



House of Commons  
Committee on  
Standards and Privileges

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**Conduct of Ms Emily  
Thornberry**

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**Eleventh Report of Session 2005–06**

*Report and Appendix, together with formal  
minutes*

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## The Committee on Standards & 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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### Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Miss Libby Preston (Second Clerk) and Miss Michelle Owens (Secretary).

### Contacts

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## Conduct of Ms Emily Thornberry

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1. We have considered a memorandum by the Parliamentary Commissioner for Standards relating to a complaint made in March 2006 by the Leader of Islington Council, Councillor Steve Hitchins, against Ms Emily Thornberry, Member for Islington South and Finsbury. The Commissioner's memorandum is reproduced in the Appendix.

2. As the Commissioner explains in his memorandum, the complaint is that Ms Thornberry altered an electronic copy of an Electoral Commission news release by inserting a quotation from herself before forwarding it to the news media in a form which suggested that it remained an official Commission release. Councillor Hitchins also asserted that Ms Thornberry was attempting, in the quotation, to associate the Commission with a party-political campaign by her and local Labour Party members on the record of Islington's Liberal Democrat administration on electoral matters.

3. Prior to considering the Commissioner's memorandum, we invited Ms Thornberry's comments on it. She has indicated to us that she did not wish to submit any further evidence.

4. As the Commissioner points out, there is, in essence, no dispute about the facts underlying the complaint. Ms Thornberry accepts that she had added a quotation from herself to the body of an Electoral Commission press release which it had sent to local newspapers in Islington, and had then sent the new text to the same papers under cover of an e-mail from herself. The dispute lies over how the facts, and Ms Thornberry's actions in particular, are to be interpreted.

5. Councillor Hitchins, as the terms of his complaint demonstrate, clearly attributed a partisan political motive to them, and in particular to the involvement, on Ms Thornberry's initiative, of Councillor West in the Electoral Commission photocall. It is perhaps unfortunate that the Electoral Commission, as it now recognises, was not then fully aware of the sensitivity of registration issues in Islington, and thus issued, with its press release, a supporting photograph which included Councillor West, rather than just the two Islington Members of Parliament.<sup>1</sup>

6. This issue is, however, peripheral to the main issue, which is whether by adding, without the approval of the Electoral Commission, a quotation from herself to a Commission press release which it had sent to the local press, and sending the new version to the press herself, Ms Thornberry breached the Code of Conduct.

7. There is no doubt that the appearance, in what was apparently an official Electoral Commission press release, of a quotation from a Labour Member of Parliament, raised doubts, at least in Councillor Hitchins' mind, as to the impartiality of the Electoral Commission in relation to a politically sensitive issue in Islington. The precise nature of

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1 WE12, p. 35.

her comment, which he saw as misleading, enhanced these doubts. The Electoral Commission, for its part, did not consider her action acceptable: it would have expected any comment to be included in a Commission press release to be cleared with it beforehand. It also considered that the quote was “misleading”.<sup>2</sup>

8. Ms Thornberry maintains that her primary motive in adding the quotation was to support the Electoral Commission’s campaign to improve response rates. The quotation was not in her view misleading. Her purpose in adding it was to increase local press interest in the Electoral Commission’s release. She saw her added quotation as enhancing the prospect of the press release being of sufficient interest to the local press to merit publication. She accepts, though, that it would have been better if she had spoken to the Electoral Commission before acting as she did, and told the Commissioner that she has now altered her office procedures to ensure that a similar situation does not arise in future. **We welcome this.**

9. In the event, neither the Electoral Commission’s press release, nor the version sent by Ms Thornberry appears to have been used by the local newspapers in Islington. There also appears to have been very limited coverage by them of Councillor Hitchins’ complaint.

10. **We accept, as the Commissioner did, that Ms Thornberry’s primary motive was to support the Electoral Commission’s campaign to improve response rates, and consequently levels of voter registration, in Islington, which is self-evidently in the public interest. We agree with him, though, that she was at the least unwise, as she now accepts, to add her quotation to the Commission’s release without its permission. As he said, her actions “are not to be condoned”.<sup>3</sup>**

11. **The Commissioner has very carefully analysed the three principal grounds of the complaint advanced by Councillor Hitchins, and takes the view in each case that the facts do not demonstrate a breach of the Code. We agree with him that, despite being both unwise and unfortunate, Ms Thornberry’s actions did not amount to a breach of the Code of Conduct. In particular, as the Commissioner has pointed out, there is no evidence of any intention on her part to deceive or manipulate the public, nor was that the effect of her actions. We do not therefore uphold Councillor Hitchins’ complaint.**

12. **We nonetheless take this opportunity to remind Members that they should not issue press releases with added comments from themselves, particularly press releases originated by public bodies, without being clear that the originator wishes them to do so. If they have any doubts, they should clear the proposed comments with the originator before issuing their own version of the release. Had Ms Thornberry done so in this case, the grounds of the complaint against her would not have arisen.**

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2 WE12, p. 34.

