



House of Commons  
Committee on Standards

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**Dame Margaret Hodge**

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**First Report of Session 2017–19**

*Report, together with appendices and 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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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.

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### **Committee staff**

The current staff of the Committee are Robin James (Clerk), Mems Ayinla (Second Clerk) and Jim Camp (Committee Assistant).

### **Contacts**

All correspondence should be addressed to the Clerk of the Committee on Standards, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3259; the Committee's email address is [standards@parliament.uk](mailto:standards@parliament.uk).

# Contents

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<b>Report</b>	<b>3</b>
<b>Appendix 1: Memorandum from the Parliamentary Commissioner for Standards – Dame Margaret Hodge</b>	<b>8</b>
Summary	8
Background	9
Relevant rules of the House	10
The Code of Conduct for Members	10
The Rules for the use of stationery and postage-paid envelopes	10
Use of other House-provided facilities	11
Summary of events	12
Evidence	12
Statement of Facts	14
Analysis	15
Comments from Dame Margaret	17
Conclusion	18
<b>Appendix 2: Letter from Rt Hon Dame Margaret Hodge MP to the Clerk of the Committee</b>	<b>19</b>
<b>Formal Minutes</b>	<b>20</b>
<b>Published written evidence</b>	<b>21</b>

# Report

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1. This Report arises from a complaint that the Rt Hon Dame Margaret Hodge DBE MP, the Member for Barking, used parliamentary facilities (accommodation, telephony and stationery) to support work commissioned by an outside body which was not in support of her parliamentary duties, in breach of the rules of the House and the Code of Conduct for Members. The complainant also alleged that Dame Margaret received undue financial benefit as a result of her use of publicly funded resources.

2. We have received a memorandum from the Parliamentary Commissioner for Standards, setting out the details of her inquiry into this matter and its findings.<sup>1</sup>

3. In October 2016 Dame Margaret accepted an invitation from the Mayor of London, on behalf of the Greater London Authority (GLA), to carry out a value-for-money review of the proposed Garden Bridge Project. She initially expected the review to be completed within three months, involving a time commitment equivalent to a day per week. On that assumption she agreed to carry out the review free of charge, offering her services *pro bono publico*. In the event the review took about seven months to complete, finishing in April 2017. During this time Dame Margaret held approximately 20 meetings in her office on the parliamentary estate, with some 40 people attending those meetings to give evidence. She also wrote an estimated 70 letters about the project, in some cases using House of Commons stationery, and used the House-provided telephone service. The GLA provided her with administrative support but not office accommodation. After completion of the first draft of the review, the GLA decided to pay Dame Margaret £9,500 in recognition of the significant amount of work that carrying out the review had entailed.

4. The facts set out in the previous paragraph are not in dispute between the Commissioner and Dame Margaret. However, questions arise over the correct interpretation of the House's rules in relation to those facts.

5. The allegation is that Dame Margaret was in breach of paragraph 15 of the Code of Conduct for Members:

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.<sup>2</sup>

6. The Commissioner concluded that Dame Margaret's work on the review, though not in itself in breach of the House's rules, was not carried out as part of her parliamentary activities, and that her use of parliamentary facilities in connection with the review therefore represented a "serious breach" of the Code of Conduct.<sup>3</sup> The Commissioner also concluded that Dame Margaret was not motivated by financial gain as she had begun her

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1 Printed as Appendix 1 to this Report.

2 The Code of Conduct and Guide to the Rules relating to the Conduct of Members, 2015 (Session 2014–15, HC 1076), para 15

3 Commissioner's memorandum, para 43

work on the review with the intention of doing it free of charge, although in the event she did accrue a financial benefit as the result of the subsequent offer of payment from the GLA.<sup>4</sup>

7. Dame Margaret was informed by the Commissioner of her inquiry, and subsequent written exchanges between the two, as well as notes of a meeting, are appended to the Commissioner’s memorandum. Dame Margaret was shown a draft of the memorandum, and in response challenged several of its findings. That response, along with comments by the Commissioner, is set out in the final version of the memorandum printed with this Report. Dame Margaret subsequently wrote to us on 20 November, to state that “the Commissioner has summarised very fairly and accurately the points which I have sought to make in response to the complaint, and has accepted the basic facts to which I have drawn attention”, and that therefore she did not wish to submit further evidence to us.<sup>5</sup>

8. Because the Commissioner considers that “the extent of the breach of the rules [was] significant enough to amount to a serious breach of the rules”, and because Dame Margaret disagrees with this finding, the Commissioner has referred this matter to us and sought our views.<sup>6</sup>

9. We have considered carefully both the Commissioner’s findings and Dame Margaret’s comments on them.

10. We addressed the question of whether Dame Margaret’s work on the Garden Bridge Project review could reasonably be regarded as constituting part of her parliamentary duties. Dame Margaret has stated that “it did not occur to me that the use of my room for meetings in connection with the review could be in breach of the rules”. She argues that there is a “very fine” distinction between “activity which is in support of one’s parliamentary duties on the one hand, and activity arising from one’s parliamentary duties on the other”. She states that:

