



House of Commons  
Committee on  
Standards and Privileges

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**Conduct of  
Mr Jonathan Sayeed**

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**First Report of Session 2005–06**

*Report and Appendices,  
together with formal minutes*

*Ordered by The House of Commons  
to be printed 19 July 2005*

## Committee on Standards and Privileges

The Committee on Standards and Privileges 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' 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.

### Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)  
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)  
Angela Browning MP (*Conservative, Tiverton and Honiton*)  
Ben Chapman MP (*Labour, Wirral South*)  
Mr Andrew Dismore MP (*Labour, Hendon*)  
Nick Harvey MP (*Liberal Democrat, North Devon*)  
Mr Brian Jenkins MP (*Labour, Tamworth*)  
Mr Elfyn Llwd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)  
Rt Hon Andrew Mackay MP (*Conservative, Bracknell*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)

### Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: [www.parliament.uk/sandp](http://www.parliament.uk/sandp). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Miss Jenny McCullough (Second Clerk) and Mrs Lisa Stead (Secretary).

### Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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## Conduct of Mr Jonathan Sayeed

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1. Our predecessors in the last Parliament reported in their Third and Fifth Reports of last Session<sup>1</sup> into complaints against Mr Jonathan Sayeed, then the Member for Mid-Bedfordshire. In the Fifth Report, they reported on progress made by the Department of Finance and Administration (DFA) in investigating apparent discrepancies in some of Mr Sayeed's Additional Cost Allowance (ACA) claims. These had been revealed when the Department was preparing its response to queries posed by the Parliamentary Commissioner for Standards in the course of the investigation into the original complaint against Mr Sayeed, on which our predecessors had reported in the Third Report. They stated that they had asked the Commissioner to keep them informed of developments, and that they expected to report further to the House on the matter after the Commissioner had received a further report from the DFA.<sup>2</sup>

2. In the event, the Commissioner did not receive a further report from the DFA before Parliament was dissolved for the General Election. He has now done so, and has submitted a memorandum to us, which is reproduced as Appendix 1 to this Report. Mr Sayeed has been shown a copy of the Commissioner's memorandum, and has also submitted a memorandum to us. This is reproduced as Appendix 2.

3. Our predecessors had reported that Mr Sayeed had repaid the sum of £12,583 in respect of ACA improperly claimed against his main home in respect of the financial years 2003–04 and 2004–05. They also noted that there were other ACA claims in respect of the two financial years, totalling about £9,500, which it had not been possible to attribute with confidence to one home or the other, and on which discussions were continuing.<sup>3</sup>

4. The Commissioner has now reported that, following further discussions between Mr Sayeed and the DFA, the total sum repaid by Mr Sayeed in respect of improper claims by him in the two financial years has risen to £16,613.67, of which £8,236.15 was in respect of 2004–05. He has also reported that the repayment in respect of 2004–05 created headroom within Mr Sayeed's ACA limit for the year, following which he submitted additional claims for the Department's consideration. These have all been examined, and some have been paid. The DFA has informed us that the total payment made to Mr Sayeed in respect of these additional claims was £7,835.

5. In his memorandum, Mr Sayeed accepts that he signed expense claims that were wrong, and unreservedly apologises for doing so. He attributes his consistent errors in this respect to the way expense claims were handled in his office, but accepts that the responsibility is his.

6. Our predecessors were informed that the DFA had taken informal soundings as to whether Mr Sayeed's actions in claiming expenses against the ACA relating to his main residence ought to be referred to the police, and had been advised that such reference was

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1 HC 233 and HC 473 of Session 2004–05.

2 Fifth Report, paragraph 21.

3 Fifth Report, paragraph 20.

probably not appropriate. However, they were also given an undertaking that the Department would take fuller legal advice and reconsider the matter. That legal advice has now been taken, and also shown to the Commissioner.

