



House of Commons Committee on Standards

Conor Burns

Fourth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Committee staff

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Report

1. This Report arises from a complaint that Rt Hon Conor Burns MP breached the Code of Conduct for Members of Parliament, by using House of Commons stationery to deal with a purely personal family interest, and attempting to secure a payment to his father by suggesting he might use parliamentary privilege to raise the case in the House, with the implication that the complainant could avoid this (in the complainant's words) "potentially unpleasant experience" by helping to secure that payment to Mr Burns' father.
2. The Parliamentary Commissioner for Standards has supplied us with a memorandum relating to her investigation into this complaint, which we publish as Appendix 1 to this report.¹ We have also received a letter from Mr Burns which we publish as Appendix 2. Full details of the Commissioner's inquiry and her findings are set out in the memorandum and we shall provide a summary account of this before proceeding to deal with Mr Burns' written evidence and setting out our conclusions.

The Commissioner's investigation

3. The complaint to the Commissioner was made by a member of the public, who alleged that Mr Burns had written to him on House-provided stationery to deal with a purely personal family interest; and that Mr Burns was attempting to use parliamentary privilege to secure payment for his father.²
4. The complainant supplied the Commissioner with a letter from Mr Burns, on House of Commons headed paper, which included the royal badge of the crowned portcullis used to represent the authority of the House. The letter was dated 6 February 2019.
5. The letter is addressed to the complainant because of his connection with a company (the Commissioner has redacted its name) with which Mr Burns' father (Mr Burns Snr) was in dispute over repayment of a loan. Mr Burns stated that his father had made extensive attempts over a period of years to reach a settlement on repayment of that loan. He stated that his father was reluctant to take legal proceedings "because of age and family sensitivity", and that he was therefore writing on his father's behalf enclosing an earlier letter sent by his father to the company to which, he stated, no response had been received. Mr Burns invited the complainant to respond to the letter, and continued: "failure to do so will ensure my involvement to secure the return of the money owed to my father [...]".³
6. Mr Burns proceeded to state:

I have reflected carefully before deciding to become involved. I am acutely aware that my role in the public eye could well attract interest especially if I were to use parliamentary privilege to raise the case (on which I have taken advice from the House authorities). I am also conscious that your high-profile role outside [the company] could well add to that attention.⁴ [This appears to be a reference to the complainant's past role as a senior official in the public service.]

1 Written evidence accompanying the Commissioner's memorandum is published on the Committee's website.
 2 PCS memorandum, para 3
 3 WE 1, enclosure
 4 WE 1, enclosure.

7. The Commissioner in her investigation considered whether Mr Burns was in breach of the three of the Rules set out in the Code of Conduct, at paragraphs 11, 16 and 17 of the Code.⁵

8. Paragraph 11 of the Code states that:

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

9. Paragraph 16 of the Code states that:

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

10. Paragraph 17 of the Code states that:

Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

11. There is a separate set of rules governing the use of stationery provided by the House of Commons. Paragraph 2 of these rules states that:

The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.

12. Paragraph 9 of the stationery rules contains the following statement:

The principal emblem of the House is the crowned portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House.

5 House of Commons, *The Code of Conduct, together with The Guide to the Rules relating to the Conduct of Members 2019* (Session 2017–19, HC 1882)

13. During her investigation the Commissioner took evidence from Mr Burns and from the House authorities.⁶ She notes that both Mr Burns and the complainant agree that the substance of the dispute between Mr Burns' father and the company is not a matter for her.⁷

14. In his initial response to the Commissioner, replying to specific queries from her, Mr Burns stated that he had not sought specific advice from the House authorities before using House-provided stationery to send his letter. He had had regard to the guidance in the stationery rules that "modest use of stationery [...] for personal correspondence is permitted". He went on, "I can see that it may have been better to have used other paper to write this letter. However, I did believe I was adhering to the guidance on the limited use of stationery for personal correspondence." Mr Burns added, "My letter was one written by a son which is very concerned at the stress and distress that the complainant's repeated refusal to engage of the subject has caused to a man in his late 70s. If the charge is being a caring son, I would accept it."⁸

