and reply to me by 4 May;

1. How much rental income (gross, before deductions for costs) did your former property in Westminster generate through Airbnb in 2018?
2. Considering your answer to question 1, and the requirements of paragraph 47(ii), outlined above, does this change your position regarding the need to register your Windsor property for income accrued in 2018?
3. When did you cease to use your Westminster property only for your own residential purposes or those of your spouse or dependent children? Please confirm the date of change and the nature of the change (e.g. long-term rental to a tenant, or other holiday lets, or moving out and leaving the house empty).
4. Please confirm the gross income (if any) generated by the Westminster property in each relevant calendar year before 2018. Please include the income generated even when you were still using part or all of this property as a home.
5. Why did you not inform me of your property in Westminster and that it had generated income?
6. Is there any further land or property, whether residential or commercial, in the UK or elsewhere, which you own now, or owned between 2015 to date, that should be registered under the post-2015 rules under paragraph 47(i) and/or 47(ii)?

Please can I remind you that Paragraph 20 of the Code of Conduct requires Members to “cooperate, at all stages, with any such investigation by or under the authority of the House”. This places a responsibility on you to ensure that the information you provide to me is accurate and complete. I will expect you to undertake the necessary checks of past accounts to ensure that the answers to the questions above meet those criteria.

As you are aware, due to the current health crisis, my team are continuing to work from home only, so I would be grateful if you could please send your response electronically to [standardscommissioner@parliament.uk](mailto:standardscommissioner@parliament.uk).

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

**Enclosure: Miscellaneous reviews from Airbnb**

5 *20 April 2020*

**11. Letter from Mr Adam Afriyie MP to the Commissioner, 1 May 2020**

The London property was sold in November 2018. My apologies for not specifically mentioning it but it didn't really cross my mind as I hadn't lived there for around 18 months and it didn't come up in our conversation.

10 I don't know the gross rental income from the London property for, from what I can see, the period May to October 2018. I have already declared 2018 for rental income with the Registrar, and will expand that to include the London property as well for 2018 to cover that base too.

15 I am 100% certain that there was no rental income generated from our London property before 2018, because I was there most weeks and we were allowing one of my relatives to living rent-free in the basement area/rooms until early 2018.

Although the family became largely based in Windsor from mid-2018, [a family member] was allowing short lets of the basement area/rooms (which had a separate entrance) when I was spending more time in Windsor.

20 There is no further land or property of mine which have generated rental income, of that I am 100% certain.

*1 May 2020*

**12. Letter from the Commissioner to Mr Adam Afriyie MP, 13 May 2020**

25 Thank you for your letter of 1 May 2020, with your response to my further questions of 20 April.

30 As you will recall, in my first letter to you, of 6 January 2020, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual practice regarding inquiries into registration, I have today written to the Registrar of Member's Financial Interests, [name redacted], seeking her advice. I enclose the body of that letter, below, for your information.

I will write to you again when I have the Registrar's advice 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.



**Enclosure: Letter of 13 May 2020 from the Commissioner to the Registrar of Members' Financial Interests.**

I would like to ask for your advice on an inquiry that I am conducting concerning Mr Adam Afriyie MP who is the Member for Windsor.

- 5 The complaint, informed by a national newspaper article, is that Mr Afriyie failed to register a property in Windsor under Category 6 of the Guide to the Rules relating to the Conduct of Members. I believe that you have already corresponded with Mr Afriyie regarding this property. However, a second property has come to light, which you may not be aware of but which is also now part of my inquiry.
- 10 You will see from the enclosed correspondence that Mr Afriyie does not now dispute the need to register these properties. However, I would welcome your advice as to whether any further information is needed from Mr Afriyie to ensure that his register entry for these two properties is complete.

- 15 It would be very helpful to have your response to this letter as soon as possible please and ideally no later than 29 May 2020 please.

*13 May 2020*

**13. Letter from the Registrar of Members' Financial Interests to the Commissioner, 18 May 2020**

Thank you for your letter of 13 May.

- 20 You ask what information I would need in order to format a register entry for Mr Afriyie, in respect of his properties.

Mr Afriyie had two properties and he needs to consider, whether he needs to register each of them under Category 6(i) and also, separately, whether he needs to register each of them under Category 6(ii).

- 25 **Berkshire property**

- 30 Assuming his portfolio exceeds £100,000 in value, Mr Afriyie is required to register under category 6 (i) any land or property which he owns– unless he is using it only for his own residential purposes, or those of his wife or dependent children. Mr Afriyie may not be aware that properties may need registering under Category 6(i) even if he derives no income from them.

