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## Summary

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5 The allegation I investigated was that the Member had failed to make a timely and full registration of an 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 the requirements of Paragraph 14 of the Code of Conduct.

I upheld the allegation.

10 I concluded that the Member had failed to register his interest within the time limit set by Guide to the Rules relating to the Conduct of Members and then failed to provide the information required by the Guide to complete the registration of his 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, and apologised for the breach. I was satisfied that the interest involved was minor and considered the Member's remedial actions to be an appropriate outcome. I have concluded the matter by way of the rectification procedure available to me under Standing Order 150.

## Written evidence

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### 1. Letter from the Commissioner to Rt Hon. Conor Burns MP, 24 February 2020

I would welcome your help in relation to information passed to me by the Registrar of Members' Financial Interests, which suggests that you have failed, despite several prompts, to supply the necessary information to ensure that your register entry is complete and accurate. I enclose the previous correspondence sent to you on this matter.

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

#### **My inquiry**

My inquiry will initially focus on the allegation that your actions have put you in breach of paragraph 14 of the Code of Conduct for Members. Specifically, I will initially investigate the issues below, but the scope of my inquiry may reduce or expand as the inquiry progresses.

1. Whether, having been employed as a Consultant for The Affordable Housing and Healthcare Group, you failed to conscientiously fulfil the registration obligations required by paragraph 14 of the Code and as specified by the Guide to the Rules relating to the Conduct of Members.

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

In relation to the registration of financial interests, paragraph 14 of the Code of Conduct states:

“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”

Further to the Code, the Guide to the Rules relating to the Conduct of Members states the following at Chapter 1:

“2. The House requires new Members, within one month of their election, to register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. After that, Members are required to register

5 within 28 days any change in those registrable interests. Such a change includes both the acquisition of a new interest and the ceasing of any registered interest, for example because an employment has ceased or because a holding has reduced in value or been sold.

#### Category 1: Employment and Earnings

9. Members are required to provide the following information:

- a. Whether the Member is a director of the organisation;
- 10 b. The name and address of the payer and a brief description of their business (if not self evident);
- c. The name and address of any client to whom the Member has personally provided services, if different from the payer, and a brief description of their business (if not self evident);
- 15 d. The size of the payment received, and the nature and value of any taxable benefits and any payments in kind. (Earnings should be given gross, i.e. before tax or other deductions, wherever possible. Fees should be given before the addition of VAT.);
- e. The nature of the work involved, and the number of hours' work to which each payment relates;
- 20 f. The date when the payment was received (or, if not yet received, the date when the work was completed); and
- g. Confirmation that the Member has not engaged in paid advocacy."

#### Next steps

25 I would welcome your comments on the allegation outlined above and, in particular, I would appreciate your comments on the following questions:

1. Were you aware of the rule regarding registration and the accompanying guidance?
2. Are you, or have you been during your time as an MP, a director of The Affordable Housing and Healthcare Group?

3. What was the official start date of your employment as a Consultant for The Affordable Housing and Healthcare Group?
4. What is the registered company address for The Affordable Housing and Healthcare Group?
- 5 5. What services or advice did you provide to The Affordable Housing and Healthcare Group during your period of employment as a Consultant for them?
6. Have you engaged in any paid advocacy for The Affordable Housing and Healthcare Group?
- 10 7. Can you confirm that your register entry is otherwise complete and accurate? If further amendments are required, please can you confirm the nature of these amendments.

It would be helpful to receive any supporting evidence 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.

## 15 **Outcome**

There are three possible outcomes to my inquiry:

1. I decide that the allegations concerning your conduct are not upheld and no further action is needed.
- 20 2. I decide to uphold some or all of the allegations concerning your conduct, and I decide that your acts amount to a breach of the Code, but the matter can be rectified using the powers available to me under Standing Order 150.
3. I decide to uphold some or all of the allegations concerning your conduct, and I decide that your acts amount to a breach of the Code, and the matter is serious enough to warrant being put before the Committee on Standards.

## 25 **Important information**

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  
30 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.

## 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. I have also informed the Registrar to let her know that I have decided to begin an inquiry into this matter.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the contents of our correspondence to any third party. My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

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. If I do so, I will share that correspondence with you.

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.

