



House of Commons
Committee on
Standards and Privileges

**Conduct of
Mr Anthony Steen**

First Report of Session 2004–05

*Report and Appendix,
together with formal minutes*

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Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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

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Conduct of Mr Anthony Steen

1. We have considered a memorandum by the Parliamentary Commissioner for Standards relating to the complaint against Mr Anthony Steen, Member for Totnes, by Mr Christopher Clayton, one of his constituents. The Commissioner's memorandum is appended to this Report.

2. The essence of Mr Clayton's complaint is that material included in the Spring 2004 issue of Mr Steen's "Westminster Report", a publication, part-funded out of Mr Steen's Incidental Expenses Provision (IEP), detailing his parliamentary and constituency activities, included a statement which constituted 'party political activity or campaigning'. Such statements are not allowed to be included in publications of this nature which are funded, in whole or in part, out of a Member's IEP.

3. Mr Steen, for his part, does not consider that the material complained of can be construed as 'party political activity or campaigning'. He sees it as 'political comment' and maintains that the two can be clearly distinguished.¹ He also maintains that the statement complained of is factually accurate and that the article specifically related to Torbay Council and its failure to return £100 to individual council taxpayers in the 2004-05 financial year.

4. While we accept that Mr Steen has on a number of occasions publicly criticised Torbay Council over high levels of increase in council tax,² the article concerned nowhere says that it relates specifically to that Council.

5. In our view, many readers are likely to have formed the view that Mr Steen was making general criticisms of a policy closely identified with the Liberal Democrats alone of the three major national parties. That impression could only have been reinforced by the prominent display, in a colour closely associated with the political party supported by Mr Steen, of a statement criticising the policy in general terms and specifically linking it to the Liberal Democrats. In our opinion, Mr Steen crossed the line from 'political comment' to 'party political activity' by including the two passages critical of the Liberal Democrats, although we accept that he did not intend to break the rules.

6. We therefore agree with the Commissioner that Mr Clayton's complaint should be upheld.

7. The Department of Finance and Administration told the Commissioner that it considered the material complained of by Mr Clayton to breach its guidance on material qualifying for reimbursement from public funds.³ We understand that there have been a small number of cases since the January 2003 guidance came into effect where Members

1 *Written Evidence (WE) 8*, p 22 and *WE 12*, p 24.

2 See, for example, *Official Report*, 25 February 2004, Vol 418, col 282 and 17 May 2004, Vol 421, col 741. See also *Official Report*, 29 April 2004, Vol 420, cols 1028-9 and 19 July 2004, Vol 424, cols 71, 74.

3 Appendix, paragraph 12.

have been asked to repay sums claimed from the IEP for the costs of printing and publication where inappropriate material has been included. The Department should now look at this case against the same criteria and require Mr Steen to make appropriate reimbursement.

8. The Commissioner has also drawn attention to a number of wider implications of this case.⁴ We agree that the guidance needs to be made clearer on what is and is not allowable in IEP funded publications in terms of content, and in particular on the sort of material likely to be adjudged to constitute ‘party political activity or campaigning’. We have asked the Commissioner to take the lead in developing improved guidance on these matters, with a view to it being issued under our authority.

9. The definition offered by the Commissioner in paragraph 30 of his report appears to us to offer a sound basis from which such improved guidance might be developed. The revised guidance should also include a specific statement of the consequences of the inclusion of inappropriate material. It might also usefully include a clear statement that Members alone are responsible for the contents of all such publications where IEP funding is involved.

10. Inevitably, in matters such as this, fine judgements may have to be made. We recommend that Members should seek advice on these matters, as on other standards matters, from the Registrar of Members’ Interests.

4 Appendix, paragraphs 36 to 42.

Appendix: Memorandum from the Parliamentary Commissioner for Standards

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Complaint against Mr Anthony Steen

The complaint

1. On 20 July 2004 Mr Christopher Clayton, a constituent of the Member for Totnes, Mr Anthony Steen, wrote drawing my attention to a publication issued by Mr Steen which Mr Clayton believed was in clear breach of the rules governing the funding of publications from the Members' Incidental Expenses Provision (IEP). A copy of Mr Clayton's letter is at *Written Evidence (WE) 1*. The publication in question was a report on Mr Steen's parliamentary activities, entitled "Westminster Report", published in Spring 2004. This had been circulated by Mr Steen to his constituents: its purpose was described as being to keep them informed of what their MP was doing in Westminster and in his constituency. A small box on page 3 of the report said:

"The costs of printing and publishing this report is met from the incidental expenses provision and the distribution costs are covered by Devon businessmen."

2. Following inquiries he had made of the House's Department of Finance and Administration (DFA), Mr Clayton was aware that the guidance issued by that Department to Members on publications funded from the IEP includes the statement that:

"The allowances must not be used to fund party political activity or campaigning."

In the light of this Mr Clayton questioned the inclusion in an article about council tax on page 1 of Mr Steen's "Westminster Report" of a statement that:

"The Lib.Dems need their collective heads examined in their naïve belief that a £100 cash back scheme, which they promised each council tax payer, is any solution."

Mr Clayton suggested that this statement—the essence of which was repeated and highlighted in a display box on the same page of the newsletter—was a clear example of party political activity or campaigning. A scaled down monochrome reproduction of page 1 of Mr Steen's "Westminster Report" is at *WE 2*.

Relevant provisions of the Code of Conduct and of the House's rules

3. The Code of Conduct for Members includes a provision that:

"No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed."

The rules attaching to the use of the IEP, which are set out for Members in the Green Book, make clear that the allowance must be used solely to fund expenditure "wholly, exclusively

and necessarily incurred on Parliamentary duties”.¹ It cannot be used to meet “the costs of party political activities or campaigning”.

4. Printing and sending newsletters to constituents is allowable expenditure “provided that these meet Departmental standards and do not amount to political campaigning”.² In January 2003, the DFA circulated to all Members revised guidance on publications funded from the IEP, following discussion with the then Speaker’s Advisory Panel on Members’ Allowances. A copy of this guidance is at WE 3. The guidance includes as Rule 1 the following statement:

“The purpose of the publication must be to inform constituents about your work as a Member and/or to provide contact details. The allowances must not be used to fund party political activity or campaigning.”

5. It goes on to indicate that if a Member’s publication meets the terms of this and the other Rules in the guidance, its cost may be met from the Member’s allowances without seeking approval from the DFA. However officials will audit a number of publications each year and if a Member is found to have contravened rules 1–6 of the guidance, he or she will be asked to repay any costs involved.