15. Asked by the Commissioner about the statement in his letter to the complainant that he had taken advice from the House authorities about using parliamentary privilege to raise this case, Mr Burns responded that he had consulted a House of Commons Library paper on privilege, and had taken informal advice from a clerk. That advice, which "was not formal or written but verbal", was that "it is for each member to use their judgement in the use of privilege".⁹ The Commissioner comments on the House of Commons Library paper in question that "it was not advice tailored to Mr Burns' situation".¹⁰

16. Mr Burns concluded his response to the Commissioner by commenting:

It would be somewhat ironic that, should [the complainant's] complaint lead to a finding against me, I would have to explain all of the above to the House and place on the record the very things [the complainant's] solicitors' letter sought to keep concealed.¹¹

17. The Commissioner sought the advice of the Clerk of the Journals on Mr Burns' reference to parliamentary privilege in his letter to the complainant. The Clerk of the Journals replied that while the use of House-provided stationery including the crowned portcullis was inappropriate, the letter's reference to the possible use of privilege:

cast[s] a different light on the matter and suggests that the use of the crowned portcullis may have been more deliberate than accidental. To the extent that that is so, the use of the crowned portcullis may be seen less as an automatic consequence of a careless choice of stationery and more as support for an ill-concealed threat. That would in my view be [...] a separate and more serious of breach of the rules on its use.¹²

6 The evidence is published with this report on the Committee's website.

7 PCS memorandum, para 13

8 WE 5 (letter dated 28 March 2019)

9 WE 5

10 WE 5, footnote 10

11 WE 5

12 WE 7

18. The Commissioner invited Mr Burns' comments on this assessment by the Clerk of the Journals. He responded that "I accept that on reflection it would have been much better had I used personal paper for the letter to [the complainant]". However, he stated that he had had no intention of using House stationery to suggest that his letter had the authority of the House, and he argued that the complainant, as a former senior official in the civil service, would have known that it had no such authority.¹³

The Commissioner's findings

19. The Commissioner finds that Mr Burns' letter to the complainant was concerned solely with the financial affairs of a close family member and that his letter was not sent in support of his parliamentary activities. The reference to parliamentary privilege in the letter carried the implication, which would have been understood by the complainant, that if Mr Burns were to raise this matter during parliamentary proceedings, his words would have been protected from challenge through legal proceedings, i.e. that this was "a threat of the consequences if [the complainant] did not do as Mr Burns wished".

20. The Commissioner states that, on the balance of probabilities, she believes that Mr Burns "put personal interest before the public interest by suggesting that he would take advantage of his public office to pursue his father's financial dispute". She therefore finds that he was in breach of paragraph 11 of the Code of Conduct.¹⁴

21. The Commissioner does not accept Mr Burns' initial claim that his use of House-provided stationery was permissible under the rules allowing modest use for personal correspondence, and she notes that Mr Burns has now accepted this was not the case. She continues that such breaches of the stationery rules can occur inadvertently, but she does not believe that Mr Burns' breach of the rule was inadvertent. She further concludes that the content of his letter suggests that Mr Burns' use of the crowned portcullis, the principal emblem of the House, was more deliberate than accidental. She finds that his reference to having sought advice from the House authorities was misleading and "I am not persuaded that that was accidental". She therefore finds that Mr Burns committed a breach of paragraph 16 of the Code.

22. The Commissioner concludes that Mr Burns should have realised that the words used in his letter would be received as a threat, and on the balance of probabilities she thinks that that was Mr Burns' intention. Also on the balance of probabilities, she considers that Mr Burns' use of the crowned portcullis "was intended to add weight to the threat that he would speak about [the complainant] in a forum where [the complainant] would not have a right of reply".

