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## Summary

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5 On 19 July 2021 I started an inquiry, on my own initiative, into whether the Rt Hon James Cleverly MP had failed to register within 28-days his acceptance of a ticket to the BRIT Awards 2021, on the Register of Members' Financial Interests, in accordance with Rule 14 of the 2019 House of Commons Code of Conduct.

10 Following a reference to Mr Cleverly's attendance at the BRIT Awards in an online Politico article - 'Spotted at the BRITS' dated 12 May 2021, I undertook a review of the Member's entry in the Register of Members' Financial Interests. My review found that, although Mr Cleverly had registered his attendance at the event, he had failed to meet the 28-day deadline set by the House. Mr Cleverly's registration entry was made on 24 June 2021, 16 days after the 28-day deadline set by the House.

15 During my investigation, I sought comments from Mr Cleverly who said that he had been invited to the event as a Minister and intended to declare the interest on the Ministerial Transparency Register. Mr Cleverly added that, in response to correspondence from my office, he decided to also declare his attendance at the event on the Register of Members' Financial Interests because he felt that it was better to be safe than sorry.

I also sought advice from House Authorities about the rules and guidance on the Registration of Members' Financial Interests.

20 Having considered the information available to me, I concluded that Mr Cleverly had received the invitation to attend the BRIT Awards 2021 in his capacity as Minister of State for Middle East and North Africa. Therefore, Mr Cleverly was not required to register his acceptance of the ticket on the Register of Members' Financial Interests, because it was recorded on the Register of Ministerial Interests.

25 In view of the above, I found no evidence of a breach of the Code of Conduct for Members of Parliament and take no further action in this matter. However, the entry in the Register of Member's Financial Interests should be removed to ensure Mr Cleverly's entry is accurate and up to date.

## Written evidence

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### 1. Extract of article from Politico, 12 May 2021

**POLITICO London Playbook: Spotted at the Brits — The COVID Chilcot — Top billing** BY EMILIO CASALICCHIO

5 May 12, 2021 7:59 am

...

10 **FIRST WESTMINSTER NIGHT OUT:** MPs, aides and hacks were glitzing it up at the Brit Awards last night — marking the first time a significant chunk of the Westminster bubble has found itself at one big event since the pandemic struck. The Brits formed part of the COVID-19 trials on mass gatherings, meaning 4,000 people packed into the O2 arena with no face masks or social distancing.

15 ...

*12 May 2021*

### 2. Letter from the Commissioner to the Rt Hon James Cleverly MP, 19 July 2021

20 Following the publication of an on-line article by Politico on 12 May 2021<sup>1</sup> and my review of the Member's Register of Financial Interests, I have decided to open a formal inquiry on my own initiative into your compliance with paragraph 14 of the House of Commons Code of Conduct for Members of Parliament, using the authority given to me by Standing Order No. 150. I have enclosed a copy of the article with  
25 this letter.

#### **The scope of my inquiry**

My inquiry will focus on whether by failing to register your acceptance of a complimentary ticket for the Brit Awards, which took place on 11 May 2021, within  
30 28 days of receipt, you have acted in breach of paragraph 14 of the House of Commons' Code of Conduct for Members of Parliament.

If the scope of my inquiry changes, I will update you in writing.

#### **The relevant rules of the House**

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<sup>1</sup> <https://www.politico.eu/newsletter/london-playbook/politico-london-playbook-spotted-at-the-brits-the-covid-chilcot-top-billing/>

The overarching rules are found in the House of Commons' Code of Conduct for Members.<sup>2</sup> Paragraph 14 of the Code states:

5           *"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders."*

10       The *Guide to the rules relating to the conduct of Members*, which is appended to the Code, contains more detail about registration. Chapter 1, paragraph 2 states:

### Requirements of the House

15           2. The House requires new Members, within one month of their election, to register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. **After that, Members are required to register within 28 days any change in those registrable interests.** Such a change includes both the acquisition of a new interest and the ceasing of any registered interest, for example because an employment has ceased or because a holding has reduced in value or  
20           been sold. **[My emphasis]**

### Category 3: Gifts, benefits and hospitality from UK sources

#### Threshold for registration

25           22. Members must register, subject to the paragraphs below, any gifts, benefits or hospitality with a value of over £300 which they receive from a UK source. They must also register multiple benefits from the same source if these have a value of more than £300 in a calendar year.