My inquiries

6. Having received Mr Clayton’s complaint, I wrote to Mr Steen on 3 August to seek his comments. A copy of my letter is at WE 4. I also invited the views of the DFA. Mr Steen replied on 15 September; his response is at WE 5.

Mr Steen’s position

7. Mr Steen said that he totally refuted Mr Clayton’s allegation. He had never used the IEP improperly, nor used it for party political campaigning. He pointed out that when Local Income Tax had been debated in the House on 19 July 2004, “the overwhelming view of the House ... was the Lib. Dem. scheme was both unworkable and a gimmick, and that the Lib.Dem local Income Tax was no answer to the problems of high Council Tax bills”.

8. Mr Steen added that he had claimed just over 40% of the cost of printing and distributing his “Westminster Report” (£3,060.30) from the IEP, the rest of the total cost of £7,516.22 being met from other, private sources. In the past he had sent copies of his reports to his constituents to the DFA, which had judged whether they could pay the entire cost claimed or, if they felt the report contained any party-political or campaigning activity, only a percentage of it. In the present case, the Department had paid the bill of £3,060.30 presented to them without question.

1 The Green Book, Department of Finance & Administration, updated December 2003, page 3.

2 The Green Book, Department of Finance & Administration, updated December 2003, page 18.

The Department's comments

9. The DFA explained that the present rules on newsletters had been introduced in 2002 after discussion with the then Speaker's Advisory Panel on Members' Allowances. Before 2002, the relevant section of the Department (then known as the Fees Office) had checked Members' newsletters individually. According to the content of the newsletter, the Department would decide what proportion could be claimed against the allowances. If the newsletter contained political material, the DFA would generally decide that part of the costs could be met from the allowances and part should be met by the Member from other sources.

10. Neither Members nor the DFA were content with this arrangement as it involved staff making what could be quite delicate judgements and the criteria for making these were not transparent. For this reason, with the approval of the Advisory Panel, the DFA had drafted fact sheets which were first issued to Members on an *ad hoc* basis in 2002. These explained that the allowances must not be used for newsletters containing party political activity or campaigning. Provided Members adhered to these rules, they could issue newsletters without first having them checked by the Department. According to the DFA, the old system of split-funding of publications (that is, the arrangement under which, if a newsletter were found to contain some party political material, a deduction would be made from the amount reimbursed from the allowances) was brought to an end at this time. (As I indicate in paragraph 21 below, Mr Steen has reservations on this point. I should add that the term "split-funding" is a piece of shorthand of my own. (See also *WE 11*.) It was not a term used in the guidance issued by the Department.)

11. The guidance produced by the DFA was subsequently slightly revised and, in the form set out in *WE 3*, was circulated to all Members by the DFA in January 2003. According to the Department's records Mr Steen clearly received this guidance as he referred to it in a letter to them dated 1 April 2003 (*WE 6*). In this letter, Mr Steen said he wished to use his IEP once or twice a year to cover the cost of distributing his Westminster Report, the drafting, design and publication costs of which were met by local businessmen.

12. The DFA told me that Mr Steen did not submit the text of his spring 2004 "Westminster Report" to them in advance of its publication. Had he done so, they would have regarded the two sentences on page 1 objected to by Mr Clayton as breaching their guidance on material qualifying for reimbursement from public funds. Whilst they noted that, contrary to what he had said in his letter of 1 April 2003, Mr Steen wished to claim the cost of printing and publishing, not distributing, the report, they knew that Mr Steen had been sent and had seen the guidance. The Department had no reason to presume that Mr Steen had not followed the guidance and so met his claim when he submitted it after publication.

Further comments by Mr Steen

13. Having heard from the DFA I wrote to Mr Steen saying that, subject to any further comment he might wish to make, I proposed to make a formal report to the Committee on Standards and Privileges about Mr Clayton's complaint. I was inclined to believe that Mr Steen had breached the Department's guidance and, therefore, the Code and I also felt that

the case highlighted a number of policy issues which it would be helpful to all Members for the Committee to address. A copy of my letter is at WE 7.

14. In two subsequent letters (reproduced at WE 8 and 10; my letter of 27 October to which the latter is a response is at WE 9), Mr Steen said firmly that he had been specifically advised by the DFA that they would pay for editions of his “Westminster Report” as requested but would reduce their contribution on a percentage basis if they felt there was any party political content. In an eight page publication with party political material on one page, this would entail a 12.5% reduction in the contribution he had requested from the IEP. Given in particular that some 60% of the total cost of printing, publishing and distributing his Spring 2004 “Westminster Report” had been met from private funds, Mr Steen thought it would be unfair to apply any other approach in his case or to criticise him for following advice he had been given by the Department.

15. Mr Steen also questioned whether the statements to which Mr Clayton objected constituted party political activity or campaigning:

“Saying that the ‘Lib Dem £100 cash back gimmick is no answer to our spiraling council tax bills’ is a matter of fact and the promised rebate has never been paid. I have certainly not argued anywhere in the newspaper that readers should vote Conservative. I still maintain that the Lib Dem cash back gimmick is not party political activity but a political comment. There is a clear distinction here.”.

16. I asked the DFA to confirm the advice they had given Mr Steen and when it had been given. In his reply, the Director of Finance and Administration, Mr Andrew Walker, noted that in his letter of 1 November Mr Steen said that he had been specifically advised by an official of the Department that, if one of his newsletters contained anything party political, it would be funded only on a percentage basis. Mr Walker commented:

“I think it likely that Mr Steen was given such advice, but it would have been before the new arrangements for funding newsletters etc were introduced in November 2002. When these new arrangements were introduced, the system of split funding of newsletters etc came to an end.

[One official named by Mr Steen] has confirmed that he has had no such conversation with Mr Steen about his newsletter in recent months, and since [the second official] was on sick leave in the early months of the year he is also unlikely to have given such advice in the context of the report in question.”³

17. Mr Walker confirmed that Mr Steen had been made aware of the new guidance on newsletters issued to all Members in revised form in January 2003. He pointed out that Mr Steen had indicated that he had received it when he had written to the Department in April 2003 (see WE 6) and that the guidance clearly stated that newsletters paid for from the allowances should not be used for party political purposes.

3 The second official concerned has since confirmed that he has had no relevant conversation with Mr Steen this year.

18. I wrote to Mr Steen conveying Mr Walker's response on 17 November and enclosing draft factual sections of my report to the Committee on Mr Clayton's complaint. In a telephone call and later in correspondence (see our exchange of 22 November at *WE 11* and *12*) Mr Steen said that the term 'split-funding' had never been mentioned in his dealings with the DFA. All the Department had told him was that if they concluded part of a publication contained any party political activity, they would reduce his claim for funding from the allowances accordingly.

