HOUSE OF LORDS

Committee for Privileges and Conduct

8th Report of Session 2010–12

The Conduct of Lord Taylor of Warwick

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The Committee for Privileges and Conduct
The Committee for Privileges and Conduct is appointed each session by the House to consider questions regarding its privileges and claims of peerage and precedence and to oversee the operation of the Code of Conduct. Detailed consideration of matters relating to the Code of Conduct is undertaken by the Sub-Committee on Lords’ Conduct.

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Background

1. The Committee has considered a report by the Commissioner for Standards on the conduct of Lord Taylor of Warwick. The Committee has also considered a report by the Sub-Committee on Lords’ Conduct, which, in light of the Commissioner’s report, recommended a sanction.

2. The procedure followed in this case has, as closely as possible,1 followed that described in the Guide to the Code of Conduct,2 which was adopted by the House in March 2010. According to this procedure, the Commissioner is charged with investigating allegations against Members. He reports his findings to the Sub-Committee, which, if the Commissioner has found against the Member, recommends any action that the Member concerned should take and any sanction that the House should apply. Although the Sub-Committee may comment on the Commissioner’s report, it does not reopen the Commissioner’s findings, which are reported without amendment to the Committee for Privileges and Conduct. The Member may then appeal to the Committee for Privileges and Conduct against the Commissioner’s findings, the Sub-Committee’s recommended sanction, or both.

Summary of the case

3. On 25 January 2011 Lord Taylor was found guilty at Southwark Crown Court on six counts of ‘furnishing false information relating to accounts’ contrary to section 17 (1) (b) of the Theft Act 1968. On 31 May 2011 he was sentenced to a total term of 12 months’ imprisonment. He was released under licence after serving a quarter of this sentence.

4. The charges against Lord Taylor related to claims made under the Members’ Reimbursement Scheme, relating to his designation of a property in Oxford as his ‘main place of residence’. On the basis of this designation, Lord Taylor claimed, and was paid, night subsistence and travel expenses. The court’s conclusion was that the designation was false, and the claims made in respect of the designation fraudulent. It follows that Lord Taylor was, in respect of the claims to which the charges against him related, also in breach of the rules of the Members’ Reimbursement Scheme.

5. The charges preferred against Lord Taylor by the Crown Prosecution Service related to his claims in respect of March 2006, June 2006, October 2006, March 2007, June 2007 and October 2007. The total amount of night subsistence and travel expenses claims covered by the six counts amounts to £11,277.80. In March 2011, following his conviction, Lord Taylor repaid this sum to the House of Lords.

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1 The original complaint against Lord Taylor of Warwick was received in August 2009. An investigation was begun, under the procedure then in place, by the Clerk of the Parliaments, but this investigation was suspended pending the conclusion of the police investigation into his conduct and his subsequent criminal trial. The investigation was only re-started after Lord Taylor was sentenced, on 31 May 2011, and at this point the Clerk of the Parliaments decided to seek the assistance of the Commissioner with a view to following, as closely as possible, the new procedures agreed in 2010.

2 Guide to the Code of Conduct, paragraphs 122–137.
6. The House of Lords Finance Department holds original claim forms submitted by Lord Taylor dating back to 1 March 2006. Earlier records have been disposed of in line with the House’s record management and disposal policy.

7. The Commissioner, having analysed all Lord Taylor’s claims, found a number of claims which were substantially identical to those which figured in the criminal charges against him, in that they related to the same address in Oxford. He found that over the period for which the House holds records, Lord Taylor claimed a total of £24,311.70 in night subsistence and travel expenses. It follows that he “dishonestly obtained a further £13,033.90 from the House of Lords”.

8. Lord Taylor accepts this finding by the Commissioner, and in early October he repaid a further £13,033.90 to the House. He has therefore repaid all the money that he dishonestly claimed in the period for which the House holds records.

**Co-operation with the Commissioner**

9. The Commissioner first wrote to Lord Taylor at Wandsworth Prison, following his conviction and sentencing, on 16 June 2011. The Commissioner sent a second letter on 12 July, inviting Lord Taylor to provide a full written response to the allegations against him by 5 August. Lord Taylor replied on 21 July, requesting that he be allowed to wait until after his release before responding in full. The Commissioner then wrote a further letter on 4 August, declining Lord Taylor’s request to postpone responding until after his release, and setting a revised deadline of 26 August for a response. The Commissioner repeated his offer to meet Lord Taylor in prison.

10. Lord Taylor’s reply is dated 23 August. In it, Lord Taylor again asked to be allowed to wait until after his release (now scheduled for 31 August) before responding in full. This letter did not reach the Commissioner until 22 September; in the meantime, on the basis of Lord Taylor’s apparent failure to reply to his letter of 4 August, the Commissioner submitted a report to the Clerk of the Parliaments (referred in turn to the Sub-Committee) in which he found that Lord Taylor, in addition to his breach of the rules set out in the Members’ Reimbursement Scheme, had failed to comply with the requirement in paragraph 20 of the Code of Conduct that Members “shall co-operate, at all stages, with any investigation into their conduct by or under the authority of the House.”

11. The Sub-Committee considered the Commissioner’s report on 12 October 2011. They state that they do “not believe that it would be appropriate, in this case, for any period of suspension to last for a period less than the remaining period of Lord Taylor’s sentence, i.e. until 30 May 2012.” Their final recommendation is that Lord Taylor “be suspended from the service of the House for 12 months, starting on the date on which any suspension motion is agreed by the House”.

**Lord Taylor’s appeal**

12. Lord Taylor submitted a written appeal against the Commissioner’s finding that he had failed to co-operate with the investigation into his conduct. Lord Taylor drew attention to the difficulties he had experienced in prison; to the
fact that he had voluntarily not attended the House since his conviction in January; and to his prompt repayment of the money owed by him to the House. He accordingly asked that the suspension be “as short as possible”.