#### Requirements for registration

#### 23. Under this category Members must register:

30           Any benefits which relate in any way to their membership of the House or political activities, if provided by a UK source either free or at concessionary rates, including:<sup>3</sup>

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<sup>2</sup> <https://publications.parliament.uk/pa/cm201719/cmcode/1882/188201.htm>

<sup>3</sup> FN31 A concessionary rate should be valued by reference to the nearest equivalent commercial rate.

a) event or travel tickets;

b) hospitality in the UK, including receptions, meals and accommodation;

...

## 5 Next steps

I would welcome your comments on the allegation that your alleged actions have amounted to a breach of paragraph 14 of the Code of Conduct for Members. I would also be grateful for your answers to the following specific questions:

- 10 1. Are you aware of the requirement to register all new financial interests within 28 days of acquisition?
2. Please can you outline the circumstances that caused this interest to be registered outside of the 28 days as set by the House, and what prompted you to register your acceptance of the ticket to the Brit Awards 2021 on 30 June 2021?
- 15 3. If, on reflection, you accept that this interest was not registered within the deadline as set by the House, please explain what steps you will now take to prevent any further late registrations?

20 It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

### Important information

25 My inquiries are conducted in private. However, following the decision taken by the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.

30 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published.

The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [details

redacted] for a range of issues, including support with handling the impact of media attention.

### **Procedure**

5 I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

10 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

15 Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

### **Potential outcomes**

20 Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may, in circumstances defined by Standing Order No. 150, uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the investigation material, including our correspondence, will be published on the Parliament website.

25 If I uphold the allegation, and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My memorandum to the Committee will be published as an appendix to the Committee's own Report.

30 Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). Please tell me if you provide sensitive material that you think I should redact. I will consider carefully any such request.

### **Action**

I would be grateful to have your response to this letter as soon as possible and no later than Friday 30 July 2021. Please let me know before that date if you require more time to respond.

5 If you would prefer me to communicate with you by email, or via a different postal address, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you.

10 Due to the Current health crisis, my team are working from home only, so I would be grateful if you could send your response electronically to; [standardscommissioner@parliament.uk](mailto:standardscommissioner@parliament.uk).

Thank you for your cooperation with this matter.

*19 July 2021*

### **3. Letter from the Rt Hon James Cleverly MP to the Commissioner, 21 July 2021**

15 Thank you for your email dated 19th July 2021 regarding the complimentary ticket to the Brit Awards, of which value was unspecified, but which I estimate to be valued at approximately £850.

I attended the event in a ministerial capacity and that I planned to record this in my ministerial transparency declaration.

20 I would be grateful for clarification on whether I should register such events in both my ministerial transparency return and with the House.

*21 July 2021*

### **4. Letter from the Commissioner to the Registrar of Members' Financial Interests, 26 July 2021**

25 I would like to ask your advice on an investigation I have recently initiated into the Rt Hon James Cleverly MP. Specifically that, contrary to paragraph 14 of the Code of Conduct for Members, Mr Cleverly accepted a ticket for the Brit awards 2021 on 11 May 2021 but failed to register it under Category 3: "Gifts, benefits and hospitality from UK sources" until 24 June 2021, some 16 days after the timescale required by  
30 the House.

I enclose a copy of my letter to the Member, dated 19 July 2021, and their reply, of 22 July 2021. I have also enclosed a copy of the supporting evidence which led to me initiating this inquiry for your information.

5 In his response, Mr Cleverly said that he believed the ticket, which he described as being “of an unspecified value”, had been complimentary. It should also be noted that, despite Mr Cleverly making the late entry in the Member’s Register of Interests, he stated that he had attended the event in his ministerial capacity and intended to include it in his ministerial transparency declaration.

Given the above, I would welcome your view on the following:

- Was Mr Cleverly required to register his acceptance of the ticket in the Register of Members’ Financial Interests?
- 10 • If so, does Mr Cleverly’s entry in the Register meet the requirements for registration under Category 3 of the Code of Conduct?
- Is any additional information required regarding Mr Cleverly’s ministerial register entry?

It would be very helpful to have your reply by 9 August 2021.

15 If you require further information from Mr Cleverly before giving your advice, I would be happy for you to contact him directly.

*26 July 2021*

#### **5. Letter from the Commissioner to the Rt Hon James Cleverly MP, 27 July 2021**

Thank you for your letter dated 21 July 2021, and for the information you provided.