Mr Afriyie would need to register his Berkshire property under Category 6(i) from the point when he began to gain an income from it – or earlier, if he used it for anything other than his own residential purposes or those of his wife or children.

Mr Afriyie already knows that he needs to register income from his property portfolio if in any year it exceeds £10,000 (gross, before costs and tax are taken into account). Mr Afriyie would need to register the date when he (or [a family member]) began (and ceased) to gain an income from this property, if the combined  
5 income from his property portfolio exceeded £10,000 in that calendar year.

(NB: from the correspondence I have assumed that Mr Afriyie (or [a family member]) derived a gross income of over £10,000 a year from his property portfolio in 2018, but he should consider whether that happened in other years.)

### **London property**

10 Mr Afriyie would need to register his London property under Category 6(i) at least from the time when he allowed a relative to live there or earlier, if he was using it other than for his own residential purposes or those of his wife or children. He should register the property even if the property was not yielding an income.

15 Mr Afriyie would need to register the date when he (or [a family member]) began (and ceased) to gain an income from it, if the combined income from his property portfolio exceeded £10,000 in that calendar year.

From what you have sent me, I do not yet have enough information to assemble an accurate Register entry. My detailed questions are as follows:

### **Berkshire**

- 20 1. When did Mr Afriyie (or [a family member]) first start to derive an income from his Berkshire property?
2. If earlier than (1) above, when did he first use it other than for his own residential purposes, or those of his wife or dependent children?
- 25 3. If Mr Afriyie (or [a family member]) have ceased to derive income from the Berkshire property, when did that happen?
4. Has he reverted to using the property for his own residential purposes, or those of his wife or dependent children? If so, when did he do so?

### **London**

1. When did Mr Afriyie first allow a relative to live in the property?
- 30 2. If earlier than (1) above, when did he first use it other than for his own residential purposes, or those of his wife or dependent children?

3. When did any uses listed at (1) and (2) above come to an end? NB Mr Afriyie has said that the property was used for holiday lets from April to October 2018, and that he sold the property in November 2018.
- 5 4. I have assumed that Mr Afriyie (or [a family member]) derived a gross income of over £10,000 a year from his properties in the calendar year 2018; please confirm.
5. Was there any calendar year other than 2018 when the total gross income from Mr Afriyie's properties exceeded £10,000? If so, please give details.

10 The information above would help me to prepare entries relating to these two properties for the Register of Members' Financial Interests. These could then be published.

If Mr Afriyie would find it easier to talk this through with me, or if anything is not clear, I would be happy to speak to him if that helps.

*18 May 2020*

15 **14. Letter from the Commissioner to Mr Adam Afriyie MP, 9 June 2020**

As promised in my earlier letter of 13 May 2020, I am now able to share with you the response from the Registrar of Members' Financial Interests, [name redacted].

20 I would be happy to receive any observations that you may care to make about [the Registrar's] advice no later than 23 June 2020 please. In addition to any written observations that you would like to make, please can you contact [the Registrar] so that you can discuss with her the outstanding information needed to complete your entry in the Register of Members' Financial Interests. [Content redacted].

25 As you may be aware, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

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

30 **Enclosure: Copy of the letter from the Registrar of Members' Financial Interests to the Commissioner, 18 May 2020**

*9 June 2020*

**15. Letter from the Registrar of Members' Financial Interests to the Commissioner, 17 June 2020**

5 You asked me to assist Mr Afriyie to make a register entry in relation to his properties. I have done so and the wording below will appear in the next published Register, which will bear the date of 22 June. The information in this draft entry faithfully reflects what Mr Afriyie has told me.

10 I understand that the Berkshire property is not available for rent or for events at the moment. Mr Afriyie is aware that it must be registered under Category 6(i) when this changes, and under 6(ii) when the resulting income exceeds the threshold. I have undertaken to advise him if he has any questions in future.

**Afriyie, Adam (Windsor)**

6. Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year

15 From December 2017 to November 2018, house in London: (i) and, from April to October 2018, (ii). The income was paid to a family member. (Registered 12 June 2020)

20 From April 2018 to August 2019, occasional income from short lets of my home in Berkshire, and from using the grounds for events: (i) and (ii). The income was paid to a family member. (Registered 12 June 2020)

8. Miscellaneous

Occasional income, now registered under Category 6 above, derived from short lets of my Windsor home and from using the grounds for events. This income was paid to a family member. (Registered 9 January 2020; updated 12 June 2020)

25 *17 June 2020*

**16. Letter from the Commissioner to Mr Adam Afriyie MP, 9 July 2020**

30 Further to my letter of 9 June 2020, I have received confirmation from the Registrar of Members' Financial Interests, Mrs Heather Wood, that the outstanding issues concerning your entry in the Register have been resolved and that your entry in the Register has been revised. I consequently believe that we can now bring my inquiry to a close.

