

## Public Administration and Constitutional Affairs Committee

### Oral evidence: [Post appointment hearing: The Independent Adviser on Ministers' Interests, HC 40](#)

Thursday 13 May 2021

Ordered by the House of Commons to be published on 13 May 2021.

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Rachel Hopkins; Mr David Jones; John McDonnell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth.

Questions 1-35

#### Witnesses

[I](#): The Rt Hon Lord Geidt, Independent Adviser on Ministers' Interests

Written evidence from witnesses:

– [The Rt Hon Lord Geidt](#)

Examination of witness

Witness: The Rt Hon Lord Geidt.

Q1 **Chair:** Good morning, and welcome to the Public Administration and Constitutional Affairs Committee. We are very grateful indeed to have Lord Geidt, the Independent Adviser on Ministers' Interests, and we thank him for taking the time to appear before the Committee today.

This post does not feature on the agreed list for formal pre-appointment hearings, but as our predecessor Committee did with Lord Geidt's predecessor, Sir Alex Allan, this Committee is very interested to hear the views of Lord Geidt and his intentions at the start of his time in this very important role. I wonder, Lord Geidt, whether you would like to introduce yourself for the record, please.

**Lord Geidt:** Certainly. My name is Christopher Geidt and I am the newly appointed Independent Adviser on Ministers' Interests.

Q2 **Chair:** Thank you. The first question rests with me. Lord Geidt, how did you find out about this role?

**Lord Geidt:** The first I knew about it, or certainly that it was a post ripe to be filled, was when I heard from the Cabinet Secretary, who made contact with me at the very end of March. He reported to me that the Prime



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Minister had been considering a long list of potential candidates, and that he had alighted on my name as being a suitable candidate to fill the role. I was asked to give thought to whether I would be willing to accept appointment if offered. I did not give an early answer. I said that I would need to think about that. Time passed. The death of the Duke of Edinburgh brought, obviously, a halt to that thinking, but on 14 April the Prime Minister formally wrote to me inviting me to consider appointment.

**Q3 Chair:** In terms of that shortlist, were you aware that you were on the shortlist or that you were the preferred candidate?

**Lord Geidt:** I was aware that there had been other candidates under consideration. I knew nothing about the nature of that shortlist, but I was being asked whether, if offered the appointment, I might be willing to accept. It was to that that I directed my thoughts.

**Q4 Chair:** If I may, why do you think that you were offered the role, and what qualities do you think that you will bring to it?

**Lord Geidt:** The Prime Minister very kindly, in his correspondence with me, noted that he believed that my record of public service in particular would meet the criteria that had been set and discussed with the Cabinet Secretary. I would hope that I could bring integrity, objectivity and impartiality to the role. Of course, I am not a politician, clearly, but equally I am familiar with the issues. I am familiar with the political milieu, if you like, and I bring to this role an appreciation and respect for the constitutional status of the role.

Like my predecessor Sir Alex Allan, I believe that I may be capable of engaging plausibly with the Prime Minister, building trust. Certainly, I would plan to contribute actively to the maintenance of the integrity of the office of Prime Minister, which, in previous roles, I had the privilege of working with for many years across the political spectrum.

**Q5 Chair:** Frequently, this Committee will make jokes about “Yes Minister”. In your previous experience, have you had the occasion to say, “No, Minister” or an equivalent, and to stand your ground? Is there an example of that that you might be able to share with us?

**Lord Geidt:** I would wish to be cautious in being explicit about what may have passed in my own professional past, because there are clear confidentialitys that I would wish to protect. However, I am absolutely determined to assert that I would be undertaking this role without fear or favour, and that I have the personal capacity and willingness to, in the terminology, speak truth unto power as required.

**Q6 Chair:** Good. Do you think any of your other appointments could be real, or indeed perceived, conflicts of interest? If so, how would you propose to mitigate those?