13. In considering Lord Taylor’s appeal, we acknowledge that he was not formally notified at the start of the Commissioner’s investigation of the requirement under the Code that he co-operate with the investigation, and that failure to co-operate might be deemed a breach of the Code; we also note that when the Commissioner made his report to the Sub-Committee, on 1 September, Lord Taylor’s letter of 23 August had not yet reached him, and thus he was not in possession of all the facts relevant to the case. At the same time, we emphasise the vital importance of the duty placed upon Members by paragraph 20 of the Code to co-operate with any investigation into their conduct. Every Member of the House, immediately after taking the oath of allegiance, signs an undertaking to abide by the Code, and it is their responsibility to be aware of the provisions it contains. We have concluded that, on the balance of probabilities, Lord Taylor could have co-operated more fully with the Commissioner’s investigation. We therefore do not uphold Lord Taylor’s appeal.

The verdict of the court

14. This case and that of Lord Hanningfield are the first in which Members have been subject to internal disciplinary proceedings in respect of actions which have also been the subject of criminal prosecution. Both Members have been found guilty, and have been punished with prison sentences.

15. It was for the court to hear all the evidence in Lord Taylor’s case, to weigh it and reach a verdict. The judge’s sentencing remarks set out the factors that weighed with him in determining that a sentence of 12 months’ imprisonment was appropriate. We agree with the Sub-Committee that Lord Taylor should not be eligible to return to the House before the whole sentence imposed by the court has run its course.

Conclusion

16. We acknowledge that Lord Taylor has acceded to requests not to attend the House since his conviction in January, but agree with the Sub-Committee that it would not be appropriate for his suspension to last for a period less than the remainder of his sentence. Taking all the circumstances of the case into account, we uphold the Sub-Committee’s recommendation that Lord Taylor be suspended from the House for twelve months, and recommend that the twelve months should be deemed to have commenced on the date he was sentenced, 31 May 2011.

17. We recommend that Lord Taylor of Warwick be suspended from the service of the House for twelve months, with effect from 31 May 2011.
APPENDIX 1: REPORT FROM THE SUB-COMMITTEE ON LORDS’ CONDUCT

The conduct of Lord Taylor of Warwick

1. We have received a report from the Commissioner for Standards on the use of the members’ reimbursement scheme by Lord Taylor of Warwick.

2. Lord Taylor was found guilty on 25 January 2011 of six counts of ‘furnishing false information relating to accounts’, specifically relating to claims for night subsistence and travelling expenses, contrary to contrary to section 17(1)(b) of the Theft Act 1968. On 31 May 2011, he was sentenced to a total term of 12 months’ imprisonment. Following the completion of the judicial process, the Clerk of the Parliaments was able to resume the inquiry into Lord Taylor’s use of the members’ reimbursement scheme which had been initiated by his predecessor in 2009 following the receipt of complaints.

3. The Clerk of the Parliaments asked the Commissioner for his assistance in completing the inquiry into Lord Taylor. The Commissioner’s report is therefore made to the Clerk of the Parliaments, who has submitted it to us. The Clerk of the Parliaments submitted the report to us on 29 September, asking the Sub-Committee to consider the report and recommend to the Committee for Privileges and Conduct what further action, if any, should be taken.

The Commissioner’s findings

4. The Commissioner found that Lord Taylor breached the rules of the members’ reimbursement scheme by falsely designating an address in Oxford as his main residence in order to claim night subsistence and related travelling expenses. He found that Lord Taylor wrongfully claimed a total of £24,311.70. He noted that Lord Taylor had, in March 2011, repaid the House of Lords a sum of £11,277.80 in respect of the claims submitted by him which subsequently formed the grounds for the six specimen charges of false accounting which he faced.

5. The Commissioner stated that Lord Taylor had declined to co-operate with him.

Lord Taylor’s response

6. In response to a letter from the Clerk of the Parliaments dated 14 September 2011, Lord Taylor accepted “that I was found guilty by the jury” and asked that, if a period of suspension were to be imposed, “it be as short as possible so that I can continue to be an active member of the House of Lords.” Lord Taylor further agreed to repay the outstanding sums wrongfully claimed “as soon as possible”. £13,027.90 was received by the House of Lords Finance Department on 6 October.

Conclusion

7. We are impressed with the thoroughness and fairness with which the Commissioner for Standards conducted his investigation and prepared his report.

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1. The trial of Lord Taylor took place at Southwark Crown Court.
2. A £6 transaction fee had been deducted from the sum transferred. This additional sum was received by the House on 11 October.
We agree with the Commissioner’s finding that Lord Taylor of Warwick breached the rules of the members’ reimbursement scheme by wrongfully claiming a total of £24,311.70 for night subsistence and travelling expenses to which he was not entitled.

8. In considering what sanction to apply, we have taken into account the following factors:

- Mr Justice Saunders, in his sentencing remarks, noted that “The jury were clearly satisfied that the account that Lord Taylor gave in the witness box was untrue and concluded that he was lying.”
- Lord Taylor was sentenced to a period of 12 months’ imprisonment of which he has served three months. He has been released on licence until 30 May 2012.
- Lord Taylor did not co-operate with the Commissioner’s investigation.
- Lord Taylor has now repaid the sums wrongfully claimed.
- Lord Taylor has voluntarily absented himself from the House since 31 January 2011.

9. We consider that Mr Justice Saunders took into account all relevant mitigating factors, including Lord Taylor’s record of public service, in determining the prison sentence for the criminal conviction. We do not believe that it would be appropriate, in this case, for any period of suspension to last for a period less than the remaining period of Lord Taylor’s sentence, i.e. until 30 May 2012.

10. We believe that Lord Taylor’s actions in pleading not guilty and lying under oath brought the House into disrepute. This was exacerbated by the way in which he sought to implicate another individual in his actions.

11. We emphasise that the need to co-operate with investigations by the Commissioner is itself a requirement of the Code of Conduct (paragraph 20). Co-operation with the Commissioner is of the utmost importance in order to enable the Commissioner to investigate complaints in a timely, thorough and fair manner. That Lord Taylor failed to comply with this requirement is a significant factor in our determination of the period of suspension which we recommend.

12. In mitigation, we recognise that Lord Taylor has voluntarily absented himself from the House since 31 January 2011.

13. We recommend that Lord Taylor of Warwick be suspended from the service of the House for 12 months, starting on the date on which any suspension motion is agreed by the House.

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1 See also para 117 of the Guide to the Code of Conduct.
Introduction

1. On 8/6/11, you wrote to me and requested my assistance in investigating complaints made to the Clerk of the Parliaments [hereafter the Clerk] in relation to the conduct of Lord Taylor of Warwick [hereafter Lord Taylor].