19. On the question whether the words in his Westminster Report about which Mr Clayton had complained constituted party political activity or campaigning, Mr Steen asserted that it was important that they were seen in the context of the article as a whole. He submitted that, regarded in this way, the words should be seen as political comment rather than party political activity or campaigning. He continued:

"As this article was specifically about Torbay Council and their failure to return £100 to individual council taxpayers in the 2004–2005 financial year, I was simply reporting facts. If that is accepted, the sole remaining point is whether the phrase "The Lib Dems need their heads examined" constitutes party political activity or campaigning. If the Committee says it is not, the whole question of split-funding will not be an issue."

20. Following this exchange of letters, Mr Steen and I met on the afternoon of 23 November. Mr Steen repeated that the DFA had never said in terms that the former split-funding arrangement (as defined in paragraph 10 above) had been withdrawn. His Westminster Report was well received in the constituency: Mr Clayton's was the only complaint in the 8 years of its existence. The remark to which Mr Clayton had objected had been a throw-away comment in an 8 page document, which otherwise displayed its non-partisan character by the fact that on its final page it had included an article by a Labour Member. The comment did not, in his view, constitute party political activity or campaigning.

21. In a subsequent letter dated 24 November (see *WE 13*), Mr Steen expresses further reservations about the view of the DFA I have reported in paragraph 10 above on when split-funding ceased to be an option. The Committee will wish to note Mr Steen's view. Mr Steen also questions the Department's statement that, had he submitted his Spring 2004 newsletter to them in advance (it is not suggested that he was required to do so), they would have regarded the two sentences objected to by Mr Clayton as breaching their guidance. Mr Steen is uncertain that this presumption can be made. Again the Committee will wish to have Mr Steen's observation in mind as it considers the complaint against him.

Findings of fact

22. In the spring of this year, Mr Steen circulated to his constituents an eight page report on his activities at Westminster. The total cost of printing and distributing this was £7,516.22, of which £4,455.92 was met from private sources and £3,060.30 from his Incidental Expenses Provision (IEP).

23. Page one of the report consisted of an article by Mr Steen giving his views on Council Tax. In the course of this article Mr Steen said:

“The Lib Dems need their collective heads examined in their naïve belief that a £100 cash back scheme, which they promised each council tax payer, is any solution.”

The essence of this sentence was repeated and highlighted in a separate box at the foot of the same page.

24. The guidance issued to Members on the use of the IEP in connection with the publication of newsletters of this type provides that the allowance “must not be used to fund party political activity or campaigning.” In claiming a portion of the total cost of the publication from his IEP, Mr Steen believed that he was acting in accordance with advice he had previously received from the DFA that if they found any part of the content to be party political in character they would reduce his claim by a proportionate amount. According to the Department Mr Steen probably had received advice to this effect in the past, but this was before revised arrangements for funding newsletters were introduced in November 2002. These revised arrangements made clear that newsletters paid for from the allowances should not be used for party political purposes. They also brought to an end the former arrangements under which, if a newsletter was found to contain any party political material a Member’s claim for reimbursement would be reduced proportionately depending on the circumstances. The guidance did not, however, state this latter point in terms and Mr Steen did not draw from it the inference—which the DFA insists it implied—that the former arrangement had been ended.

Conclusions

25. The guidance on funding publications from the IEP makes clear that public funds cannot be used for “party political activity or campaigning.” The main question is whether Mr Steen’s comment about the Liberal Democrats’ policy on council tax constituted such activity or campaigning.

26. I suggest that it did. The purpose of a publication of this sort is to enable a Member to report to his constituents what he has been doing on their collective behalf at national and local level as their elected representative. It is important to public confidence in and knowledge of Parliamentary government that Members keep in touch with their constituents and an occasional newsletter is one means of doing this.

27. It is clear though that where such a newsletter is to be produced with the assistance of public funds, Members are free to say what they have done and why in their Parliamentary capacity, provided this is done in a way not designed to promote the viewpoint of one party or to denigrate the views of another. Such a newsletter is primarily intended as a factual document, a document of record rather than of opinion. Whilst the public will understand that a Member’s opinions cannot wholly be excluded from such a document—indeed that knowledge of those opinions may be necessary to an understanding of what a Member has been doing on their behalf—they would I believe be concerned if their money was used to fund a platform from which sitting MPs could promote partisan views (which they may not share) on matters of party political dispute. Questions would understandably be raised about whether this gave sitting Members an unfair advantage over their political opponents. It is no doubt for this reason among others that the House’s rules on allowances provide that they cannot be used for party political activities or campaigning.

28. Mr Steen accepts that his remarks constituted political comment but denies that they amounted to party political activity or campaigning. He advances two different arguments for this:

- i) His statement that the ‘Lib Dem cash back gimmick is no answer to our spiraling council tax bills’ is factually accurate and was the overwhelming view of the House when local income tax was debated on 19 July 2004.⁴ In his letter of 22 November Mr Steen says that his comment was factual as the article of which it was part “was specifically about Torbay Council and their failure to return £100 to individual council tax payers in the 2004–05 financial year”. However, taken as a whole the article in question is about the level of council tax and the contested statement appears as a general political comment, not one focused on the Council. Considered more generally, Mr Steen’s comment may accord with the view of some, but not with the view of all and it is self-evidently a statement of opinion, not of fact. Moreover if his argument were to be accepted, any comment critical of a minority party position not espoused by the other main parties would have to be accepted as legitimate but no comment critical of the policies of a party having an overall majority in the House could be so regarded;
- ii) He has not argued anywhere in his newsletter that readers should vote Conservative. Whilst this is correct (and in accordance with the Department’s guidance), his argument assumes that “party political activity or campaigning” equates only to urging people to support a particular political party. In my view it can equally involve criticising the policies of one’s political opponents.

29. The question remains whether Mr Steen’s comment constituted party political activity or campaigning. Although some guidance on this is given in the DFA’s note reproduced at WE 3, such guidance cannot be comprehensive and what constitutes political activity or campaigning is something to be judged in the circumstances of each case. Whilst recognising that determining the border line between what is ‘parliamentary’ and what is ‘party political activity’ may not always be easy, it is of course a judgement Members must frequently make, as the concept is fundamental to several aspects of the Parliamentary allowances regime. So, although sometimes difficult to apply, the concept is not a novel one.