20 In my letter to you of 19 July 2021, I said that I may seek the advice of the House authorities as part of my investigation. I can confirm that I have written to the Registrar of Members’ Financial Interests and a copy of that letter is included for your information (minus the enclosures previously shared with you).

25 Once I have received the Registrar’s reply, I will write to you again regarding the next steps. In the meantime, this matter remains protected by parliamentary privilege and should continue to be kept confidential.

*27 July 2021*

#### **6. Letter from the Registrar for Members’ Financial Interests to the Commissioner, 3 August 2021**

30

Thank you for your letter of 26 July asking about an entry in the Register of Rt Hon James Cleverly MP.



Mr Cleverly was late in registering a visit to the Brit Awards.

I shall respond to your questions in the order in which you asked them.

1. Was Mr Cleverly required to register his acceptance of the ticket in the Register of Members' Financial Interests?

5 Mr Cleverly tells you that he received the ticket in his Ministerial capacity . On that basis I would have advised him that he was not required to register it in the Register of Members' Financial Interests. If I had spoken to Mr Cleverly in advance of his Register entry I would have drawn his attention to paragraph 16 of the Introduction to the Guide to the Rules, which I have reproduced below. (I have highlighted the  
10 most relevant sentence.)

### **Ministers of the Crown**

15 16. Ministers of the Crown who are Members of the House of Commons are subject to the rules on registration and declaration of interests in the same way as all other Members (although Ministerial office is not registrable and salaried Ministers may still speak in support of Government policies without breaching the restrictions on lobbying for reward or consideration). Members are not required to register either Ministerial office or benefits received in their  
20 capacity as a Minister. But Ministers are subject to the further guidelines and requirements laid down by successive Prime Ministers in the Ministerial Code, available from the Cabinet Office. These are not enforced by the House of Commons and so are beyond the scope of this Guide.

25 If so, does Mr Cleverly's entry in the Register meet the requirements for registration under Category 3 of the Code of Conduct?

I have two concerns about this entry in the Register:

Mr Cleverly has recorded this benefit in the Register outside the 28-day deadline agreed by the House. Of course, this would be important only if you decide that the rules did require him to register this ticket.

30 I see also that Mr Cleverly has registered the value of this ticket and hospitality as £850. I believe the other members who registered similar tickets and hospitality from this donor recorded the value as £900 (which includes VAT). You may therefore wish to ask him to confirm the figure given in the Register. Again, this  
35 would be important only if you decide that the rules did require him to register this ticket.

Is any additional information required regarding Mr Cleverly's ministerial register entry?

I would not normally ask a Member for information about what they had disclosed to their department about benefits they had received.

5 I see that Mr Cleverly has not said why he decided to record this benefit in the Member's Register despite having received it in his Ministerial capacity, and I would probably have asked him about this. It is not immediately obvious to me how the invitation related to his Ministerial portfolio, and I might for example have asked him to which of his offices the ticket was sent, and how it was addressed. If for  
10 example the ticket was received by Mr Cleverly's private office in his department of state, this suggests that it was received in his Ministerial capacity.

I would also have reminded Mr Cleverly that, whether or not he decided to register this, he ought be aware of the possible need to draw attention to the interest in proceedings, in discussion or in correspondence; in fact on almost any occasion  
15 when others might reasonably consider it to influence him. Full guidance on such ad hoc disclosures (declarations) is in Chapter 2 of the Guide to the Rules.

*3 August 2021*

#### **7. Letter from the Commissioner to the Rt Hon James Cleverly MP, 6 August 2021**

20 In my letter of 27 July 2021, I explained that I would be seeking the advice of the Registrar of Members' Financial Interests. I have now received the advice, and I enclose a copy of the response dated 3 August 2021 for your information.

In view of the Registrar's advice and comments, I would ask that, in order to assist me further with my inquiries, you provide the following information:

- 25
- A copy of the invitation to the BRIT Awards 2021 from BPI, and your response.
  - A copy of the notification from BPI of the value of the ticket.
  - What action did you take to clarify the capacity in which you had been invited to the event? If no action was taken, please explain why you took  
30 the view that the invitation had been made to you in your capacity as Minister of State for Middle East and North Africa?
  - Please explain why, if you believed you had been invited to the event in your capacity as Minister of State for Middle East and North Africa, you also registered the ticket on the Register of Members' Financial  
35 Interests?

Please could you reply by 20 August 2021. In the meantime, our correspondence remains protected by parliamentary privilege, and I must ask that you continue to maintain the strict confidentiality of the inquiry.