I was asked to undertake the review by reason of my being both a Member of Parliament for a London constituency and a former long-serving Chair of the Public Accounts Committee. I regarded, and still regard, that work as having been a seamless adjunct to my parliamentary duties.<sup>7</sup>

11. The Commissioner argues that Dame Margaret’s work on the review did not constitute part of her parliamentary duties, because the review was commissioned by the GLA, not by Parliament or any of its committees, nor were the latter expected to consider it; support for the review was provided by the GLA; and Dame Margaret was not carrying out a representative function on the review, which could equally have been carried out by a suitably qualified firm of consultants.<sup>8</sup> The Commissioner also concluded that:

In using parliamentary resources, and in particular, her parliamentary office to conduct meetings connected with the Review, Dame Margaret may have given, and I think probably did give, those invited to such meetings the impression that her work was in some way on behalf of, or otherwise

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4 Commissioner’s memorandum, para 35

5 Letter printed as Appendix 2 to this Report

6 Commissioner’s memorandum, para 11

7 WE8 (letter dated 28 September 2017)

8 Commissioner’s memorandum, summary, para 3

connected, with the House itself; that her work on the Review carried the authority of the House. I think that would have been, albeit unintentionally, misleading.<sup>9</sup>

12. As the Commissioner has noted, “there is no exhaustive definition of parliamentary duties and activities”.<sup>10</sup> She cites the comment of the Committee on Standards and Privileges in its Twenty-third Report of Session 2010–12 that “Members have complex, multifaceted roles” and that “Each case has to be judged on its own merits.”<sup>11</sup> Having considered this case on its merits, we are not persuaded by Dame Margaret’s argument that her work on the review was part of her parliamentary activities. In her own submissions Dame Margaret appears to step back from this claim, when she argues that there is a grey area between activity clearly in support of and activity clearly not in support of parliamentary duties, viz. activity “arising from” or being “a seamless adjunct to” those duties, and that the use of parliamentary resources in support of activity so defined is not in breach of the Code or the rules. We are in no doubt that the GLA commissioned Dame Margaret to carry out its review because of her status as a distinguished former chair of the Public Accounts Committee. Many outside bodies and interests seek to involve Members of Parliament in their work, with or without remuneration, on the basis of those MPs’ public standing and parliamentary track-record; but it does not follow that such involvement can automatically be considered a parliamentary activity. Nor does the fact that the review carried out by Dame Margaret could be argued to be of public benefit, to involve a major issue of public policy, and to be of interest to her constituents in east London, in itself render it definable as a parliamentary activity. This was work, however worthwhile, commissioned by an outside body for its own purposes, and work which could reasonably have been commissioned from a non-parliamentarian. For these reasons we accept the Commissioner’s conclusion that Dame Margaret’s work on the review fell outside the category of parliamentary duties.

13. In addition, we consider that the way in which Dame Margaret used parliamentary facilities, including accommodation and stationery, will have given the impression, whether intended by Dame Margaret or not, that she was acting in the course of her parliamentary duties.

14. Accordingly, for both the reasons set out above, we find that the use of parliamentary facilities in support of Dame Margaret’s work on the Garden Bridge Project review was a breach of the Code of Conduct.

15. We accept, as does the Commissioner, Dame Margaret’s assurance that she was not motivated by financial gain at the outset of the arrangement. Nonetheless, subsequently the arrangement was altered and she was offered financial reward, which she accepted. Therefore she did accrue financial reward as a result of activity using House-supplied facilities, in breach of the Code. The fact that the GLA offered, and Dame Margaret accepted, remuneration further supports the interpretation of her work on the review as being in addition to, not comprising part of, her parliamentary duties.

16. Dame Margaret has stated that she was not aware when she agreed to conduct the review that the use of House facilities would place her in breach of the Code. However, we

9 Commissioner’s memorandum, para 35

10 Commissioner’s memorandum, para 28

11 Commissioner’s memorandum, para 28; Committee on Standards and Privileges, Twenty-third Report of Session 2010–12, *Dr Liam Fox* (HC 1887) para 21

do not accept her argument that the House authorities should have offered her unsolicited advice about the matter. It would clearly be impracticable for the House authorities to maintain continuous monitoring of media reports on activity by Members with a view to alerting them if any potential breaches of the Code seemed likely to arise. The onus is on Members to be aware of the Code and the rules of the House, and if in doubt to seek advice from the appropriate authorities. Dame Margaret was an experienced Member and should have been aware of this. We consider that Dame Margaret should have sought advice from the House authorities both at the outset of her work on the review, and again later when she was offered financial reward.