2. I feel it is important to record that my work on this case is in support of your office and relates to complaints received before the post of Commissioner for Standards in the House of Lords was created. Thus, this report is being submitted to you and not directly to the Sub-Committee on Lords’ Conduct. I have naturally sought to adhere to the standards set out in the ‘Guide to the Code of Conduct’, which governs my responsibilities but I reiterate my clear view that it is for you, as Clerk of the Parliaments, to decide how to progress this matter. I naturally stand ready to undertake any additional work which you request.

Summary of the initial complaint

3. On 3/8/09, Angus Robertson MP wrote to your predecessor as Clerk requesting that an investigation be undertaken into ‘expense claims’ made by Lord Taylor. Mr Robertson’s letter made specific reference to allegations published in ‘The Sunday Times’ [2/8/09].

4. On 6/8/09, Christopher Galley [Sunlight Centre for Open Politics], also wrote to the Clerk requesting an investigation into expenses claims made by Lord Taylor and highlighted specific concerns about his designation of a ‘primary residence’.

5. Lord Taylor himself wrote to the Clerk on 10/8/09 and ‘self-referred’ himself in respect of his ‘expense claims’.

6. The Clerk subsequently wrote on 1/9/09, to advise Lord Taylor that the Metropolitan Police were conducting an assessment of allegations made against him. The Clerk went on to state that he would not be proceeding with his own investigation for the time being, given the involvement of the police. On 13/10/09, the Clerk advised Lord Taylor that he would be resuming his investigation on the basis that the police had concluded their assessment exercise and had decided not to pursue the matter any further.

7. On 6/12/09, ‘The Sunday Times’ published additional allegations regarding Lord Taylor’s expense claims and the Metropolitan Police initiated further enquiries, which ultimately led to Lord Taylor being charged with six counts of false accounting. The Clerk’s investigation naturally was once again suspended following this re-involvement of the police.

8. On 25/1/11, Lord Taylor was found guilty on six counts of ‘furnishing false information relating to accounts’ contrary to section 17 (1) (b) of the Theft Act 1968, and on 31/5/11, he was sentenced to a total term of 12 months imprisonment. The question of confiscation was adjourned to a date in December which has still to be confirmed.

9. Records indicate that in March, Lord Taylor repaid the House of Lords a sum of £11,277.80 in respect of the claims submitted by him and which
subsequently formed the grounds for the six charges of false accounting which he faced.

**Investigative brief**

10. In your letter to me dated 8/6/11, you requested that I ‘identify and summarise any relevant breaches of the House’s rules on Members’ reimbursement, in order that the Committee for Privileges and Conduct can decide whether to recommend a sanction to the House. It will also be important to determine what repayments the House should seek in addition to those repayments already made, although in this context you will wish to be aware that the Crown Prosecution Service is taking proceedings in relation to confiscation and compensation, and that these have been adjourned to a date in December which has yet to be confirmed.’

**Breaches**

11. The complaints alleged abuses of the Members’ Reimbursement Scheme and for ease of reference, I have set out sections of the relevant guidance available to Members of the House up to and including the period with which the complaints are concerned. The 2005 edition of the General Guide to the Members’ Reimbursement Scheme read (pp2-14):

> “1.2.1 Members of the House of Lords do not, in general, receive a salary in respect of their parliamentary duties. However, Members may be reimbursed actual expenses arising out of these duties, in accordance with the rules of the Members’ Reimbursement Allowance Scheme.

4.2 Travelling Expenses

*General*

4.2.1 Claims may be made only for journeys over five miles between a Member’s main place of residence in the United Kingdom and Westminster. Claims for incidental travel costs (e.g. those arising from short distance journeys within a five mile radius of Westminster, tolls and car parking charges) are covered by the day subsistence allowance (4.5).

4.2.2 Members seeking to receive travel costs must register their main place of residence with the Members’ Expenses Section. Members with more than one main place of residence may register an alternative main residence with the Members’ Expenses Section for the purpose of claiming travelling expenses. Registration is subject to the approval of the Clerk of the Parliaments ...

4.4 Night Subsistence

4.4.1 Members whose main residence is outside Greater London may claim for expenses of overnight accommodation in London while away from their only or main residence. The maximum daily limit is £154.50.

4.4.2 A Member whose main residence is outside Greater London and who maintains a residence in London for the purpose of attending sittings of the House may claim this allowance towards the cost of maintaining such a residence.

4.4.4 Members who choose to travel home each night or whose main residence is within Greater London cannot claim the night subsistence allowance.”
Quantum

12. The Finance Department retain Members’ Expenses claim forms in line with the House of Lords records management and disposal policy. Detailed claim forms, receipts and vouchers are retained for the current financial year and the three previous financial years. Summary level information, i.e. amounts and categories claimed by members but not the actual forms, is held for a further three financial years. Claim forms held in respect of Lord Taylor date from 1/3/06.

13. The critical issue in the case of Lord Taylor raised both by the complainants and which featured in his criminal trial, is that of ‘main place of residence’. In essence, it was alleged and subsequently proven during the trial that Lord Taylor designated a property [in Oxford] as his main residence and claimed ‘Night Subsistence’ and travel expenses on the basis of that designation. His last claim form using the Oxford address as his ‘main residence’ was submitted on 31/10/07. His next claim form submitted on 17/12/07 showed a new ‘main residence’, namely an address in London. Thus, from 31/10/07 he no longer made any claims for ‘Night Subsistence’ or for travel expenses.

14. I have analysed all the claims he submitted by Lord Taylor covering the period 1/3/06 – 29/10/07. I have excluded claims for Day Subsistence and Office Costs from my consideration of the facts since the designation of a peer’s main place of residence has no bearing on eligibility to claim under these headings and there is no evidence or allegations in respect of such claims by Lord Taylor.

15. The following points set out the key facts: Lord Taylor submitted sixteen claim forms during the period in question and the total sums were:

- Night Subsistence - £21,668.50
- Travel Expenses - £2,643.20

16. The six counts or charges preferred against Lord Taylor of Warwick by the Crown Prosecution Service relate to his claims in respect of – March 2006 [Count 1], June 2006 [Count 2], October 2006 [Count 3], March 2007 [Count 4], June 2007 [Count 5] and October 2007 [Count 6]. The total amount of Night Subsistence and travel expenses claims covered by the six counts comes to £11,277.80. This is the amount already repaid by Lord Taylor to the House of Lords, as highlighted at paragraph 9 above.