**Lord Geidt:** That was a very important consideration as I approached appointment, and I spoke at length to the Cabinet Secretary. Of course, I have an advantage over my predecessor, Sir Alex Allan, in the sense that my interests are, as a parliamentarian, already declared in the register in



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the House of Lords. But it was important also to ensure that those interests could be actively examined by the Cabinet Secretary in the event that we were to identify an actual conflict of interest. We did not identify that but, equally, I was very willing to accept any mitigation that would include not having contact with Ministers. That is a self-evident potential problem in the role, and I asked to ensure that my interests might be kept under active review by the Cabinet Secretary to ensure that I could stay abreast of his views on either real, or indeed perceived, conflicts of interest.

**Q7 John McDonnell:** I enjoyed the expression that the Cabinet Secretary “alighted” on your name; it sounds like a very old-school conversation in the civil service club when the port is passed round.

Can I come to a more serious issue? Do you find it ironic at all that you have been brought in to advise on proprietary and ethics in Government, when you have held a paid post with BAE Systems? Just for the record, for anyone watching or reading the minutes of this Committee, let me clarify what I mean. This is a company that has plumbed the depths of unethical behaviour. It has been convicted of defrauding the Government in the US and paid a \$500 million fine in a plea bargain. It has been investigated by the Serious Fraud Office for use of corruption to sell arms to Chile, the Czech Republic, Romania, Saudi Arabia, South Africa, Tanzania and Qatar. The scale of corruption with regards to Saudi Arabia was such that the National Audit Office failed to publish its report for the first time in its history, because of the potential national and international implications. Last year, the company was accused of war crimes. It supplied arms used by the Saudi regime to bomb civilians—that was schools and hospitals, with tens of thousands killed.

How can you be independent in a relationship with the Prime Minister, when it was the Prime Minister, as Foreign Secretary, who was signing off the export licences for the company? I appreciate that you left the company in April, but this is one of the companies that it is also associated with the revolving door problem that we have with regards to civil servants going from the civil service to the company, and sometimes back again. How can anyone have confidence in your enforcing ethical behaviour, when you have been associated with an unethical arms dealer that is willing to sell arms to any murdering and brutal dictatorship and to use corruption to secure those sales?

**Lord Geidt:** Thank you. That was the first role that I came to having left public service, and I think it was a role that was, if you like, cognisant of my experience as a former soldier and of having been in environments, if you like, where the defence industry’s assets were being deployed in the defence of British interests around the world.

I absolutely appreciate what you have said, Mr McDonnell, about the record of BAE Systems, but I placed my reliance in taking on this role on the attitude of the British Government, which is active in licensing the activity of BAE Systems. I was also placed in reliance on what I know to be what used to be the Quadripartite Committee’s—I think it is now the



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Committees on Arms Export Controls—capacity here in the Houses of Parliament to give oversight to the entirety of this industry’s activity. I was proud to do this work for a couple of years because it aligned to my previous experience and interests.

I take very seriously the importance of being able to ensure—there have been criticisms of this in the past—that our men and women in the armed forces, in uniform, can call on the equipment on which their own defence and the defence of the nation depends. So yes, I have indeed, as you noted, stepped down from that role. That was only because of the prospect of taking on this responsibility; I was just going to have to ensure that I was lightening my other work. Indeed, there may be other things that, in due course, depending on the burden of this important role that I have now accepted, I will need to undertake.

- Q8 Jackie Doyle-Price:** Lord Geidt, could you tell us a little bit more about your priorities for this role as you go forward, particularly given the background in which you take this office? There has perhaps been more controversy around these issues recently than in previous years.

**Lord Geidt:** I have to say that, when the role was first suggested, I am not sure that I could have predicted that the profile of the office of the independent adviser would be quite as big as it became. Of course I recognise what you describe about the increased interest in the public estate. I think, in return, I need to ensure that I conduct this role to the very best of my ability and do all I can to ensure that it can radiate, for the purposes of public and parliamentary confidence, the necessary degree of independence.