17. Dame Margaret and the Commissioner engaged in written exchanges about whether any breach of the Code in this case should be regarded as a serious one. The Commissioner notes that the Code requires that “Members should ensure that their use of public resources is *always* [my emphasis] in support of their parliamentary duties”, but also accepts (citing decisions by previous Commissioners)<sup>12</sup> that the rules need to be interpreted with a sense of proportion. She concluded that “what is at issue here is the number of occasions when Dame Margaret’s room on the parliamentary estate was used for non-parliamentary activities”. She also cites “the overall impression that the use of House-resources may have given contributors to the Review” (i.e. that the review was in some way carried out on behalf of or connected with the House). On this basis the Commissioner argues that the breach should be considered to be a serious one.<sup>13</sup>

18. Dame Margaret argues that it is unfair to regard the breach as serious on the grounds that a large number of meetings had been held in her office, when at the outset of the review she had not realised so many meetings would be necessary: “to judge in these circumstances my actions with the benefit of hindsight strikes me as being somewhat harsh and rather unfair”.<sup>14</sup>

19. As we have stated above, we conclude that Dame Margaret was in breach of the Code of Conduct by using House facilities for work which fell outside her parliamentary duties, and for allowing the impression to be given that this work was being conducted in her official capacity. In considering the appropriate sanction relating to the breach, we have taken into account both mitigating and aggravating factors.

20. We consider the following to be mitigating factors:

- Dame Margaret has stated that she was not aware she was committing a breach of the Code of Conduct.
- Dame Margaret has stated that she accepted the Mayor’s offer to conduct the review because she believed that it was in the public interest and did so on (initially) a *pro bono* basis.
- The sums of money involved, in terms of the cost of parliamentary stationery and telephony, were very small.

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12 Commissioner’s memorandum, para 37

13 Commissioner’s memorandum, paras 42–43

14 Commissioner’s memorandum, para 40

21. We consider the following to be aggravating factors:
- The number of occasions on which Dame Margaret allowed her parliamentary office to be used for the review was large: around 20.
  - The Code of Conduct makes clear that Members are expected to observe the rule of the House that their use of parliamentary resources is always in support of their parliamentary duties.<sup>15</sup> Dame Margaret should have realised that the use of parliamentary facilities to support the Garden Bridge review was potentially problematic, and sought the advice of the appropriate authorities at the outset. As a consequence of her failure to recognise her breach of the Code, she did nothing to prevent the impression being given that her work on the review was conducted on behalf of, or in some way connected with, the House of Commons.
  - Although Dame Margaret initially intended to carry out her review work without charge, she subsequently accepted payment for it, without seeking advice from the House authorities on the propriety of doing so when parliamentary facilities had been used in support of that work.

***22. Taking into account the various factors set out in the previous two paragraphs, we conclude that the appropriate sanction for Dame Margaret's breach of the Code of Conduct is that she should make an apology for this breach on a point of order on the floor of the House.***

# Appendix 1: Memorandum from the Parliamentary Commissioner for Standards – Dame Margaret Hodge

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## Summary

23. The allegation I have investigated is that Rt Hon Dame Margaret Hodge DBE used her offices on the parliamentary estate and House-provided stationery to undertake paid work commissioned by a third party which was not in support of her parliamentary duties, and that this constituted a breach of the rules and of the Code of Conduct.

24. Dame Margaret was commissioned by the GLA to undertake a value for money review of the Garden Bridge Project (the Review) in October 2016. When the work was commissioned, Dame Margaret expected the Review to involve the equivalent of a day per week for approximately three months. At that time it was agreed that Dame Margaret would provide her services free of charge. Dame Margaret has confirmed that she used her office on the parliamentary estate for approximately 20 meetings, with 41 people, used a small amount of House-provided stationery and sent a number of emails from her parliamentary email account in connection with the Review. Administrative support was provided by the GLA, not Dame Margaret's parliamentary staff. The GLA did not provide her with office facilities. On completion of the work, the GLA decided to pay her £9,500 in recognition of her work on the Review.

25. I have considered carefully Dame Margaret's explanation of the reasons for her appointment to carry out the Review and why she considered the work on the Review to be part of her parliamentary duties. I have concluded that the work, regardless of whether or not Dame Margaret expected to be remunerated for it, was not part of her parliamentary activity. In essence, the following factors have led me to that conclusion:

- Dame Margaret was not carrying out a representative function on the Review
- The Review was intended as an impartial assessment of value for money and of various procedural aspects of the Garden Bridge Project. In my view, it could equally have been undertaken by a suitably qualified firm of consultants or some other third party
- The GLA set the terms of reference and took ownership of the Review
- The "customer" for the report of the Review was the GLA; it was intended to assist the GLA's decision-making
- The report of the Review was to be provided direct to the GLA; the report was not expected to be considered by Parliament or any of its Committees
- All other aspects of support for the Review were provided by the GLA

26. I am satisfied that Dame Margaret was not motivated by financial gain but she has, nonetheless, as a result of these events accrued a financial benefit while using House-resources, and House-provided resources were used to the benefit of the GLA.