*6 August 2021*

5 **8. Email from the Rt Hon James Cleverly MP to the Commissioner, 23 August 2021**

Thank you for your letter of the 6th of August.

10 Thank you also for confirming that there is no requirement for ministers to record hospitality in both the ministerial transparency return and the parliamentary register of interests.

The invitation to the BRIT Awards was arranged by my former SPAD and came in the form of an email to my parliamentary office. At the event the hosts lobbied me on government policy towards mass participation events and testing, artists touring overseas, music as a UK economic and cultural export, etc.

15 It was clearly not a political event (there were MPs from other parties) and had no constituency connections. I therefore assessed that I had been invited as a government minister and decided to record it accordingly. There was no explicit price on the invitation but it was clearly worth more than the threshold for declaration.

20 You ask why, if I intended to record in the ministerial transparency return, did I also register this event in the parliamentary register. Upon receiving your initial email on this I thought it better to be safe than sorry and so instructed my PA to register with you while seeking clarification as to whether this was necessary, which you confirmed it was not.

25 I hope this addresses the queries that you had.

*23 August 2021*

**9. Letter from the Commissioner to the Rt Hon James Cleverly MP, 24 August 2021**

30 Thank you for your email received 24 August 2021. I have now had an opportunity to consider your response.

35 In your letter, you referred to the advice provided by the Registrar of Members' Financial Interests, specifically, that Members are not required to register benefits received in their capacity as a minister in both the Register of Members' Financial Interests and the minister transparency register. However, you may also recall that the Registrar also advised:

5 *“... It is not immediately obvious to me how the invitation related to his Ministerial portfolio, and I might for example have asked him to which of his offices the ticket was sent, and how it was addressed. If for example the ticket was received by Mr Cleverly's private office in his department of state, this suggests that it was received in his Ministerial capacity.”*

Having regard for the Registrar's advice, my letter dated 6 August 2021 also included a request for the following information:

- 10
- A copy of the invitation to the BRIT Awards 2021 from BPI, and your response.
  - A copy of the notification from BPI of the value of the ticket.
  - What action did you take to clarify the capacity in which you had been invited to the event? If no action was taken, please explain why you took the view that the invitation had been made to you in your capacity as Minister of State for Middle East and North Africa?
- 15
- Please explain why, if you believed you had been invited to the event in your capacity as Minister of State for Middle East and North Africa, you also registered the ticket on the Register of Members' Financial Interests?

20 I note that, whilst you have provided some comments on the Registrar's advice, the information that I requested remains outstanding. Therefore, I ask that you provide the information by 7 September 2021 so that I may conclude my investigation. I am mindful however that this is a particularly busy time for you, therefore, if you require additional time to respond please do not hesitate in

25 contacting my office.

In the meantime, our correspondence remains protected by parliamentary privilege, and I must ask that you continue to maintain the strict confidentiality of the inquiry.

*24 August 2021*

30 **10. Email from the Rt Hon James Cleverly MP to the Commissioner, 25 August 2021**

Please find enclosed the invitation send to me by the BPI.

35 As I said in my previous reply it was sent to my parliamentary office email address after a verbal invitation was made by my former SPAD who worked at the BPI. I do not have a public email address at the FCDO and it is common for MPs and others to use this email address as it is in the public domain.

My decisions as to whether or not to record an event on my ministerial transparency return is not based on where the invitation was sent, or defined by the host.

5 For example. If an organisation were to send and invite to my parliamentary address and make it clear that I was being invited as an MP rather than a minister but then went on to lobby me on changes to government policy it would be wrong to to (*sic*) record that on a ministerial transparency return.

10 This is why I decided that the ministerial return was the appropriate place to register this hospitality. If it were the case that invitations that go to a parliamentary office should not be included on a ministerial transparency return, it would create a huge loophole which would undermine that part of the ministerial code.

As I said in my previous reply, there was no explicit value provided to me by the BPI for this event. And as I said in my previous reply, I recorded the event on my members declaration after you contacted my office just in case I was meant to do both, which has been confirmed as not being necessary.

15 **Enclosure: Message from the BRIT Awards 2021 to the Rt Hon James Cleverly MP, 4 May 2021 10.46am**

You have been invited to be a guest at the **BRIT Awards with Mastercard on 11 May at The O2 arena**

20 As you may know, the Event is taking place in front of a live audience as part of the Events Research Programme. In order to attend the Event you are required to complete a consent form confirming your participation in the research and allowing us to collect certain information about you.