My priorities, as well as doing right, if I can, by that public confidence, centre on two immediate tasks, which are related. The first is to scrutinise Ministers’ interests and ensure that we publish a new list after what is a 10-month gap. Secondly, relatedly, and as agreed with the Prime Minister, is to consider all the facts relating to the refurbishment of the Prime Minister’s flat, and indeed to advise him on his own declaration of interests.

If it would interest the Committee, I would plan to publish that advice alongside the declaration of interests. I think that would fulfil one of the enhanced provisions in the terms of reference for the independent adviser to publish in a timely manner. I am certainly committed to doing that.

- Q9 Jackie Doyle-Price:** Excellent. You mentioned in your opening remarks your willingness to speak truth to power, and clearly you have been involved in roles where you have had to—so in that respect, I am confident about that part of your role.

To come back to the circumstances of your appointment, your predecessor clearly gave strong independent advice and that was perhaps set aside by the Prime Minister, who takes his own view. How do you think that that has impacted public confidence, and how would you address that?



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**Lord Geidt:** I think that, to an important degree, Sir Alex's resignation was itself a signal about the integrity of the appointment. Although, inevitably, it caused disquiet in the commentaries, I believe that public confidence will actually have flowed from Sir Alex's behaviour. I understand of course that there is presently an application for a judicial review surrounding the particular case that gave rise to Sir Alex's resignation, so if I may, I will tiptoe there a little bit.

Despite being appointed to this role only very recently, as the Chair noted earlier, I do realise how very important it is to submit to public scrutiny, and indeed, although I am having to work hard to catch up on the detail of this role in the 14 days since I first took it up, I am very glad to contribute to this Committee's work in the area of the furtherance of public confidence.

- Q10 **Jackie Doyle-Price:** I think we are all on the same side with that, so that is a good message to hear. I have a final question on which I just invite your thoughts. To me, it seems really obvious what good and bad behaviour is, and what is and isn't constitutionally appropriate. They seem to me to be very black and white judgments, really, but sometimes things may still occur because they fit strictly within detail of the law, if not the spirit—that can be a get-out-of-jail card. Do you have any views on that?

**Lord Geidt:** As I have heard other people say recently, good behaviour is a very difficult thing to legislate for. I join those who suggest that it really needs leaders—of course, the Prime Minister, Parliament and civil servants—to set the necessary example. I hope very much that the work that I do in this role, which is described as "adviser", will be in the service of advising the office of Prime Minister in the furtherance of that behaviour, taking the Ministerial Code as its point of reference. I agree with you that rules are absolutely not sufficient to stimulate good behaviour.

- Q11 **Lloyd Russell-Moyle:** Thank you very much for those answers. Are you satisfied that the post's remit and powers, as currently constituted, are sufficient?

**Lord Geidt:** First and foremost, I think it is to the credit of this Prime Minister, and it is a simple matter of fact, that the revised terms of reference under which I am going to operate represent the first change in a decade. Yes, I am aware of the likely recommendations of the Committee on Standards in Public Life about even greater rights of independent initiation. However, I truly believe that the present revised terms—which, as I say, were fully agreed, I think with the active will of the Prime Minister—should be put to work before seeing if they need to be developed further.

- Q12 **Lloyd Russell-Moyle:** I am aware that there is some slight change of wording in terms of the ability to advise for an investigation. What practical changes are there in your role?



**Lord Geidt:** You may recall that my predecessor, Sir Alex Allan, had no right at all of any kind of initiation under the terms he served by, such that he was required to sit on his hands, if you like, unless and until the Prime Minister invited him to take a role in investigating an alleged breach. That is now varied to the extent that this independent adviser can bowl up to the Prime Minister, having independently taken a view from, shall we call it, the public square about allegations of a potential breach.