27. I concluded that this amounted to a breach of paragraph 15 of the Code of Conduct, which says that “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.” When I shared that conclusion with Dame Margaret, she did not accept my finding. It is for that reason and because I consider the extent of the breach of the rules to be significant enough to amount to a serious breach of the rules, that I have referred this matter to the Committee on Standards.

28. Although I do not find Dame Margaret’s objections to my findings persuasive, the circumstances are such that I would, in any case, welcome the Committee’s views on the substantive issues raised in this case.

## Background

29. I received an allegation from Mr Andrew Boff, on 23 June 2017, concerning the conduct of Rt Hon Dame Margaret Hodge MP. He alleged that Dame Margaret had used her offices on the parliamentary estate and House-provided stationery to undertake paid work commissioned by a third party which was not in support of her parliamentary duties. Mr Boff said that Dame Margaret had therefore received undue financial benefit as a result of her use of publicly funded resources.

30. I may investigate an allegation only where I have sufficient evidence to justify beginning an inquiry. In light of evidence in the public domain, to which Mr Boff had pointed, I initiated an inquiry. The scope of my inquiry was, in essence, whether through the use of resources provided from the public purse to support her parliamentary activities and other than in accordance with the rules laid down on these matters, Dame Margaret had conferred undue personal financial benefit on herself or anyone else.

31. In the course of my inquiry, I sought information from Dame Margaret by letter. I met Dame Margaret, at her request, and I considered further the evidence in the public domain. I also sought advice from the House authorities.

32. At the end of an inquiry, I must refer a Memorandum to the Committee on Standards if I find a breach of the rules of conduct which the Member does not accept or if I consider the breach to be serious. I may also refer a Memorandum to the Committee if I identify a matter of wider importance which I wish to bring to the attention of the Committee.

33. I am submitting this Memorandum to the Committee on Standards because, having completed my work, I concluded that Dame Margaret had breached the rules on the use of publicly funded resources and, in so doing, she had breached paragraph 15 of the Code of Conduct. In the particular circumstances, I consider this to be a serious breach of the rules. Dame Margaret does not agree with my finding and, although I not persuaded by her argument, it is by mutual agreement that I am submitting this Memorandum to the Committee so that they may consider Dame Margaret’s representations about this matter and any issues of wider importance arising from my interpretation of the rules.

## Relevant rules of the House

### *The Code of Conduct for Members*

34. Paragraph 15 of the Code of Conduct for Members says 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.”*

### *The Rules for the use of stationery and postage-paid envelopes*

35. The Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis say, at paragraphs 2 – 4:

*“2. 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.*

*3. House-provided stationery and pre-paid envelopes are provided only for the performance of a Member’s parliamentary function. In particular, this excludes using stationery or postage:*

- in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office);*
- for business purposes....”*

36. Paragraph 8 of the rules on the use of House-provided stationery outline the permitted uses of such stationery.

*“8. Examples of proper use of stationery and pre-paid envelopes include:*

- administrative correspondence enabling Members to run their offices, such as current working documents sent between Westminster and the constituency;*
- correspondence with Members or staff of either House (but using pre-paid envelopes only where correspondence cannot be sent in the internal mail system);*

- *correspondence with public bodies such as Government Departments, Agencies and NDPBs, devolved legislatures, local authorities and international organisations (but using pre-paid envelopes only where correspondence cannot be sent using IDS, and only for UK bodies);*
- *correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues);*
- *correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities;*
- *correspondence by a Member or on behalf of a Member in connection with All-Party Parliamentary Groups and delegations to international parliamentary assemblies.”*

37. Paragraph 9 of these rules explains the restrictions on the use of the crowned portcullis.

*“9. 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. It may be used by Members on their stationery provided by the House or used for their parliamentary functions; by registered All-Party Parliamentary Groups ...; and by organisations that have a direct association with the House and have obtained permission to use it...”*

### **Use of other House-provided facilities**

38. The House authorities have long provided Members of Parliament with facilities, including offices on the parliamentary estate, to assist with their parliamentary duties. In order to assist Members, the House has routinely published a Members’ Handbook. The 2015 Member’s Handbook included this reference to the use of parliamentary resources:

*“The House provides various facilities and services to Members, the cost of which is either met in full or subsidised by public funds. These include, but are not limited to:*

*Accommodation, including offices and meeting rooms*

*Stationery and postage*

*Research support*

*Computer equipment and services*

*Catering facilities.*

*You are personally responsible and accountable for ensuring that your use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules.*

*You must ensure that your use of public resources is always in support of your parliamentary duties. It must not confer any undue personal or financial benefit on you or anyone else, or confer undue advantage on a political organisation”<sup>16</sup>*

39. The *ICT Unacceptable Use Policy for Members of the House of Commons and their staff* which was applicable during the 2015 Parliament provided a definition of “unacceptable use”. That said:

*“You must not upload, download, use, retain, distribute, create or access any electronic materials including emails, documents, images, text or software which:*

...

