



HOUSE OF LORDS

Conduct Committee

3rd Report of Session 2022–23

The conduct of Baroness Goudie

Ordered to be printed 15 December 2022 and published 16 December 2022

Published by the Authority of the House of Lords

HL Paper 121

Conduct Committee

The Conduct Committee reviews and oversees the Codes of Conduct and the work of the House of Lords Commissioners for Standards. Recommended changes to the Codes are reported to the House and take effect when agreed by the House.

The members of the Conduct Committee are:

Lord Blair of Boughton
Cindy Butts (lay member)
Mark Castle (lay member)
Andrea Coomber (lay member)
Dr Vanessa Davies (lay member)
Baroness Donaghy
Lord Garnier
Baroness Hussein-Ece
Baroness Manningham-Buller (Chair)

Address: The Clerk to the Conduct Committee, House of Lords, London SW1A 0PW

Email: lordsconduct@parliament.uk

Telephone: 020 7219 3325

Website: <https://committees.parliament.uk/committee/402/conduct-committee>

Registrar of Lords' Interests

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

Address: The Registrar of Lords' Interests, House of Lords, London SW1A 0PW

Email: lordsregistrar@parliament.uk

Telephone: 020 7219 3112/3120

Registers of Interests

A list of interests of members and their staff can be found online:

<http://www.parliament.uk/hlregister>

Commissioners for Standards

The independent Commissioners for Standards are responsible for considering any alleged breaches of the Codes of Conduct.

Address: The Commissioners for Standards, House of Lords, London SW1A 0PW

Email: lordsstandards@parliament.uk

Telephone: 020 7219 7152

Website: www.parliament.uk/hl-standards

Independent Complaints and Grievance Scheme helpline

Telephone: 0808 168 9281 (freephone)

Email: support@ICGShelpline.org.uk

CONTENTS

	<i>Page</i>
Report from the Conduct Committee	3
Background	3
Summary of the case	3
Baroness Goudie's appeal	4
Sanction	7
Annex A: Report from the House of Lords Commissioner for Standards on the conduct of Baroness Goudie	9
Chapter 1: Complaint and investigation	9
Summary of complaint	9
Relevant aspects of the Code	9
Preliminary assessment	11
Baroness Goudie's written response	11
Baroness Goudie's oral evidence and other evidence	14
Background	15
Consultancy agreement	15
Registration of interests	16
Provision of parliamentary advice and services	17
Use of House of Lords facilities	18
The Code of Conduct and procedural fairness	20
Chapter 2: Findings and outcome	23
Findings	23
Baroness Goudie's response to the draft report and findings	25
Sanction	25
Appendix 1: Baroness Goudie's response to the draft factual report and findings	27
Appendix 2: The Commissioner's response to Baroness Goudie's response to the draft factual report and findings	28
Appendix 3: Evidence included as part of the complaint	30
Appendix 4: House of Lords Library	33

The conduct of Baroness Goudie

REPORT FROM THE CONDUCT COMMITTEE

Background

1. The Conduct Committee has considered a report by the House of Lords Commissioner for Standards, Martin Jelley, on the conduct of Baroness Goudie (see Annex A). We have also considered a written appeal submitted by Lady Goudie, in which she appeals both against the Commissioner's finding that she breached certain provisions of the Code of Conduct and against his recommended sanction.
2. The procedure followed by the Conduct Committee in considering reports and appeals is set out in paragraphs 192–195 of the Guide to the Code of Conduct. Under this procedure an appeal must be made in writing; the Committee may decide to hear from the member in person, though in this case we have not done so; nor have we sought further input from the Commissioner.

Summary of the case

3. The complaint, which was received in July 2022, relates to conduct that took place between June 2016 and January 2017.¹ It is summarised by the Commissioner as follows:

“The complainant alleged Baroness Goudie had lobbied parliamentarians and Government departments on behalf of ecoLegacy Ltd as part of its efforts to secure regulatory approval for its eco-friendly cremation alternative. The complaint also made several other allegations about Baroness Goudie's involvement in legal disputes surrounding contracts, financial matters, and board membership. The complainant submitted evidence to support all these allegations, including copies of email exchanges and extracts from ecoLegacy Ltd corporate documents.”

4. The Commissioner discounted the wider allegations contained in the complaint. Instead he focused on those that engaged the relevant provisions of the Code of Conduct, namely:
 - Paragraph 9 (which prohibits the exercise of parliamentary influence, including the provision of parliamentary advice or services, in return for payment);
 - Paragraph 12 (which requires compliance with the rules on registration and declaration of interests, and the rules on the use of the facilities of the House);
 - Paragraph 16 (which prohibits members from seeking to confer an ‘exclusive benefit’ on outside bodies in which they have a financial interest, or in return for payment or reward).²

1 Paragraph 140 of the Guide to the Code of Conduct states that complaints “must usually be made within six years of the conduct being complained of”.

2 Though renumbered, paragraphs 9 and 12 of the present Code have not changed in substance since 2016. Present paragraph 16 has been significantly amended since 2016, and this is discussed below (paragraph 17 onwards).

5. In response to the Commissioner’s initial letter, and in her subsequent meeting with him, Lady Goudie acknowledged that she had an interest in ecoLegacy Ltd during the time in question; she also acknowledged and apologised for failing to register that interest until April 2017. Her (relatively minor) breach of paragraph 12(a) of the Code is therefore not in dispute.
6. In other respects, though, Lady Goudie has consistently dismissed the complaint as “totally misconceived” and “stale”, given the time that has elapsed since the events took place. In her initial response to the Commissioner she also described it as an “abuse of process”, an attempt to “re-litigate” a dispute that had previously given rise to court proceedings. In his reply, the Commissioner emphasised that he was not concerned with any wider dispute between the complainant and Lady Goudie, and that his investigation “would be restricted to the provisions in the Code which the complaint does engage”.
7. The Commissioner’s findings, following his investigation, are as follows:
 - That Lady Goudie breached paragraph 12(a) of the Code, which requires members to register all relevant interests within one month. As noted above, Lady Goudie accepts this finding.
 - That Lady Goudie, by advising ecoLegacy Ltd on which parliamentarians to engage, breached paragraph 9(d) of the Code, which states that members “must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services”.
 - That Lady Goudie, both by offering to reserve a room on the Estate for ecoLegacy to engage with parliamentarians, and by commissioning research support from the House of Lords Library, breached paragraph 12(c) of the Code, which requires compliance with the House’s rules on the use of facilities.
 - That there was no evidence to show that Lady Goudie breached the other provisions of the Code that were the subject of investigation.
8. In light of these findings, and having considered Lady Goudie’s comments on his findings of fact and provisional conclusions, the Commissioner has recommended that Lady Goudie be suspended from the service of the House for a period of six months.

Baroness Goudie’s appeal

9. The grounds on which a member may appeal against a report by the Commissioner are set out in paragraph 195 of the Guide. The possible grounds are:
 - the Commissioner was plainly wrong in their finding;
 - points of process;
 - the emergence of significant new evidence; or
 - the severity of the sanction.