Q13 **Lloyd Russell-Moyle:** I must say that this seems a little like a fig-leaf change. Are we suggesting that Sir Alex Allan before was not able to privately go to the Prime Minister and say, "Prime Minister, I think it would be useful for you to start an investigation"? Are we honestly saying that those private conversations were never able to be had—that there was some bar on that—or are we saying that your role now is such that you will be able to do that in public?

**Lord Geidt:** I am afraid I do not know in detail the record of my predecessor's exchanges with the Prime Minister on that score, but what I do know is that the terms of reference as we now have them give active encouragement to the independent adviser to take his concerns to the Prime Minister. Of course, you are right: there remains the difficulty of causing the Prime Minister to accept what is taken to him, but I can be—

Q14 **Lloyd Russell-Moyle:** Will you be able to ask for that in public? I am just trying to confirm that it is not just a private conversation that you will have with the Prime Minister that none of us will know about, but that you will be able to publicly write to the Prime Minister and publish that with us and others.

**Lord Geidt:** At the moment, it is indeed a matter of private advice to the Prime Minister, which is both cognisant of and respectful of the Prime Minister's having the ultimate responsibility for the Ministerial Code, and for initiating investigations of alleged breaches.

Q15 **Lloyd Russell-Moyle:** Is it really suitable to have these conversations behind closed doors, particularly when the first investigation is going to be of the Prime Minister himself? Is it acceptable to have these conversations behind closed doors?

**Lord Geidt:** We do not know yet whether this will be ineffective, because the interpretation I will make is that I will not simply be taking a basketful of potentially vexatious claims from the wider world, dumping them on a Prime Minister's desk and inviting him to agree with me that they require separate investigation.

Of course, I will need to be judged on this by this Committee and others in due course, but my clear intent is to take cases—if, indeed, there are some—to the Prime Minister, having undertaken my own inquiries of what might look to be the relative merits of the case, so that the Prime Minister can see a well-worked case.

Q16 **Lloyd Russell-Moyle:** But you have no problem with the initial part of these inquiries being established behind closed doors.





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**Lord Geidt:** The initial part is done by me. It would be difficult for me to give a running commentary to the wider world.

Q17 **Lloyd Russell-Moyle:** The new powers that you have allow you to ask the Prime Minister to initiate an inquiry in areas that you think might be useful. Those are all behind closed doors. There is no public scrutiny. There is no sunlight—“disinfectant”, as David Cameron referred to it. None of that will happen at those early, pre-emptive stages. It is all behind closed doors. Are you satisfied that behind closed doors is a good way for a supposedly independent person to operate?

**Lord Geidt:** I believe that we need to work in this system and with these new terms of reference and judge their efficacy in due course, while, as I said earlier, being respectful of the Prime Minister’s being the ultimate arbiter of the—

Q18 **Lloyd Russell-Moyle:** But you have no problem with it all being behind closed doors?

**Lord Geidt:** No, I do not. I would not wish to give the impression of furtiveness; on the contrary, I wish to take well-worked, carefully considered cases of alleged breaches to the Prime Minister—

Q19 **Lloyd Russell-Moyle:** I am not suggesting that you would take a list of rogue cases. You are saying that you will take serious and legitimate cases because you will have already done some initial feeling out. Rather than publicly saying that you are worried and concerned about a particular person and asking to start an investigation, you will have a “There, there” chat with the Prime Minister over a cup of coffee, and he might say “That is in our political interest” or “That is not in our political interest”, and you will have to take directions based on a private conversation and on his political judgment, not on scrutiny, independence and fairness.

Did you not have any reservations in accepting this job? Did you seek any reassurances that it would not be as I have just described?

**Lord Geidt:** The critical importance of taking on this job on the terms that were offered, which just to remind the Committee, as said, was the first substantive change in those terms of reference for very many years, and—

Q20 **Lloyd Russell-Moyle:** “Substantive” is a judgment call; I would not necessarily call it substantive. Did you have any reservations or seek any reassurances when taking this role?