17. I cannot discern any obvious differences between the monthly claims submitted by Lord Taylor and which formed the basis for criminal proceedings and those other claims which he also submitted but which did not feature in his criminal trial. Following on from that judgement, I believe that purely on the basis of claim forms held by the Finance Department and which feature the Oxford address as the designated ‘main place of residence’, Lord Taylor has dishonestly obtained a further £13,033.90 from the House of Lords.

Process of Investigation

18. You will be aware of previous cases dealt with by the Sub-Committee on Lords’ Conduct, where the Sub-Committee restricted the scope of their investigation to a period of four years preceding receipt of the complaint. In this case all the expense claims detailed above fall within that relevant period, namely 3/8/05 – 3/8/09.

19. I am conscious that Members of the House have raised the issue of equality of process in previous cases where members were investigated for their alleged
misuse of the Members Reimbursement Scheme. In particular, some Members have drawn attention to the fact that the three Members who have been most recently suspended from the service of the House for breaching the rules of the Members’ Reimbursement Scheme belong to minority ethnic groups. Thus, I feel it important to state for the record that this case originated in external complaints submitted by members of the public. In addition, Lord Taylor was convicted by a jury following a contested trial. I am satisfied that ethnicity was not an issue with regards to the investigative process undertaken by either the Clerk or myself.

20. I have liaised with the Crown Prosecution Service [CPS] and am aware that they will be pursuing confiscation proceedings under the Proceeds of Crime Act 2002 in December 2011. A court order under this legislation would potentially require Lord Taylor to hand over funds, which in turn would be paid in to the Consolidated Fund. There is no element of compensation or reimbursement for the House of Lords in such proceedings. Thus, I feel it is open to the House to seek reimbursement by Lord Taylor. However, if Lord Taylor did reimburse the House, then I would feel it would be appropriate to formally advise the CPS of that development. It might be that in such a case they would review the utility of confiscation proceedings.

Engagement with Lord Taylor

21. Lord Taylor has been convicted of ‘furnishing false information relating to accounts’, specifically relating to claim forms submitted to the House of Lords Finance Department for travel expenses and overnight subsistence. The six counts on which he was convicted were purely representative charges drawn from 16 expense claim forms submitted between 31/3/06 and 31/10/07. Lord Taylor has already repaid £11,277.80 in respect of such claims. There remains an outstanding amount of £13,033.90, in respect of false and unjustifiable claims.

22. I wrote to Lord Taylor on 16/6/11, advising him of the work I was undertaking on your behalf, setting out the relevant facts as known to me and inviting him to respond in writing with a full and accurate account of the matters in question. Lord Taylor failed to respond to that letter. However, a second letter to Lord Taylor dated 12/7/11 was acknowledged by him in a letter dated 21/7/11. In that letter Lord Taylor denied ever having received my letter dated 16/6/11.

23. My second letter [12/7/11] to Lord Taylor set out the facts as known to me [including copies of all the relevant expense claims submitted by him, admissions agreed at his trial and the sentencing remarks of Mr Justice Saunders] and invited him to respond with a full and accurate account in writing. I also reiterated my willingness to meet with him in person, if that would assist. His reply [21/7/11] did not address any of the points made by me and he requested that I postpone any action on his case until he had finished his prison sentence.

24. I replied to Lord Taylor on 4/8/11, declining his suggestion that my investigation be delayed until he had completed his prison sentence. I felt that such an agreement might be seen to constitute an unreasonable and undesirable precedent. However, I recognised the many challenges facing Lord Taylor and extended the deadline for his account by a further three weeks to 26/8/11 and repeated my willingness to meet with him. I have to report that no further correspondence has been received from Lord Taylor and this report is submitted on the basis that he has declined to cooperate with me.
Findings

25. In my view Lord Taylor clearly breached the rules of the Members’ Reimbursement Scheme. The sixteen claim forms examined by me, all incorporated a false ‘main place of residence’ and that falsification was deliberately designed to obtain funds to which he wasn’t entitled. Lord Taylor admitted, in his criminal trial, that he had no connection whatsoever with the ‘main place of residence’ he designated on his claim forms.

26. Since 2001 the Code of Conduct has contained a reference to the requirement on Members to act always on their personal honour. I have reviewed previous cases dealt with by the House and note that the focus has always been on specific breaches of the rules of the House. However, the use of a false ‘main place of residence’ without the knowledge of the householders in question, one of whom was a relative, was rightly identified as an aggravating feature of the offences by Mr Justice Saunders.

27. Members are required to co-operate, at all stages, with any investigation into their conduct by or under the authority of the House [paragraph 20 of the Code of Conduct]. I regret that Lord Taylor has declined to co-operate with me, whilst I was working on your behalf. I recognise that Lord Taylor has been through a traumatic experience in that he has been convicted of several criminal offences and sentenced to a period of imprisonment. However, in a very real sense he was the author of his own misfortune and he did not take advantage of several offers of a personal meeting with me.

28. In essence, Lord Taylor obtained money from the House of Lords falsely and without any justification. Over a period of years he submitted claim forms containing information which he knew was false and misleading. He implicated an innocent relative in his fraud and whilst after his conviction he admitted his guilt in the context of pre-sentencing reports, the trial judge highlighted that his subsequent admission of guilt meant that his testimony on oath was false.

29. I will make no further comment, as I feel the facts speak for themselves.

1 September 2011
APPENDIX 3: APPEAL BY LORD TAYLOR OF WARWICK TO THE COMMITTEE FOR PRIVILEGES AND CONDUCT

I regret that my actions have brought the House into disrepute and I apologise. I regard it as a privilege to serve the public and I am full of remorse.

I do not appeal against the recommended sanction of suspension from the service of the House. In these circumstances, I have not sought to appear personally before the Committee. But I do respectfully wish to appeal against the Commissioner’s findings.