3 Appendix, para. 49.

# Appendix: Memorandum from the Parliamentary Commissioner for Standards

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# Complaint against Ms Emily Thornberry

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## The Complaint

1. On 16 March 2006, the then Leader of the Liberal Democrat majority on Islington Council, Councillor Steve Hitchins,<sup>1</sup> wrote to complain of the conduct of Ms Emily Thornberry (the Member for Islington South and Finsbury). The text of Councillor Hitchins's letter of complaint and enclosures is at WE1–5. Councillor Hitchins summarised his complaint as follows:

“The complaint is that Ms Thornberry:

1. *altered an electronic copy of an official Electoral Commission news release by inserting a quotation from herself, before forwarding it to the news media as if it were still an official document from the Commission; and*
2. *attempted, in the quotation, to associate the Commission with a party-political campaign being conducted by her and local Labour party members on the record of the Islington Liberal Democrat administration on electoral matters.”*

2. Councillor Hitchins argued that Ms Thornberry's actions were contrary to the following provisions of the Code of Conduct for Members:

*Paragraph 5—“Members have a duty to uphold the law, including the general law against discrimination, and to act on all occasions in accordance with the public trust placed in them.”*

*Paragraph 9—“Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.”*

*Paragraph 15—“Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute.”*

3. The background to Councillor Hitchins's complaint lay in efforts by the Department for Constitutional Affairs (DCA) and the Electoral Commission to increase the number of eligible people registered to vote in London Boroughs in advance of the May 2006 local council elections. Figures issued by the DCA in late 2005 had shown that, at 1 December 2005, the response rate to the annual electoral registration exercise in Islington was 67%, lower than in any London authority other than the City of London. Councillor Hitchins

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<sup>1</sup> Mr Hitchins lost his council seat in the May 2006 elections, but as he was a Councillor when he first wrote to me I have continued to refer to him as such.

suggested that the Islington Labour Party decided at this point to try to make use of this information for party political advantage.

4. He went on to point out that the *response rate* to the electoral registration exercise was not the same as the actual *registration rate* (or level), in that a voter whose name is on the electoral register need not, under the law,<sup>2</sup> be removed from the register until he or she has failed to respond to two consecutive registration canvasses. Councillor Hitchins said that the registration rate in Islington had been estimated at 90% of eligible adults. He asserted that the distinction between these two figures had been repeatedly explained to Ms Thornberry and to the leader of the Labour Party on the Council, Councillor Catherine West, but they had continued to misrepresent the two figures in order to attack the record of the Liberal Democrat administration in Islington on electoral registration matters.

5. The focus of Councillor Hitchins's complaint was a press release issued following a cross-party photo-call arranged by the Electoral Commission on 16 February 2006, in which Members of Parliament with local elections due in their London constituencies in May 2006 had been invited to participate. Ms Thornberry had joined in the photo-call, along with Mr Jeremy Corbyn (the Member for Islington North) and, at Ms Thornberry's initiative, Councillor West. After the photo-call, the Electoral Commission had issued a news release to Islington media, along with a photograph of the two Members and Councillor West, aimed at reminding local people of the need to ensure their names were on the register by 13 March 2006 if they wished to vote in the local elections. The text of the news release as issued by the Commission is at WE3.

6. Councillor Hitchins complained that Ms Thornberry, who had received an electronic copy of this press release from the Commission, had altered the release by inserting into it a statement attributed to herself in the following terms:

*“Emily Thornberry, Labour MP for Islington South and Finsbury, said ‘Its extremely worrying that only 67% have registered for Islington’s May Council elections as voting is the only way to have your voice heard.’”*

Ms Thornberry, he alleged, had then re-issued the altered press release, as if it had come from the Commission but without, according to enquiries his colleague, Councillor George Allan, had made of the Commission, obtaining the Commission's approval.<sup>3</sup> The text of the changed press release is at WE4.

7. Councillor Hitchins asserted that this action by Ms Thornberry was:

- Contrary to the law of the land since “The alteration of documents without authority and attribution comes close to forgery.”
- Damaging to public trust in her as a Member of Parliament.

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2 Electoral Registration Officers do not have discretion to remove names from the register after the first occasion on which a canvass form is not returned; see WE12, p.34.

3 WE5 and 6

- Motivated by her short term political advantage rather than the public interest.
- Calculated to bring Parliament into disrepute, because her actions undermined the standing of both Members and the Electoral Commission.
- Dishonest in that the statement attributed to her in the changed press release deliberately continued to confuse the distinction between the response rate and the registration rate, so undermining confidence in the electoral process in Islington.

8. Councillor Hitchins concluded by asking me to investigate his complaint, and copied his letter to the Prime Minister and the Government Chief Whip. He also wrote separately to the Prime Minister as Leader of the Labour Party asking what action he proposed to take in relation to Ms Thornberry.<sup>4</sup>

### Relevant Provisions of the Code of Conduct

9. In sending me his letter of complaint, Councillor Hitchins referred, as I have noted in paragraph 2 above, to paragraphs 5, 9 and 15 of the Code of Conduct. I examine the relevance of these later in this report. I do not consider that any other paragraphs of the Code are directly relevant to the determination of the complaint.

### My Inquiries

10. On receipt of Councillor Hitchins's letter, I wrote to Ms Thornberry seeking her explanation of what had happened.<sup>5</sup> I also wrote to the Chief Executive of the Electoral Commission, Mr Peter Wardle, inviting the Commission's comments on the complaint.<sup>6</sup>

### Ms Thornberry's response

11. Ms Thornberry sent me an extensive response on 24 March. The text of her response (dated 23 March) is at WE9.<sup>7</sup> In a covering letter Ms Thornberry drew my attention to what she considered to be the political motivation behind Councillor Hitchins's complaint, given the highly contentious nature of the then impending local council elections and her own isolated position as the only non-Liberal Democrat elected representative in the south of the Borough.

12. In her response, Ms Thornberry confirmed that the background to the complaint was the attempt to improve electoral registration figures in London in the run-up to the local council elections. Along with other London Members, she had received a letter dated 22 December 2005 from the Rt Hon Harriet Harman QC, (Minister of State at the

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4 WE2

5 WE7

6 WE8

7 I do not think it necessary to append all the enclosures to that response to this report, but have quoted from them or appended them where necessary in order to confirm certain points in Ms Thornberry's response.