23. The Commissioner notes Mr Burns' comments in his initial response to her, that it "would be somewhat ironic that, should [the complainant's] complaint lead to a finding against me, I would have to explain all of the above to the House and place on the record the very things [the complainant's] solicitors' letter sought to keep concealed". She further notes that Mr Burns persisted in this line of argument on a later occasion, despite her having informed him that she was upholding breaches of paragraphs 11 and 16, and

13 WE 9

14 PCS memorandum, para 28

despite his having given her “his word” in the same meeting that he would not use his position as a Member to pursue in the Chamber or otherwise the issues about which he had written to the complainant.¹⁵

24. The Commissioner makes the following further comments in relation to her consideration of whether Rule 17 had been breached:

I am not convinced that Mr Burns’ suggestion that I explain to [the complainant] the risk of a ‘perverse’ outcome was motivated by concern for [the complainant’s] best interest. And I do not know what Mr Burns intended me to understand when, after I declined to act on his suggestion, he asked me what would happen if [the complainant] were to withdraw his allegation. Whatever his intention, I do not think his comments were respectful of the standards system of the House.

It is for the Committee to decide whether it agrees with my findings and, if it does, to decide what action is appropriate. I make no comment about that. However, I do not agree with Mr Burns about the inevitability of a perverse outcome if he were to be asked to apologise. With appropriate care, it should be possible for Mr Burns to make an apology in the House, or elsewhere, without any further disclosure of the substance of his father’s dispute with the company and [the complainant].

Mr Burns’ conduct in this matter does not reflect well on him personally. However, I think his conduct has a wider impact. It gives fuel to the belief that Members are able and willing to use the privileges accorded them by their membership of the House to benefit their own personal interests. That Mr Burns has not acted on his threat to use parliamentary privilege will do little to dispel that belief.¹⁶

25. The Commissioner concludes that for a long-standing Member of the House to behave in this manner is, in her view, a breach of paragraph 17 of the Code.¹⁷

Mr Burns’ letter to the Committee

26. The Commissioner’s memorandum was supplied to our predecessor Committee in the last Parliament on 21 October 2019. Owing to the unavoidable delay caused by the Dissolution of Parliament and the time taken to re-establish the Committee following the December 2019 general election, we were not in a position to consider the case till early March 2020. We then contacted Mr Burns to ask if he wished to make any representations to us. In response he sent a letter, dated 18 March 2020, which we print as Appendix 2 to this report.

27. In this letter, Mr Burns stated:

As I have openly acknowledged, on reflection, I absolutely should not have written to the complainant in the terms I did or used House stationery to do so. I am sorry I did so and regret it.

15 PCS memorandum, paras 33–36

16 PCS memorandum, paras 37–39

17 PCS memorandum, para 40

28. The greater part of Mr Burns' letter deals with his regret at what happened and his personal circumstances:

My motivation was to try and get the company to engage with my father on a long running dispute. To this day they have not done so and my father is taking court action. This has had a significant negative impact on his health. [...]

At the time I wrote I was under a huge amount of personal stress as I explained to the Commissioner privately. [...]

I would ask the committee to consider the length of time this complaint has been hanging over me. My first letter from the Parliamentary Commissioner for Standards is dated 12 March 2019. I have been living with this for over a year.

Whatever action your committee decides is appropriate I can assure you that it has been very distressing to me that I have added to my elderly father's worries. To be asked every week by him if there is news on the inquiry has been very hard to take.

I profoundly regret involving myself in this in any way and if I could turn the clock back I would not have done it.

Whatever the outcome and despite real anger as to how my father has been treated by the complainant and the company of which he is Chairman I have given my word that I will not use my role as a Member of Parliament in any way to comment or act in relation to this case in the future. I willingly give that undertaking to your committee.¹⁸

The Committee's conclusions

29. We have given careful consideration to Mr Burns' letter to us, as well as to the Commissioner's memorandum and the written evidence submitted with it. We comment at paragraph 32 below on the extent to which the personal stress and family circumstances of Mr Burns may be regarded as a mitigating factor. We consider that the other arguments adduced by Mr Burns in his letter do not add materially to those considered, and rejected, by the Commissioner in her investigation.

30. We accept the Commissioner's findings that Mr Burns committed breaches of paragraphs 11, 16 and 17 of the Code of Conduct.

31. In accordance with our usual practice, we have considered whether there are any mitigating or aggravating factors in relation to these breaches.