30. In my judgement, party political activity or campaigning includes comment which is party political in character or motivated by party political considerations. This is particularly so where what is said does not flow directly and naturally from a factual account given to constituents of what their Member has been doing in a Parliamentary capacity. Even where it does, such comment should be expressed so far as is reasonable in

4 I have been unable to trace a debate about local income tax in the House on 19 July 2004. There was, however, a debate on that day, in which Mr Steen intervened briefly, on a draft Order to cap a number of specific local authorities, including Torbay. There were debates, initiated by the Liberal Democrat Party, on local taxation on 10 February 2004 and on local government finance on 17 May 2004. The Party’s proposals for a local income tax and a £100 rebate featured in speeches in both debates. On both occasions, the House rejected *en bloc* all the effective words of the motion tabled by the Liberal Democrats (see Votes and Proceedings, 10 February 2004, p 209, and 17 May 2004, p 514). The two debates illustrate the fact that Liberal Democrat ideas on local government finance are very much the stuff of party political disagreement.

non-partisan terms. So it would be acceptable, for example, for a Member to include in a publicly-funded newsletter a quote of reasonable length from Hansard illustrating their contribution to a debate, or to say in a report to their constituents: “I voted against the Government Bill on [ID cards]”; or “In a debate on [education], I spoke against the Opposition policy on [the future of A levels and supported an early move to the International Baccalaureate]”; or “I have criticised the local Council’s policy on [street-lighting, because ...]”.

31. It is not in accordance with the House’s rules, however, for a Member to include in a newsletter in respect of which he or she is claiming public funding comment of a party political character of the sort evident in Mr Steen’s Spring 2004 “Westminster Report”, comment which was in no way related to an account of what Mr Steen had been doing as an MP on behalf of his constituents.

32. Does the fact that Mr Steen met the larger part of the total cost of his “Westminster Report” from private funds and only the lesser part was met from public funds absolve him of a breach of the rules about the use of the IEP and therefore of a breach of the Code? Whilst this payment arrangement is something the Committee may wish to take into account (along with a number of other factors which I list below) when weighing what further action, if any, is appropriate, I suggest that the answer to the question I have just posed is ‘no’. The rules are clear that the IEP must not be used to fund party political activity or campaigning. On the basis of the information given me by the DFA, these rules were introduced in order to move away from the previous system of pre-vetting by Departmental officials and split-funding (as defined in paragraph 10 above) of publications (about both of which I share the Department’s reservations, for the reasons I go on to set out below). Consistent with the guidance issued by the Department, **no** party political material is allowable in a newsletter funded, whether in whole or part, from a Member’s Parliamentary allowances.

33. It appears that Mr Steen had been advised by the Department in the past that split-funding of a newsletter was acceptable. However this advice was given prior to the introduction of the present arrangements towards the end of 2002, arrangements about which Mr Steen was aware and with which it was his responsibility to comply. It was clearly the intention of those arrangements to end split-funding in the sense in which I have defined it and, although the guidance issued to Members did not state this explicitly, it was an inference which could reasonably be drawn from that guidance.

34. On the evidence and for the reasons set out, I have reached the view that the comments by Mr Steen to which Mr Clayton objected did fall foul of the prohibition on party political activity or campaigning in publications funded by the IEP, and that Mr Steen was in breach of the provision of the Code requiring Members to use their allowances properly and strictly to observe the administrative rules relating to them. **I therefore recommend that Mr Clayton’s complaint be upheld.**

35. If the Committee agrees with this conclusion, I invite it to take into account the following factors to which Mr Steen has drawn attention when weighing what, if any, further action is required:

- i) The comment objected to by Mr Clayton amounted to 2 sentences in an 8 page report;
- ii) The final page of the report was given over to an article by a Labour Member about the proposed EU constitution;
- iii) Mr Steen met the greater part of the cost of printing and distributing the document from private (party) funds;
- iv) Mr Steen had split the cost of funding earlier editions of his “Westminster Report” with the Department and believed he was acting on this occasion consistently with this and with advice he had previously received from the Department—although he had failed to recognise that this advice had been overtaken by the guidance issued by the Department to all Members in January 2003.

Wider implications

36. Whatever conclusions I reached on the facts of this case, I would have thought it right to report formally to the Committee about it because I believe the underlying issues raise wider questions. At the least, there appears, from this and other instances brought to my attention, to be uncertainty in the minds of some Members which the guidance issued by the DFA (originally in 2002 and updated in 2003) has not, apparently, resolved. The guidance may therefore need either amplifying or reinforcing.

37. There are 3 issues which may repay further consideration, and in connection with which the Committee may wish to take evidence from the House’s Director of Finance and Administration:

- i) What constitutes party political activity or campaigning;
- ii) The vetting of newsletters by the Department;
- iii) The split-funding of publications (where a Member’s claim for reimbursement is abated if a publication is found to contain some party political material).

38. I have set out my views on the first of these issues, in the context of the present case, in paragraphs 26–31 above. Some guidance is also offered in the DFA’s advice to Members reproduced in *WE* 3. In the light of the decision it reaches on the present case, the Committee may wish to consider whether that guidance can helpfully be clarified or amplified.

39. Secondly, I understand both the Speaker’s Advisory Panel on Members’ Allowances and the Department of Finance and Administration to have been uneasy about the former practice of Members being required to submit the text of newsletters to the Department for vetting in advance. I respectfully share their dislike of this practice. However, I understand that although Members are no longer *required* to submit their publications to the Department, they may still submit them for advice on whether or not they are acceptable if they so wish. I consider this practice too to be undesirable. I do not believe that it is either right in principle, or conducive to an appropriate working relationship, for officials to be

required in effect to second-guess Members' political judgements. It also lays officials open to pressure to negotiate with Members on the point.

40. Members are responsible for the way in which they use their allowances and, as I have noted earlier, the concept of restriction to 'parliamentary purposes' is not unique to the Incidental Expenses Provision. If someone wishes to question what a Member has done in a publication funded from his or her parliamentary allowances, the proper course is for them to write to the Director of Finance and Administration or to complain to me. Such a complaint will then be handled in accordance with the House's approved procedures.

41. There is the danger that if a publication the Department has "passed" on initial vetting is subsequently the subject of a complaint, I could find myself second-guessing the view of the Department or (though perhaps less likely) feeling constrained by it. Neither of these would be desirable, and should if possible be avoided.

42. Thirdly, whilst I understand the possible attraction to Members of a split-funding arrangement as defined in paragraph 10 above (because it holds out the prospect that a document containing some party political material will nonetheless continue to receive at least a proportion of public funding), such an arrangement blurs the boundary between what is acceptable and what is not acceptable. It involves the Department in having to make arbitrary judgements about by how much to abate a Member's claim. Moreover it will not be clear to a member of the public reading a newsletter that pages 1, 3, 4 and 6 of it (which do not contain party political material) have been funded by the IEP but pages 2 and 5 (which do) have not. It would be clearer to both Members and the public if the current rule—which is that no party political activity or campaigning should be publicly funded—was strictly enforced. Thus if a publication contained any party political material, no claim in respect of it could be made against the IEP.