Department for Constitutional Affairs) drawing attention to the relatively low electoral registration rates in the capital and to a concerted registration drive to be undertaken there in the New Year. On 19 January 2006 her office had received an e-mail from the Electoral Commission, inviting her to attend a photo-opportunity to express her support for the Commission’s campaign to raise public awareness of the need to register to vote in advance of the local elections in May.

13. Before attending the photo-opportunity on 16 February, Ms Thornberry had written to the Electoral Services Manager in Islington expressing her concern at the relatively low response in the Borough to registration efforts. She also suggested to Mr Corbyn (the Member for Islington North) that he join her in the photograph and to Councillor West that she join the photo-opportunity too as “I knew that she was also concerned about the low response rate for Islington and had herself raised questions with Council Officers on this.”

14. At the photo-opportunity she had explained the presence of Councillor West to Electoral Commission staff, who had not objected to Councillor West’s involvement.

15. The next day she had received from the communications consultancy acting for the Commission the following e-mail:

*“Following the Electoral Commission photograph for the registration campaign, please find attached a copy of your release and your photograph. . . This will be sent to your local media as agreed.”*

On receipt of this she had asked a member of her staff to add a quote from her and send the press release to the local media. No other additions or alterations were made to the Commission’s text. The changed release was sent to the press on 20 February under cover of an e-mail which read:

*“Press release attached. Further quote may follow from Jeremy Corbyn MP.”*

16. Ms Thornberry said that in adding a quote from her to the Commission’s press release she was following a regular practice, not only of herself but of other Members. Her purpose was simply to assist the Commission’s objective by, she hoped, making their release more newsworthy from the point of view of the local press. In the event, to her disappointment, neither of the local newspapers ran the story.

17. The Director of Communication for the Electoral Commission had subsequently written to Ms Thornberry on 3 March expressing the Commission’s concern about the insertion of the quotation without the Commission’s permission, and about what it regarded as the inaccurate nature of the quotation (“*inaccurate as it refers to the percentage of registration forms returned, not the percentage of people registered*”).<sup>8</sup> Ms Thornberry had replied on 7 March explaining that she had not intended to drag the Commission “into

partisan political debate but to make the press release as interesting to my local press as possible.”<sup>9</sup> She continued:

*“MPs regularly receive press releases from organisations to alter and forward to local press as they see fit. This system has never posed a problem in the past. However, I have now changed the procedures in my office to prevent any future complaints or misunderstandings.”*

18. Summarising her response to the complaint, Ms Thornberry argued that:

- While she had added a quote from herself to the Commission’s press release which she had then re-issued, this did not come ‘close to forgery’ as Councillor Hitchins had contended since she had not attempted to pass off her words as someone else’s, altered what someone else had said, or given a false or misleading impression. She had added her own words, clearly identified as such, to the Commission’s text, not altered the text as sent out by the Commission.
- She now accepted that it would have been preferable to tell the Commission what she proposed to do and to have asked if they had any objection, and she would do this in future. But her sole aim had been to support the Commission’s public awareness campaign.
- In at least two cases, Liberal Democrat councillors in other local authority areas had issued press releases attributing to those councillors as if they were their own words statements in fact made by the Chief Executive of the Commission.
- The issue of voter registration in Islington had become a matter of acute local party political controversy since the photo-opportunity, but the low level of registration in London was a matter of real concern. She had not used the press release to criticise the Liberal Democrat administration of Islington Council or to make a party political point:

*“It would be quite wrong. . . for me to pretend that I have not at all times been conscious of the wider political ramifications of the issue of low voter registration in Islington, and I do not seek to do so.*

*“But the fact remains that in adding a quote to the press release I was not trying to enlist the support of the Electoral Commission to make a party political point; I was not trying to associate the Commission with any party political campaign; and I do not believe that anyone reading the press release would have so interpreted it.”*

- She had not deliberately muddled the response rate with the registration rate in the quote she had inserted in the press release, as Councillor Hitchins alleged:

*“What I said was that 67% ‘have registered’. I do not believe this was untrue—it was certainly not intended to be untrue or deliberately muddling or misleading.”*

- Councillor Hitchins’s assertion that the distinction between the two rates had been repeatedly explained to her was incorrect.

19. Ms Thornberry concluded that she did not believe her actions contravened any of the provisions of the Code referred to by Councillor Hitchins. She did not think what she had said was untrue and it was certainly not dishonest. Nor did her actions come anywhere near to breaking the law or bringing the House into disrepute. She had been motivated throughout by a desire to support the Electoral Commission’s voter registration campaign. If anything it was *“the actions of the Liberal Democrats in bringing this complaint and then seeking to publicise it in lurid terms which are likely to do more to lower the reputation of Members—or at any rate me—in the eyes of the public than anything I have done.”*

### Comments by the Electoral Commission

20. I shared the complaint and Ms Thornberry’s explanation with the Electoral Commission. The Chief Executive of the Commission, Mr Wardle, wrote on 13 April conveying the Commission’s comments on the complaint and Ms Thornberry’s response. The text of his letter is at WE12.

21. Mr Wardle confirmed that the Commission had organised a photo-call to enable Members to express support for the Commission’s campaign to encourage voter registration ahead of the local elections in May. The Commission had subsequently issued press releases to local media and, as a courtesy, e-mailed electronic copies to Members who had attended. Following a complaint by Councillor Allan, the Commission had discovered that the release sent to Ms Thornberry had been changed without its permission and issued to the media in its changed form.