32. We consider the following to be mitigating factors:

- It is clear from the evidence received that Mr Burns has been under a considerable degree of personal stress. We do not doubt that a large part of his motivation in these events has been to defend the interests of his elderly father and to redress

what he regards, rightly or wrongly, as an injustice committed against his father. Like the Commissioner, we have not investigated the dispute between Mr Burns Snr and the company with which the complainant is connected, nor is it our role to comment on the rights and wrongs of that dispute. The dispute does, however, provide the essential context without which Mr Burns' conduct cannot be understood. He has been driven by a sense of anger which, in our view, has affected his judgement in this matter. We note that even in his recent letter to us in which he undertakes not to repeat the conduct for which he has been criticised by the Commissioner, he adds the phrase "despite real anger as to how my father has been treated by the complainant". Strong emotion does not justify a breach of the rules, but in this case it helps to contextualise it.

- Mr Burns' letter to us acknowledges his breach of the rules and offers a unequivocal apology: "I absolutely should not have written to the complainant in the terms I did or used House stationery to do so".

33. We consider the following to be aggravating factors:

- Mr Burns' apology to us quoted above, though welcome, comes at end of a process in which he initially sought to argue that he had acted within the rules. He also persisted in making ill-disguised threats to use his privileged position as a Member of the House to pursue his family interest, even after the Commissioner had informed him of her finding that this was a serious breach of the rules. This suggests that he has been slow to accept the seriousness of his conduct.
- Mr Burns is a senior member of the House, to which he was first elected in 2010. He is a Privy Counsellor and holds high office as a Minister of the Crown, being currently Minister of State for Trade Policy. As an experienced Member, Mr Burns could have been expected to understand the rules of the House and to set a good example to more junior colleagues in observing them.

34. Our overall conclusion is as follows. Like the Commissioner, we are persuaded by the evidence that Mr Burns used his parliamentary position in an attempt to intimidate a member of the public into doing as Mr Burns wished, in a dispute relating to purely private family interests which had no connection with Mr Burns' parliamentary duties. Mr Burns persisted in making veiled threats to use parliamentary privilege to further his family's interests even during the course of the Commissioner's investigation. He also misleadingly implied that his conduct had the support of the House authorities.

35. Parliamentary privilege, particularly the privilege of freedom of speech, is precious to our democracy. The right of Members of Parliament to speak in the Chamber without fear or favour is essential to Parliament's ability to scrutinise the Executive and to tackle social abuses, particularly if the latter are committed by the rich and powerful who might use the threat of defamation proceedings to deter legitimate criticism. Precisely because parliamentary privilege is so important, it is essential to maintaining public respect for Parliament that the protection afforded by privilege should not be abused by a Member in the pursuit of their purely private and personal interests. We, like the Commissioner, conclude that Mr Burns was guilty of abusing

his privileged status in an attempt to intimidate a member of the public. We consider that in these circumstances an apology, though necessary, is not sufficient, and that a more severe sanction is also called for.

36. We recommend that Mr Burns should be suspended from the service of the House for seven days. This penalty reflects our view that the abuse of privilege for personal or family gain cannot be viewed as anything but a serious failure to uphold the values and principles of the House of Commons Code of Conduct, and that any Member should be aware of this before behaving in the way he did.

37. We further recommend that Mr Burns should apologise in writing to the House for his breaches of the Code of Conduct by way of a letter to Mr Speaker, and that he should apologise in writing to the complainant as the injured party. Both letters should be copied to us and we reserve the right to take further action if we feel that Mr Burns has not complied with the spirit as well as the letter of this recommendation. We propose to publish the letters (with any necessary redactions to protect the identity of the complainant).

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

Summary

I have investigated an allegation that Mr Conor Burns acted in breach of paragraphs 11, 16 and 17 of the House of Commons' Code of Conduct for Members. Having obtained evidence from Mr Burns and taken the advice from the House authorities, I have concluded that he has acted in breach of each of those three rules.

Mr Burns breached the first two rules by writing to a member of the public, with whom Mr Burns' father was in a financial dispute, using House-provided stationery bearing the crowned portcullis. The content of that letter put Mr Burns in breach of paragraph 11 of the Code of Conduct. He put personal interest before the public interest, suggesting that he would take advantage of his public office to pursue his father's financial dispute.