*Could be considered party political campaigning or fundraising and, in the case of Commons Members, private business activity”*

## Summary of events

40. The first design contracts for the Garden Bridge Project were awarded in March 2013 by the then Mayor of London. In the autumn of 2016 the new Mayor commissioned a review of the Garden Bridge Project (the Review) to consider whether the project represented value for money for taxpayers. Dame Margaret was appointed to undertake the Review. The Greater London Authority (GLA) would provide secretarial and audit support and a contingency budget of £25,000 was allocated for the procurement of specialist support if required. It was agreed that Dame Margaret would work on the Review without remuneration.

41. In April 2017 Dame Margaret completed the Review, reporting to the Mayor on 5 April. The GLA subsequently decided to pay Dame Margaret £9,500 to reflect the significant amount of work the Review had required.

## Evidence

42. On 19 October 2016 the Mayor of London authorised Dame Margaret to carry out the “Review of the Garden Bridge Project” (the Review).<sup>17</sup> It had originally been intended to fund the project through private sources and donations. As the project progressed, public finances became required. The purpose of the Review was to consider the value for money for both national and local tax payers with both HM Treasury and the Greater London Authority (GLA) putting money into the project. When the Review was commissioned, it was agreed that Dame Margaret would provide her services free of charge to the Mayor/the GLA. Dame Margaret has told me that she had expected the Review to involve

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16 <https://intranet.parliament.uk/people-offices/offices-departments/commons-departments/governance-office/publications-guidance/members-handbook/conduct/essentials--everyones-responsibility-/>

17 MD2041 review of Garden Bridge Project: <https://www.london.gov.uk/decisions/md2401-review-garden-bridge-project>

approximately one day a week of her time for approximately three months. She also told me that it was her experience as the long-serving chair of the Public Accounts Committee and the fact that she represents a London constituency that was the principal reason for her being invited to undertake the review. The GLA decided retrospectively to remunerate Dame Margaret for her work on the Review.<sup>18</sup>

43. Dame Margaret told me in her letter of 13 July 2017 that during her work on the Review she had held approximately 20 meetings in her office on the parliamentary estate, with some 41 people attending her office to give evidence. She also wrote an estimated 70 letters about the project using House-provided stationery. Dame Margaret has told me that the GLA did not provide her with an office but they did provide her with administrative support. She has also told me that she did most of her work on the Review at home using her personal computer.<sup>19</sup>

44. When I met Dame Margaret on 11 September 2017 she emphasised that she had not, as she had explained in her letter of 13 July, considered her work on the review to be “wholly separate” from her parliamentary duties and responsibilities. She told me that the work on the project, although more time-consuming than she had first expected, had been a very small part of her overall workload. She underlined that although she had held around 20 meetings in her office on the parliamentary estate, these had taken place over a period of about seven months and, in that sense, they were not frequent; on average less than one per week. She told me that she could not be sure about the number of letters that had been sent in connection with her work on the Review using House-provided stationery; she had erred on the side of over-estimation in providing that figure to me.

45. During our meeting Dame Margaret raised with me whether the House authorities had had some responsibility to provide advice pro-actively given that it was widely reported that she was undertaking the Review. Dame Margaret expressed surprise that her work on the Review might not be considered to part of her parliamentary activities; it simply had not crossed her mind that others might regard it as other than parliamentary activity. She assured me that her actions had not been motivated by personal gain. She had undertaken the Review because she believed it was in the public interest and without any expectation of remuneration. She believed that taxpayers were entitled to expect value for money, and her experience as a Member, representing a London constituency, and as a former chair of the Public Accounts Committee qualified her to complete such a review.<sup>20</sup>

46. I sought the advice of the Director of Accommodation and Logistics Services about this matter and she directed me to the Members’ Handbook (latest revision June 2017, page 14) She said that if Dame Margaret had sought her advice, she would have referred her to this document and provided a hyperlink to the address of the current edition on the parliamentary intranet.

47. Dame Margaret wrote to me on 28 September 2017, to confirm (subject to one minor amendment) the accuracy of the note of our meeting on 11 September. She emphasised that:

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18 MD2108 Review of Garden Bridge Project: <https://www.london.gov.uk/decisions/md2108-review-garden-bridge-project>

19 WE3

20 WE 3

- The volume of House-provided stationery used in connection with the Review was “modest”, even based on the maximum number of letters she might have sent
- She considered the distinction between “activity in support of a Member’s duties” and activity which is not, to be far from clear
- In this instance, she considered any such distinction was a fine one; separating activity in support of parliament duties from activity arising from parliamentary duties
- The Review had been a one-off assignment, which could be contrasted with ongoing gainful employment or occupation pursued by many members
- She considered she had acted within the spirit, if not the letter, of the rules.