43. These issues are relevant not only to the funding of publications but of those Members' web-sites where the cost is met from public funds. This is a further reason why I submit that greater clarity on these matters is desirable and why I have felt it appropriate to report formally to the Committee on them in this case.

30 November 2004

Sir Philip Mawer

Written Evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr Christopher Clayton

Breach of regulations governing publications funded from IEP

Further to a number of emails and phone calls I have made I now send, as requested, a copy of the publication issued by my MP Anthony Steen which appears to me to be in clear breach of the rules which govern publications funded from the IEP.

Page 1 of the Rules (which document I have been sent by Dan Gorman, Operations Manager) carries the statement: "The allowances must not be used to fund party political activity or campaigning". I draw your attention to the shaded box in Mr Steen's 'Westminster Report' which reads:

"Lib Dem £100 cash back gimmick is no answer to our spiralling council tax bills"

Surely this is a clear example of 'party political activity or campaigning'?

I await your response.

20 July 2004

2. Mr Anthony Steen's "Westminster Report"

Note: This is a scaled down reproduction, the original newspaper page was approximately A3 size.

Westminster Report

The newspaper keeping you informed of what your MP is doing in Westminster and his constituency

Issue Seven Spring 2004

Council tax - I'm ready to protest

ANYONE with a grain of common sense realises that the level of our council tax is too high.

It is not just a question of whether it is too high. Quite simply, for most people, it is just too much.

Not is it just a question of the number of council officials, but also how much they get paid. I was asked recently why the managing director of Torrey Council, who manages an annual budget of £292 million, received a salary of £133,500 a year, when, in contrast, a Minister of State in the Government with a departmental budget of £73 billion is paid £40,000 less a year.

Increasingly I am asked, 'Why do we need all these services? Why do they cost so much?'

Whilst councillors are indulgent when their council budgets are challenged, they, like anyone else, must be subject to the same

discipline as any private business. They can no longer increase their annual expenditure without regard to what people are willing and able to pay.

The police receipt was up by 26 per cent last year in Devon and there is a costly fire service in Devon. To put another 'body on the leaf', council tax payers have to fund an additional £45,000 a year, including support services.

On a question of priorities, what is the point of spending so many millions of pounds on widening roads to speed up the traffic flow only to speed them down again with traffic calming measures? Would it be millions of pounds spent by Devon County Council on traffic measures be more appropriately spent on daily bus routes for the homebound?

So what is to blame? And, more importantly, what has caused the phenomenal growth in local government

expenditure?

The principal culprit is the Government for providing ever-rising wage awards for council officials and for introducing additional legislation, forcing local authorities, as their agents, to carry out further duties. By restricting the treasury grant to the older counties and boosting the urban areas, the Government is, in effect, picking from Peter to pay Paul. Mark my words, Devon council tax payers will be asked to make good the shortfall this year.

Over many years I have been asked to support the campaign to remove the council tax discount for second home owners. The view was that any additional funds raised would go to reduce council tax bills.

District councils were under the mistaken belief that the wealthy would fund affordable homes. I made it plain several years back that abolishing the second home discount would not make



This lone protester is determined to get his message across to the Government, regardless of the weather.

a vast difference to the coffers of the local district councils.

I was right. Teignridge for example will get just £74,000 extra - not enough to build one single new house. The same is the case in the South Hams.

The lion's share goes to Devon County Council, but it will not benefit either. The Government will reduce the treasury grant by exactly the same amount.

Far from unlocking an additional £10 million for affordable housing schemes in Devon, district councils will be left empty-handed. All the campaign has

achieved is the robbing of holiday home owners in South Devon.

The funding of local government has now reached a point where large sections of the population feel unable to meet what they see as a spiralling out of control council tax.

Regardless of the district auditor's condemnation of value for money (South Hams District Council got an excellent rating this year) he is totally silent on the more fundamental issue of the public's ability to pay council tax.

The Lib Dem and their collective heads

counted in their naive belief that a £100 cash back scheme, which they presented each council tax payer, is any solution.

The only way council tax will go down is by reducing the number of officials local authorities employ and, at the same time, halting new legislation, which puts additional obligations on local authorities.

Child disobedience is not the way we behave in Britain, but if the attitude of the Devon politicians is anything to go by we are rapidly reaching that point where this will happen - and I for one would happily join them in their protest.

Nipping off to London



Anthony Steen gives Nippy, a 1930s Austin 7, a Parliamentary send off from the All House Cafe in Dartmouth. Jessica and Oscar, in the back of the car, are seen with their respective mums and dads and staff from the cafe. Nippy was on its way to take part in a classic car run to Parliament to raise money for the Devon Rydges Association.

Lib Dem £100 cash back gimmick is no answer to our spiralling council tax bills

3. Department of Finance and Administration's "Guidance for MPs on Publications Funded from the Incidental Expenses Allowance (IEP)"

This factsheet sets out the rules that must be followed if you use the incidental expenses provision (IEP)¹ to pay for:

- Preparing, printing and/or distributing newsletters or annual reports
- Preparing, printing and/or delivering small calendars and business cards

These rules also apply if your publications are prepared by employees paid from the staffing allowance.

If you follow these rules you may use the House emblem (the crowned portcullis).

If you wish to include material which is not allowable under these rules then it is open to you to fund your publication from another source. You may then use your incidental expenses provision¹ to pay for advertising space in this publication in order to give contact details and details of your surgeries.

Note: This guidance does not apply to pre-election periods. The Department of Finance and Administration will issue separate guidance to cover these.

Publications which are not allowable

The allowances must not be used to fund the following:

- Birthday or greetings cards or messages
- Videos or films
- Questionnaires and surveys (even if included in other publications)
- Fridge magnets, pens, mouse mats, key fobs and other advertising material.

Rules

1. The purpose of the publication must be to inform constituents about your work as a Member and/or to provide contact details. The allowances must not be used to fund party political activity or campaigning.

2. Newsletters and publications must be sent, or made available, to all constituents.

3. The following material is likely to be allowable, subject to rule 4 below:

- information about you
- information about Parliament, debates etc
- details of surgeries and how to get in touch
- news about your work as a Member
- relevant factual information about Parliament and local public services eg the local council
- basic contact details for your local and national party

4. You must not use newsletters or other publications

- to conduct business activities
- to obtain inappropriate private benefit
- for fund raising

¹ Or office costs allowance, for those Members who had remained on the old system of allowances during 2002–03.