22. Mr Wardle continued:

*“We do not consider that it was acceptable for Ms Thornberry to have changed an Electoral Commission press release without our permission and were surprised that this happened. We made our view clear to her but it was not our intention to pursue this matter any further.*

*It is sometimes the case that MPs provide quotes for inclusion in press releases, but with the knowledge and permission of the organisation concerned. Given the particular role of the Electoral Commission as an independent body, we would expect MPs to be conscious of the need to clear with us any quote that they wished to be included in our release. There is of course nothing to prevent an MP sending a quote to the media under separate cover, which would, in our view, have been a better course of action for Ms Thornberry to have taken.”*

23. Mr Wardle also expressed the Commission’s concern at what it regarded as the misleading nature of the quotation inserted by Ms Thornberry in the news release. The quote stated that “only 67% have registered for Islington’s May council elections” but the 67% figure referred to the percentage of household canvass forms returned in Islington

during the autumn 2005 canvass. This was not the same as the percentage of people registered, not least because there were different numbers of potential electors in different households.

24. As regards the presence of Councillor West at the Commission's photo-call, Mr Wardle confirmed that she had been invited to attend by Ms Thornberry, not by the Commission. However, Commission representatives at the photo-call had not objected to her presence. She had therefore been included in the photograph issued to the media, *"although to our knowledge it was not printed in any local newspapers."* Mr Wardle concluded on this point:

*"With hindsight, given the sensitivity of registration issues in Islington that have since been brought to our attention, it would have been better had our staff asked that Cllr West was not included in the photograph, or that the photograph including her had not been sent to the media. However, in our view there is nothing wrong, in principle, with Councillors lending support in general terms to the registration campaign."*

25. The Commission subsequently sent me a copy of the invitation it had sent Ms Thornberry to attend the photocall it organised as part of its public awareness campaign. After giving the times of the sessions, it continued:

*"We would be delighted if you were able to come along to one of these sessions for a few minutes and have a photograph taken, which we would be happy to send to the local newspapers in your constituency." (emphasis added).*

### **Additional Comments by Ms Thornberry**

26. Having considered all the material before me, I wrote to Ms Thornberry on 18 April conveying the Commission's comments and saying that I had decided that I must report formally to the Committee on Standards and Privileges on Councillor Hitchins's complaint (WE 13). I invited Ms Thornberry to submit any further observations before I did so. Ms Thornberry replied on 28 April (WE14). She said that she had already accepted the legitimacy of the Commission's criticism that she should not have added material to their press release without permission and had changed her office procedures to ensure this did not happen again. She could not accept however, that her actions breached paragraph 15 of the Code in that:

- a) The public was completely unaffected. Her quote was not misleading and in any event, the press had not used the story.
- b) Her motives were entirely genuine and well-intentioned. The Electoral Commission had not disputed them and had said it did not intend to take the matter further.
- c) The press release she issued was not misleading. She had made an error of procedure (in not issuing her quote separately from the Commission's press release) rather than of substance. Such an unintentional procedural error could not constitute a breach of paragraph 15.

27. Ms Thornberry added that she disagreed with the Commission that her quote had been misleading. The Commission had confused those who had registered (ie returned their forms) and those who were registered (ie were on the register). She was referring only to the former.

28. Finally she found it deeply ironic that she had had to justify her actions in great detail and at considerable expense of her time when *“the real scandal is that the rate of electoral registration in Islington (ie those who have returned their forms this year) is so appallingly low compared with neighbouring boroughs.”*

## Findings of Fact

29. Just before Christmas 2005 the Department for Constitutional Affairs wrote to Ms Thornberry and other Members drawing attention to the relatively low electoral registration response rates in London. The Electoral Commission subsequently invited Members to join in a photo-call in support of the Commission’s campaign to increase public awareness of the need to register. Concerned by the particularly low response rates in Islington, Ms Thornberry joined her fellow Islington Member in the photo-call and, on her own initiative, invited the leader of the Opposition Labour Group on Islington Council also to participate.

30. Following the photo-call, the Electoral Commission issued a press release with the appropriate photograph to local media. It also, as a courtesy, e-mailed the text of the press release to Ms Thornberry. Ms Thornberry asked a member of her staff to add a quote from herself to the release, which was then sent on to the press under cover of an e-mail from her office. She did not consult the Commission before doing this. She maintains that she did so to make the release more newsworthy to the local press.

31. Ms Thornberry denies that her quote was inaccurate or that its intention or effect was to mislead anybody. She accepts that it would, with hindsight, have been better if she had contacted the Commission before re-issuing the modified press release, and says that she has altered her office procedures to ensure that a similar situation does not arise in future. However, she acted only from a genuine concern to support the efforts of the Commission to improve levels of voter registration in Islington.

32. Councillor Hitchins argues that the insertion of the quote, without permission, in a press release purporting to be from the Commission was improper if not fraudulent, and that, for reasons of short-term political advantage, the quote itself deliberately confused the rate of response to the autumn 2005 electoral canvass with the percentage of people on Islington’s electoral register.

33. The Electoral Commission does not think it acceptable that Ms Thornberry changed its press release without its permission. It believes that the quote inserted by Ms Thornberry was both politically contentious and misleading.

## Conclusion

34. There is, in essence, no dispute about the facts underlying this complaint. The dispute lies over how they, and Ms Thornberry’s actions in particular, are to be interpreted. I first

examine these actions against the two limbs of Councillor Hitchins's complaint as set out in paragraph 1 above, and then consider whether the actions breached the Code of Conduct.

35. Councillor Hitchins's basic contention in the first limb of his complaint is that Ms Thornberry altered an electronic copy of an Electoral Commission news release by inserting a quotation from herself, before forwarding it to the news media as if it were still an official document from the Commission. Ms Thornberry does not, in effect, challenge the essential facts on which this allegation is based. But there is considerable dispute about how what happened is to be interpreted. Councillor Hitchins argues that this action by Ms Thornberry is "close to forgery", and calculated to damage public trust in her and respect for Parliament more generally. Ms Thornberry says that she was merely following a regular practice, and doing so entirely out of a wish to support the Electoral Commission's public awareness campaign. With hindsight, however, she accepts that it would have been better if she had spoken to the Commission before acting as she did, and says that she has altered her office procedures to ensure that a similar situation does not arise in future.