10. Lady Goudie has appealed on the first, second and fourth of these grounds. She identifies two points of process, while also submitting “that the Commissioner was plainly wrong in his findings”. Finally, she appeals against the “severity and gross disproportionality” of the recommended sanction.
11. Lady Goudie has consistently raised objections on both points of process throughout the investigation. The first relates to the long delay between the events occurring and the complaint being made. She describes this delay as “obviously prejudicial to me”, asserting that this impact was “aggravated by the Commissioner placing greater weight on emails from 2016/17 rather than my oral testimony in the second half of 2022”.
12. Lady Goudie made similar points in a letter to the Commissioner, and in commenting on his draft report. He noted in his reply that contemporaneous records such as the emails “can provide an important record of events which are difficult to recall in the present”. He also confirmed that he had considered the emails alongside Lady Goudie’s written and oral evidence, and that he assessed them against information provided by other witnesses. His approach appears to us to have been entirely appropriate in the circumstances.
13. We understand that the appearance of this complaint after such a long time must have been upsetting and unexpected for Lady Goudie, and we also acknowledge that the complaint relates to a long-running dispute between her and the complainant. But the Commissioner’s task is to assess each complaint against the available evidence, not to review the motives of the complainant. We believe the Commissioner has undertaken this task in a balanced and proper way, and for this reason do not consider that the delay in bringing forward the complaint was prejudicial to Lady Goudie.
14. Lady Goudie’s second point of process relates to “the case advanced against me”. She says that the Commissioner, in his letters to her on 15 and 21 July 2022, set out two “charges”, namely late registration (which she admitted) and “paid advocacy”. She then notes that the Commissioner ultimately exonerated her of any breach of paragraphs 9(c) and 16 of the Code of Conduct, arguing therefore that “there was no ‘advocacy’. Still less was there ‘paid advocacy’. That should have been the end of the story.” She claims that she was then “condemned for altogether different matters”, including offering to reserve a room and commissioning research from the Library. She also complains that she was “ambushed” in her interview with the Commissioner “with these and other peripheral matters”.
15. We have reflected carefully on Lady Goudie’s concerns, and on the letters sent to her by the Commissioner in July. In his first letter the Commissioner stated, “I intend to investigate whether the following provisions of the Code of Conduct have been breached”, before quoting paragraphs 9, 12 and 16 of the Code in their entirety. He then asked for information on five specific points, while emphasising that he sought this information “without limiting what you may wish to include in your response”. It was clear from the Commissioner’s letter that the provision of parliamentary advice and services in return for payment, and compliance with the rules on the use of the facilities of the House, would fall within the scope of his investigation.
16. Lady Goudie’s appeal relies heavily upon the Commissioner’s use of the term “paid advocacy”, both in his letter of 15 July and in his follow-up letter of 21 July. The Commissioner’s use of the term in his letter of 15 July must

be understood in the context of the preceding paragraphs, which, as we have indicated, quote in full the relevant provisions of the Code. As he wrote to Lady Goudie in November, “My letter of 15 July 2022 identified all the provisions of the Code of Conduct that I considered to be engaged by the complaint, including the provision of parliamentary advice and services ... and the use of House of Lords facilities”. He continued: “The provision of parliamentary advice and services is another way of saying paid advocacy”.

17. The term “paid advocacy” derives from former editions of the Code of Conduct. Thus the 2016 Code (which was current when the alleged breaches occurred) stated, at paragraph 14: “A member must not act as a paid advocate in any proceeding of the House; that is to say, he or she must not seek by parliamentary means to confer exclusive benefit on an outside body or person from which he or she receives payment or reward.”
18. We believe that the term “parliamentary means”, used in paragraph 14 of the 2016 Code and in paragraph 16 of the current text, should be understood narrowly: it refers to proceedings in Parliament. This was even clearer in the pre-2010 Code, where the “no paid advocacy” rule stated that members “must not vote on any bill or motion, or ask any question in the House or a committee, or promote any matter, in return for payment or any other material benefit”.³
19. The term “paid advocacy” itself, however, was removed from the Code in 2019 (and replaced by the “exclusive benefit rule”).⁴ Nowhere is it defined in the current Code or Guide, and the Commissioner evidently used it in his letter of 15 July and subsequently as shorthand for the various rules set out in paragraphs 9, 12 and 16 (which he also quoted in full).
20. It is unfortunate that Lady Goudie, in echoing the narrower, pre-2010 “no paid advocacy” rule, appears to have misinterpreted the Commissioner’s use of the term “paid advocacy”. The deficiencies of the pre-2010 rule were analysed in the report of the 2009 Leader’s Group on the Code of Conduct, published following the “cash for amendments” investigation earlier that year:

“The phenomenon of what were variously described to us as ‘peers for hire’ or ‘peers on the cab rank’ is not acceptable. Membership of the House should not be a source of profit. However, we do not believe that it is practicable to address this issue by means of the existing ‘no paid advocacy’ rule.”⁵
21. Paragraph 9(d) of the current Code, first adopted by the House on the recommendation of the 2009 Leader’s Group, and repeatedly endorsed subsequently, was intended to address this lacuna, to prevent members from profiting from their membership by offering parliamentary advice or services to outside interests, even if they never seek to promote those interests by directly parliamentary means such as questions or amendments. That is as clear today as it was in 2009. As paragraph 19 of the Guide states:

3 Code of Conduct, agreed by the House on 2 July 2001, amended 24 July 2001, paragraph 4(d).

4 Conduct Committee, *Amendments to the Code of Conduct* (1st Report, 2017–19), HL Paper 401. The term “paid advocacy” was removed because of the risk that it could be read as only covering direct payment for advocacy, whereas it was intended to cover advocacy for any organisation in which a member has a financial interest (e.g. a shareholding).

5 *Report of the Leader’s Group on the Code of Conduct*, (Session 2008–09, HL Paper 171), para 45

“The prohibition from accepting payment in return for parliamentary advice means that members may not act as paid parliamentary consultants, advising outside organisations or persons on process, for example how they may lobby or otherwise influence the work of Parliament.”

22. Lady Goudie has repeatedly acknowledged that she advised ecoLegacy Ltd, entering into a “consultancy agreement” in December 2016, for which she was paid a total of €20,000 over a 10-month period. Under this agreement she herself says that “I advised them who to approach, the place to go to start to put your case”. She also accepts that as part of her work for ecoLegacy Ltd she offered to book a room on the Estate, and commissioned the Library to undertake research on behalf of the company. She has admitted that she breached these provisions, but dismisses them as “peripheral and irrelevant”.
23. It follows therefore that Lady Goudie has given us no good reason to uphold her appeal. We acknowledge that the use of the term “paid advocacy” may have contributed to her uncertainty. But it was clear from the outset that the Commissioner was investigating Lady Goudie’s compliance with all the relevant provisions of the Code, including paragraphs 9 and 12, and we do not consider this uncertainty as sufficient to justify setting aside the Commissioner’s findings. Moreover, we note that throughout the investigation, including in her appeal, Lady Goudie has neither engaged with the relevant provisions of the Code, nor has she disputed the factual evidence on which the Commissioner’s conclusions are based. We therefore conclude that Lady Goudie has failed to demonstrate that the Commissioner was “plainly wrong” in his findings.
24. **We dismiss Baroness Goudie’s appeal against the Commissioner’s finding that she has breached paragraphs 9(d), 12(a) and 12(c) of the Code of Conduct.**

Sanction

25. The Commissioner recommended that Lady Goudie be suspended from the service of the House for a period of six months. Lady Goudie has appealed against this recommended sanction, which she describes as “manifestly excessive and grossly disproportionate”.
26. In considering the sanction in this case, and in the case of the Earl of Shrewsbury (which is unconnected, but which came before us at the same meeting and engages similar provisions of the Code), we are conscious that no exact precedent exists. The nearest precedents are the various cases in 2009 and 2013 relating to lobbying, where the House imposed suspensions ranging from four to six months. All the members involved in those cases were subject to ‘sting’ operations by undercover journalists, who secretly recorded conversations in which they offered payment in return for various services. Some of the members expressed willingness to take part in relevant parliamentary proceedings, for example by tabling amendments, others offered other parliamentary services, such as help in setting up All Party Parliamentary Groups. In none of the cases did money change hands, nor did the members actually provide any paid parliamentary advice or services. But the House took the view that simply by indicating their willingness to provide such services, the members had committed serious breaches of the rules of the time.