The letter, about a purely personal family matter, did not carry the authority of the House and wrongly gave that impression. This was a misuse of the crowned portcullis, the principal emblem of the House. That is a breach of paragraph 9 of the House's rules on the use of House-provided stationery. It is also a breach of paragraph 16 of the Code of Conduct.

I found that an implied threat in Mr Burns' letter and his conduct during the inquiry - which included suggesting that I might contact the complainant to 'explain' that a finding against the Member might result in a 'perverse' outcome for the complainant - gives fuel to the belief that Members are able and willing to use the privileges accorded them by the House to benefit their own personal interest. That Mr Burns has not acted on the threat to use parliamentary privilege to air his father's dispute will do little to dispel that belief. Mr Burns' actions damage the reputation and integrity of the House of Commons as a whole and of its Members generally. That is a breach of paragraph 17 of the Code.

In light of my conclusions, I have referred this Memorandum to the Committee on Standards.

21 October 2019

Introduction

- 1) Mr Conor Burns has been a Member of the House since May 2010. My inquiry arose out of an allegation of misuse of House-provided stationery.
- 2) In the course of my inquiry I have considered Mr Burns' conduct in respect of paragraphs 11, 16 and 17 of the current Code of Conduct. I am bringing this matter to the attention of the Committee because I have found that Mr Burns has acted in breach of each of those three rules of conduct.

The allegation

- 3) A member of the public (the complainant) alleged that Mr Burns had written to him using Houseprovided paper to deal with a purely personal family interest; and that Mr Burns was attempting to use parliamentary privilege to secure payment for his father. The complainant asked if Mr Burns' suggestion that he (Mr Burns) would use parliamentary privilege to name him (the complainant) in the House was consistent with Mr Burns' obligations not to take action which might cause damage to the reputation of the House of Commons as a whole, or of its Members generally. The complainant provided an annex with his letter, providing background information to assist my understanding of the context. He acknowledged that the substance of the annex raised issues outside my remit. I do not reproduce that annex in this Memorandum because the contents are not relevant to my inquiry.

Relevant rules of the House

The Code of Conduct for Members

- 4) Part V of the Code of Conduct for Members contains eight rules of conduct, in paragraph 11 to 18. The first of these rules (paragraph 11) says;
 - i) *"Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest."*
- 5) Paragraph 16 of the Code states
 - i) *"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else or confer undue advantage on a political organisation."*
- 6) Paragraph 17 prohibits *"any action which would cause significant damage to the reputation and integrity of the House of Commons as whole, or of its Members generally."*

Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis

7) In the introductory paragraphs the stationery rules state

“The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.”

8) Paragraph 9 of the rules relates specifically to the use of the crowned portcullis. It begins with the following explanation;

“The principal emblem of the House is the crowned portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House”

My inquiry

9) In the course of my inquiry I have considered evidence from Mr Burns, the complainant and the Clerk of the Journals. I met Mr Burns on 25 June 2019. The meeting, held at his request, was not a formal evidence gathering interview. However, I do rely on some of the evidence arising from that meeting in reaching my conclusions. My letter of 26 June 2019 summarises the discussion that took place.¹⁹

10) Mr Burns has seen a draft of this Memorandum and had the opportunity to comment on its factual accuracy.

Evidence

From the complainant

11) The complainant sent me a letter from Mr Burns dated 6 February 2019.²⁰ The letter was written on House of Commons headed paper and bore the principal emblem of the House, the crowned portcullis. Mr Burns said in his letter to the complainant that:

- His father (Mr Burns Snr) had a long-standing financial dispute with a company in which the complainant was involved (the company)
- His father was reluctant for reasons of age and family sensitivity to take legal proceedings

¹⁹ WE 11

²⁰ WE 1

- He, Mr Conor Burns, was writing to ask the complainant to respond to unanswered correspondence sent to the directors of the company and to inform him that failure to do so would “*ensure [Mr Burns’] involvement to secure the return of money owed to [his] father.*”
- Mr Burns said he had taken advice about “*using parliamentary privilege to raise the case.*”

12) The complainant told me that “*It was clear from [Mr Burns’] letter that [the complainant could] avoid this potentially unpleasant experience by helping [Mr Burns] to secure payment to his father.*”

From Conor Burns MP

13) In his initial response to the allegations, on 28 March 2019, Mr Burns agreed with the complainant that the substance of the dispute between his father and the company was not a matter for me.²¹ He invited me to consider the complainant’s motivation for making a complaint and said that the complainant had been untruthful about his role in the company. He went on to respond to some of the points in the annex to the complainant’s letter to me.