36. The dispute over how Ms Thornberry's actions should be interpreted is brought into stark relief by the second limb of Councillor Hitchins's complaint. This is that, in adding to and re-issuing the Commission's news release as she did, Ms Thornberry was attempting to associate the Commission with the local Labour Party's criticisms of the record of the Liberal Democrat administration in Islington on electoral registration matters. This raises the question of Ms Thornberry's motivation in relation to her admitted actions.

37. There is no doubt that the context of what occurred was the fraught local politics in Islington in the run-up to the May council elections. Ms Thornberry does not deny that context (see the fourth bullet point in paragraph 18 above). Her decision to invite Councillor West to participate in the Electoral Commission's photo-call suggests that she was indeed well aware of it. It is unfortunate that the Commission's intention to involve only Members of Parliament in the event was obscured by that decision and, as Mr Wardle has conceded (see paragraph 24), that Commission representatives did not question it at the time.

38. A good deal of the force of Councillor Hitchins's complaint rests on his assertion that, in the quote she inserted in the Commission press release, Ms Thornberry deliberately confused, for reasons of party advantage, the distinction between the 'response rate' and the 'registration rate'. He says that this distinction had repeatedly been explained to Ms Thornberry and to Councillor West, and infers from this and the fact that there was party political contention about Islington's record on electoral registration that Ms Thornberry was deliberately trying to score party political advantage through her choice of words. However, material provided by Ms Thornberry goes some way to support her contention that the distinction between the 'response rate' and the 'registration rate' was not as clear to her when she inserted her quote as it has no doubt subsequently become. The clarification she was undoubtedly given in a letter of 20 February 2006 from the Electoral Services Manager of Islington Council did not reach her until the day after she had forwarded the amended Commission press release to local media. It is clear from the comments of the Electoral Commission that Ms Thornberry might, in this sensitive area, have done well to have chosen the words she inserted in that press release more wisely. Ms Thornberry

denies, however, any intention to mislead and I do not think the evidence before me on this point, such as it is, contradicts her denial.

39. Councillor Hitchins argues that Ms Thornberry's actions amounted to putting short-term political interest before the public interest. Whatever other considerations may or may not have been in her mind, I am clear on the basis of the evidence that Ms Thornberry's primary motivation throughout was her concern (a concern which it is clear was widely shared across parties) about the relatively low response rate to the electoral canvass in Islington.<sup>10</sup>

40. Summing up my view on the two limbs of Councillor Hitchins's complaint:

- a) I find proven on the facts the allegation that Ms Thornberry inserted a quotation from herself in an Electoral Commission press release, without first obtaining the Commission's permission, before sending it to the media in a form which might reasonably have given the impression that it was still an official document from the Commission.
- b) Whilst I do not doubt that Ms Thornberry's primary motive in taking this action was, as she asserts, to support the Commission's campaign to improve response rates, and consequently levels of voter registration, in Islington, she was at the least unwise, as she now acknowledges, to amend the Commission's release without its permission. Her action was particularly unfortunate because, in the heated context of local politics in Islington in particular, it could have impaired the perceived independence of the Commission by appearing to associate it in some way with the dispute between the parties about Islington's electoral registration record. The independence of the Commission is something it is in the interests of all concerned with the health of the democratic process to protect. It would clearly have been preferable either for Ms Thornberry to have sought the Commission's permission to amend the release, or simply to have issued her own press release alongside that of the Commission.<sup>11</sup> It is welcome that Ms Thornberry has been prompted by this episode to amend the procedures in her office to ensure that a similar occurrence does not happen again.
- c) For the reasons set out in paragraphs 38-39 above, I do not think the evidence supports Councillor Hitchins's claim that, in the quotation she inserted in the Commission's press release, Ms Thornberry was deliberately seeking to associate the Commission with a party political dispute in Islington.

41. Having expressed this view on the evidence in relation to Councillor Hitchins's complaint about Ms Thornberry's actions, I turn to consider his claim that those actions

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<sup>10</sup> In relation to this element in Councillor Hitchins's complaint, I think it relevant to add that some aspects of the manner in which Councillor Hitchins presented his complaint suggest that as well as, certainly, being concerned about a point of principle, he was as alive to the party political context of his complaint as he alleges Ms Thornberry to have been in respect of her actions over the press release. It would be very difficult to assert that either person's actions in this episode have been entirely free from an appreciation of their party political connotations.

<sup>11</sup> Whatever the merits or otherwise of the actions of the Liberal Democrat Councillors to which Ms Thornberry refers in her response (see paragraph 18 above), in both cases the Councillors issued their statement separately, rather than amending and re-issuing the Commission's release.

breached paragraphs 5, 9 and 15 of the Code of Conduct for Members. I examine each of these paragraphs in turn.

42. Councillor Hitchins claims that Ms Thornberry's actions breached paragraph 5 because:

- a) Ms Thornberry's action in amending the Commission's release without authority and attribution came "close to forgery". Forgery includes the making of a document which purports to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in question, with the intention of inducing some other person who accepts it as genuine to do some prejudicial act. I do not believe that what Ms Thornberry did in adding a quotation in her own name to the Commission's press release can, on any commonsense interpretation, be regarded as falling within the definition of forgery, and I note that Councillor Hitchins's says only that her actions came "*close to forgery*"(emphasis added). But in any case, the proper place for such an allegation to be tested is in the courts, and Councillor Hitchins has not sought, so far as I am aware, to institute any action there. I do not therefore find that Ms Thornberry breached this aspect of paragraph 5.
- b) Councillor Hitchins also alleges that Ms Thornberry's actions were dishonest and breached the requirement of paragraph 5 that Members "act on all occasions in accordance with the public trust placed in them." I have already indicated that, while unwise, Ms Thornberry's actions were not in my view, based on the evidence, dishonest. I therefore do not think they breached this aspect of paragraph 5.