**My decision**

I have considered the content of our correspondence, the published Rules and guidance concerning the registration of interests, and the Registrar's earlier comments carefully before coming to a decision. I have decided that your failure to register your properties in London and Windsor under category 6 of the Register is a breach of paragraph 14 of the Code of Conduct for Members of Parliament ("the Code"):

Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

### Rationale

The relevant rules make it clear that once a property is no longer used "wholly for [a Member's] own personal residential purposes, or those of their spouse, partner or dependent children" it becomes potentially registerable under either of the sub-categories described at paragraph 47 of Chapter 1 of the Guide to the Rules relating to the Conduct of Members ("the Guide").

It is now common ground that the use of your London property changed in this way in December 2017 and the use of your Windsor property also changed in this way in April 2018.

It is also now common ground that you should have registered your London property at that point of change under paragraph 47(i) and that you should have registered the income from it under paragraph 47(ii) for the period of April to October 2018.

Similarly, you should have registered your property in Windsor under paragraph 47(i) in April 2018 and you should have registered the income from it under paragraph 47(ii) for the period of April 2018 to August 2019. Although you registered the Windsor property in January 2020 under the miscellaneous category (category 8 of Chapter 1 of the Guide), this did not meet the requirements of the House. You should have registered the property under Category 6 as it was no longer used only for your own residential purposes and because the value of the property and the income levels met the thresholds for registration.

Paragraph 2 of Chapter 1 of the Guide is clear that Members should update the Register to reflect changes to their registerable interests within 28 days. This did not happen and is a breach of the rules.

I am disappointed that it has taken us six months to reach this point.

Paragraph 14 of the Code is clear; "Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register

of Members' Financial Interests". In your letters to me of 17 January and 12 February 2020, and during our meeting of 5 March 2020, you highlighted issues that do not form part of the "requirements of the House". It is important when Members act to register interests, they focus their attention on the House's requirements only  
5 and do not consider other factors that do not form part of the rules. Had we been able to focus on the House's requirements from the outset of my inquiry, we might have been able to reach a swifter resolution. In future, if you have doubts about what the House requires you to register, please seek timely advice from the Registrar.

## 10 **Next steps**

As you may be aware, having decided that a breach of the Rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order number 150 or for more serious breaches, or in instances where the Member rejects rectification, refer the matter to  
15 the Committee on Standards.

I have decided on balance that a referral to the Standards Committee is not necessary and that I can resolve this breach of the rules through rectification. To do so, the Committee would generally expect the Member to have accepted my decision, acknowledged and apologised for their breach of the rules, and to have taken any  
20 steps necessary to rectify their breach. In cases concerning the registration of interests, I would usually ask the Registrar to arrange for the relevant entry to be italicised in the Register of Members' Financial Interests to indicate that entry has been the subject of a rectification. In this instance, I also require two assurances from you:

- 25
- a) That you have no other property in the UK, or anywhere else, that is not used wholly for your own personal residential purposes, or those of your spouse, partner or dependent children; and
  - b) That you have taken steps to ensure that in future you will be able to update the Register accurately and on time.

30 If you are content for me to conclude the inquiry in this way, please write to me to confirm that you accept my decision along with the necessary acknowledgement, apology, and assurances by 17 July 2020.

If we are able to rectify and close this matter, I will share my written evidence pack with you, so that you can check its factual accuracy before publication. I will also  
35 report the outcome to the Committee on Standards in due course as a matter of routine. I will ask the Registrar to arrange to annotate the relevant information in the Register. You are, of course, entitled to decline my proposed rectification, in which case I will refer this matter to the Committee on Standards for their review.

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.

5 As you know, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to [standardscommissioner@parliament.uk](mailto:standardscommissioner@parliament.uk).

*9 July 2020*

### **17. Letter from Mr Adam Afriye MP to the Commissioner, 9 July 2020**

10 Thank you for your letter of 9 July 2020 and thank you for the time that you and the Registrar have taken to help me update my entry in the register. It is appreciated, particularly with the extra challenges of Coronavirus and working remotely for the best part of this year.

Following clarification from yourself and the Registrar, I wholly accept your decision, apologise that my entry was incorrect and confirm that I have added extra steps into my regular reviews to avoid a similar situation arising in the future.

15 For the avoidance of any doubt, I own no other properties which are not used wholly for the use of myself, my spouse or dependent children.

Once again, thank you for your clarification and assistance. I've been impressed with your impartial and thorough approach which bodes well for parliamentarians and the public.

20 *9 July 2020*