27. In some respects the present case appears less serious than these precedents: as Lady Goudie says in her appeal, she did not offer to promote the interests of ecoLegacy in parliamentary proceedings, nor is there evidence to show that she personally provided parliamentary services to the company, for instance by approaching members of either House or by hosting functions in Parliament.
28. In other respects, though, the case is more serious, the key difference being that while previous cases never got beyond preliminary discussion, Lady Goudie did in fact enter into a consultancy agreement with ecoLegacy, provided parliamentary advice in fulfilment of that agreement, and was paid a total of €20,000 over a 10-month period.
29. The rules prohibiting the provision of parliamentary advice and services in return for payment or reward were adopted to uphold the integrity of the institution of Parliament, and reflect the key Nolan Principle of Selflessness, according to which “holders of public office should act solely in terms of the public interest”. As the Guide to the Code of Conduct emphasises, it is incompatible with this principle for members “to seek to profit from membership of the House”. The House has consistently viewed breaches of the relevant rules as matters of serious concern, and the Commissioner’s recommended sanction is in line with precedent. For these reasons, we endorse the Commissioner’s recommended sanction, and dismiss Lady Goudie’s appeal.
30. **We recommend that Baroness Goudie be suspended from the service of the House for a period of six months.**

Annex A: Report from the House of Lords Commissioner for Standards on the conduct of Baroness Goudie

CHAPTER 1: COMPLAINT AND INVESTIGATION

Summary of complaint

1. On 8 July 2022, my office received a complaint about the conduct of Baroness Goudie. The complainant alleged Baroness Goudie had lobbied parliamentarians and Government departments on behalf of ecoLegacy Ltd as part of its efforts to secure regulatory approval for its eco-friendly cremation alternative. The complaint also made several other allegations about Baroness Goudie’s involvement in legal disputes surrounding contracts, financial matters, and board membership. The complainant submitted evidence to support all these allegations, including copies of email exchanges and extracts from ecoLegacy Ltd corporate documents.

Relevant aspects of the Code

2. The conduct referred to in the complaint took place between June 2016 and March 2017, when the fifth edition of the Code of Conduct was in force. As there have been no substantive changes to the provisions of the Code of Conduct which Baroness Goudie’s conduct engaged since the fifth edition, and the current (or twelfth) edition is more readily available online,⁶ I⁷ reference the provisions of the twelfth edition in this report and refer to the differences with the fifth edition in footnotes where appropriate.
3. Paragraph 9⁸ of the Code of Conduct states:

“Members of the House:

 - (a) must comply with the Code of Conduct;
 - (b) should act always on their personal honour;⁹
 - (c) must never accept or agree to accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.”

6 Code of Conduct for Members of the House of Lords; Guide to the Code of Conduct; Code of Conduct for House of Lords Members’ Staff, Twelfth edition: June 2022: <https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/HL-Code-of-Conduct.pdf>

7 This investigation and report was completed by Martin Jelley QPM.

8 Paragraph 8 of the fifth edition of the Code of Conduct.

9 Paragraph 9(b) of the fifth edition of the Code of Conduct does not include the words “in the performance of their parliamentary duties and activities”. The addition of this wording in the twelfth edition simply clarified the scope of this part of the Code.

4. Paragraph 12¹⁰ of the Code of Conduct states:

(a) “In order to assist in openness and accountability members shall:

(b) register in the Register of Lords’ Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions;

(c) declare when speaking in the House, or communicating with ministers or public servants any interest which is a relevant interest in the context of the debate or the matter under discussion;

(d) act in accordance with any rules agreed by the House in respect of financial support for members or the facilities of the House.”

5. Paragraph 16¹¹ of the Code of Conduct states:

“A member must not seek by parliamentary means to confer exclusive benefit on an outside body or person (a) in which he or she has a financial interest (including by way of salary, fees, shareholding or other arrangement) or (b) in return for payment or reward.”¹²

6. Further to paragraph 12(c) of the Code of Conduct, paragraph 122 of the Code says the relevant rules on the use of facilities are set out in the Handbook on facilities and services for members and their staff,¹³ as agreed by the House of Lords Services Committee. A breach of those rules, which follow below, constitutes a breach of the Code of Conduct.

“Committee and meeting rooms

3. Committee and meeting rooms on the parliamentary estate are available to Members primarily for purposes relating to their parliamentary duties. However, it is accepted that members may need to use committee and meeting rooms for incidental purposes relating to their outside interests, including their commercial interests. However, with the exception of book launches for books written by members or primarily about them, such rooms may not be used to promote members’ outside interests. Committee and meeting rooms may not be used for promotional events. Neither may they be used for annual general meetings (except by All-Party Parliamentary Groups).”

“Library

10. The House of Lords Library is available to all members of the House. Library facilities and services are intended to assist members in carrying out their parliamentary duties. However, it is acceptable for a member to use readily available Library facilities to pursue enquiries

10 Paragraph 10 in the fifth edition of the Code of Conduct. The wording is identical.

11 Paragraph 14 of the fifth edition of the Code of Conduct.

12 The wording of paragraph 14 in the fifth edition of the Code of Conduct said: “A member must not act as a paid advocate in any proceedings of the House; that is to say, he or she must not seek by parliamentary means to confer exclusive benefit on an outside body or person from which he or she receives payment or reward.”

13 The text of this report refers to the relevant rules in Appendix 1 of the current edition of the Handbook, which was published in September 2022, with footnotes referring to any differences in Appendix 1 of the edition which applied at the time of the conduct in question (published in October 2015).

relating to outside interests, including commercial or business interests,¹⁴ so long as those facilities are not required by another member for use for parliamentary purposes. For the avoidance of doubt, research services may only be used for parliamentary purposes.”

Preliminary assessment

7. I carried out a preliminary assessment and, based on the evidence I received from the complainant, concluded that it would be appropriate to investigate whether Baroness Goudie’s conduct constituted a breach of the Code of Conduct. I wrote to the complainant on 15 July to confirm I had decided to open an investigation but only into the parts of the complaint which engaged the Code of Conduct.
8. I wrote to Baroness Goudie on 15 July to inform her that I had determined there was sufficient evidence to establish there was a *prima facie* case and that I was opening an investigation into whether paragraphs 9, 12 and 16 of the Code of Conduct had been breached. I invited her to provide me with a written response. My letter requested responses to five specific questions:
 - “1. Please can you provide me with a copy of your signed consultant agreement with ecoLegacy Ltd, including confirmation of its term?
 2. Can you explain why your interest in ecoLegacy Ltd was only registered in April 2017 when your work for them appears to have started in June 2016?
 3. I note that your personal website¹⁵ suggests you are an ‘active ambassador’ for ecoLegacy Ltd. As per your current entry in the register of interests, can you confirm that this is no longer a live interest?
 4. Please can you provide me with the details of any contact and correspondence you had with Government ministers and officials, and members of both Houses, regarding ecoLegacy Ltd, including any facilities of the House you may have used for such engagement?
 5. Did you consider whether your contact with Government ministers and officials, and members of both Houses, constituted paid advocacy on behalf of ecoLegacy Ltd? Were you trying to confer an exclusive benefit on them in representing their products to these individuals?”

Baroness Goudie’s written response

9. Baroness Goudie provided me with her written response on 19 July. She said:

“The complaint is totally misconceived. It is also a stale complaint. It relates to events in 2016–2018. It is an attempt to perpetuate a company dispute pursued by Edward Ennis, [redacted] and others against ECO Legacy Limited (ECO) in the Irish High Court in 2017. My response is summarised in my email dated 25 February 2018. This sets out the sequence and the position in relation to payments to me and with respect

14 The words “or business interests” were not included in the October 2015 edition of the Handbook. The October 2015 edition also included a footnote after “commercial interests”, which said: “The Director of Information Services and Librarian advises that requests relating to commercial interests can no longer be accepted by the Library.”

15 Baroness Goudie, ‘About’: <http://www.baronessgoudie.com/about> [accessed 7 November 2022]

to my Consultancy Agreement. It addresses the allegation of temporal inconsistencies. Events at that time were relatively fresh in my memory.

I invite you to reject the Complaint on the basis that it is an abuse of the House's process. That is for at least five reasons. First, there is the four-year delay in making the Complaint, and the prejudice that entails. Second, it is plainly an attempt to use the current process for the ulterior purpose of pursuing grievances, and an internal company dispute, in relation to ECO. Third, it is plainly seeking to re-litigate disputes that were dealt with in 2017/2018, including not least by the Irish High Court. Fourth, the Complaint is manifestly wholly misconceived. Fifthly, it is manifestly merely an attempt to smear me.