7. The Commissioner has now reported that that the fuller legal advice concludes that there is no sufficient basis to justify referring the matter to the police, on the grounds that the facts that have come to light do not reveal clear evidence of dishonesty, which would be required for any relevant offences under the Theft Act 1968.<sup>4</sup> Noting that, in the light of the legal advice, the DFA does not intend to refer the matter to the police, the Commissioner states that he, too, can see no grounds for doing so.

8. While the primary responsibility for the improper ACA claims must rest with Mr Sayeed, we are concerned that, but for the inquiries made of the DFA by the Commissioner, they might well not have come to light. Mr Sayeed submitted claims which included ineligible expenditure over a substantial period of time, but none of the relevant invoices appear to have been queried at the time by the DFA. We understand that the DFA has now introduced procedures intended to ensure that, in respect of any ACA claim relating to a property, the eligibility of the property is always checked against DFA records before the claim is paid. **We welcome this.**

**9. Overall, the Commissioner concludes that, in making ACA claims in respect of an ineligible property, Mr Sayeed did not properly observe the administrative rules relating to the allowance, and therefore breached the Code of Conduct in this respect. We agree with the Commissioner and deplore Mr Sayeed's failure to take the steps necessary to satisfy himself that such important matters were being dealt with properly. Had he still been a Member, we would have given serious consideration to a further period of suspension.**

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4 Theft, under section 1 of the Act, or obtaining property by deception, under section 15.

# Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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# Conduct of Mr Jonathan Sayeed: Further Report

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## Introduction

1. In its Fifth Report of Session 2004–05 about the conduct of Mr Jonathan Sayeed (then the Member for Mid-Bedfordshire), the previous Committee noted that, as a result of inquiries I had made of the Department of Finance and Administration (DFA) in connection with a complaint against Mr Sayeed, discrepancies had been revealed in some of his claims in respect of the Additional Costs Allowance (ACA). Mr Sayeed, it appeared, had made claims against the ACA not only for expenses relating to his London home, but also for some relating to his Bedfordshire home, which he had notified to the Department as his ‘main home’ for ACA purposes, and which were therefore ineligible.

2. The DFA had pursued the discrepancies with Mr Sayeed who, as a result, had already repaid certain sums to the Department. Discussion about other claims was continuing. After stating the position, the Committee commented in its report:

*“We have asked the Commissioner to keep us informed of developments, and expect to report further to the House on the matter.”*

3. In the course of the Committee’s discussion prior to its report, the question was raised as to whether the circumstances of the discrepancies in Mr Sayeed’s ACA claims were such as to warrant the referral of the matter to the police. I was asked to advise the Committee on this when updating it on developments, but it was not possible for me to do so before Parliament was dissolved.

## The current position in relation to Mr Sayeed’s ACA claims

4. The previous Committee reported<sup>5</sup> that, on 28 February, Mr Sayeed had repaid the sum of £12,583 in respect of ACA he had incorrectly claimed against his main residence in 2003–04 and 2004–05. The Director of Finance and Administration, Mr Andrew Walker, has now advised me that, following subsequent discussion with the Department, further repayment has been made and that, in all, Mr Sayeed has now repaid a total of £16,613.67 in respect of the last two financial years, broken down as follows:

2003/04    £8,377.52

2004/05    £8,236.15

5. Mr Walker has also informed me that the repayment in respect of 2004–05 created headroom within Mr Sayeed’s ACA limit for the year, and he has now submitted additional claims for the Department’s consideration. All of these have been scrutinised; some have been paid and some rejected.

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<sup>5</sup> HC 473 (2004–05), paragraph 20.

## Was Mr Sayeed in breach of the Code?

6. The facts make abundantly clear in my view that, in making ACA claims in respect of an ineligible property, Mr Sayeed did not properly observe the administrative rules relating to the allowance, and therefore breached the Code of Conduct in this respect.

## Possible reference to the police

7. Mr Walker indicated to the previous Committee that his Department had taken informal legal soundings on the question of whether Mr Sayeed's actions in claiming expenses relating to his Bedfordshire home against the ACA ought to be referred to the police. The advice had been that such reference was probably not appropriate in the circumstances. He undertook, however, to take fuller legal advice and to reconsider the matter in the light of that advice.