The Commissioner stated that I declined to co-operate with him during his investigation and did not take advantage of several offers of a personal meeting with him. I had nothing to gain by not co-operating with him. I did not receive his letter of 16 June 2011. The first time I saw that letter was when a copy was attached to an e-mail sent to me by Mr Christopher Johnson on 17 October 2011.

In June I was at Wandsworth prison, where I was in a cell for 23 hours per day. Although I received some mail, I now know that some letters sent by family, friends and my own solicitor were not delivered to me. This was not an unusual experience for prisoners at that prison. The Commissioner stated that I “failed to respond to that letter,” but that was not a result of my not wishing to co-operate.

I did reply to the Commissioner’s letter of 12 July, sent to Standford Hill Prison. In my reply letter, dated 21 July, I explained that I had not received his earlier letter. He invited me to respond with a “full and accurate account” in writing. I tried to explain that the conditions that I was in made it extremely difficult to deal in detail with these matters at that time. I explained in my letter that I was trying to deal with a complexity of issues which had resulted from my imprisonment. In my second letter, dated 23 August, I explained that I was due for release in a further few days, on 31 August. I would then be able to deal with the required detailed responses, without the restrictions of prison. I did not have access to all the paperwork I needed. In that letter I requested information concerning the disciplinary procedure, since I had no Guidebook or access to a computer to assist me.

The Commissioner stated that he made “several” offers to meet me. I was aware of two offers, but prison visits are restricted and involve a narrow criteria for application. The Commissioner was not in the category of legal adviser or a member of my family, so I am not aware of how that could have been achieved. For obvious reasons I was not in a position to visit him. I did not qualify for home leave or a town visit because of my release date.

In the Commissioner’s Report of 1 September 2011, he stated that “I have to report that no further correspondence has been received from Lord Taylor and this report is submitted on the basis that he has declined to co-operate with me”. He failed to mention that I had in fact sent him a further letter, dated 23 August, which his office surely would have received by the time of his report on 1 September. The Commissioner did not reply until 22 September 2011, stating “I am writing in response to your letter dated 23/8/11, which has only just been brought to my attention. Events have moved on, in that I have submitted my findings to the Clerk of the Parliaments...” I do not understand why it took the Commissioner, who did not have my restrictions, a month to reply to my second letter.
It was in that letter of 22 September that the Commissioner sent me a current Code of Conduct and Guide to the Code. But he then pointed out that since my case pre-dated the current complaints process, the Clerk of the Parliaments is in fact responsible for the investigation, not him. The procedural path seemed far from clear, against this background.

Upon my release I received a letter from Lord Brabazon of Tara dated 2 September, asking that “You may wish to consider whether it might be appropriate for you not to attend the House or take any other part in Parliamentary proceedings....” But I had already agreed with Sir Michael Pownall on 27 January to this request and had kept to it.

I then had a number of e-mail correspondence with David Beamish, the Clerk of the Parliaments. Each time I ensured a copy e-mail went to the Commissioner. On 3 October I received an e-mail confirmation from Emily Baldock, the Clerk to the Commissioner, confirming on his behalf that he had received my correspondence. I believe I demonstrated a willingness to co-operate and deal with all Mr Beamish’s requests promptly. It was not because I had a sudden change in attitude. It was simply because I was no longer subject to prison restrictions. Indeed on 3 October, Mr Beamish sent me an e-mail stating, “Many thanks for dealing with this so promptly”. He would hardly have done so if I had not been co-operating.

£11,277.80 was repaid on 22 March; £13,027.90 was repaid on 6 October; and a bank transaction fee of £6 was repaid on 11 October.

The Sub-Committee, in its Report of 4 October stated: “That Lord Taylor failed to comply with this requirement (to co-operate with investigations by the Commissioner) is a significant factor in our determination of the period of suspension which we recommend”. But I have tried to explain the fuller background and I ask the Committee to allow the appeal against the Commissioner’s finding that I had failed to co-operate.

Prior to my trial, the rules and definition in relation to main residence were changed and amended a number of times. By the time of my trial, the definition of main residence had been clarified. When I made my expenses claim I had the genuine belief that my claims were within the rules. That is what I said to the Probation Officer and he stated that in his Report. But I accept that I was found guilty by the jury and express remorse. The Judge referred to the Probation Officer’s comments on this point, but only in part. I attach a letter dated 21 October from Mr Modrate, the Probation Officer, confirming what I said to him. In it he states: “I have read the remarks of Mr Justice Saunders, when he sentenced Lord Taylor on 31/5/2011 at Southwark Crown Court. The Judge may have misunderstood my comments in the Pre-Sentence Report. The Judge did not refer to my remark in the report, “At the time he says he thought he was acting within the law, but with hindsight he accepts he has interpreted the rules too liberally”. Lord Taylor said he accepts the verdict of the jury and expressed remorse”.

The trial did not reveal an affluent lifestyle. There was evidence of substantial charity work, over and above my parliamentary duties. Evidence was submitted of the Warwick Leadership Foundation educational charity. I started the initiative some years ago to help young people, especially those from underprivileged backgrounds. I have financed this initiative primarily myself.

There were over 60 written Character references for the sentencing court and 4 live character witnesses during the trial. In his sentencing remarks the Judge said:
“I have read a truly remarkable series of references from a very large number of people. They have come from important figures who speak of Lord Taylor’s dedication to public service and his achievements. They come from fellow Christians who speak of his charitable work and his help to others; all done with a gentle humility. Perhaps most importantly I have heard from many young people who have been inspired and helped through his work with the Warwick Foundation in particular. He has been a role model to many”.

I have already been punished by a prison sentence and loss of reputation. I was released on 31 August and am subject to prison licence and conditions until 30 May 2012. I respectfully request that the suspension be as short as possible, to enable me to continue to be an active member of the House.