It is to be noted that reliance is sought to be placed by the Complainant on 8 email threads: (1) March 2017; (2) May 2016 – March 2017; (3) February 2017; (4) December 2016; (5) November 2016; (6) November 2016; (7) October 2016; (8) September 2016. If they had any relevance they could have been used as the basis for a Complaint over 5 years ago. Obviously, events were fresher in everybody's memories at that time. Also the Irish High Court proceedings related to a Board Meeting on 30 March 2017: please see paragraph 30 of the Witness Statement of [redacted], which refers to me. The Complainant's longer communication on 7 July 2022 relates to no event since June 2017 and seeks to repeat the claims to which I responded in February 2018. I rely upon that response. His shorter communication on 7 July 2022 relates to matters in December 2016/February 2017 and indicates that what this has always been all about is a company takeover with respect to a company wound up in 2018.

I had no notice of the revival of these old allegations against me until your letter to me dated 15 July 2022. It is unclear to me what precisely the Complainant's allegations are that are of any relevance to House of Lords Standards in 2016-2018 or 2022.

Thank you for indicating what you perceive as being the 5 "matters in question". I of course agree with you that matters should be dealt with in a "timely fashion". However, that is very opposite of the Complainant's approach.

I address the 5 points as follows.

First, I do not believe that I retain a signed copy of the Consultancy Agreement. If and when I find it I will immediately forward it to you. I have had various moves and reorganisations over the past 5 years, and I may never have retained a copy of the signature version I sent off.

Second, I agree that my interest in ECO was in prospect from June 2016. It eventually became firm in the first quarter of 2017. I apologize if there was any delay in registration.

Third, I confirm that I have had no live interest in ECO since 2017. I apologize for the omission to update the website. I had thought that the reference had been removed. It now has been.

Fourth, none, to the best of my recollection. Certainly none that I recall. As to correspondence, I retain none that may have existed, and am unable to add to the email threads that have belatedly been produced.

Fifth, No. I will of course at the time have considered the House Rules and punctiliously complied with them in all respects and at all times. I am wholly satisfied that any minimal contact, if any, I may have had did not in any way constitute paid advocacy or an attempt to confer a benefit. I advised all concerned that it was for them to make any contact, not me.

I am happy to assist you so far as I now can, but I repeat that it is unreasonable for me to be exposed to a revival of these apparent grievances so long after the material time.”

10. I responded to her letter on 21 July:

“Thank you for your letters of 19 July and the promptness of your response.

I want to begin by clarifying what I have chosen to investigate. As the elements of the complaint which concern disputes surrounding contracts, board membership and legal matters, including potential criminal offences, do not engage the Code of Conduct, I will not be investigating those matters. As set out in my letter of 15 July, my investigation will be restricted to the provisions in the Code which the complaint does engage, namely whether your interests were registered in a timely manner, and whether you have engaged in paid advocacy.

You have invited me to reject the complaint on the basis that it is an abuse of the House’s procedures, is misconceived and vexatious, as well as questioning its timeliness and relevancy to the House’s standards system. My role as House of Lords Commissioner for Standards is to make such assessments, before conducting independent and impartial investigations of alleged breaches of the Code of Conduct. As my letter of 15 July made clear, I conducted a preliminary assessment of this complaint, which included consideration of its validity, and concluded there was *prima facie* evidence that the Code has been breached.

While I can appreciate your frustration with the wider complaint, the motivation for, and timing of, the complaint is not material for the purposes of my investigation. Paragraph 140¹⁶ of the Guide to the Code of Conduct makes it clear that complaints must usually be made within six years of the conduct complained of. Therefore, the conduct in question appears to fall within the relevant period.

Thank you for responding to my five questions. I will now deal with your responses in turn:

1. Thank you for agreeing to send me a copy of the signed consultancy agreement if you can obtain a copy. In the meantime, you will note that a draft version of said agreement, including what is purported to be the signed final page, was included in the materials submitted by the complainant.

2. You have apologised if there was any delay in registering your ecoLegacy Ltd interests. Paragraph 12¹⁷ of the Code of Conduct makes it clear members

16 Paragraph 116 in the fifth edition of the Code of Conduct.

17 Paragraph 10 in the fifth edition of the Code of Conduct.

are required to register their interests in the interests of openness and accountability. Paragraph 40¹⁸ of the Guide to the Code of Conduct says it “is the responsibility of members to keep their entry up-to-date by notifying changes in their registrable interests within one month of each change occurring. Failure to do so breaches the Code of Conduct.”

3. Thank you for confirming that your interest in ecoLegacy Ltd is no longer a live one. I note the reference to this interest has now been removed from your personal website.

4. I note you do not recall any contact and correspondence you had with Government ministers and officials, and members of both Houses, regarding ecoLegacy Ltd, beyond the evidence included in the emails provided by the complainant.

5. I note your belief that you have always complied with the Code of Conduct.”

11. In the same letter I invited her to attend an interview with me, after the summer recess.

12. Baroness Goudie acknowledged my letter on 25 July, saying:

“Thank you for your letter of 21st July 2022.

I do not dispute that my interest may not have been registered in a timely manner. It will be necessary to check what the rules were at the material time.

I strongly dispute that I ever engaged in any paid advocacy of any kind in any way at any time.

Nor do I see the slightest evidence for this in any of the complainant’s voluminous materials.

It may be that a complaint can “usually” be made within six years. That begs the question whether this case is usual in that respect.

In any event, even if the complaint were in time, delay is highly relevant in doing justice and being fair.

I am happy to meet [redacted]

With best wishes.

Yours, Baroness Mary Goudie”

13. On 28 July, my office provided Baroness Goudie with a copy of the fifth edition of the Code of Conduct for her reference.

Baroness Goudie’s oral evidence and other evidence

14. I interviewed Baroness Goudie on 12 October. She was accompanied by her husband, James Goudie KC. Michael Torrance, Journal Office Clerk, and Sabrina Asghar, Assistant Standards Clerk, were also in attendance.

15. Baroness Goudie wrote to me the day after the interview, on 13 October, to provide more detailed feedback on the matters we discussed.

18 Paragraph 38 in the fifth edition of the Code of Conduct.

Background

16. I began by asking Baroness Goudie how she first came to be in contact with ecoLegacy Ltd. She explained that she was introduced to the company through a “colleague and good friend” of hers called [redacted], who was chairman of ecoLegacy Ltd at that time. She told me:

“... they asked me if I would like to be an adviser or consultant with them. They seemed a bit chaotic, but because of the chairman and other people who I knew I said fine, you know. And so, I said I would do some advice for them.”

17. We discussed why she thought she had been invited to get involved.

“BARONESS GOUDIE: Because I knew [redacted] well. We were friends. And I always gave [redacted], not gave but, you know, when he used to ask me about different things we’d always be helpful. And then he thought that this company that he was chairman of, that I could add something. I didn’t go on to the company board or anything.

MARTIN JELLEY: No.

BARONESS GOUDIE: But I could add some outside advice to him and to other members of the board.

MARTIN JELLEY: Were there specific skills that you think they were looking for in you?

BARONESS GOUDIE: They were looking for just general advice about what to do, where to go.

MARTIN JELLEY: Okay.

BARONESS GOUDIE: But not expecting me to do that. You know, that was for them to do.”

Consultancy agreement

18. We discussed her consultancy agreement with ecoLegacy Ltd. The complainant provided me with a copy of that agreement. While Baroness Goudie was unable to locate her own copy of that agreement, she did not dispute that the version provided by the complainant was a true copy.
19. Baroness Goudie described delays in concluding the agreement, which was signed on 12 December 2016, but applied retrospectively from 1 June 2016 until the start of April 2017. The agreement was that she would receive €2,000 per month under the arrangement, but there were also delays in receiving that payment. Baroness Goudie confirmed she was eventually paid a total of €20,000, in arrears, in February and March 2017.
20. Baroness Goudie confirmed that she provided advice and consultancy services to ecoLegacy Ltd under the agreement, including the services as a member of the advisory board listed in schedule 1 to that agreement. These were to:
- (a) “Contribute to the entrepreneurial leadership to the Company within a framework of prudent and effective controls which enable risk to be assessed and managed;