**Lord Geidt:** From whom?

**Lloyd Russell-Moyle:** From the Prime Minister or anyone else. On how you would be treated and the freedoms you would be given, did you seek any reassurances, and do you have any reservations about accepting this?

**Lord Geidt:** I sought assurances—

Q21 **Lloyd Russell-Moyle:** What assurances did you seek?



**Lord Geidt:** I sought assurances that the terms of reference might be amended, might be varied to take account of this capacity to initiate inquiries, which my predecessor did not enjoy. The further assurance that I received—and with enthusiasm from the Prime Minister—was that once we had got through the period of causing an investigation to take place, I would be able to cause that advice to be published and, critically, in a timely manner. There was, you may recall, as I think Lord Sedwill reported in an earlier piece of advice to this Committee, a difficulty because of the passage of time between Sir Alex Allan’s delivery of his report and its publication.

Q22 **Lloyd Russell-Moyle:** That is quite significant. You have sought assurances that you are able to publish in a timely manner the evidence that you have gathered during an investigation?

**Lord Geidt:** Correct.

**Lloyd Russell-Moyle:** Thank you very much. I think that is useful.

**Lord Geidt:** I think it is helpful. You are clearly making an observation that sunlight does not appear to shine into every corner of these arrangements, and I absolutely accept what you say, but I am very glad to have, and I was keen to secure, assurances that could very much improve the capacity of the independent adviser to publish once an investigation had been completed.

Q23 **Lloyd Russell-Moyle:** Finally on this set, and then I will hand back to the Chair, was there a timescale for any of the assurances that you received on initiating and amending the terms of reference? Was there an agreement that, after a period of time, you could go back and ask for an amendment to them, and if so, are you able to maybe come back to us in that same period of time and discuss those issues?

**Lord Geidt:** I would be very glad to come to the Committee at any stage to discuss the terms of reference under which the independent adviser is operating.

No, I do not think that there was any scheme, if you like, to which I was signing up that would suggest that my thoughts on the evolution of the scope and operation of the role should be given at any particular time. Indeed, in the Prime Minister’s original letter of invitation to appointment, there is an explicit reference to what he hoped would be my interest in bringing forward further comments on the scope and operation of the role, and of course I expect to do just that.

Q24 **Lloyd Russell-Moyle:** As the Prime Minister has not laid out that timescale, would you be willing to lay out when you think it might be an appropriate time to provide those reflections? That is an important part of the appointment letter, and it is important to then say that, after a period of time, rather than it being something that rolls on forever and never happens, you will step back and review whether you need an extension of the terms.





**Lord Geidt:** I am very willing to accept the principle of the importance of being able to bring further work forward. You ask me for a particular period of time. As I said, I am very keen to ensure that these revived—let us call them that—terms of reference are actively deployed. The lessons learned from that would of course then inform whatever I took to the Prime Minister by way of suggesting further variations to the current terms of reference, and yes, of course I would be very open to raising those—once I had discussed them with the Prime Minister, which of course I think fits within the nature of my role—with the Committee.

Q25 **Lloyd Russell-Moyle:** Maybe a year would be a good timescale, or something like that.

**Lord Geidt:** It may be, Mr Russell-Moyle; I don't know. Please be open to judging that once I have had the opportunity to put these current terms of reference into action.

**Lloyd Russell-Moyle:** Thank you very much.

**Chair:** Before going to David Jones, John McDonnell has a quick supplementary question.

Q26 **John McDonnell:** Lord Geidt, that series of responses was extraordinarily helpful. You made a reference earlier to rules not being enough to ensure good behaviour. That has been a point of this Committee; Jackie Doyle-Price particularly raised how that is true. It is about culture as well. You made reference to bowling up to the Prime Minister. Our problem is that some of us think that we have a Prime Minister who does not recognise the umpire. That is why the triggering of an investigation needs openness and transparency just as much as what you have achieved so far on transparency after an investigation has taken place. I wonder whether you could consider that in the discussions that you will now be having about your role and future terms of reference as you settle in.