Dame Margaret told me that she had attempted to improve on the estimate for the House-provided stationery used but had been unable to do so. She said that the estimate of 70 letters (largely sent by parliamentary email) was likely to be an over-estimate because the review was dealt with on her behalf by the administrative assistant based at the GLA, using Mayoral resources. (Dame Margaret has since noted that the cost of 70 sheets of headed paper would be £2.97.) Dame Margaret confirmed that she still considered her use of House-provided stationery and her parliamentary office in connection with the review to have been appropriate. She reiterated that, apart from ensuring there were no diary clashes and the forwarding of letters, none of her parliamentary staff had been involved in any aspect of the review.

### Statement of Facts

48. The key facts on which this matter rests are not in dispute:

- GLA commissioned Dame Margaret to undertake a value for money review of the Garden Bridge Project.
- Administrative support for the Review was provided by GLA staff.
- GLA did not provide Dame Margaret with office facilities on the GLA estate.
- When Dame Margaret began the Review she did not expect to receive any remuneration from the GLA in connection with that work.
- Dame Margaret did some of the work on that Review in her office on the parliamentary estate; she met around 40 people in the course of approximately 20 meetings held in her office on the parliamentary estate; used House-provided telephony and a relatively small amount of House-provided stationery and postage-paid envelopes in connection with her work on the Review.
- The Review entailed a greater commitment of time than Dame Margaret had expected and, at the end of the Review, the GLA decided to pay her £9,500 in recognition of her contribution.

## Analysis

49. The key facts are not in dispute. In this inquiry the questions for me turn on the correct interpretation of the House's rules in relation to those facts.

50. As I explained to Dame Margaret in my letter of 21 August 2017, there is no exhaustive list or definition of parliamentary duties and activities. The Committee on Standards and Privileges noted in their Twenty-third Report of Session 2010–12 “Members have complex, multifaceted roles” and they concluded that “Each case has to be judged on its own merits”.<sup>21</sup> I acknowledge that there are few specific rules about the use of Member's offices on the estate and that the lack of an explicit definition of parliamentary activity may lead to doubt on occasion but, on the facts of this case, I did not consider this to be a very finely balanced decision.

51. I have weighed very carefully the arguments advanced by Dame Margaret and I am not persuaded by them. I have absolutely no doubt that the decision to appoint Dame Margaret to lead this Review was greatly influenced by her experiences as a Member and as long-time chair of the House of Commons Public Accounts Committee. I also understand that, as a Member representing a London constituency, she and her constituents, have a particular interest in a value for money Review of the Project. However, the reasons for choosing Dame Margaret to undertake the Review do not lead automatically to the conclusion that the work on the Review was part of Dame Margaret's parliamentary activities.

52. The factors that lead me to the conclusion that the Review was not part of Dame Margaret's parliamentary activities are:

- Dame Margaret was not carrying out a representative function on the Review; she was not acting as a representative of her constituency or of a particular interest group affected by the proposals for the Project.
- The Review was intended as an impartial assessment of value for money; in that context it seems very likely that it could have been undertaken – had the GLA so chosen—by a suitably qualified firm of consultants or some other third party.
- The GLA set the terms of reference for the Review and took ownership of the report of that Review.
- The scope of the Review included an independent assessment of various procedural aspects of the Project; again Dame Margaret's role was to conduct an impartial assessment. It was not to act as a representative of a particular constituency or interest group.
- While the Review was ultimately intended to be of benefit to Londoners and visitors to London, the “customer” for the report on the Review was the GLA; it was intended to assist the authority's decision-making.
- The report of the Review was to be provided direct to the GLA; the report was not expected to be considered by Parliament or any of its Committees.

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21 <https://publications.parliament.uk/pa/cm201012/cmselect/cmstnprv/1887/188702.htm>

- All other aspects of the support for the Review were provided by the commissioning authority.

53. Dame Margaret has contrasted this “one-off assignment” with “gainful employment or occupation” pursued by other Members. I do not think this is relevant here. Members are permitted to undertake outside employment, and there is no suggestion that Dame Margaret was acting in breach of the rules by undertaking the Review. However, Members are not permitted to use House-provided facilities in support of any outside employment they may have. Paragraph 15 of the Code is applicable whether such employment is on a one-off assignment, or on a continuing or regular basis.

54. These factors separately and together lead me to the view that this work was not part of Dame Margaret’s parliamentary activities. Since the rules clearly prohibit the use of public resources use other than in the course of a Member’s parliamentary activities, it follows that the use of an office on the estate, House-provided telephony and stationery in connection with the review was against the rules from the outset—regardless of whether Dame Margaret was to be remunerated for her work.