- for surveys
- to encourage people to join a particular political party
- to promulgate or promote any other publication unless it meets the rules in 1 to 4 above, or it is advertised on behalf of a locally-based business. (See 6 below.)
- to campaign on behalf of or against any person seeking election

5. You must not use official House stationery such as pre-paid envelopes for newsletters or other circulars. (Instead you may order paper and envelopes via the Department of the Serjeant at Arms using their general order form. You may meet the costs out of your incidental expenses provision.)

6. You may include advertising by locally-based businesses, provided that the advertiser meets the cost of the advertisement. The advertisement must not contain party political or campaigning material, and it must conform with rule 4 above. It is your responsibility to keep records of these receipts, to notify the Fees Office of the income from advertising and to make an entry in the Register of Members' Interests if needed.

7. You must include in your newsletter or calendar a short notice explaining how it was paid for, and giving the source of any advertising revenue e.g “This publication has been funded from the Incidental Expenses Provision of(MPs’ Name)” (see above).

Procedures

If your publication meets the rules above, you may meet the costs from your allowances without seeking approval from officials in the Department of Finance and Administration. However, officials will audit a number of publications each year. If you are found to have contravened rules 1 to 6 above you will be asked to repay any costs involved.

Tax liability

The Inland Revenue reserve the right to consider the tax position in relation to the costs of Members’ publications. But we are advised that in general the Inland Revenue is unlikely to levy a tax charge if your publication meets rules 1 to 3 above.

Revised version, January 2003

4. Letter to Mr Anthony Steen from the Commissioner

I enclose a copy of a letter I have received from Mr Clayton in which he alleges that you have improperly used your Incidental Expenses Provision (IEP) to fund a newsletter to your constituents which includes remarks which contravene the prohibition in the rules attaching to this allowance on campaigning on behalf of a political party or cause. Also enclosed is a copy of the newsletter itself.

It appears from the box at the bottom of page 3 of the newsletter that its printing and publication (though not its distribution) were funded from the IEP.

As you know, the Code of Conduct for Members provides that:

“No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.”

The rules attaching to the IEP set out in the Green Book make clear that the allowance must be used solely to fund expenditure “wholly, exclusively and necessarily incurred on Parliamentary duties” and that it cannot be used to meet “the costs of party political activities or campaigning”. Printing and sending newsletters is allowable expenditure “provided that these meet Departmental standards and do not amount to political campaigning”.

The statement in the newsletter to which Mr Clayton takes particular exception is in the shaded box at the bottom right of page 1 and reads: “Lib Dem £100 cash back gimmick is no answer to our spiralling council tax bills”.

This appears to be linked to a sentence in the main article on page 1 which reads: “the Lib Dems need their collective heads examined in their naive belief that a £100 cash back scheme, which they promised each council tax payer, is any solution”.

I enclose a note which sets out the procedure I follow when considering a complaint. In accordance with this I should be grateful for your comments on Mr Clayton’s complaint. I am also in touch with the House’s Department of Finance and Administration about the issues raised, and when I have your comments and theirs will write again once I have been able to consider what you say.

3 August 2004

5. Letter to the Commissioner from Mr Anthony Steen

You wrote to me on the 3 August, regarding a complaint by a Mr C J Clayton, in which he alleges I have improperly used my Incidental Expenses Provision to produce and circulate my newspaper reporting on my work in Parliament and the constituency.

I totally refute Mr Clayton’s allegation. I have never used the Incidental Expenses Provision or any public funds improperly, nor have I used any such sums for campaigning on behalf of a political party or otherwise. I strenuously deny that improper use has been made.

His complaint relates to the statement on page 1 of my newspaper about the Lib Dems £100 cash back claim. The overwhelming view of the House when Local Income Tax was debated on the 19 July in the Chamber, was the Lib Dem scheme was both unworkable and a gimmick, and that the Lib Dem Local Income Tax was no answer to the problems of high Council Tax bills.

Furthermore, you should know the cost of the printing Westminster Report claimed by me from the IEP was £3,060.30, copy enclosed, against a total overall cost of printing and distribution of £7,516.22. From this, you will note that nearly 60 per cent of the costs of printing and distributing was met from sources other than public funds.

In the past I have sent copies of Westminster Report to the Fees Office, who have judged whether they can pay the entire costs claimed or a percentage, if they concluded there was any party-political or campaigning activity. In this case, they paid the bill of £3,060.30 without question. It is against this background that I would submit there is no case to answer, both as to substance and detail.

15 September 2004

6. Letter to Mr Guy Turner, Department of Finance and Administration, from Mr Anthony Steen

Guidance for Members of Parliament on publications funded from the Incidental Expenses Provision

Following our telephone conversation yesterday about the revised version (January 2003) of the above, I write to confirm that I have read this document and wish to use my IEP once or twice a year to cover the costs of distributing my *Westminster Report*, which as you will see gives news on what I have been doing in Parliament for the constituency and has no promotional material whatsoever.

As for the drafting, design and publication of the newspaper, this is paid for by the businesses themselves. The advertisements cover these costs and it is merely the distribution that will need to be covered by the IEP. For these reasons you will appreciate that I cannot imagine it would be appropriate for me to have to notify the Fees Office of income from advertising revenue or the need to make an entry in the Register of Members' Interests. I could, however, print a small note stating that the costs of writing and printing the newspaper are covered by Devon businessmen, but you will note that a statement is included on every page regarding publication and printing.

I should be glad of your advices.

1 April 2003

7. Letter to Mr Anthony Steen from the Commissioner

I promised to write further once I had been able to consider your response to Mr Clayton's complaint in the light of comments I was expecting from the House's Department of Finance and Administration (DFA).

In commenting on these matters, the DFA have drawn my attention to the guidance they issue to Members on publications funded from the IEP. A copy of the latest edition of this guidance is enclosed. All Members were sent a copy of it when the current version was issued in January 2003.

You will see that Rule 1 of the guidance says that the IEP "*must not be used to fund party political activity or campaigning.*" This reflects the general prohibition on the use of the IEP for party political purposes which is set out in the Green Book on allowances and to which I referred in my letter of 3 August.

The two questions I need to consider therefore are whether the two sentences in your Spring 2004 "Westminster Report" about the Liberal Democrat's policy on the council tax to which I referred in my earlier letter constitute party political comment and whether the use of the IEP to help you fund their publication to your constituents was improper. I recognise from your letter of 15 September that you may not have intended to use the IEP improperly but, subject to any further points you may wish to make in responding to this letter, I take the view that the answer to the two questions I have posed is 'yes'.