**Lord Geidt:** That is a very helpful observation. I have already accepted the limitation that Mr Russell-Moyle described about the right of initiation. I will, again, wish to come back to this Committee once, if you like, we have had contact between my new terms of reference and the way in which it operates.

I absolutely understand the comment that you make. Indeed, I should say that, although it is going to be very difficult to gauge independence, as it were, from this distance, I think it will be perfectly reasonable for this Committee to make an assessment of the effect of these terms of reference, in terms of giving Parliament and the public confidence, once I am in the rhythm of this job rather better.

By the way, I do not wish to see allegations of alleged breaches surfacing. My business, I think, is to contribute to causing, shall we say, ever greater adherence to good behaviour and probity in public life. Equally, there may well be those cases; and, at the stage of the cases being considered, this Committee will be able to assess the extent to which I have had effect. Of course, other assets are available to the independent adviser. That



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includes a requirement to report each year. The report will reflect on the activity of the independent adviser, and I wish to give a full and fair account in that report, also, about the activity of the role.

**Chair:** Thank you very much. We now go to David Jones.

Q27 **Mr Jones:** Lord Geidt, as you know, your predecessor, Sir Alex Allan, arrived at certain conclusions about the complaints as to the behaviour of the Home Secretary. His findings were rejected by the Prime Minister, which prompted Lord O'Donnell, a former Cabinet Secretary, to wonder what the point is of being an independent adviser if your advice is not going to be listened to. Earlier in this session, you said that, like Sir Alex Allan, you would engage plausibly with the Prime Minister. It would appear that that engagement was not that plausible, at least so far as the Prime Minister was concerned, so what would you do to ensure that the Prime Minister does heed your advice and act accordingly?

**Lord Geidt:** Thank you. I believe that much will depend on the extent to which a relationship of trust can be built with the office of Prime Minister. It is true that my predecessor did not, as I noted earlier, enjoy the right of audience with the Prime Minister to discuss cases, yet, under the new terms of reference, I will have that encouragement. I would like to use those opportunities to express my feelings and views, in the hope that the Prime Minister can appreciate the development of my work and it will perhaps give greater confidence to him to accept the advice that an independent adviser is giving.

I am very conscious that, as noted earlier, Sir Alex Allan only had available one, rather nuclear option, which was to resign. Equally, as I noted in an earlier answer, that itself, I think, sent a very important signal into the public square, and my hunch is that any Prime Minister would wish to avoid regular resignations, if you like, of independent advisers. I don't think that that would suggest that the system was working at all, and it would certainly, I think, underscore Lord O'Donnell's suggestion that perhaps the independent adviser doesn't have the useful role that we might imagine.

I want to work by maximising the extent to which the new terms of reference can reframe something in the relationship between the independent adviser and the office of Prime Minister, and perhaps therefore improve the confidence that he can have, that any Prime Minister can have, in the advice being brought to him.

Q28 **Mr Jones:** Of course, as you point out, Sir Alex Allan pursued what you term the nuclear option of resigning. If the Prime Minister did not heed any findings that you arrived at, would you pursue the same nuclear option and resign?

**Lord Geidt:** Well, let me say first that I hope that it would not come to that stage. As noted earlier, I am placing confidence in working with these adjusted terms of reference, with perhaps therefore a greater degree of exchange between the independent adviser and the Prime Minister to ensure that we never got to that point. Equally, the power is there, if you



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like, as a last resort. I don't wish to get drawn into hypothetical situations about the basis upon which I would exercise that power or not, but of course it is available.

What I would note is that the resignation, as we saw in the case of Sir Alex, sends a critical signal into the public domain. As I said, if it came to it, I could do the same, but I would like to think, Mr Jones, that that is some distance to travel while trying to make best use of these refreshed terms of reference and to use them to best effect.

**Mr Jones:** To lose one independent adviser might be regarded as a misfortune; to lose two might look like carelessness. Thank you, Lord Geidt.