- (b) Contribute to the process of setting the Company’s strategic aims, ensuring that the necessary financial and human resources are in place for the Company to meet its objectives, and reviewing management performance;
 - (c) Assist in setting the Company’s values and standards and ensuring that its obligations to its shareholders and others are understood and met;
 - (d) Constructively challenge and help develop proposals on strategy; and
 - (e) Uphold high standards of integrity and probity and support the directors of the Company.”
21. We discussed clause 2.1 of the agreement, which required Baroness Goudie to “use reasonable endeavours to promote [ecoLegacy Ltd’s] interests” and clause 4.2, which said that without ecoLegacy Ltd’s written permission she may not “be involved in any capacity with any person, firm or company which directly or indirectly competes or may compete with [ecoLegacy Ltd].” I asked if she considered that clauses 2.1 and 4.2 could be interpreted as conflicting with paragraph 16¹⁹ of the Code of Conduct. She said: “I didn’t see it as that. My take was that I was within the rule(s) of what I thought of the Code of Conduct, ... that I was registering; I wasn’t lobbying.”
 22. I invited her to reflect on this further after the interview. In her subsequent letter she described clauses 2.1 and 4.2 as standard “boiler plate” provisions.
 23. I asked Baroness Goudie if she was aware of paragraph 20 of the Guide to the Code of Conduct (both editions) which says members “should, where possible, ensure that contractual agreements specifically exclude the provision of parliamentary advice or services”. She was not.
 24. Baroness Goudie told me that she did not receive payment, or any other incentive or reward, from ecoLegacy Ltd for anything other than the advisory services provided under the consultancy agreement, which she did not consider engaged the Code of Conduct in any way.

Registration of interests

25. We turned to the late registration of Baroness Goudie’s interest in ecoLegacy Ltd. The Registrar of Lords’ Interests confirmed that Baroness Goudie first notified them of her interest on 4 April 2017, subsequently notifying them that interest had ceased on 19 June 2017. As per the terms of the agreement, she confirmed that she “was doing work for them officially from June 2016.” The evidence I received, including the email exchanges reproduced in the appendices, confirms that Baroness Goudie provided advice to ecoLegacy Ltd more than a month before she registered her interest.
26. Baroness Goudie explained that she had delayed registering the interest until she had received the signed consultancy agreement but acknowledged this was a misunderstanding of the registration requirements. She confirmed that she did not approach the Registrar of Lords’ Interests for advice before finally registering the interest on 4 April 2017. She also suggested that the Registrar’s “way of working” had changed since that date, including issuing more regular prompts to members to register their interests.

¹⁹ Paragraph 14 in the fifth edition of the Code of Conduct.

Provision of parliamentary advice and services

27. Having established that Baroness Goudie had agreed to provide advice to ecoLegacy Ltd, we considered the nature of that advice, with reference to several email exchanges provided by the complainant (see Appendix 3). Baroness Goudie did not dispute the authenticity of these emails.
28. We discussed an email exchange between her and ecoLegacy Ltd staff, dated 18 and 19 October 2016, which referred to her role in setting the “strategy” on raising awareness within the Department for Environment, Food and Rural Affairs (DEFRA), including facilitating introductions to ministers and hosting a meeting in the House of Lords. Baroness Goudie considered the provision of such strategic advice to be consistent with her consultancy agreement but said she did not “set” the strategy and was not asked to, and did not, engage with ministers.
29. I asked her about the meaning of the reference in one of the emails to “a meeting in the House of Lords with a nice invitation/presentation would be desirable. This was Mary’s suggestion”.

BARONESS GOUDIE: No. What I said was, and they were members of, you know there’s an all-party... Well you may not know, there’s an all-party funeral group.

MARTIN JELLEY: Okay.

BARONESS GOUDIE: Which they were not members of. And I said...

MARTIN JELLEY: ecoLegacy weren’t members.

BARONESS GOUDIE: No. So I said, “You should join that”.

30. We discussed an email she had sent to ecoLegacy Ltd staff, dated 3 November 2016, in which she said she would produce a list of key parliamentarians in both Houses, including relevant committees and All-Party Parliamentary Groups (APPGs), as well booking a committee room to hold meetings. Baroness Goudie stressed that none of this activity took place, and if it had, ecoLegacy Ltd staff would have done all the work.

“BARONESS GOUDIE: It was like you’d tell anybody, “You only have meetings in the House on Tuesdays and Wednesdays now because MPs aren’t here”, you know. You know, saying who are the Peers.

MARTIN JELLEY: Albeit you are saying there that you would reserve a committee room as well, aren’t you?

BARONESS GOUDIE: Well, I’d reserve the room, and then if the APPG couldn’t get one I’d get it for the APPG and they could take it over. Because, you know, it has to be in a member’s name.

MARTIN JELLEY: Yes. And you were saying you would do some work around members of APPGs of different...

BARONESS GOUDIE: Well, I wouldn’t talk to the members.

MARTIN JELLEY: Yes.

BARONESS GOUDIE: “But these are the members”, you know, “that you’ve got to talk to”. I wouldn’t talk to them.”

31. We discussed an email exchange between her and ecoLegacy Ltd staff, dated 4 November 2016, which discussed the merits of approaching an MP. Baroness Goudie told me that she had never met the MP but did advise ecoLegacy Ltd to meet him as he was a member of the APPG for Funerals and Bereavement.
32. We discussed an ecoLegacy agenda document, dated February 2017, which said she was “arranging meetings with permanent civil servants”, and the draft minutes of an ecoLegacy Ltd Board meeting on 22 February 2017 which noted that “a draft letter would be finalised and agreed, with the assistance of Mary Goudie, to be issued to a representative in the Cabinet Office and / or the Ministry of Justice in the UK.” Baroness Goudie told me she never arranged any such meetings but did advise them on who to contact, which she suggested they could have “looked up” themselves. She also said that they never got round to sending the planned letter.

“MARTIN JELLEY: Okay. Did you support ecoLegacy’s engagement with civil servants in any government department other than what you’ve described to me so far, which is really telling them where to go and who to speak to...

BARONESS GOUDIE: Just telling them where to go and what to do.

MARTIN JELLEY: Okay. Anything else?

BARONESS GOUDIE: Just how you address a letter.

MARTIN JELLEY: Right. Okay. So did you proofread some of their letters?

BARONESS GOUDIE: No, I just told them how you have to address the letter.”

33. Baroness Goudie emphasised to me that her role was restricted to providing “general” advice to ecoLegacy Ltd about who to engage with and how, including specific individuals within government departments, but that she did not have any direct contact with any parliamentarians, ministers, or officials on ecoLegacy’s behalf. She told me that she had made this clear to the ecoLegacy Ltd chair and chief executive, including “that seeking to leverage my influence is NOT what I do”.
34. On 25 August I wrote to the permanent secretaries of DEFRA and the Ministry of Justice to ask them to share with me any documents and correspondence relating to any contact they may have had with Baroness Goudie and/or ecoLegacy Ltd. Both departments confirmed that they no record of any relevant meetings or correspondence. I also wrote to the MP in question on 14 October to ask if he had had any contact with Baroness Goudie. He confirmed he had met with representatives of ecoLegacy Ltd, but not Baroness Goudie.

Use of House of Lords facilities

35. We returned to the offer she made, in her email dated 3 November 2016, to reserve a committee room. I asked her if she had reserved a committee room

and how she thought her offer to do so interacted with paragraph 122²⁰ of the Guide which says that members’ use of the House’s facilities and services “are provided primarily to support members in their parliamentary work”, as well as the rule that committee rooms “may not be used to promote members’ outside interests”, except on an incidental basis.

36. Baroness Goudie emphasised that this “was about what might have happened in the future but did not happen” and that apart from “the mechanics of reserving a committee room, there was nothing I was proposing beyond consultancy, and I never did reserve a committee room”. If the room had been reserved, she told me that she realised “that would have been a mistake.”
37. On 11 September I wrote to the Director of Facilities to ask if Baroness Goudie had reserved any committee rooms between January and April 2017. He confirmed that Baroness Goudie had booked a committee room on only one occasion during that period – on 1 March 2017 for the Burma APPG. I understand Baroness Goudie was an officer of that APPG at that time and there is no suggestion that this breached the rules on the use of facilities.
38. We then moved on to the email she sent to ecoLegacy Ltd staff on 7 March 2017, which said: “The library does not have the details of contribution of cremation in London”.
39. Before the interview, on 10 September, I wrote to the Librarian of the House of Lords to ask if the Library had received any request for research work from Baroness Goudie. The Librarian confirmed that a response to a question about cremation and air pollution was emailed to Baroness Goudie by the Library on 10 March 2017. They did not record how the request was received but presumed it had been made verbally - whether in person or over the phone.
40. I asked Baroness Goudie if she had used the Library’s research services for the purposes of providing advice to ecoLegacy Ltd. I also asked how she could reconcile this with the rule that for “the avoidance of doubt, research services may only be used for parliamentary purposes”.