14) Mr Burns provided, by way of proof of postage, that he had not used House-provided postage to send his letter of 6 February 2019.

Mr Burns told me that he had not sought “*formal advice*” on using House-provided stationery. He said he had taken into account that “*modest use*” for personal correspondence was permitted. Mr Burns said that he could see that “*it may have been better to use other paper to write this letter.*” He told me he had taken “*informal advice from a clerk*” about raising the matter with the protection of parliamentary privilege. Mr Burns observed that “*It would be somewhat ironic that should [the] complaint lead to a finding against [him, he] would have to explain all of the above to the House and therefore place on the record the very things[the complainant’s] solicitors’ letter sought to keep concealed.*”

15) I sought advice from the Clerk of the Journals about what he would have said if Mr Burns had approached him before writing to the complainant. The Clerk of the Journals’ advice is reproduced below.²² Having seen that advice, Mr Burns said “*on reflection it would have been much better had [he] used personal paper for the letter*” to the complainant. He said he had not intended his letter to “*wrongly be regarded or represented as having the authority of the House.*” He suggested that the complainant’s past experience (he had been a very senior civil servant) meant he “*would certainly know that it had no such authority.*” Mr Burns also suggested that “*knowing the rules well enough to make his complaint in the first place would suggest this to be true.*”

16) After I had written to Mr Burns to tell him that I had decided he had broken paragraphs 11 and 16 of the Code of Conduct, he asked to meet me.²³ I did not make an

21 WE5

22 WE 7

23 WE 10

audio-recording of the meeting, which took place on 25 June 2019, and it was not a formal evidence gathering interview. However, I wrote to Mr Burns the next day to record the issues he had raised.²⁴

17) I thanked Mr Burns for his frank acknowledgement that writing to the complainant in the terms that he did using stationery bearing the principal emblem of the House - the crowned portcullis - was a serious error of judgment. During the meeting he had volunteered his word that he would not use his position as a Member to pursue with the protection of parliamentary privilege the issues about which he had written to the complainant. Mr Burns had disclosed to me information about his own health, and sensitive information about a close family member, which he said had placed him under immense personal pressure in recent months.

18) During the meeting Mr Burns repeated what he had told me in his first response to the allegation. He said that, if an apology on the floor of the House were to be recommended by the Committee on Standards, it would have a perverse consequence because he would have to provide information about his father's dispute with the complainant. Mr Burns asked me to explain this to the complainant and seek his views on the way forward. Mr Burns also asked me what would happen if for some reason the complainant were to withdraw his complaint.

19) I explained that it would not be appropriate for me to approach the complainant in the way that Mr Burns proposed. I also explained that if the complainant were, for some reason, to withdraw his complaint, I would not be bound to discontinue my inquiry. I would have to decide whether or not to continue with my inquiry.

From the Clerk of the Journals

20) In accordance with the Commissioner's usual practice, I asked the House authorities about the advice they might have given had they been consulted formally by the Member.

21) The Clerk of the Journals told me on 4 April 2019 that, without sight of the text of Mr Burns' letter, he would have advised against using stationery bearing the crowned portcullis.

22) Having read the correspondence, the Clerk of the Journals told me that the reference to the possible use of parliamentary privilege suggested that Mr Burns' use of paper bearing the crowned portcullis "*may have been more deliberate than accidental.*" He said that its use might be seen "*less as an automatic consequence of a careless choice of stationery and more as support for an ill-concealed threat.*" The Clerk of the Journals told me that in his view that would be a use of the crowned portcullis "*where its authentication of a connection with the House is inappropriate or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House.*" He described this as a "*separate and more serious breach of the rules on its use.*"

Analysis

Paragraph 11 of the Code

23) Mr Burns' letter to the complainant was concerned solely with the financial affairs of a close family member. His letter was not sent in support of his parliamentary activities. It did, however, refer to action he might take in his capacity as a Member - in pursuit of that family interest.