**43. I do not find that Ms Thornberry breached paragraph 5 of the Code of Conduct.**

44. Councillor Hitchins argues that Ms Thornberry breached paragraph 9 of the Code in that she put short term party political interest before the public interest. I believe that the sort of personal interests to which paragraph 9 of the Code is referring are essentially financial rather than party political in character. However, leaving that on one side, an improvement in the electoral response rate in Islington is self-evidently in the public interest. I have already indicated that I accept, on the basis of the evidence, that Ms Thornberry's primary motivation was to support efforts to achieve this. **I do not therefore find that Ms Thornberry breached paragraph 9 of the Code.**

45. Councillor Hitchins contends that Ms Thornberry breached paragraph 15 of the Code in that her conduct undermined the standing of both Members and the Electoral Commission, the integrity of which she had a duty to uphold, and so brought Parliament into disrepute. The Committee on Standards and Privileges has only once previously had to address a case in which the disrepute provision of the Code has been at issue and there is therefore limited precedent on which either I or the Committee can draw in addressing this question.<sup>12</sup>

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<sup>12</sup> First Report of Session 2000-01, HC49.

46. My own reading of paragraph 15 suggests that the following are the key tests to apply in deciding whether it has been breached:

- a) Was the action complained of taken in a parliamentary capacity, or in any other public capacity in relation to which his or her membership of the House is relevant to a material extent (ie not merely incidental)?
- b) Was the conduct such as might reasonably be considered likely to damage public trust and confidence in the integrity of Parliament or to bring the House, or its Members generally, into disrepute?

47. In applying these tests, there are a number of subsidiary considerations to be weighed:

- a) The action or conduct in question has to be such as could damage public trust and confidence in the integrity of Parliament, or the reputation of the House and of Members generally. The provision is not primarily directed at confidence in individual Members. That is essentially a matter between a Member and his or her constituents, to be tested through the electoral process.
- b) It follows that not every unwise, or even improper action by a Member will constitute a breach of paragraph 15. An individual Member, acting improperly in his or her capacity as a Member, will tend to damage the reputation of Members generally if, for example, the misconduct in question is taken by the public to be the kind of conduct that might be expected of any Member. That is not an inevitable consequence of any improper action by a Member, but something to be weighed on a case by case basis.
- c) In deciding whether paragraph 15 has been breached it is not essential to show that the Member concerned intended to damage the reputation of the House. A Member may breach paragraph 15 by acting recklessly or negligently. Nor is it essential to show that his or her actions did in fact bring the House into disrepute. The test is whether a reasonable person might consider them likely to do so. Both factors—intent and effect—may, however, be relevant to weighing the seriousness of what happened.
- d) How the public might perceive a Member's actions is as relevant a factor as the substance of those actions themselves. This was certainly a relevant consideration in the preceding case mentioned in paragraph 45 above.
- e) As with the application of other aspects of the Code, a commonsense, proportionate view is needed, which takes into account all the relevant facts of the case.

48. Adopting such an approach, I consider Ms Thornberry's actions to have been unwise and unfortunate but I do not believe that, taken as a whole, they were such as to bring the House or Members generally into disrepute. Her action was certainly taken in her parliamentary capacity. If its effect had been such as might reasonably be considered likely to leave in the minds of the public the impression that Members routinely alter the press releases of official bodies without permission, and then try to pass off the altered text as if it were the original, her conduct would also have met the second test in paragraph 46. But I do not think a reasonable person, looking at the evidence in the round, would assess her conduct in that way. The altered press release she sent to local media was sent with a covering e-mail that indicated that it had come from Ms Thornberry's office. There is no

evidence of an intention to deceive or to manipulate the public. Nor was that the effect of what happened. None of the local papers carried Ms Thornberry's altered press release, and there has hitherto been very limited press coverage of Councillor Hitchins' allegations. So, while Ms Thornberry's actions may or may not have damaged confidence in her among her electors, I do not think they can be said to have damaged public trust in the integrity of Parliament or the reputation of the House or of Members generally. **Taking what I believe to be a proportionate view, I do not therefore find that Ms Thornberry breached paragraph 15 of the Code.**

**49. To sum up, on the evidence before me, I find the first limb of Councillor Hitchins's complaint proven as to the facts, but the second not proven. Ms Thornberry's actions in adding a quotation in her own name to an Electoral Commission press release without the Commission's permission and then distributing the release to the media in a form which could suggest it was still a Commission document were unwise and unfortunate. They are not to be condoned. For the reasons I have set out in paragraphs 42-48, I do not, however, believe they amounted to a clear breach of the Code of Conduct.**

50. In his letter of 13 April (WE12) the Chief Executive of the Electoral Commission seemed to express a similar, balanced view of Ms Thornberry's actions. He said:

*“ We do not consider that it was acceptable for Ms Thornberry to have changed an Electoral Commission press release without our permission and were surprised that this happened. We made our view clear to her but it was not our intention to pursue this matter any further.” (emphasis added)*

51. Whilst the Committee will wish to consider whether it agrees with my conclusions on Councillor Hitchins complaint, it may feel that, the relevant facts having been exposed in this report, it may be best left to the electors of Islington South and Finsbury in due course to assess what weight to attach to them.