## Action

I would be grateful to have your response to this letter as soon as possible and no later than Monday 9 March please.

Thank you for your assistance with this matter.

## Enclosures

### **1. Email from Rt Hon. Conor Burns MP to the Registrar of Members' Financial Interests, 1 October 2019.**

I am writing to urgently update my entry on the register of interests.

In February of this year I took up a consultancy role with The Affordable Housing and Healthcare Group based in Bournemouth. This was to be paid twice a year to the amount of £12,500 per six months for 6 hours per month.

My first payment for this was received on 12th August.

I wrote to you on 6th August to update my register entry.

This letter was never put in the internal post and was found today as my new staff were unpacking.

There is no reason why you would be aware of this but at the end of July I was appointed a Minister.

- 5 On appointment I immediately terminated my outside interests and Chair role of APPGs.

I was also forced to move office and in the confusion of that move the letter to you was not delivered.

I would therefore like to register this interest.

- 10 I would also like you to update the register that both this role and my role with Trant Engineering were terminated immediately on my appointment as a Minister.

I would like to assure you that there was no attempt on my part not to register - indeed having checked this afternoon I can see that I have declared my shareholding (5%) in AHHG in the register of Ministers interests.

- 15 However, I apologise unreservedly for this mistake

Please do not hesitate to contact me if you need any further details.

**2. Email from the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 2 October 2019.**

- 20 Thank you for letting me know about this omission. I will keep your explanation on file.

I attach the form which I would have sent you in February had you informed us of your new role. Please would you complete it now, explaining the nature of your consultancy. I also have a few more questions for you:

1. Do you expect any further payments from AHHG? If so, please provide details.
- 25 2. When did you resign from this role? Please provide the date.
3. When did you resign from Trant Construction? Please provide the date.

4. Was/is the value of your shares in the AHHG over £70,000? If so these too should have been registered.

5. Were there any occasions, for example when speaking in proceedings, when tabling a Question or motion, or in correspondence, when you ought to have declared this role but did not? NB You should declare an interest on almost any occasion when someone else might reasonably consider it to influence what you say or do as an MP.

When we hear back from you we will be able to update the Register for you.

10 **3. Email from Rt Hon. Conor Burns MP to the Registrar of Members' Financial Interests, 9 October 2019.**

I reply to your questions in order:

1. No.
2. 26th July. The day after I was appointed a Minister.
3. The same as above.
- 15 4. No.
5. No.

If you have any further questions, please do come back to me.

**4. Email from the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 10 October 2019.**

20 Thank you for your answers. I have updated the item for Trant Construction in the draft Register.

I have also started to prepare an item relating to your new consultancy role, but I am afraid that you do need to provide some more information. Please would you fill in the gaps so that I can add this to your draft Register entry:

25 From .... February 2019 to 26 July 2019, consultant to The Affordable Housing and Healthcare Group [..... address]. I provided advice on ..... I received £12,500 on 12 August 2019 in return for a commitment of 6 hrs a month.

**5. Email from the Office of the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 31 October 2019.**

[The Registrar] is out of the office, and we do not appear to have received a response to her last email.

5 Please could you complete the draft entry below by filling in the areas in brackets?

From .... February 2019 to 26 July 2019, consultant to The Affordable Housing and Healthcare Group [..... address]. I provided advice on ..... I received £12,500 on 12 August 2019 in return for a commitment of 6 hrs a month.

10 **6. Email from the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 27 January 2020.**

15 On reviewing past emails, I see that we still await some information on your role at the Affordable Housing and Healthcare Group, so that it can be included in the Register. I appreciate that the Election has intervened but please either supply the information in the form [name redacted] asked for below, or complete the attached form.

It would be helpful to have your response as soon as possible. We will then include the information in the next available Register.

20 I should also remind you that even though this interest has not appeared in the Register, you may need to draw attention to (declare) your interest in AHHG. You should do so on almost any occasion when someone else might reasonably consider it to influence your actions or words. For example, I would advise you to consider declaring this interest if you were speaking or writing about affordable housing. Your obligation to declare an interest in AHHG will last until 12 months after the interests cease, which in your case will mean 12 months after you dispose of the  
25 shares or 12 months after your employment ceases, if later.

You can find full guidance on declaring interests in this way, including the occasions when it is not required, in Chapter 2 of the Guide to the Rules.