Q29 **Rachel Hopkins:** You mentioned earlier that a key part of your role is signing off the official list of Ministers' interests, which under the Ministerial Code has to be released twice a year. We know that its latest publication is a number of months overdue. It has actually been 10 months since the last one was published back in July 2020. I understand that the Cabinet Office has been briefing the press that all the information for a new edition has been gathered by Permanent Secretaries over the past 10 months, that it was ready to go and they just needed a new postholder to sign off the release, and that once your appointment was announced, they could move on, and they expected it to be published within two or three days. Is that your understanding? Can you tell us why we are in mid-May now and nothing has been published so far?

**Lord Geidt:** I have a slightly different view of the timetable. I was appointed—whatever it is—14 days ago, and I know that the Cabinet Office is very busy in producing the draft list for me to consider.

What I can say is this: I am absolutely determined to ensure that a full list is published as quickly as possible. I think—I don't think; I am determined—that it should be published by the end of this month. To do that, I wish to propose that all Cabinet Ministers' interests should be properly re-submitted, and that all Ministers whose circumstances relating to the matter of their role or interests have had a material change should also make their submissions, but I will place reliance on the list of July 2020, which was very carefully scrutinised by my predecessor, Sir Alex Allan, to ensure that the list can be published on time.

Public confidence, in my judgment, demands that this list be published without further delay. Accordingly, it is important to publish a list of interests that is as full and current as it can be. As noted, we are placing reliance on a previous list where we know circumstances not to have changed, then in due course the next iteration would come with full scrutiny of every ministerial appointment from top to bottom. I am determined that we should move at pace to ensure that we can satisfy public confidence by publishing early.



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You mentioned things being ready in days. The logistical question is that I need to have received the papers, which I am now in the process of receiving, before I can reach a determination.

I might just add that of course, the publication of the list of interests will include the Prime Minister. As part of my appointment, I have been asked to make an inquiry on the facts of the circumstances of the refurbishment of the flat at Downing Street, and to advise the Prime Minister on his declaration of interests, so that by the time we get to the end of the month we will have that declaration. Alongside that, I will report; to the question raised by Mr Russell-Moyle, I will do so in a timely fashion—in other words, simultaneously—and that report will give the necessary context to the declaration of all Ministers' interests.

**Q30 Rachel Hopkins:** Thank you. That is a very welcome response, but if the previous publication was thorough and up to date, as you say, and if information was being collected, why could it not have been published before your appointment? Do you have any views as to why it was not?

**Lord Geidt:** I am told that it actually requires the independent adviser to cause the list to be published. That said, I do not speak for the Government in this respect. I would just say that it is unfortunate that in the—whatever it is—five months between the resignation of my predecessor and my appointment, no list was published, just for purposes of public confidence. Of course, Members of Parliament and peers continue to have their interests properly recorded, and as I noted earlier, we can continue to place very significant reliance on the list that was published in July 2020, but I do think it was unfortunate that the list that we imagined should have been published in December 2020 was not. That is why I am driven to act with as much urgency as I can to get this next list published at the end of this month.

**Q31 Rachel Hopkins:** My next question has been touched on. You will not have the authority to launch an investigation yourself into breaches of the Ministerial Code, but I was wondering whether you agree with Lord Evans, the Chair of the Committee on Standards in Public Life, that introducing such a measure would enhance the perception of the independence of your role.

**Lord Geidt:** We have touched on this a little earlier. I will say, not so much as a matter of conscience but certainly as a personal view, that what I hear being said by Lord Evans gives a very clear impression of what might be perceived as a satisfactory level of independence in the post holder—in other words, the absolute right to initiate investigations. I would just note, though, that that is not unproblematic. We would still have to reconcile the role of the independent adviser, which is of course an appointment by the Prime Minister, with this degree of independence that might be operating, as it were, outside the Prime Minister's direct authority. I am not saying that that is impossible.