24) Mr Burns should have known, and he has not at any stage suggested that he did not, that if he raised this matter during parliamentary proceedings, his words would have been protected from challenge through legal proceedings. Mr Burns should also have expected the complainant to understand that point.

25) The complainant's letter confirms he did understand the implications of the use of parliamentary privilege and that he understood the reference to it to be a threat of the consequences if he did not do as Mr Burns wished.

26) As both the complainant and Mr Burns have acknowledged, the rights and wrongs of Mr Burns' father's dispute with the company are not a matter for me, and I make no judgment on them.

27) I consider Mr Burns' letter to be a breach of paragraph 11 of the Code of Conduct. On the balance of probabilities, I believe that he put personal interest before the public interest by suggesting that he would take advantage of his public office to pursue his father's financial dispute.

Paragraph 16 of the Code

28) Mr Burns initially sought to persuade me that his use of House-provided stationery for this correspondence was permissible under the rules because this was within the meaning of modest use for personal correspondence. I did not agree, and Mr Burns has since accepted that. On that basis alone, Mr Burns' use of House-provided paper was a breach of the stationery rules, and a breach of paragraph 16 of the Code. Such breaches can occur inadvertently. I do not believe that to be the case on this occasion.

29) The Clerk of the Journals has told me he would have advised Mr Burns not to use House-provided stationery for his letter to the complainant. Whether or not Mr Burns intended the use of the crowned portcullis to give credence to the contents of his letter, it created the risk of the sort of misunderstanding that paragraph 9 of the stationery rules says should be avoided.

30) I agree with the Clerk of the Journals that the content of the letter suggests the use of the principal emblem of the House was more deliberate than accidental. And, as I explained in my letter to Mr Burns of 11 June 2019, his reference to having sought advice about privilege from the House authorities was misleading. I am not persuaded that that was accidental.

31) I have therefore concluded that Mr Burns acted in breach of paragraph 16 of the Code.

Paragraph 17 of the Code

32) The manner of Mr Burns' breach of paragraph 11 of the Code raises the possibility of a consequential breach of paragraph 17. However, there are other factors which I think are appropriate to consider as well.

33) As I explained in my letter to Mr Burns of 11 June 2019, the reference in his letter of 6 February 2019 to having sought advice about privilege from the House authorities was misleading. I am not satisfied that that was accidental.

34) The Clerk of the Journals has described Mr Burns' letter as containing an "*ill-concealed threat*". I do not know whether Mr Burns intended his letter to be received as a threat but the complainant clearly understood it as such. I think Mr Burns should have realised that his words would have that effect. On the balance of probabilities, I also think that was Mr Burns' intention. I am persuaded, also on the balance of probabilities, that Mr Burns' use of the crowned portcullis was intended to add weight to the threat that he would speak about the complainant in a forum where he would not have a right of reply.

Mr Burns said, when he first wrote to me that it "*would be somewhat ironic that should [the complainant's] complaint lead to a finding against*" him he would "*have to [...] place on the record the very things that [the complainant's] letter had sought to keep concealed*". He repeated that argument on 25 June 2019, after I had told him that I was upholding breaches of paragraphs 11 and 16. He did so, despite also giving me 'his word' in the same meeting that he would not use his position as a Member to pursue in the Chamber or otherwise the issues about which he had written to the complainant on 6 February 2019.

35) I am not convinced that Mr Burns' suggestion that I explain to the complainant of the risk of a 'perverse' outcome was motivated by concern for the complainant's best interest. And I do not know what Mr Burns intended me to understand when, after I declined to act on his suggestion, he asked me what would happen if the complainant were to withdraw his allegation. Whatever his intention, I do not think his comments were respectful of the standards system of the House.