23 October 2011

Attachment: open letter from Mr W H Modrate, Probation Officer, dated 21 October 2011

I have read the remarks of Mr Justice Saunders, when he sentenced Lord Taylor on 31/5/2011 at Southwark Crown Court. The Judge may have misunderstood my comments in the Pre-Sentence Report. The Judge did not refer to my remark in the report, “At the time he says he thought he was acting within the law, but with hindsight accepts he has interpreted the rules too liberally”. Lord Taylor said he accepts the verdict of the jury and expressed remorse.
APPENDIX 4: REPORT BY THE CLERK OF THE PARLIAMENTS TO
THE SUB-COMMITTEE ON LORDS’ CONDUCT

1. In 2009 my predecessor as Clerk of the Parliaments, Michael Pownall, began enquiries into a complaint about expense claims made by Lord Taylor of Warwick. His investigation was put on hold during the police investigation and criminal proceedings which resulted in Lord Taylor’s conviction on six charges of false accounting, but after Lord Taylor was sentenced in May it became appropriate for me to resume my predecessor’s investigation.

2. In the meantime the House’s procedure had changed, and a complaint such as was received in 2009 would now be dealt with by the Commissioner for Standards and not by the Clerk of the Parliaments. So, with the agreement of the Commissioner, I asked him to assist me in completing the investigation. I have now received, and enclose, his report.

3. In accordance with the procedures set out in the Guide to the Code of Conduct, I should be grateful if the Sub-Committee on Lords’ Conduct could consider the report and recommend to the Committee for Privileges and Conduct what further action, if any, should be taken.

4. The Commissioner’s report notes that Lord Taylor has repaid £11,277.80 wrongly claimed from the House of Lords, and concludes that he “dishonestly obtained a further £13,033.90 from the House”. I wrote to Lord Taylor on 14 September to ask him to confirm “no later than 3 October 2011” his willingness to repay that sum. A copy of my letter is appended to this paper. I have yet to receive a reply.

5. I ought perhaps to record formally that the complaint against Lord Taylor related to breaches of the Members’ Reimbursement Allowance Scheme (as it then was) and not of the Code of Conduct. The Commissioner has implied in paragraph 27 of his report that Lord Taylor is also in breach of the Code in failing to co-operate with his inquiry.

6. Finally, in recommending any sanction the Sub-Committee may wish to have regard to the fact that on 31 May Lord Taylor was sentenced to 12 months’ imprisonment. He has now been released on licence (and subject to curfew and an electronic tag) after serving three months of that sentence.

29 September 2011

Letter from the Clerk of the Parliaments to Lord Taylor of Warwick, dated 27 January 2011

I am writing to let you know that at a meeting this morning, the House Committee expressed the hope that in the period between the end of the trial and sentencing you should not attend the House or take part in Parliamentary proceedings, including the tabling of written questions.

If you would like a word about this, please do not hesitate to let me know (telephone number 020 7219 3 181).

I am sending a copy of this letter by e-mail to the address which you have authorised to the Table Office for the receipt of written questions.

Email from Lord Taylor of Warwick to the Clerk of the Parliaments, dated 31 January 2011

Thank you for your letter of 27 January. Yes, I will abide by the wishes of the House Committee.


I am writing to advise you of work that I am carrying out on behalf of the Clerk of the Parliaments.

You will no doubt be aware that my office was established in June 2010 and that I have a clear investigative mandate, as set out in the ‘Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct.’ However, you referred yourself to the Clerk of the Parliaments in August 2009 and the then Clerk of the Parliaments, Michael Pownall, entered into a dialogue with you in relation to his investigation. That investigation was suspended when the police initiated their own investigation which ultimately resulted in your conviction.

Now that criminal proceedings are at an end, the Clerk of the Parliaments [now David Beamish] is keen to finalise his investigation as quickly as possible, not least in fairness to you. He is responsible for the investigation, given that it was initiated prior to my appointment, but he has asked me to undertake relevant work in order to assist him.

Two complaints were received from members of the public alleging that you had misused public funds arising out of your designation of a ‘main place of residence’. You in turn sought to ‘self-refer [your] expense claims’ to the Clerk of the Parliaments in a letter dated 10/8/09.

You were eventually convicted on six counts of ‘furnishing false information relating to accounts’. Those charges related to expense claims you submitted between 31/3/06 and 31/10/07. During that period you submitted 16 claims and in
every case designated 24 Henley Street, Oxford, OX4 1ER as your ‘main place of residence’.

The total sum claimed in respect of those 16 claims was £24,311.70 and I am aware that you have already repaid £11,277.80 to the House of Lords, leaving an outstanding balance of £13,033.90.

I am in possession of the Sentencing Remarks of Mr Justice Saunders dated 31/5/11 and note that he commented, “Lord Taylor has now told the Probation Officer that he fully accepts that he is guilty of the offences and has expressed regret and remorse for what he has done...” In view of that observation by the Judge, I have refrained from attaching copies of the relevant claim forms to this letter. However, I stand ready to do so if requested by you.

In essence, it appears to me that the criminal trial has clearly established that your claims based on 24 Henley Street, Oxford, OX4 1ER were false and not made in good faith.

I now invite you to respond to me in writing with any comments you might wish to make. I would particularly invite you to comment on my view that you breached the rules of the Members’ Reimbursement Scheme, that you did not act in good faith, and I would also welcome any comment on the issue of reimbursement. I believe that the Clerk of the Parliaments will in due course submit a report to the Sub-Committee on Lords’ Conduct.

I am conscious that this must be a difficult time for you and would like to assure you that I will seek to complete my work in such a way as to minimise any additional burdens on you. I would be prepared to meet with you if you felt that would assist but in any case I should be grateful if you would in the first instance, respond to me within fourteen days. I am keen to assist the Clerk of the Parliaments in finalising the investigation as soon as possible, as I genuinely believe that is in everyone’s interests.

Letter from the Commissioner for Standards to Lord Taylor of Warwick, dated 12 July 2011

I wrote to you on 16/6/11, advising you of the complaints received in relation to your conduct and specifically the issue of designating a ‘main place of residence’. The Clerk of Parliaments [hereafter the Clerk] following receipt of those complaints [and your own self-referral] had initiated an investigation, which had been suspended during the police investigation and subsequent criminal proceedings. Following sentencing the Clerk’s investigation had been resumed and I had agreed to assist him in that process. I invited you to respond to me in writing in relation to the 16 claims you submitted under the Members’ Reimbursement Allowance Scheme covering the period 1/3/06 – 29/10/07. However, to date I have not received any response.

I feel it is now appropriate to fully advise you of the process to be adopted in your case, provide details of the evidence in my possession and to seek a definitive response from you.