My view, as stated earlier, is that I would like in this role to work with the new terms of reference and really test the extent to which this can help



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make a contribution to public confidence, which is at the heart of all our interests. Yes, of course, I accept the importance of the perception of independence of the independent adviser. Lord Evans's proposals would certainly be one way of getting there, noting the complications of actually reconciling that with the Prime Minister's powers, but I am also confident that we can make these refreshed terms of reference work, and that is the task to which I wish to be committed in the next period.

Q32 **Rachel Hopkins:** To clarify, you will not be recommending the changes from Lord Evans's proposals?

**Lord Geidt:** I want to ensure, as independent adviser, that we can work the current terms of reference as effectively as possible to give as much public confidence as possible and to ensure that we can see sufficient transparency and integrity in the process. If, as I said earlier, it becomes apparent that that does not deliver for the purposes of public confidence, I do have the licence to bring forward advice to the Prime Minister to suggest a change to those terms of reference. If I may, I would like to make use of what I have in the first instance and see how we go.

Q33 **Chair:** Lord Geidt, might I ask a supplementary on that theme? What criteria would you use to judge whether to ask the Prime Minister to initiate an investigation? They might be quite broad or quite narrow, but what criteria would drive you?

**Lord Geidt:** Clearly, the document at my elbow will be the Ministerial Code. I would want to be very thoughtful to ensure that anything being suggested was in scope of the Ministerial Code, and not just a complaint about, say, the behaviour of a Minister that could not be supported by reference to the Ministerial Code.

It will not surprise you, Mr Chair, that in these early days I am deeply immersed in the Ministerial Code and need to ensure that I become almost instinctively familiar with it so that I can allow myself to reach a view on what seems like—I think this terminology goes to the man or woman in the street—a "reasonable case", by reference to the Ministerial Code, to take forward to the Prime Minister, to offer advice and, as necessary, to seek his authority for initiating an investigation.

**Chair:** Thank you. We now go to my colleague Tom Randall, who has been patiently waiting to ask the final questions.

Q34 **Tom Randall:** Thank you, Chair. Lord Geidt, you said that you are a personal appointee of the Prime Minister, and you said earlier that you hoped to operate with a greater degree of exchange with the Prime Minister and the Prime Minister's office. However, your first investigation is to investigate the Prime Minister himself. I wonder whether you see any particular difficulties in advising the Prime Minister when you are also investigating him, and how would you propose to address those issues?

**Lord Geidt:** That is a very important question, and I think it has to go to the heart of the perception of independence in the role. I do not see any difficulties in this. I am well served in these new terms of reference, as



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said, by the ability to publish in a timely manner. The advice that I will give will relate precisely to whether what I have considered needs to be adjusted in the declaration of interests. Given the certainty of that daylight, I anticipate no difficulties at all in dispassionately and impartially representing that advice to the Prime Minister.

Q35 **Tom Randall:** I appreciate that you don't like hypothetical questions, but if you were to advise of an alleged breach of the Ministerial Code being worthy of investigation and that advice was rejected by the Prime Minister, how would you approach that situation?

**Lord Geidt:** In this case, I believe that once I have reached my determination and I have offered my advice to the Prime Minister, as said, I have the ability to publish that advice. I am glad to note that I already have the support of the Prime Minister to enable me to do so.

So, unless and until those undertakings—very properly and reasonably made—are somehow set aside, I am very confident that what I have to say, on the basis of the information submitted to me by the Cabinet Secretary, will be passed properly as advice to the Prime Minister, and that that advice will be published. I believe that is in the best service of the public and parliamentary interest.

**Chair:** That concludes our Committee sitting and our questions to you this morning, Lord Geidt. We are very grateful to you for your time today. If there is anything that you would like to write to us about that you perhaps have not placed on the record this morning, please do so, and we look forward to working with you in the months, and indeed years, ahead. Of course, we wish you the very best in your important new role.

**Lord Geidt:** Thank you. I am very grateful to you and the Committee.