36) It is for the Committee to decide whether it agrees with my findings and, if it does, to decide what action is appropriate. I make no comment about that. However, I do not agree with Mr Burns about the inevitability of a perverse outcome if he were to be asked to apologise. With appropriate care, it should be possible for Mr Burns to make an apology in the House, or elsewhere, without any further disclosure of the substance of his father's dispute with the company and the complainant.

37) Mr Burns' conduct in this matter does not reflect well on him personally. However, I think his conduct has a wider impact. It gives fuel to the belief that Members are able and willing to use the privileges accorded them by their membership of the House to benefit their own personal interests. That Mr Burns has not acted on his threat to use parliamentary privilege will do little to dispel that belief.

38) For a long-standing Member of the House to behave in this manner is, in my view, a breach of paragraph 17 of the Code of Conduct.

Mr Burns' comments

39) A draft of this Memorandum was shared with Mr Burns on 8 August 2019. My office sent him another copy on 9 September after he told them he had not received it. Following a reminder on 1 October, Mr Burns replied to the invitation to comment on the factual accuracy of the draft. He said that he had read the draft report. He did not identify any factual errors in the material I had provided, nor did he submit any additional evidence or information. Mr Burns said *“in order to bring this to a resolution I will make any further comment or context to the Committee.”*

Conclusion

40) For the reasons explained in paragraphs 24 to 40 of this Memorandum, I believe Mr Burns has acted in breach of paragraphs 11, 16 and 17 of the Code of Conduct for Members. Those breaches, individually and collectively, are at the more serious end of the spectrum. I cannot resolve this matter through the powers given to me under Standing Order No 150. I am therefore submitting this Memorandum to the Committee on Standards for its consideration.

Kathryn Stone OBE

Parliamentary Commissioner for Standards

21 October 2019

Appendix 2: Letter from Rt Hon Conor Burns MP to the Chair of the Committee on Standards, dated 18 March 2020

I understand from the Clerk to your committee that you will meet next week to consider the report that has been sent to you.

I would like to highlight a couple of points that I would ask that you consider in making a decision on how to proceed.

As I have openly acknowledged, on reflection, I absolutely should not have written to the complainant in the terms I did or used House stationary to do so. I am sorry I did so and regret it.

My motivation was to try and get the company to engage with my father on a long running dispute. To this day they have not done so and my father is taking court action. This has had a significant negative impact on his health.

Whilst I absolutely should not have written as I did I regret that the complainant suggested I used House postage yet did not include the envelope which would have showed I paid the postage myself and submitted the receipt for this to the Commissioner for Standards.

At the time I wrote I was under a huge amount of personal stress as I explained to the Commissioner privately. I will share this with the Clerk to your committee but do not want to write it here.

I would ask the committee to consider the length of time this complaint has been hanging over me. My first letter from the Parliamentary Commissioner for Standards is dated 12 March 2019. I have been living with this for over a year.

Whatever action your committee decides is appropriate I can assure you that it has been very distressing to me that I have added to my elderly father's worries. To be asked every week by him if there was any news on the inquiry has been very hard to take.

I profoundly regret involving myself in this in any way and if I could turn the clock back I would not have done it.

Whatever the outcome and despite real anger as to how my father has been treated by the complainant and the company of which he is Chairman I have given my word that I will not use my role as a Member of Parliament in any way to comment or act in relation to this case in the future. I willingly give that undertaking to your committee.

I am grateful to you for taking the time to read this.

Formal minutes

Tuesday 28 April 2020

Members present:

Kate Green, in the Chair

Tammy Banks	Mark Fletcher
Jane Burgess	Sir Bernard Jenkin
Charmaine Burton	Anne McLaughlin
Andy Carter	Dr Arun Midha
Alberto Costa	Sir Peter Rubin
Rita Dexter	Paul Thorogood

Draft Report (*Conor Burns*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Two papers were appended to the Report.

Resolved, That the Report be the Fourth Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

Ordered, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for publishing with the Report.

[The Committee adjourned.]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page of the Committee's website](#).

Session 2019–21

First Report	Kate Osamor	HC 210
Second Report	Stephen Pound	HC 209
Third Report	Greg Hands	HC 211