“MARTIN JELLEY: Okay. Can you remember what the result was of looking up the Lords Library?”

BARONESS GOUDIE: I couldn’t find anything.

MARTIN JELLEY: Okay.

BARONESS GOUDIE: And I don’t think they were that interested really.

MARTIN JELLEY: Okay. And would I be right in thinking that you would have asked a researcher or a librarian in the Library to look it up for you?

BARONESS GOUDIE: No, I know where to look stuff up in the Library.

MARTIN JELLEY: So you don’t think you engaged anyone...

20 Paragraph 104 in the fifth edition of the Code of Conduct.

BARONESS GOUDIE: No, I didn't engage anybody. I know my way around the environment bits and the housing bits, you know, whatever you're working on. I know where to look, as all members who use the Library regularly. Sometimes you ask for a speech. You might say, "Where can I get something for a speech?" But then they give it to you a few days later and note it.

MARTIN JELLEY: Yes, okay. Have we got anything from the Library, Michael?

MICHAEL TORRANCE: We've been in touch with them, yes. I think they received a request from you, I think.

MARTIN JELLEY: The Library are telling us – I haven't seen it...

BARONESS GOUDIE: No.

MARTIN JELLEY: But the Library are telling us that they received a request from you at this time about pollution and cremation. So I don't want to keep hold of that and not tell you that...

BARONESS GOUDIE: No, no. I don't recall asking anybody.

MARTIN JELLEY: You don't recall.

BARONESS GOUDIE: No. Because, you know, you go to the Library and you ask "Where is X?", or, "Where is Y?", and they say, "We haven't got it, but we'll get it tomorrow", or, "It's in another building. It's in Derby Gate", or whatever. "Don't worry. Don't go over. We'll get it for you", sort of thing.

MARTIN JELLEY: Yes. Just for completeness though, the rules around that are that you must use our facilities primarily for parliamentary purposes, and of course that's just going that little bit further, isn't it, in terms of an interest...

BARONESS GOUDIE: Sorry, I didn't really see it, but...

MARTIN JELLEY: But you can see what I'm putting forward.

BARONESS GOUDIE: Yes, I can see. I didn't see it as, you know, it was just looking it up, you know."

41. In her subsequent letter Baroness Goudie told me that the email on 7 March 2017 had "nothing to do with advocacy" and "was a factual response to a request for information and advice, and no more."
42. Following the interview, on 12 October, I requested a copy of the email response sent by the Library to Baroness Goudie (see Appendix 4). On 24 October, my office provided Baroness Goudie with a copy of the email. She responded to say: "My recollection, over five and a half years after the event, is as I stated in the interview."

The Code of Conduct and procedural fairness

43. During the interview, we discussed the operation of the Code of Conduct in general terms.

“BARONESS GOUDIE: ... it was such a long time ago before the Code of Conduct was really in place in the sense as it has been in the last X years ... the rules are more refined. You know exactly what the rules are.

MARTIN JELLEY: But, in fairness, I’ll gently push back and say the rules around sort of the lobbying aspects...

BARONESS GOUDIE: I didn’t do any lobbying. Yes. I see what you...

MARTIN JELLEY: Yes.

BARONESS GOUDIE: It looks as if I did, but I didn’t, and you can...

MARTIN JELLEY: Yes. We are on the 12th or 13th iteration now of the Code, so you’re right inasmuch as things have moved on from 2016. But I would say that the aspects around, you know, advocacy, paid lobbying – however you want to term it – have been pretty consistent throughout that period none the less.”

44. In her letter of 13 October Baroness Goudie repeated her earlier concerns about the fairness of the process, including the lateness of the complaint, that she had expressed to me in her July correspondence. She also picked up on the points she made about the application of the Code of Conduct during our interview. She said:

“The great delay is unexplained. It is unjustified. It is prejudicial. It is unfair. It is highly relevant in considering my evidence and any point sought to be made against me.”

“It is most unfair for me to have to engage at this time with the contents of these 2016/2017 emails and to do so in the light of the detailed provisions of the constantly changing Code as it was at those times. I cannot reasonably be expected to recall everything or even most of what I could have explained at the time or shortly after when events were fresh in the memory. This applies in particular to how much, or rather how little, of what may have been floated in emails actually in the event happened at all in practice, and how I interpreted the then Code.”

“The emails [in the evidence submitted] are clutching at straws in order to seek to make an ill-motivated and stale case by the Complainant that is not there and never has been there, and is raised at an unfairly late stage.”

“I am however very much confused by the shifting throughout of the goal posts as to what it is that is alleged against me (Non-registration/paid advocacy or a range of other matters) and how that ties in with what provisions of which Code or Guide.

This is part of a cumulative picture of UNFAIRNESS, further perpetrated by, amongst other matters:-

(1) The incoherence of the complaint against me [...]: it does NOT make clear, as required, in what respect the Member may have breached the Code.

(2) The outrageous nature of most of what he says;

- (3) The very late nature of the entire complaint: highly relevant to fairness even if not quite barred by limitation;
- (4) The total lack of any justification of, or even explanation for, the great delay;
- (5) That delay being obviously and significantly prejudicial to me;
- (6) Reliance being sought to be placed against me on 2016/2017 emails copied to me amongst others which were available to Mr Ennis from that time; and
- (7) There being no public interest identified or existing for further pursuing me at the present time, or after the 2018 exchange.”

CHAPTER 2: FINDINGS AND OUTCOME

Findings

45. Paragraph 19 of the Guide to the Code of Conduct (in both editions) says:
- “The prohibition from accepting payment in return for parliamentary advice means that members may not act as paid parliamentary consultants, advising outside organisations or persons on process, for example how they may lobby or otherwise influence the work of Parliament. The following is not parliamentary advice:
- advice on public policy and current affairs;
 - advice in general terms about how Parliament works; and
 - media appearances, journalism, books, public lectures and speeches.”
46. Paragraph 21 of the Guide to the Code of Conduct says:
- “The prohibition on accepting payment in return for parliamentary services means that members may not, in return for payment or other incentive or reward, assist outside organisations or persons in influencing members of either House, ministers or officials. This includes seeking by means of participation in proceedings of the House to confer exclusive benefit upon the organisation or person;²¹ or making use of their position to lobby, or to help others to lobby, members of either House, ministers or officials, by whatever means. A member may never provide parliamentary services in return for payment or other incentive or reward (regardless of whether the member intends to register and declare the interest).”
47. Paragraph 140²² of the Guide to the Code of Conduct says:
- “The complaint must usually be made within six years of the conduct complained of. In exceptional circumstances the Commissioner may investigate conduct which occurred more than six years before a complaint is made, provided that the Conduct Committee agrees and that it is satisfied that there is a strong public interest in the matter being investigated.”
48. In investigating and adjudicating allegations of non-compliance with the Code, I am bound to act in accordance with the principles of natural justice and fairness. It is also a requirement that the civil standard of proof (balance of probabilities) is adopted by me to find the allegation proven against a member.
49. Throughout this investigation, Baroness Goudie has responded fully and in a timely manner to all my requests for evidence. However, at times, I found her recollection of events did not accurately match the evidence in the form of emails.

21 Paragraph 21 of the fifth edition of the Code of Conduct included a reference to ‘(the “no paid advocacy rule”)’ in place of “or person”.