55. The fact that the GLA did not initially intend to recompense Dame Margaret for her work did not, in itself, make the use of resources provided through the public purse part of her parliamentary activity. Nor is the GLA’s retrospective decision to recompense her the decisive factor in determining whether she has acted in breach of the rules. However, the later award and acceptance of such payment does further reinforce my view that the work could not be regarded as part of Dame Margaret’s parliamentary activity.

56. In using parliamentary resources, and in particular, her parliamentary office to conduct meetings connected with the Review, Dame Margaret may have given, and I think probably did give, those invited to such meetings the impression that her work was in some way on behalf of, or otherwise connected, with the House itself; that her work on the Review carried the authority of the House. I think that would have been, albeit unintentionally, misleading.

57. I am, nonetheless, persuaded by Dame Margaret’s account of events that she was not motivated by financial gain, although she has, as a result of these events, accrued a financial benefit while using House-provided resources. It is also important to note Dame Margaret’s assurance that the vast majority of the work on the Review was conducted elsewhere, outside of the parliamentary estate.

58. Dame Margaret told me that it did not occur to her that the use of her parliamentary office for meetings in connection with the review could be in breach of the rules. She also suggested that the House authorities should have offered her unsolicited advice about this matter. It has long been established that it is the responsibility of Members to acquaint themselves with the rules and to seek advice if they are unsure how the rules would apply to a specific set of circumstances. It was, undoubtedly, a matter of public record that Dame Margaret had been appointed to carry out the Review but the House authorities cannot reasonably be expected to monitor such reports and then to seek out Members to warn them about the possibility that they might act in breach of the House’s rules.

59. Two of my predecessors have considered allegations concerning the use of Members’ offices on the parliamentary estate. A previous Commissioner accepted that the rule “needs to be operated with a sense of proportion.” He said in 2010, “It may be a kind gesture to

invite friends or family to a House of Commons bar or restaurant. It may also be most convenient for a Member to make use of Parliamentary facilities in meeting others not strictly for the purpose of Parliamentary business. This is because it keeps the Member near at hand so that they can continue to conduct parliamentary business if necessary...”.<sup>22</sup> In 2006–07 the Standards and Privileges Committee said “[The Member] fairly makes the point and the Commissioner accepts, that the intertwining of Members’ various capacities-as parliamentarians, party members, and private individuals-means that it would be impracticable to require that only business which is exclusively parliamentary in nature can ever be conducted by Members from their offices on the parliamentary estate”.<sup>23</sup>

60. I have borne in mind my predecessor’s words about proportionality. However, I was not persuaded that the significance of the number of meetings Dame Margaret held on the parliamentary estate was diluted by the period of time over which those meetings occurred. In another case,<sup>24</sup> I found the use of a Member’s rooms for two meetings unconnected with his parliamentary activities was a minor breach of the rules, and acknowledged that this was “occasional” use. I consider the number of meetings Dame Margaret held far exceeds what might be described as occasional and, given that this was a series of meetings in connection with a single piece of work it is reasonable to regard them as connected, not isolated, occurrences. I do not accept that the Review was intrinsically linked with Dame Margaret’s parliamentary activities. As I have already explained, the Review was commissioned by the GLA; the GLA sought an objective value for money assessment and such an assessment could have been delivered by appropriately qualified independent consultants.

61. Dame Margaret has, in connection with her use of House-provided stationery in particular, referred to the provision for Members to make “modest use” of such stationery for personal correspondence. I believe that provision (found in paragraph 5) of the rules must be read in conjunction with the other rules and in the context of the overarching rule in paragraph 15 of the Code of Conduct. It is clear from paragraph 3 of the stationery rules, which specifically prohibits the use of House-provided stationery for “business purposes”, that the House authorities make a distinction between “business purposes” and “personal correspondence”. I do not think that correspondence about the Review for the GLA could reasonably be considered to be Dame Margaret’s personal correspondence.

## Comments from Dame Margaret

62. Having seen a draft of this Memorandum Dame Margaret made the following comments in a letter to me of 19 October 2017.

Whilst you have noted the importance of proportionality in determining whether there has been a breach of the Code and/or whether the breach is a serious one, you have concluded that in light of the number of meetings held in my office and the number of persons attending, there was in my case a serious breach. It seems to me that this gives rise to a point of fundamental importance: namely, precisely at what point in time should the impact of the demands of my review on the resources of my office be judged? You

22 HC 654-II, Committee on Standards and Privileges, Ninth Report of Session 2010–11 (paragraph 678)

23 HC 429, Committee on Standards and Privileges, Second Report of Session 2006–07

24 HC472, Committee on Standards First Report of Session 2015–16

accept, I think, that at the time I agreed to undertake the Review, I and indeed the Mayor thought the Review would be completed within three months, occupying my time for only one day per week: hence my agreeing to carry out the Review on a pro bono basis. That this work would involve my holding some 20 meetings attended by some 41 persons was plainly something which was not foreseen at the time. (Nor, for that matter, was the volume of correspondence which was ultimately generated by the Review.) If my actions are to be judged in the light of the state of my knowledge at the time I accepted the assignment, then surely, assuming there was indeed a breach of the Code, that breach should not be considered to be a serious one? Forgive me for saying so, but to judge in these circumstances my actions with the benefit of hindsight strikes me as being somewhat harsh and rather unfair.