22 June 2006

Sir Philip Mawer

# Written evidence received by the Parliamentary Commissioner for Standards

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## 1. Letter to the Commissioner from Cllr Steve Hitchins, 16 March 2006

I am writing to make a complaint against Ms Thornberry under the Code.

The complaint is that Ms Thornberry:

1. Altered an electronic copy of an official Electoral Commission news release, by inserting a quotation from herself, before forwarding it to the news media as if it were still an official document from the Commission; and
2. attempted, in the quotation so inserted, to associate the Commission with a party-political campaign being conducted by her and local Labour party members on the record of the Islington Liberal Democrat administration on electoral matters.

I believe these actions are contrary to the following provisions of the Code of Conduct:

Paragraph 5: Members have a duty to uphold the law, including the general law against discrimination, and to act on all occasions in accordance with the public trust placed on them.

Paragraph 9: Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Paragraph 15: Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons or its Members generally, into disrepute.

I will set out shortly the background to the complaint, but before doing so I will list here the evidence to support this complaint, which is enclosed:

1. New Release as issued by the Electoral Commission, dated 20<sup>th</sup> February 2006.
2. The same Electoral Commission News Release as amended by Ms Thornberry.
3. e-mail from Cllr George Allan, Executive Member for Customer Focus, London Borough of Islington, to the Electoral Commission dated 28<sup>th</sup> February 2006.
4. e-mail from Stephen Rooney, Head of Communications of the Electoral Commission to Cllr George Allan dated 3<sup>rd</sup> March 2006.

### Background to Complaint

On 2<sup>nd</sup> January 2006, I understand, the Department of Constitutional Affairs issued a table of comparative figures showing the rates of response to the various electoral registration activities each London borough had recently carried out, as at 1<sup>st</sup> December 2005. This has particular significance this year because of the Borough elections in London on 4<sup>th</sup> May 2006.

This table showed that the response rate in Islington was 67%. This compared unfavourably with all but one other local government area (the City of London). I suspect that the Islington Labour party decided at this point to try to make use of this information for party political advantage.

It is important to note that the *response rate* is not the same as the *registration rate*. Under the regulations, a voter need not be removed from the register until he or she has failed to respond to two consecutive

registration canvasses. Islington's electoral services officers in fact estimate that 90% of eligible adults are registered to vote. The distinction has, I understand, been repeatedly explained to Ms Thornberry and the local Labour Leader, Cllr West, but they have continued to misrepresent these figures.

The Islington Labour party has since caused various articles to appear in a local newspaper, and put down a motion to Council for its meeting on 23<sup>rd</sup> February, as part of its campaign.

On a date unknown to me prior to 20<sup>th</sup> February 2006, I understand that the Electoral Commission invited some 100 MPs with elections coming up in May in their constituencies, to a cross-party photocall to create photos to go out with press releases from the Commission to the local press in those areas, drawing attention to the need to register to vote by 13<sup>th</sup> March. Councillors from these areas were not invited. Nevertheless, Cllr West, appears in the photograph with Ms Thornberry and the other local Labour MP, from which I conclude that Ms Thornberry invited Cllr West to attend, doubtless as part of the Labour party's local campaign on this issue.

Thereafter, the Commission issued a news release directed at the Islington media.<sup>13</sup> It told Cllr Allan later, in its e-mail of 3 March, that it sent a courtesy copy of the release to Ms Thornberry, as an electronic document.<sup>14</sup>

On 20<sup>th</sup> February, the Liberal Democrat Office in Islington Town Hall received, by e-mail, from a local newspaper, a copy of what appeared to be an Electoral Commission news release, on which it was invited to comment.<sup>15</sup>

On examination, I and my political colleagues found the release offensive in that it quoted Ms Thornberry not merely repeating the error that the response rate was the same as the registration rate, but apparently in an official Electoral Commission news release, Accordingly Cllr Allan, the Executive Member for Customer Focus, which includes electoral registration matters, e-mailed the Commission on 28<sup>th</sup> February, asking questions about the release, which he attached to his e-mail.<sup>16</sup>

He then received a telephone call from the Commission's head of communications, Stephen Rooney, telling him that the quotation had been added by Ms Thornberry and was not part of the authentic news release as issued by the Commission. This is confirmed in Mr Rooney's e-mail to Cllr Allan of 3 March.<sup>17</sup>

Mr Rooney told Cllr Allan in their telephone conversation that the Commission had taken the alteration up with Ms Thornberry, whose attitude was that she had not "doctored" the document but had merely added an appropriate quotation.

On looking at the electronic version of this document, I see that the "File/Properties/Statistics" function shows that the document was indeed amended on a Houses of Parliament computer.

These events lead me to the conclusion that:

1. Ms Thornberry or someone in her office, altered the electronic version of the Electoral Commission news release of 20 February, to insert a quotation from her;
2. She then forwarded it to the Islington press, without the document itself giving any hint that the quotation from her was not in the authentic document issued by the Commission; and
3. Her motivation in doing so was to assist the local Labour party campaign on our record on electoral registration, for party political advantage.

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13 WE3

14 WE6

15 WE4

16 WE5

17 WE6

My Complaint

I would like to put this complaint against Ms Thornberry as follows:

1. Ms Thornberry has not upheld the general law of the land, or acted in accordance with the public trust accorded to her, contrary to paragraph 5 of the Code. The alteration of documents without authority and attribution comes close to forgery. The public is entitled to expect a basic level of honesty and integrity in its MPs. I am astonished that any MP—let alone one who is a lawyer by profession—could consider that this is an acceptable thing to do.
2. The alteration was intended for her personal political advantage, and shows that in a situation of conflict between her short-term political objectives and the standing of the Electoral Commission, she preferred her short-term political objectives, contrary to paragraph 9.