8. The fuller advice, which I have seen, concludes that the evidence in Mr Sayeed's case would not justify a reference to the police.

9. The relevant offences are those of theft under section 1 of the Theft Act 1968 or of obtaining property by deception under section 15 of the same Act. In order to prove either offence, the prosecution must prove that the accused acted dishonestly. The advice states that two tests must be met by the prosecution to establish this: that, according to the ordinary standards of reasonable and honest people, what was done was dishonest; and also that the person concerned must have realised that what he was doing was by those standards dishonest.

10. The legal advice concludes that the facts which have come to light do not reveal evidence of such dishonesty. There is therefore no sufficient basis to justify referring the matter to the police.

11. In the light of the legal advice summarised above, the DFA do not intend to refer the matter to the police. Nor can I see any grounds for doing so.

## A further report to the House?

12. The previous Committee said in its Fifth Report that it expected to report further to the House on this matter, but was not in a position to do so before Parliament was dissolved. The Committee may therefore wish to pick this issue up.

13. The Committee may wish to consider in any further report whether it agrees with my conclusion that Mr Sayeed was in breach of the Code in claiming expenses incurred in respect of his main residence against the ACA.

14. If the Committee, too, accepts my analysis of the wider position as set out above, there is no reason why it should not dispose of the matter now.

14 July 2005

*Sir Philip Mawer*

## Appendix 2: Memorandum from Mr Jonathan Sayeed

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On the 23rd March 2005 in an apology to the House I said:

*“I also accept and unreservedly apologise for inadvertent but incorrect additional costs allowance claims. However it occurred, the responsibility is mine, and it has become apparent that I claimed for some items that I should not have, and did not claim for some items that were permissible. I will repay any discrepancy”.*

I have repaid any discrepancies.

I recognise, and apologise for the fact, that I signed expense claims that were wrong, that, in the Commissioner’s words I *“did not properly observe the administrative rules relating to the allowance, and therefore breached the Code of Conduct in this respect”*. However, I would ask the Committee to consider the following points:

There was no attempt to deceive and this is evidenced by the fact that most of the incorrect invoices clearly showed the property they referred to. During the past two years, to the best of my recollection, the Department of Finance and Administration never queried any one of those invoices so I was unaware that mistakes were being made.

The evidence shows that I had neglected to submit allowable invoices that I had in my possession for the correct property. Had I done so, then for the year 2004/2005, the discrepancy would have been small and, had I been able to find all the payments I had made, may possibly have been nil. I cannot make the same assertion for 2003/2004 as I was not permitted to ‘replace’ for a ‘closed’ year the incorrect invoices with those that I had, and which would have been permissible. Had I been permitted to do so then the discrepancy would have been greatly reduced and again may have been nil.

The consistent error occurred because of the way expense claims were handled in my office. I am responsible for my office and its actions as well as those of myself. I did not exercise sufficient care but in the Commissioner’s own words *“the facts which have come to light do not reveal evidence of such dishonesty”*.

I reiterate my unreserved apology for inadvertent but incorrect additional cost allowance claims.

18 July 2005

Jonathan Sayeed

## Formal minutes

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**Tuesday 19 July 2005**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron  
Angela Browning  
Mr Andrew Dismore  
Nick Harvey

Mr Brian Jenkins  
Mr Elfyn Llwyd  
Mr Andrew Mackay  
Dr Alan Whitehead

\* \* \*

The Committee deliberated.

Draft Report [Conduct of Mr Jonathan Sayeed], proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 9 read and agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

Several Papers were ordered to be appended to the Report.

*Ordered*, That the Appendices to the Report be reported to the House.—(*The Chairman.*)

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[Adjourned till Tuesday 18 October at 10.30 am.]

# Reports from the Committee on Standards and Privileges in the current Parliament

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Session 2005–06

First Report

Conduct of Mr Jonathan Sayeed

HC 419