The Clerk has, as highlighted above, asked me to assist him in finalising his investigation into your use of the Members’ Reimbursement Scheme. Once I have made my final report to the Clerk, it will be for him to decide whether a report should be submitted to the Sub-Committee on Lords’ Conduct. The task of the Sub-Committee when a complaint against a Member has been upheld is, if
applicable, to recommend any appropriate action for the Member to regularise the position (including the repayment of money) and any sanction that the House should apply. In such circumstances the Sub-Committee makes its report to the Committee for Privileges and Conduct; at the same time a copy is sent to the Member concerned, who is informed of the deadline by which an appeal may be lodged to the Committee for Privileges and Conduct. If there is no appeal the Committee for Privileges and Conduct reports to the House forthwith, in the terms recommended by the Sub-Committee. The Committee must seek the agreement of the House in any case where it is proposed that a Member be required to take action to regularise the position or that the Member be sanctioned by suspension.

In August 2009, Angus Robertson MP requested that your expense claims be investigated, following allegations published in ‘The Sunday Times’ [2/8/09]. A second complaint was received from Christopher Gally [Sunlight Centre for Open Politics]. You then wrote to the Clerk of the Parliaments on 10/8/09 self-referring yourself in respect of your ‘expense claims’.

I attach for your information and ease of reference, copies of the 16 expense claims you submitted covering the period 1/3/06 – 29/10/07 [Appendix ‘A’]. I note that six of these claims formed the basis of the six counts of ‘furnishing false information relating to accounts’ on which you were convicted.

In the ‘jury bundle’ used at your trial, there is a document entitled ‘Agreed Admissions’ [Appendix ‘B’]. In essence, you admitted submitting forms showing 24 Henley Street, Oxford, OX4 1ER as your main place of residence, despite having never stayed at that address or having any legal or financial interest in it. You also admitted that you had never travelled by car between that address and the House of Lords during the period highlighted in the preceding paragraph.

The final attachment [Appendix ‘C’] is a record of Mr Justice Saunders’ sentencing remarks and I would specifically highlight the following extract:

“Lord Taylor has now told the Probation Officer that he fully accepts that he is guilty of the offences and has expressed regret and remorse for what he has done...”.

I have reviewed the transcripts of your evidence together with the sentencing remarks of Mr Justice Saunders. On the basis of the evidence currently available to me and in the absence of any representations from you, I must advise you that I minded to report to the Clerk that you did breach the rules of the Members’ Reimbursement Scheme. I believe you submitted 16 claims all of which were inaccurate and that you consciously did so. Recognising that you have already reimbursed the House of Lords in the sum of £11,277.80, I am of the view that the sum of £13,033.90 remains outstanding in respect of the 16 false and inaccurate claims.

The General Guide to the Members’ Reimbursement Allowance Scheme [2005 edition] which set out the relevant rules during the period in question, contained the following provisions:

“1.2.1 Members of the House of Lords do not, in general, receive a salary in respect of their parliamentary duties. However, Members may be reimbursed actual expenses arising out of these duties, in accordance with the rules of the Members’ Reimbursement Allowance Scheme.

4.2 Travelling Expenses

General
4.2.1 Claims may be made only for journeys over five miles between a Member’s main place of residence in the United Kingdom and Westminster. Claims for incidental travel costs (e.g. those arising from short distance journeys within a five mile radius of Westminster, tolls and car parking charges) are covered by the day subsistence allowance (4.5).
4.2.2 Members seeking to receive travel costs must register their main place of residence with the Members’ Expenses Section. Members with more than one main place of residence may register an alternative main residence with the Members’ Expenses Section for the purpose of claiming travelling expenses. Registration is subject to the approval of the Clerk of the Parliaments ... 

4.4 Night Subsistence
4.4.1 Members whose main residence is outside Greater London may claim for expenses of overnight accommodation in London while away from their only or main residence. The maximum daily limit is £154.50.
4.4.2 A Member whose main residence is outside Greater London and who maintains a residence in London for the purpose of attending sittings of the House may claim this allowance towards the cost of maintaining such a residence.
4.4.4 Members who choose to travel home each night or whose main residence is within Greater London cannot claim the night subsistence allowance.”

I am of the view that your behaviour and admissions make it quite clear that you did not act on your personal honour. You submitted, in bad faith, claims which did not comply with the relevant guidance.

I now invite you to respond in writing with a full and accurate account of the matters set out above. If you fail to respond by 5/8/11, I will then submit a finalised investigation report to the Clerk of the Parliaments. I reiterate my willingness to meet with you, if that would assist.

Letter from the Lord Taylor of Warwick to the Commissioner for Standards, dated 21 July 2011

Thank you for your letter of 12 July. There was no prison number on your envelope and there are a number of Taylors here, so it has only just been received by me. I did not receive a letter dated 16 June from you. I do not know where it was sent or what happened to it. On 31 May I was sent to Wandsworth Prison and much of the mail meant for me was not passed onto me.

I will now remain at Standford Hill until my release. I am trying to deal with the rigours of a prison sentence and a number of personal problems at the same time. I do wish to respond to your letter but please allow me to do so after I have finished my prison sentence.

Letter from the Commissioner for Standards to Lord Taylor of Warwick, dated 4 August 2011

Thank you for your letter dated 21/7/11 and posted on 27/7/11. I note that you say you did not receive my initial letter dated 16/6/11, which was individually addressed to you at HMP Wandsworth. However, I am pleased that you received
my second letter dated 12/7/11 and which my records show was delivered to HMP Standford Hill on 13/7/11.

I recognise that you have indicated a wish to respond to my letter [12/7/11] but suggest that you be allowed to do so once you have finished your prison sentence. I am afraid that I cannot further postpone the investigation until your release from prison and I am sure you will recognise that such an action would create an undesirable precedent. I am keen to ensure that the Clerk of the Parliaments can finalise your case as soon as possible, in fairness to both the House of Lords and yourself. Having said that, I appreciate that you are having to deal with many challenges at present. Thus, I am willing to extend the deadline for a response from you to 26/8/11. I am unaware if this extension will see you released from prison or not. In either case I reiterate my willingness to meet with you, if that would assist. Naturally, I am also happy to receive written representations from you.