In your letter to me you seek to justify the statements in your newsletter on the grounds that the overwhelming view of the House when local income tax was debated on 19 July was hostile to the Liberal Democrat's proposals. I note that this debate took place well after your parliamentary report had been circulated. Moreover this cannot be an acceptable justification as if it were, any comment critical of a minority party position not espoused by the other main parties would have to be accepted as legitimate but no comment critical of the policies of a majority party in the House could be regarded as justified.

I take the view that the simple test to be applied in such cases is whether or not the comment in question is party political in character. The two sentences in question in this case clearly were. Moreover inclusion of them does not flow naturally and strictly in the text from a description of what you have been doing in your capacity as a Member.

I fully recognise that the IEP funded just over 40% of the total cost of your "Westminster Report", with the remainder coming from other sources. Your news letter properly carried on page 3 the statement:

"The costs of printing and publishing this report is met from the incidental expenses provision and the distribution costs are covered by Devon businessmen."

However, I do not see that split funding of a publication removes the difficulty that the IEP (that is, public money) has been used to help publish a document containing party political comment.

I have significant reservations both about split-funding of publications containing party political comment and about any practice of Members submitting publications to the DFA for "clearance". I understand that these reservations are shared by the Department itself and that concerns about them were behind the

guidance issued to Members, following discussion with the then Speaker's Advisory Panel on Members' Allowances, in January 2003. I also understand that if, nonetheless, you had submitted the text of your report in advance to the Department (and according to them they did not see it), they would have objected to the two sentences on page 1 which have given rise to the present complaint.

Subject to any further comment you may wish to make in the light of what I have said, I propose to make a formal report to the Committee on Standards and Privileges about Mr Clayton's complaint. I have decided to do this in part because of the general points of policy I have mentioned in the preceding paragraph, on which I think it would be useful to clarify the position and reinforce the guidance available to Members. I shall let you see the draft factual sections of this report, in line with the procedures approved by the House. In reporting to the Committee I shall make clear both the relatively minor extent of the party political comment in your "Westminster Report" (2 sentences in an 8 page document) and the fact that the final page of the Report was given over to an article by a Labour Member.

I look forward to receiving any further comments you may wish to make. If you want a word, please do not hesitate to ring my office to arrange for us to meet.

14 October 2004

8. Letter to the Commissioner from Mr Anthony Steen

We spoke on the telephone yesterday about the complaint made by Mr Clayton. As I said to you, I was mildly surprised by the conclusion you reached, simply because I had been specifically advised by the Fees Office that as far as they were concerned, they would pay for *Westminster Report* as requested but would reduce their contribution on a percentage basis if they felt there was anything party political. In an eight page newspaper with a party political caption on one page, this would entail a 12.5% deduction in the contribution made from the Incidental Expenses Provision (IEP).

With that specific guidance in mind, I was not troubled when I produced my last *Westminster Report*. I certainly don't believe it contained anything that could be construed as party political activity or campaigning. Saying that the "Lib Dem £100 cash back gimmick is no answer to our spiralling council tax bills" is a matter of fact and the promised rebate has never been paid. I have certainly not argued anywhere in the newspaper that readers should vote Conservative. I still maintain that the Lib Dem cash back gimmick is not party political activity, but a political comment. There is a clear distinction here.

Furthermore, 60 per cent of the costs of producing the newspaper is paid totally separately from public funds and in view of the specific advice I received from the Fees Office, I believe I acted in accordance with the guidance given. If the front page was in infringement of the rules, I should have 12.5% of my claim from the IEP refused, and the remaining 87.5% from the IEP. As it is, I fund 60 per cent separately from public funds, and it is for this reason that I am at a loss to understand the argument you make, unless of course split funding is not acceptable, in which case the rule will need to be changed. From what you said on the telephone, you inferred that split-funding may be unworkable, but that isn't the ruling at the moment.

You say that had I submitted a text of my *Westminster Report* in advance to the Fees Office, they would have objected to the caption on the Lib Dems. I am not at all sure they would have done, and, even if they had, the 12.5% discount is all that could have happened.

I hope you won't think I am splitting hairs, but I believe we are in danger of becoming obsessed by political correctness, although I appreciate your position and the difficulty you are placed in handling this complaint.

20 October 2004

9. Letter to Mr Anthony Steen from the Commissioner

Thank you for your letter of 20 October in reply to mine of 14 October.

I shall of course, check again with the House's Department of Finance and Administration (DFA) what advice they gave you on these matters. On the basis of the information they have given me so far, however, I understand the line I took in my letter to be consistent with the guidance about newsletters they issued to all Members (most recently in January 2003).

If there is any doubt on these matters it is surely best if it is resolved so that Members, staff and the public know what the rules are. With this in mind, I think the appropriate course is for me to report to the Committee on Standards and Privileges about Mr Clayton's complaint which will allow the Committee to clarify the position. I therefore intend to prepare a draft of the factual sections of my report which, in accordance with the agreed procedure, I will share with you before finalising my conclusions. I will also let you know at that point what, if any, further comment the DFA wishes to offer in the light of your latest letter.

27 October 2004

10. Letter to the Commissioner from Mr Anthony Steen

Thank you for your further letter of 27 October regarding the complaint made by Mr C J Clayton.

I am in no doubt that the information I was given by either Dan Gorman or Andy Gibson in the Fees Office was that if my *Westminster Report* was considered to be part of a campaign or party political activity, they would reduce my claim accordingly from the Incidental Expenses Provision (IEP).

The Fees Office were quite clear as to what the rules were, and the basis on which they would make repayment under the IEP. Acting on that advice, I have referred *Westminster Report* from time to time to the Fees Office for reimbursement, if not in total then in part. It would be quite unjust now and certainly against the rules of natural justice to criticise or chastise me for acting on such guidance, which I did and have done for some years.

You say you think the appropriate course would be to make a report to the Committee on Standards and Privileges, so as to allow the Committee to clarify the position. The basis on which you are proceeding with this is you believe if only one line in an eight page report can be interpreted as campaigning or party political activity, the entire publication is negated with regard to reimbursement under the IEP. In essence you believe the existing rules need revising, but I am at fault for not appreciating that.

You state in your final paragraph that you intend to prepare a draft of the factual sections of your report and let me see a copy before finalising your conclusions. Do I take it that no report or reference has yet been made to the Committee on Standards and Privileges? If that is the case, could you give me some idea as to the timetable?