**7. Email from the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 30 January 2020.**

30 [content redacted]

In the meantime, we await some information from you on your previous role, as consultant to the Affordable Housing and Healthcare Group. We prepared a draft

Register item, but we do not appear to have received all the necessary information. If you would kindly provide this, this interest can be included in the next available edition of the Members' Register.

5 From .... February 2019 to 26 July 2019, consultant to The Affordable Housing and Healthcare Group [..... address]. I provided advice on ..... I received £12,500 on 12 August 2019 in return for a commitment of 6 hrs a month.

*24 February 2020*

**2. Letter from Rt Hon. Conor Burns MP to the Registrar of Members' Financial Interests, 24 February 2020**

10 [content not relevant to the inquiry redacted]

Regarding the remaining details for my registered interest for AAH the registered office address is: 170 Charminster Road, Bournemouth, BH8 9RL.

The consultancy began on 1st February 2019.

15 My advice related to their core business of providing key worker housing and elderly care provision using under underutilised land.

I ceased this consultancy on 26th July 2019.

*24 February 2020*

**3. Letter from the Registrar of Members' Financial Interests to Rt Hon. Conor Burns MP, 26 February 2020**

20 Thank you for writing to me about the late registration of your work for the Affordable Housing and Healthcare Group last year.

I have set out below your draft revised Register entry, as it will appear in the next online Register of this Parliament, dated 2 March 2020. We would be grateful if you would kindly confirm that this is complete and correct.

25 I must remind you in future to register your interests within 28 days of any changes.

*1. Employment and earnings*

*From 1 February 2019 to 26 July 2019, consultant to The Affordable Housing and Healthcare Group, 170 Charminster Road, Bournemouth BH8 9RLH. I provided advice*

*on providing key worker housing and elderly care provision using underutilised land. I received £12,500 on 12 August 2019 in return for a commitment of 6 hrs a month. (Registered 26 February 2020)*

*26 February 2020*

5 **4. Letter from Rt Hon. Conor Burns MP to the Commissioner, 10 March 2020**

I am in receipt of your letter of 24th February.

There has not been any deliberate attempt on my part not to provide full details to the register.

10 I wrote to the Registrar on 6th August (6 days before receipt of any payment in respect of this consultancy) but that letter was never put in the internal mail.

After being made a Minister in July last year and having been without administrative support in my office until very recently I did not become aware until late September that the registration had not been made. As you are aware, I emailed the Registrar on the 1st October to correct this.

15 My new assistant drew my attention to the outstanding information (date, address and role) and these were provided to [the Registrar].

I can confirm that all other entries in the register are correct and up to date. I have always fully complied with my obligations in this respect.

20 A combination of lack of administrative support, my new role as a minister, and the general election meant that this entry was not handled as it should have been.

*10 March 2020*

**5. Letter from the Commissioner to Rt Hon. Conor Burns MP, 18 March 2020**

25 Thank you for your letter of 10 March in response to my decision to initiate an inquiry into your conduct. I note that you have now written to the Registrar of Members' Financial Interests to submit the outstanding information needed to complete your register entry. However, your letter to me fails to address all the questions that I put to you in my letter of 24 February. I would be grateful if you could address these outstanding points, repeated below, no later than 26 March please.

30 1. Were you aware of the rules regarding registration and the accompanying guidance?

2. Are you, or have you been during your time as an MP, a director of The Affordable Housing and Healthcare Group?

6. Have you engaged in any paid advocacy for The Affordable Housing and Healthcare Group?

5 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).

Thank you for your assistance with this matter.

*18 March 2020*

#### 10 **6. Letter from Rt Hon. Conor Burns MP to the Commissioner, 31 March 2020**

Further to your email following my letter of 10th March I can confirm, as you know, that the information required by the Registrar was provided.

In answer to your specific points:

15 1. Yes. I have always complied with the rules on registration of financial interests. There has been no attempt whatsoever not to register this interest. I registered the interest within the 3 months required of being paid. I have tried to explain the circumstances as to why two pieces of information (date of commencement and address of the company) were late.

2. No. I have at no point been a director of AHHG.

20 6. No. I have not engaged in any paid advocacy of AHHG.