22 Paragraph 116 in the fifth edition of the Code of Conduct.

50. Having reviewed all the evidence in this case, it has been clearly demonstrated that:
- Baroness Goudie entered a consultancy agreement with ecoLegacy Ltd which applied from 1 June 2016 to the end of March 2017.
 - Baroness Goudie was paid a monthly retainer of €2,000 by ecoLegacy Ltd to provide them with advice and consultancy services based on a consultancy agreement.
 - Baroness Goudie did not register her interest in ecoLegacy Ltd until ten months after it first became a live interest.
 - Baroness Goudie provided advice to ecoLegacy Ltd about which parliamentarians and government officials to engage with to promote its objectives before the interest was registered.
 - Baroness Goudie did not directly approach parliamentarians, ministers or officials on behalf of ecoLegacy Ltd.
51. While the advice and services provided under Baroness Goudie’s consultancy agreement are defined in general terms, the evidence, including by Baroness Goudie’s own admission, is clear that she provided specific advice to ecoLegacy Ltd about which parliamentarians and government officials to engage with and the most of effective way of doing so. The Code of Conduct is clear that parliamentary advice of this nature is prohibited.
52. While the meetings with parliamentarians did not take place, and no committee room was reserved, Baroness Goudie’s willingness to facilitate this is still a breach of the Code of Conduct.
53. It is also clear that Baroness Goudie’s use of the House of Lords Library research services to support her work for ecoLegacy Ltd was a breach of the Code of Conduct.
54. **Baroness Goudie’s ten-month delay in registering her interest in ecoLegacy Ltd represents a clear breach of paragraph 12(a) of the Code of Conduct, which requires members to register in the Register of Lords’ Interests all relevant interests in the interests of openness and accountability.**
55. **Baroness Goudie’s emails of 3 and 4 November 2016, in which she offered to advise ecoLegacy Ltd on which parliamentarians to engage, represent a clear breach of paragraph 9(d) of the Code of Conduct, which states that members “must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.”**
56. **While no committee room was ultimately booked, Baroness Goudie’s offer to reserve a room for the purposes of ecoLegacy’s engagement with parliamentarians represents a clear willingness to breach paragraph 12(c) of the Code of Conduct, including the rule that “such rooms may not be used to promote members’ outside interests.”**
57. **Baroness Goudie’s request for research support from the House of Lords Library in support of her interest in ecoLegacy Ltd represents**

a clear breach of paragraph 12(c) of the Code of Conduct, including the rule that for “the avoidance of doubt, research services may only be used for parliamentary purposes.”

58. **On the balance of probabilities, I do not consider there is any evidence that Baroness Goudie breached paragraphs 9(c) or 16 of the Code of Conduct, which forbids members from exercising parliamentary influence, or seeking by parliamentary means to confer an exclusive benefit on outside body, in return for any incentive, payment or reward.**

Baroness Goudie’s response to the draft report and findings

59. In accordance with paragraphs 155 and 169 of the Guide to the Code of Conduct, Baroness Goudie was provided with a copy of the draft factual report and my provisional findings and was offered the opportunity to provide comments. Baroness Goudie was also offered the opportunity to provide any material she wanted me to take into account when considering a recommended sanction.
60. Baroness Goudie’s response is reproduced at Appendix 1. My response to the points she raised is included at Appendix 2.
61. I did not make any substantive changes to the report after reading Baroness Goudie’s response but did take the opportunity to clarify one area as noted in my response.

Sanction

62. While Baroness Goudie acknowledged the failure to register her interest in ecoLegacy Ltd in a timely manner, she refused to accept that her conduct had engaged, or breached, any other aspect of the Code of Conduct, despite the clear wording of its provisions and the strength of the evidence to the contrary which was presented to her.
63. Throughout my investigation, Baroness Goudie also chose to cast aspersions on the operation of the Code of Conduct and the fairness of my investigation—suggesting, at times, that the relevant provisions had changed since the time of the conduct in question and were now policed more rigorously than had previously been the case. I do not believe this is a fair characterisation of the situation, and at the time her conduct occurred, there were already several published Commissioner reports relating to members who had been paid to provide parliamentary advice or services or who had expressed a willingness to be paid for doing so. Even had the terms of the Code of Conduct, and its regulation, changed significantly, this would not have obviated a member’s obligation to continue to be aware of, and adhere to, its provisions. In her feedback on my draft report, rather than challenging the substance of what I had determined, Baroness Goudie suggested that some of my findings should be obviated because of what she considered to be the unfairness of my approach.
64. While I found that Baroness Goudie did not provide any parliamentary services to ecoLegacy, or directly engage with any parliamentarians, ministers, or officials on their behalf, being paid to provide parliamentary advice is still a serious breach of the Code of Conduct. Cases like this understandably erode public trust in politics and politicians.

65. **Having considered the seriousness of the breaches, as well as the factors outlined above, I recommend that Baroness Goudie be suspended from the service of the House for a period of six months.**

APPENDIX 1: BARONESS GOUDIE'S RESPONSE TO THE DRAFT FACTUAL REPORT AND FINDINGS

Dear Martin Jelley,

Thank you for your letter dated 1 November 2022 and accompanying draft report with provisional findings.

I do not seek to repeat what I have previously said, in writing and orally, but I do at this stage wish to emphasize two fundamental matters, both of which go to basic fairness, or rather unfairness.

FIRST, paragraph 7 purports to identify three key questions. However, as is apparent from paragraphs 8, 10 and 12, and is the case, only two of these were identified for me to deal with, and I fully engaged with both. These were late registration, which I admitted, and paid advocacy, which I dispute. The additional third question, parliamentary advice or services for payment, was not identified. Nor were use of the House of Lords Library or reserving rooms identified, either on 15 or on 21 July 2022, or at any time before the interview. This fatally taints the findings at paragraphs 51, 55, 56 and 57.

SECOND, at paragraph 27, reference is made to the “authenticity” of all the emails provided by the complainant. However, more to the point, as regards relevance and reliability, there are big issues. Most of the emails were not FROM me. At paragraph 49 it is stated that my recollection (almost 6 years after the event) did not accurately match the “evidence” in the form of emails. To the extent that my recollection did not match other people’s emails, and in particular the lengthy email from the complainant himself, that is NOT “evidence” against me.

Moreover, the very late, and unexplained and unjustified production of the 2016/2017 emails, cannot give them greater weight as compared with my recollection once they were eventually put forward in July 2022. Only some of the emails are evidence at all, they are of reduced not enhanced weight as compared with my testimony, and reliance upon them against me is another example of the unfairness that is the main characteristic of the complaint.

Yours Sincerely,

Baroness Mary Goudie

APPENDIX 2: THE COMMISSIONER'S RESPONSE TO BARONESS GOUDIE'S RESPONSE TO THE DRAFT FACTUAL REPORT AND FINDINGS

Dear Baroness Goudie,

Thank you for your letter of 4 November and your views which I have carefully considered. Specifically, you raise two “fundamental matters” which you suggest have rendered my investigation unfair.

Addressing each of your points in turn:

1. Identification of the relevant provisions in the Code of Conduct

Contrary to your assertion, my letter to you of 15 July 2022 identified all the provisions of the Code of Conduct that I considered to be engaged by the complaint, including the provision of parliamentary advice and services (paragraph 9(d)) and the use of House of Lords facilities (paragraph 12(c)). This part of my letter was not referred to in the draft report, but I will include such a reference in my final report in the interests of transparency.

Please note that the provision of parliamentary advice and services for payment is another way of saying paid advocacy. Regarding the facilities of the House, as quoted in the draft report, my letter of 15 July specifically asked if you had used any in relation to the alleged engagement with politicians and officials. As you will be aware from the rules on the use of facilities, this includes both the use of committee rooms and library services. My letter also enclosed the evidence submitted by the complainant, which included the emails from you discussing the use of those facilities.

Your letter to me of 19 July did not respond to the facilities question. I chose to explore this matter and the provision of parliamentary advice and services (or paid advocacy) in more detail during our interview. In that interview I asked you questions about these matters to which you responded. You also wrote to me the following day to provide further perspectives about the same matters. Therefore, I do not accept that my approach to notifying you about the parts of the Code of Conduct I was considering, including the opportunities you had to respond to these, was in any way unfair or “fatally taints” my findings.

2. Relevance and reliability of email evidence

I do not accept your contention that the emails in question cannot be considered as evidence due to their age, nor the assumptions you have made regarding the weight I have allocated to the emails relative to other sources of evidence. The passage of time means that emails such as this can provide an important record of events which are difficult to recall in the present. As my finding in paragraph 55 of the draft report makes clear it was the emails written by you on the 3 and 4 November which I awarded particular weight in determining that a breach of paragraph 9(d) had occurred.