1 November 2004

11. Letter to Mr Anthony Steen from the Commissioner

When we spoke last week about the draft factual sections of the report on Mr Clayton's complaint which I had sent you, you accepted that you had received the guidance about newsletters sent out to Members by the House's Department of Finance and Administration (DFA) in early 2003. However, you did not see anywhere in that guidance mention of the fact that the former arrangement for the split-funding of newsletters had been brought to an end. Moreover, your correspondence with the Department in April 2003 had been based on the premise that split-funding was still possible and had involved you in asking for guidance on what sort of

statement you should include in your newsletter to indicate that it had been part-funded from the Incidental Expenses Provision (IEP) and part from other sources. No one had told you at that time that split-funding was not possible.

I promised to consult the Department on these points and to let you know the outcome.

As I said when we spoke, it is important to bear in mind that the term “split-funding” is a piece of shorthand which can be used in 2 different senses: (a) to describe a newsletter part-funded from the allowances and part from other sources, and (b) to describe an arrangement under which, if the newsletter were found to contain some party political material, a deduction would be made from the amount reimbursed from the IEP. In the first of these senses, split-funding is still possible. In the second, however, the Department says it came to an end when the Department issued its guidance to Members early in 2003.

The Department accept that when they clarified the rules early in 2003 they did not explicitly say that split-funding in the second of the senses I have described above had been withdrawn. However, they maintain that it is clear from a reading of the fact sheet they distributed that no political content was permissible in newsletters. It should therefore have been clear that the implication of this was that the system of split-funding as in (b) above had ended. The official to whom you spoke in the spring of 2003 about the wording to be included in your newsletter thinks it most unlikely that he would have omitted to say that the old system of split-funding (in the terms of sense (b)) was no longer allowed.

When we spoke you said that you would like to come and see me about the draft report and agreed that we would arrange this after I had consulted the Department. I have therefore asked my PA to arrange such a meeting as soon as possible, and look forward to seeing you then.

22 November 2004

12. Letter to the Commissioner from Mr Anthony Steen

I think it is important to nail certain matters before our meeting tomorrow at 10.30 am. The term “split funding” was never mentioned in any dealings I had with anybody until the complaint made by Mr Clayton. It is not a question of the Department not saying that split funding had been withdrawn; it never mentioned it. All they did say is that if they concluded part of a publication had any party political activity, they would reduce the claim accordingly.

Furthermore, your definition of split funding into two different senses is an entirely new definition that I have not heard of before. Nobody has ever defined it like that until your letter of 22 November. When you say that split funding is still possible, I can assure you that the Department never explained that either. The Officer I spoke with never mentioned split funding, nor did he divide it into two alternative possibilities. Consequently he never mentioned that the former system was no longer allowed. It is a travesty of the facts to say otherwise.

On the question of whether the words in the newspaper were campaigning or political activity, to decide that the entire article has to be read as a whole. You cannot cherry pick words or phrases and say there you are, an “offence” has been committed. I would ask that the whole newspaper be available to individual members of the Committee. They will come to their own conclusions, taking the article as a whole, as to whether my comment could be construed as campaigning or political activity, or whether it was political comment.

As this article was specifically about Torbay Council and their failure to return £100 to individual council taxpayers in the 2004–2005 financial year, I was simply reporting facts. If that is accepted, the sole remaining point is whether the phrase the Lib Dems need their heads examined constitutes party political activity or campaigning. If the Committee says it is not, the whole question of split funding will not be an issue.

22 November 2004

13. Letter to the Commissioner from Mr Anthony Steen

Thank you for sending me a copy of your final memo, which I think is masterly and sets out the facts as they are.

My only reservations are about page 5 [paragraph 10]. You say that the old system of split-funding was brought to an end. I think that is a questionable statement, because as far as I am concerned, I did not even know that the previous system existed and had been brought to an end. I doubt that colleagues were aware of this either.

Furthermore, there was never any indication that Members had to submit their copy to the Fees Office prior to publication. but you infer the opposite in paragraph 12. You then go on to say that had I done so, the Department “would have regarded the two sentences on page 1 objected to by Mr Clayton as breaching their guidance on material qualifying for reimbursement from public funds.” I am not sure that this presumption can be made.

24 November 2004

Formal minutes

Tuesday 30 November 2004

Members present:

Sir George Young, in the Chair

Mrs Angela Browning
Mr Andrew Dismore

Mr Andrew Mackay
Mr Kevin McNamara

The Committee deliberated.

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

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

Paragraphs 1 to 10 read and agreed to.

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

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

Ordered, That the memorandum from the Parliamentary Commissioner for Standards be appended to the Report.

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

* * *

[Adjourned till Tuesday 14 December at 9.30 am.]

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

Session 2004–05

First Report	Conduct of Mr Anthony Steen	HC 71
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Session 2003–04

First Report	Conduct of Mr George Galloway	HC 73
Second Report	Conduct of Ms Diane Abbott	HC 285
Third Report	Conduct of Mr John Spellar	HC 339
Fourth Report	Conduct of Mr Iain Duncan Smith	HC 476 I–III
Fifth Report	Privilege: Protection of a Witness	HC 447
Sixth Report	Privilege: Protection of a Witness (Government Response)	HC 1055

Session 2002–03

First Special Report	Standards of Conduct: Letters from the Committee on Standards in Public Life	HC 516
First Report	Complaint against Mr Nigel Griffiths	HC 195
Second Report	Eighth Report of the Committee on Standards in Public Life: “Standards of Conduct in the House of Commons”	HC 403
Third Report	Complaints against Mr Michael Trend	HC 435
Fourth Report	Complaints against Mr Henry McLeish	HC 946
Fifth Report	Complaints against Mr Clive Betts	HC 947
Sixth Report	Pay for Select Committee Chairmen	HC 1150
Seventh Report	Guidance for Chairmen and Members of Select Committees	HC 1292

Session 2001–02

First Report	Complaint against Mr Geoffrey Robinson: Supplementary Report	HC 297
Second Report	Complaint against Mr Roy Beggs	HC 319
Third Report	Complaint against Mr John Maxton	HC 320
Fourth Report	Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper	HC 478
Fifth Report	Complaints against Mr Keith Vaz	HC 605 I–II
Sixth Report	Registration of Interests by Members who have not taken their seat	HC 624
Seventh Report	Complaints against Mr Nigel Griffiths	HC 625
Eighth Report	Complaints against Mr Archy Kirkwood	HC 755

Ninth Report	A new Code of Conduct and Guide to the Rules	HC 763
Tenth Report	Complaint against Mr Peter Brooke	HC 1147