Letter from Lord Taylor Warwick to the Commissioner for Standards, dated 23 August 2011

Thank you for your letter of 4 August. The postal service does not work as smoothly in prison as it does in the community, as far as prisoner’s receipt of mail is concerned.

The prison system imposes a great number of restrictions on how quickly and effectively I can deal with correspondence. I am trying to deal with a myriad of issues, whilst subject to the limitations of prison. I would like to respond properly to your letters after I am released, which is due to be on Wednesday 31 August. I do not think this is an unreasonable request in the circumstances. You mentioned precedent, but I have not seen any rule book to explain what the disciplinary procedure is.

Letter from the Chairman of Committees to Lord Taylor of Warwick, dated 2 September 2011

I am writing in connection with your conviction earlier this year at Southwark Crown Court on six counts of false accounting relating to claims you made under the former Members’ Reimbursement Scheme. As you know, the House of Lords Commissioner for Standards is currently investigating your conduct on behalf of the Clerk of the Parliaments, and I understand that the Clerk intends to pass the Commissioner’s report to the Sub-Committee on Lords’ Conduct. If you are found to have breached the Code of Conduct, the Sub-Committee may recommend that the Committee for Privileges and Conduct (which I chair) should invite the House to apply a sanction to you.

You may wish to consider whether it might be more appropriate for you not to attend the House or take any other part in Parliamentary proceedings (including the tabling of written questions) until the Sub-Committee has reported.

If you have any queries, please do contact the Clerk of the Parliaments on 020 7219 3181.
Letter from the Clerk of the Parliaments to Lord Taylor of Warwick dated 14 September 2011

You will recall that in 2009 my predecessor as Clerk of the Parliaments, Sir Michael Pownall, began enquiries into a complaint about your expense claims but put them on hold while police investigations were in progress. After your conviction and sentencing it became possible to resume those enquiries.

In the meantime the House had appointed a Commissioner for Standards (Paul Kernaghan CBE QPM) and a new procedure had been introduced whereby complaints relating to allowances and expenses were to be investigated by the Commissioner rather than by the Clerk of the Parliaments (2nd Report from the Committee for Privileges, Session 2009-10). So on this occasion, as you will be aware from your correspondence with him, I asked the Commissioner to assist me in completing the investigation begun by my predecessor. He has now sent me his report.

I think it is right that the procedure followed in your case should match as closely as practical the new procedure governing the handling of complaints against Members. I therefore propose to submit the Commissioner's report to the Sub-Committee on Lords’ Conduct, which will make a recommendation to the Committee for Privileges and Conduct. I understand that a meeting of the Sub-Committee is planned for 4 October. If you wish to challenge the Commissioner's or Sub-Committee’s conclusions and recommendations, you will have the opportunity to do so when the matter is considered by the parent Committee.

In addition to any sanction which may be recommended, there is a question of repayment of sums wrongly claimed. The Commissioner’s report concludes that, in addition to the £11,277.80 which you have already repaid, you have “dishonestly obtained a further £13,033.90 from the House of Lords”. I enclose the text of the part of his report in which he explains how he arrived at that figure. I should be grateful if you could let me know whether you are willing to repay the £13,033.90 to the House, and if so your proposals for doing so. I would be grateful to receive your response as soon as possible and no later than 3 October 2011 since the Sub-Committee may wish to take into account the extent of your willingness to repay in deciding upon its recommendation.

I look forward to hearing from you.

Letter from the Commissioner for Standards to Lord Taylor of Warwick, dated 22 September 2011

I am writing in response to your letter dated 23/8/11, which has only just been brought to my attention. Events have moved on, in that I have submitted my findings to the Clerk of the Parliaments and I believe he in turn has written offering you an opportunity to comment on matters of fact.

My reference to precedent was to highlight that I did not feel it would be appropriate for a Member under investigation to dictate the timescale within which the investigation would be conducted. However, in my letter dated 4/8/11, I made it clear that I recognised the challenges facing you and was happy to extend the deadline for you to engage with me.

I note your comments re the disciplinary procedure and attach a copy of the current ‘Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct.’ However, you should be aware that your self-referral and
associated public complaints predate the current complaints process and the Clerk of the Parliaments is thus responsible for the investigation. I believe he has addressed this issue in correspondence.

**Letter from Lord Taylor of Warwick to the Clerk of the Parliaments, dated 30 September 2011**

Thank you for your letter of 14 September. I also acknowledge receipt of Mr Kernaghan’s further letter of 22 September. I had previously written to him from prison on 21 July and 23 August.

I am willing to repay the further £13,033.90 as soon as possible. As you know I have already re-paid £10,000 on 21 March and £1,277.80 on 22 March.

I received a letter from Sir Michael Pownall on 27 January asking me not to undertake any further parliamentary activities. I agreed to his request. So, in effect, I have been suspended from that date.

Up until January, over 15 years, I have tried my best to be a diligent working Peer. Prior to my trial, the rules and definition in relation to main residence were changed and amended a number of times. By the time of my trial, the definition of main residence had been clarified. When I made my expenses claim I had the genuine belief that my claims were within the rules. That is what I said to the Probation Officer and he stated that in his Report. But I accept that I was found guilty by the jury. The Judge referred to the Pre-Sentence Report, but only in part. I have attached the whole Report.

I request that any sensitive family issues referred to in the Pre-Sentence Report, or in any other material, be redacted.¹

The trial did not reveal an affluent lifestyle. There was evidence of substantial charity work, over and above my parliamentary duties. I attach 3 newsletters of the Warwick Leadership Foundation educational charity, which my Counsel submitted upon sentence. I started the initiative some years ago to help young people, especially those from underprivileged backgrounds. I have financed this initiative primarily myself.

In correspondence with Sir Michael Pownall I regret I was not frank. At the time I was experiencing relentless media harassment and was fearful for myself and family.

There were over 60 written Character references for the sentencing court and 4 live character witnesses during the trial. I have attached the written references, with an index.

I have already been punished by a prison sentence and loss of reputation. I was released on 31 August and am subject to prison licence and conditions until 30 May 2012. If I am suspended, I ask that it be as short as possible so that I can continue to be an active member of the House of Lords.

¹ Owing to the volume of sensitive personal data contained in the documents submitted by Lord Taylor, they were not put before the Committee for Privileges and Conduct and are not published with this Report.