Furthermore, in reaching my findings, I did not simply rely upon the emails in question, but also considered your written and oral testimony, including your perspective on those emails. I also requested and received information from the House of Lords Administration, government departments and an MP. I assessed, and tested, all sources of the evidence in accordance with the required standard

of proof. While the evidence, on the balance of probabilities, led me to determine you had breached paragraphs 9(d), 12(a) and 12(d) of the Code of Conduct, it also led me to determine that there had been no breach of paragraph 16 of the Code.

For these reasons, beyond the clarification I've identified above, I do not intend to amend the substance of my report and will shortly be sending my final report to the Conduct Committee and writing to you with details of the appeals process.

For the avoidance of doubt, I should remind you that the requirements of confidentiality remain in place until any report is published.

Yours sincerely,

Martin Jelley QPM
Commissioner for Standards

APPENDIX 3: EVIDENCE INCLUDED AS PART OF THE COMPLAINT

4 November 2016, Email exchange between Baroness Goudie and ecoLegacy Ltd

Re: [redacted]

I once sat next to [redacted] in a minibus in Washington DC. Nice guy, but I think we can find better MPs to champion this.

[redacted]

CC'ing Baroness Goudie too, since she knows the Parliamentary characters better than I.

Not friendly or easy

Many better MPs

Yours

Mary
Baroness Mary Goudie

3 November 2016, Email exchange between Baroness Goudie and ecoLegacy Ltd

Re: meetings

Dear [redacted],

Further to our call and email, prior/simultaneously to publishing of articles that we are commissioning, we need to hold 2 or 3 meetings from the 2nd week in January onwards, (as we are moving into half term recess, and then it is a short run to Christmas, etc).

Once we have dates, I will reserve the Committee Room.

The best days to hold these meetings are Tuesdays or Wednesdays.

We will also need to put together a list of key Parliamentarians,

House of Lords, House of Commons.

including MP's of constituencies who we will be initially operating in.

Members of both Houses and environmental committees, APPG Environment, and I will look at other APPGs, such as the APPG of undertakers.

Also other MP's who we wish to include.

I will draw up a list of MP's and Peers and other interested parties next week.

Baroness Mary Goudie

Dear Mary,

Thanks for this - I think the parliamentary meetings will be very important to help build some momentum.

Mid-January does sound a good date to work toward. However, it depends on the environmental impact research and whether it will be completed on time. [redacted] should have additional information on this in due course. Once we have this, it should be able to help us/me pull together a more detailed time frame of what needs to be prepared by then.

[redacted]

18 & 19 October 2016, Email exchange between Baroness Goudie and ecoLegacy Ltd

Dear All,

Following a strategy meeting with [redacted], [redacted], [redacted] and myself last week, it was decided to 're-state' our objectives in relation to the deliverables and expectations of several 'divisions' within ecoLegacy.

[...]

There are two primary areas of activity. The first area is the UK. The roadmap here is clear. The activity and deliverables defined. These were provided to [redacted] and Mary on the 12th of July and to [redacted] on the 29th of August.

We met with the MoJ (twice now) and they are supportive. We are currently not 'unlawful', but nor are we regulated. They have suggested that we put a paper together seeking to be regulated under the current rules.

To do so we need the following bits and bobs to go into our paper:

- [...]
- Support (written) from DEFRA that this is an understood process, with lower emissions than cremation and is environmentally desirable over traditional methods. There is also a need to raise awareness in the Department in general, such that the process is understood at several levels. Mary said that she would set the strategy on this and ensure that we enter and the correct level and work both up and down the organisation to get maximum coverage.
- Also on a Minister-to-Minister level eventually. Mary, we are relying on you here to plan the approach and make those introductions. We'll do the technical bit. There is a big COP21 / Climate Change angle that they can benefit from as a good news story. They can really make a serious contribution to the lower goals in the coming years. Even a statement at a point in time (not initially obviously) to say that all flame cremation will be banned by 20XX, saving 35 million trees worth of CO2 annually, would be an amazing story, and achievement for us. Regardless of the short term goals - I think a long term relationship is needed here. This will need multiple points of contact and ongoing input.
- DCLG - we need to address these people to gain their support, especially in relation to faith based concerns. Endorsement, or at least no opposition written statements are needed to support our case to the DCLG and also to be included in our paper to the MoJ. The Archbishop of Canterbury, a senior

rabbi, perhaps someone senior from the Muslim community etc. We may not be for everyone, but ‘no opposition’ to the process would be better than nothing or ‘opposition’. It would also really strengthen our case. [redacted] said that he’d lead on this. Mary is also friends with the Archbishops mum.

- [...]
- We also spoke of the need to create a general awareness and even a move to more of a regulatory change (opposed to legislation). To do this, a meeting in the House of Lords with a nice invitation and presentation would be desirable. This was Mary’s suggestion.

The first objective is to get a paper into [redacted] of the MoJ with the supporting documents that she has called for. This will allow us to be classified as ‘cremation’ and to come under the regulations associated with same. Step two is to move to separate regulation or, to pressure DEFRA in particular to tighten their regulation on traditional cremation such that existing plant is forced to upgrade when it is time, to a system that offers a new ‘gold standard’ of emissions - us!! There are rules in relation to emissions that require people to use (or consider - there have to be good reasons why not to use) the ‘Best Available Technology’ (BAT’s for short). We need to ultimately seek to regulate cremation out of the market.

[...]

I hope that this clarifies [redacted]’s immediate short term goals, objectives and activities

Kindest regards,

[redacted]

Dear [redacted]

Thank you, I am meeting [redacted] with [redacted] tomorrow

Yours

Mary
Baroness Mary Goudie

APPENDIX 4: HOUSE OF LORDS LIBRARY

10 March 2017, Email from House of Lords Library to Baroness Goudie

Dear Lady Goudie

I am writing in response to your request for information on cremation and air pollution.

Unfortunately, there is not a great deal of information available on the subject. However the following information may be of interest.

- The article ‘Toxic Emissions from Crematories’, Environmental International, October 2009, no 36 vol 1, pp 131–7, states in its abstract:
 - In recent years, the cremation ratio of cadavers has increased dramatically in many countries. Crematories have been identified as sources of various environmental pollutants, being polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/Fs), and mercury those raising most concern. In contrast to other incineration processes for which the number of studies on their toxic emissions is considerable, references related to PCDD/F and mercury emissions from crematories and their health risks are very limited. In this paper, the scientific information concerning these issues, using the databases PubMed, Scopus and Scirus, is reviewed. Results show that in comparison with PCDD/F emissions from other sources, those corresponding to crematories are significantly lower, while those of mercury should not be underrated.
- BBC, ‘Cremation Delays to Cut Mercury Emissions’, 10 July 2016; and ‘A Grave Business: The Rise of Alternative Funerals’, 7 January 2016
- Reuters, ‘EU Should Curb Mercury Emissions from Cremations, Campaigners Say’, 12 January 2015
- European Environmental Bureau, ‘It Is Now Time to Phase Out Dental Amalgam Use in the European Union’ (letter), 26 October 2016
- Tess Riley, ‘Ten Eco-Friendly Funeral Ideas’, Guardian, 18 March 2014
- House of Commons, ‘Written Question: Mercury: Crematoria’, 25 June 2007, col WA112

I trust this is of assistance.

Yours sincerely

Library Research Assistant
 Research Services
 House of Lords Library
 London SW1A 0PW

7 March 2017, Email exchange between Baroness Goudie and ecoLegacy Ltd

Fwd: How bad is air pollution in the UK? - BBC News

[redacted]

Looping in Mary & [redacted]

Mary

Is there anything you think we can do here - to highlight the contribution that cremation makes to pollution in London (but without going too far towards scare tactics in our messaging)?

We'd greatly appreciate your thoughts

Best

[redacted]

Dear [redacted]

The library does not have the details of contribution of cremation in London - I will try the GLA

Yours,

Mary

Baroness Mary Goudie