25 To confirm your email address and to give your consent to attend please click on the link below. **Please note that we need your consent by 4 May to process your ticket.** [link redacted]

Before completing your consent form please make sure to review the Event FAQs and ensure that you understand your COVID-19 testing and other responsibilities as a participant and guest at the Event, outlined here.

**We look forward to celebrating the return of live music with you!**

30 Tip: If the link appears broken then please try copying and pasting this link in your browser: [link redacted]

Should you have any trouble using the link then please contact us at [details redacted].

25 August 2021

### 11. Letter from the Commissioner to the Registrar of Members' Financial Interests, 6 September 2021

I would like to ask for some additional advice on an investigation I have initiated into the Rt Hon James Cleverly MP. The investigation relates to information that, contrary to paragraph 14 of the Code of Conduct for Members, Mr Cleverly accepted a ticket for the BRIT awards 2021 on 11 May 2021 but failed to register it under Category 3: "Gifts, benefits and hospitality from UK sources" until 24 June 2021, some 16 days after the timescale required by the House.

I enclose a copy of my letter to the Member dated 19 July 2021, and Mr Cleverly's replies dated 22 July and 24 and 25 August 2021. For your information, I have also enclosed copies of the correspondence and supporting evidence received during this inquiry, including the original advice provided by Ms Heather Wood on 3 August 2021.

In his correspondence, Mr Cleverly said that he was invited to the BRIT Awards 2021 in his capacity as a Minister and intended to declare his attendance in the Ministerial Transparency Register. Mr Cleverly said that he received a verbal invitation from BPI, which was followed up by an email to his parliamentary office email address. Mr Cleverly said that he does not have a public email address at FCDO and it was common for correspondence to be sent through parliamentary office email address. Mr Cleverly said that he was not aware of the exact cost of the ticket but was aware that it cost more than the £300 threshold within the Code of Conduct. Mr Cleverly said that, while he was at the event, he was lobbied by the hosts on Government policy such as mass participation events and artists touring overseas. Mr Cleverly added that, as the event was not political and did not have any constituency connections, he concluded that the invitation was made to him in his capacity as a Minister.

In his correspondence Mr Cleverly explained that he recorded his attendance at the event following correspondence from my office. Mr Cleverly said that he thought it was better to be safe than sorry.

Given the above, I would welcome your view on the following:

- In view of the previous advice and Mr Cleverly's response, is Mr Cleverly's attendance at the BRIT Awards 2021 an interest that should be registered on the Register of Members' Financial Interests?
- If this is an interest that should not be included on the Register of Members' Financial Interests, what action should Mr Cleverly undertake to ensure the register is accurate?
- It appears that Mr Cleverly intended to register his interest in both the Register of Members' Financial Interests and the Ministerial Transparency Register as he felt that it was "better to be safe than sorry".

I would I would appreciate a view on Mr Cleverly's approach in this matter.

It would be very helpful to have your reply by 20 September 2021.

5 If you require further information from Mr Cleverly before giving your advice, I would be happy for you to contact them directly.

Thank you for your assistance.

*6 September 2021*

**12. Letter from the Commissioner to the Rt Hon James Cleverly MP, 7 September 2021**

10 Thank you for your emails dated 24 and 25 August 2021, and for the information that you have provided.

15 In your emails, you said that you not only registered your acceptance of the BRIT Award 2021 tickets on the Register of Members' Financial Interests, but also intended to register the event on the Ministerial Transparency Register, because you felt it was 'better to be safe than sorry'. Whilst I accept that it was your intention to ensure that you had fulfilled your duty to register your interests, it is important that interests are correctly registered on the appropriate register, and benefits received by Ministers in their Ministerial capacity should only be registered on the Ministerial Transparency Register, not the Register of  
20 Members' Financial Interests.

25 As you may be aware, my role as the Parliamentary Commissioner for Standards includes a statutory duty to maintain the Register of Members' Financial Interests. As such, in addition to deciding whether an interest should be included on the Register of Members' Financial Interests, I must also consider what action should be taken if an entry has been incorrectly added. As I explained in my letter dated 19 July 2021, to assist me in those decisions I will seek advice from House authorities such as the Registrar of Members' Financial Interests.