*31 March 2020*

#### **7. Letter from the Commissioner to Rt Hon. Conor Burns MP, 14 April 2020**

Thank you for your email of 31 March providing the information outstanding from your initial response to my inquiry.

#### 25 **My decision**

I have considered the information that you have provided to me and the earlier correspondence that you exchanged with the Registrar, and her team, regarding the registration of your employment and earnings at The Affordable Housing and

Healthcare Group during 2019. I have also had regard to the outcome of earlier inquiries into similar matters. I have decided that your failure to correctly and expediently register the interest referenced above, in the Member's Register of Financial Interests, is a breach of paragraph 14 of the Members' Code of Conduct.

## 5 My rationale

Paragraph 14 of the Code of Conduct states that "members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests", and the Guide to the Rules relating to the Conduct of Members states in Chapter 1 at paragraph 2 that "The House requires...Members...to register within 28 days any change in... registrable interests".

Your contact with the Registrar of Members' Financial Interests on 1 October 2019 to register the payment received on 12 August 2019 from The Affordable Housing and Healthcare Group was outside the 28-day grace period afforded to you by paragraph 2, above. Your letter of 31 March 2020 to me asserts that you are familiar with the rules regarding registration and the accompanying guidance. That being the case, you will have been aware that your attempted registration of your employment and earnings at The Affordable Housing and Healthcare Group on 1 October was late. As such, it is my view that there was an additional onus on you to ensure that the full requirements of registration, as laid out in paragraph 9 of the Guide, were met. Despite two chasers being sent pre-dissolution, and two chasers being sent post-dissolution, you failed to meet those requirements. I do not consider that your actions could reasonably be described as "conscientious".

Your failure to provide the necessary information has meant that the payment you received in August 2019 could not be published in the Register until 26 February 2020. This frustrates the principles of transparency and openness that underpin the purpose of registration as described by the Guide at paragraph 5;

*"The overall aim of both registration and declaration is to provide information about any financial interest which might reasonably be thought by others to influence a Member's actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament."*

I acknowledge that the sequence of events you describe in your correspondence may have impacted your ability to respond in a timely fashion to the Registrar's subsequent correspondence. However, I do not accept that those events were so extraordinary as to completely excuse you from your personal responsibilities under the Code and the Guide in relation to registration.

**Next steps**

5 Standing Order 150 makes provision for me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances. For inquiries that concern a registration matter, I must be satisfied that either the “...interest involved is minor, or the failure was inadvertent”. Although I am not satisfied, given the reminders sent to you after 1 October, that the failure was inadvertent, I am satisfied that the interest involved could be described as minor. This is because the period of employment was short lived, and the time commitment involved was low.

10 I am therefore willing to use the process under Standing Order 150 to resolve this inquiry. To do so, 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 rectify their breach. As this case concerns 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  
15 been the subject of an inquiry and rectification. I would also seek an assurance from the Member that future changes to the Register will be registered on time and in line with the requirements laid out in the Guide.

If you are content for me to conclude the inquiry in this way, please write to me with the necessary acknowledgement, apology, and assurance by 30 April.

20 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 report the outcome to the Committee on Standards in due course as a matter of routine. 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.

25 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.

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).

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

*14 April 2020*

**8. Letter from Rt Hon. Conor Burns MP to the Commissioner, 28 April 2020**

Thank you for your email informing me of the results of your inquiry.

I completely accept your decision, and I would like to take this opportunity to apologise for my late registration of this interest. I would also like to assure you that any future declarations will be made within the stipulated timescale, in line with the requirements of the Guide, and I have taken steps to ensure this.

5 Thank you and my apologies once again.

*28 April 2020*

### **9. Letter from the Commissioner to Rt Hon. Conor Burns MP, 30 April 2020**

10 Thank you for your letter of 27 April, accepting my decision and acknowledging and apologising for your breach of the Rules concerning the registration of an interest. Thank you also for confirming that you have taken steps to avoid a repeat of this situation.

15 Please find attached a copy of the written evidence pack that I intend to publish, which includes our correspondence exchanged during the investigation. I would welcome any comments on the factual accuracy of the written evidence pack by 13 May 2020 please.

Once I have any comments you wish to make, I will finalise the pack, which will then be published publicly on my webpage. I will notify you of the publication of the pack. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

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

*30 April 2020*