I would make one further comment. I assume you accept what I pointed out in my letter of 29 June that “it would not have been practical or suitable to hold [the] meetings in my constituency office, my home or in a public place”. Your analysis leads inescapably to the conclusion that, in the absence of an offer to provide dedicated office facilities, in the light of the Code of Conduct and the House rules I should have declined the Mayor’s request. I cannot help thinking this would have been a great pity.

At the end of the day, if the Committee find that I was in breach of the rules I will of course offer a fulsome apology and will pay back the £3 that could have been spent on headed paper. I never ever intended to breach Parliamentary rules and am distressed by the allegation. I would ask that the Committee consider issuing guidance to MPs so that no other MP finds themselves in the position of completely inadvertently breaking the rules. Such guidance would, I am sure, help Members in the future.

## Conclusion

63. For the reasons explained above, I have reached the conclusion that Dame Margaret’s use of House-provided resources in connection with the Review put her in breach of paragraph 3 of the *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis*; and in breach of the Member’s Handbook and the ICT Unacceptable Use Policy for Members of the House of Commons—which together amount to a breach of paragraph 15 of the Code of Conduct for Members.

64. In light of Dame Margaret’s comments on the draft of this Memorandum, I should draw particular attention to the Members’ Handbook, which says explicitly that Members should ensure that their use of public resources is *always* (my emphasis) in support of their parliamentary duties (paragraph 10 above refers). I accept, as my predecessors have done, that the rule needs to be operated with a sense of proportion but what is at issue here is the number of occasions when Dame Margaret’s room on the parliamentary estate was used for non-parliamentary activities. This takes me to Dame Margaret’s second point. I do not agree that my analysis leads inescapably to the conclusion that she should have declined the Mayor’s invitation to undertake this review. Dame Margaret was at liberty to

accept the assignment and to use resources other than those provided by the House. For example, she might have asked the GLA provide space on the GLA estate, or to hire space elsewhere as and when required. It is, of course, for the relevant Committee(s) to consider Dame Margaret's proposal that additional guidance for Members is required.

65. Taking into account the number of occurrences, particularly of meetings on the estate and the overall impression that the use of House-resources may have given contributors to the Review, I have concluded that the use of parliamentary resources to support Dame Margaret's work on the Review was a serious breach of the Code.

**Kathryn Hudson**  
**Parliamentary Commissioner for Standards**

## Appendix 2: Letter from Rt Hon Dame Margaret Hodge MP to the Clerk of the Committee

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Thank you for your letter enclosing a copy of the memorandum submitted to the Committee by the Commissioner, and for explaining the procedural options available to me.

As the Commissioner has summarised very fairly and accurately the points which I have sought to make in response to the complaint, and has accepted the basic facts to which I have drawn attention, I do not think there is any need for me to submit any further evidence in writing or to appear before the Committee in person.

However, of course, I would be more than happy to make myself available to the Committee should they wish to receive oral evidence from me in the coming weeks.

Thank you once again for your letter and I look forward to hearing from the Committee.

20 November 2017

# Formal Minutes

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**Tuesday 5 December 2017**

Members present:

Sir Kevin Barron, in the Chair

Mrs Tammy Banks	Kate Green
Miss Charmaine Burton	Dr Arun Midha
Mr Christopher Chope	John Stevenson
Mrs Rita Dexter	Mr Paul Thorogood

Draft Report (*Dame Margaret Hodge*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 22 read and agreed to.

Two papers were appended to the Report.

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

Written evidence received by the Parliamentary Commissioner for Standards (Items 1 to 8) was ordered to be reported to the House for publishing with the Report.

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.

[The Committee adjourned.]

## Published written evidence

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The following written evidence was received and can be viewed on the [publications page](#) of the Committee's website.

- 1 Letter from Mr Andrew Boff to the Commissioner, 21 June 2017
- 2 Letter from the Commissioner to Rt Hon Dame Margaret Hodge DBE MP, 29 June 2017
- 3 Letter from Rt Hon Dame Margaret Hodge DBE MP to the Commissioner, 13 July 2017
- 4 Letter from the Commissioner to the Director of Accommodation and Logistics Services, 20 July 2017
- 5 Letter from the Director of Accommodation and Logistics Services to the Commissioner, 25 July 2017
- 6 Letter from the Commissioner to Rt Hon Dame Margaret Hodge DBE MP, 21 August 2017
- 7 Letter from the Commissioner to Rt Hon Dame Margaret Hodge DBE MP, 12 September 2017
- 8 Letter from Rt Hon Dame Margaret Hodge DBE MP to the Commissioner, 28 September 2017