30 With respect to this matter, in view of your decision to register your interest on both the Register of Members' Financial Interests and the Ministerial Transparency Register I must determine not only which register entry is correct, but also what action, if any, should be taken to ensure that your entry on the Register of Members' Financial Interests is accurate and complete. To assist me in that decision, I have requested supplementary advice from the Registrar of Members' Financial Interests.

35 I can confirm that I have written to the Registrar of Members' Financial Interests and a copy of that letter is included for your information (minus the enclosures previously shared with you).

Once I have received the Registrar's reply, I will write to you again regarding the next steps. In the meantime, this matter remains protected by parliamentary privilege and should continue to be kept confidential.

7 September 2021

5 **13. Letter from the Registrar of Members' Financial Interests to the Commissioner, 1 October 2021**

My responses to your questions in relation to Mr Cleverly are set out below.

10 **In view of the previous advice and Mr Cleverly's response, is Mr Cleverly's attendance at the BRIT Awards 2021 an interest that should be registered on the Register of Members' Financial Interests?**

In her response of 3 August 2021, [details redacted] the then Registrar stated that:

15 *"Mr Cleverly tells you that he received the ticket in his Ministerial capacity. On that basis I would have advised him that he was not required to register it in the Register of Members' Financial Interests. If I had spoken to Mr Cleverly in advance of his Register entry, I would have drawn his attention to paragraph 16 of the Introduction to the Guide to the Rules."*

Mr Cleverly restated in his email to you (25 August 2021) that:

20 *"I therefore assessed that I had been invited as a government minister and decided to record it accordingly."*

If you conclude that Mr Cleverly was invited to the Brit awards in his ministerial capacity, the advice from the then Registrar that this should not have been registered in the Register of Financial Interests is correct.

25 Should Mr Cleverly have contacted the Registry Office about this matter, I would have advised him to seek confirmation from the host on the capacity in which he was being invited.

**If this is an interest that should not be included on the Register of Members' Financial Interests, what action should Mr Cleverly undertake to ensure the register is accurate?**

30 Mr Cleverly's entry can be removed by the Registry Office if you conclude that it was registered in error.

Mr Cleverly should remind himself of the rules in relation to Ministers of the Crown:



### Ministers of the Crown

5           16. *Ministers of the Crown who are Members of the House of Commons are subject to the rules on registration and declaration of interests in the same way as all other Members (although Ministerial office is not registrable and salaried Ministers may still speak in support of Government policies without breaching the restrictions on lobbying for reward or consideration). Members are not required to register either Ministerial office or benefits received in their capacity as a Minister. But Ministers are subject to the further guidelines and requirements laid down by successive Prime Ministers in the Ministerial Code, available from the Cabinet Office. These are not enforced by the House of Commons and so are beyond the scope of this Guide.*

10

15           For the avoidance of doubt, I would advise that in the future Mr Cleverly seek written confirmation from any host of the capacity in which he is being invited to attend events.

**It appears that Mr Cleverly intended to register his interest in both the Register of Members' Financial Interests and the Ministerial Transparency Register as he felt that it was "better to be safe than sorry". I would appreciate a view on Mr Cleverly's approach in this matter.**

20           Registering the invitation to the Brit awards in both the Register of Members' Financial Interests and the Ministerial Transparency Register was not the correct approach to take. While Mr Cleverly says that he did this "better to be safe than sorry", he should have sought confirmation from the host of the capacity in which he was being invited and registered the event accordingly in either the Register of

25           Members' Financial Interests or the Ministerial Transparency Register.

*1 October 2021*

#### **14. Letter from the Commissioner to the Rt Hon James Cleverly MP, 6 October 2021**

30           Registrar of Members' Financial Interests. I have now received the advice, and I enclose a copy for your information.

I am sending this for your information only and do not require a response. However, if you have any comments about the advice that has been provided, please forward them to me by 18 October 2021.

35           In the meantime, given the complexities that have arisen in this inquiry following your decision to register your interest on both the Register of Members' Financial Interests and the Ministerial Transparency Register, it will be helpful to meet to discuss matters further. My Office Manager, [details redacted] will contact your office directly to arrange a meeting.

Finally, as you are aware, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

*6 October 2021*

5 **15. Meeting between the Commissioner and the Rt Hon James Cleverly, 8  
November 2021**

10 An informal meeting was held in which the Commissioner and Mr Cleverly discussed the Code of Conduct, the associated Guide to the Code of Conduct and the investigation process. Mr Cleverly was given an opportunity to provide additional information and an explanation. No actions arose from the meeting.

*8 November 2021*