The Commission is a non-party-political body dedicated to upholding democracy and ensuring fair play and integrity in the electoral process. Its communications should be treated with absolute respect. Ms Thornberry could have issued her own press release, commenting on the Commission's, and containing her own quote. She clearly hoped that incorporating her quote into an apparently authentic press release from the Commission would give her views an endorsement, and obtain press coverage, beyond that which she could achieve by her own efforts.

Her conduct has brought Parliament into disrepute because it has undermined the standing of both MPs and the Commission. Anyone elected under democratic processes supervised by the Commission owes, in my opinion, a particular duty to uphold the integrity of those processes and of the various public bodies dedicated to upholding them.

The fact that her quotation repeated an untruth about our electoral registration rate is in my view contrary to all three paragraphs. It was dishonest, in that she was aware that it was untrue. She nevertheless sought to give the appearance of the Commission's endorsement of it; and it undermines public confidence in the electoral process in Islington by implying that the elections are taking place on a register we know to be only two-thirds complete.

I would therefore be glad if you would investigate these complaints.

I am sending a copy of this letter to Ms Thornberry, Hilary Armstrong MP and the Prime Minister.

*16 March 2006*

## **2. Letter from Cllr Steve Hitchins to the Prime Minister, 16 March 2006**

I am writing to ask what action you plan to take in relation to the behaviour of Emily Thornberry MP, who has tried to misuse the Electoral Commission for party political advantage, thereby compromising its integrity and independence.

I am asking the Parliamentary Commissioner for Standards to inquire into the circumstances in which it appears that Ms Thornberry tampered with the text of an official News Release issued by the Electoral Commission, by inserting a quotation from herself, before sending it on to the press as if it were still an official Electoral Commission news release. A copy of my letter is enclosed.<sup>18</sup>

If that were not enough, the quotation itself repeated an untruth, that only 67% of Islington's eligible adults were registered to vote. This was part of a misinformed campaign she and the local Labour party appear to be running. In fact, we estimate that 90% of eligible adults are registered to vote, and the figure she was quoting



#### 4. News release from the Electoral Commission with Emily Thornberry's additional paragraph,<sup>20</sup> 20 February 2006

News release The Electoral Commission

Embargo 20 February 2006

NB PHOTOGRAPH AVAILABLE

Three weeks left to register for May elections

Islington MPs remind voters of 13 March registration deadline.

Voters in Islington have until 13 March - just three weeks - to register so that they can vote for their local council representatives at elections on 4 May 2006.

With the registration deadline looming, Islington MPs Emily Thornberry and Jeremy Corbyn and Cllr Catherine West today helped the Electoral Commission launch a campaign urging all those people who are eligible to vote to make sure they are on the electoral register (see photograph "Emily Thornberry MP, Jeremy Corbyn MP, Cllr Catherine West and the Electoral Commission remind voters to register by 13 March for local elections in May").<sup>21</sup>

Names can be added later to the electoral register on a monthly basis but anyone not registered to vote by 13 March will not be able to vote in the 4 May local elections. An online electoral registration form can be downloaded from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

*Emily Thornberry, Labour MP for Islington South and Finsbury, said 'It's extremely worrying that only 67% have registered for Islington's May council elections as voting is the only way to have your voice heard.'* [Emphasis added].

Peter Wardle, Chief Executive of the Electoral Commission, said, "Many people assume that they'll be automatically registered, but that isn't the case. So if you haven't already received and returned a registration form from your local council, download one at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

Politics affects every aspect of our lives, from rubbish collection and road safety to education and care for the elderly. We want to remind people in Islington that they must be registered by 13 March so they don't lose their right to vote."

A recent report by the Electoral Commission found that up to 3.7 million people in England and Wales, between 8-9% of the eligible population, did not register to vote in 2000.

You can find out more about elections in your area by going to [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) or by contacting your local council to check whether you are registered.

Ends

#### 5. E-mail from Cllr George Allan to the Electoral Commission, 28 February 2006

I am the member of the Executive of Islington Council responsible for electoral registration matters.

I am minded to make a complaint about the Commission's recent press release "Three Weeks left to register for May Elections: Islington MPs remind voters of 13 March registration deadline" embargoed to 20th

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20 The additional paragraph is identified in italics.

21 Not appended to the Commissioner's report.

February (WE4). Before I do so, however, I would like to ask you some questions which arise from this press release.

The release was issued not long after the local Labour party, and the leader of the (opposition) Labour Group on the Council, Cllr Catherine West, launched a series of political attacks on the Liberal Democrat administration of Islington for its alleged failure to do enough to increase voter registration. Needless to say, we strongly refute this suggestion and have in fact recently achieved a very creditable increase in the response rate, over the previous year, to 67%.

We are of course mindful that this is low by comparison with other boroughs, so the further measures we are taking to increase the 67% figure are:

1. sending a letter and registration form, again, to every address in the borough,
2. canvassing, again, the 15 areas of the borough with the lowest registration rates,
3. sending posters to 80 community groups plus libraries and area housing offices,
4. putting advertisements on lampposts throughout the borough,
5. putting an advertisement in the residents' magazine delivered to every residential address in the borough,
6. putting an advertisement on in local cinemas, and
7. collaborating with the Commission in its own campaigns to increase registration

My first question, therefore, is why you enlisted the two Labour MPs and the leader of the (opposition) Labour Group to take part in your campaign, rather than the Leader of the Council or any member of the Islington administration? In how many other London boroughs did you run this campaign, and associate the opposition leader with your campaign, while excluding the Leader or administration of the Council?

Secondly, the Commission's press release quotes Emily Thornberry MP as stating that "it's extremely worrying that only 67% have registered for Islington's May Council elections as voting is the only way to have your voice heard".

This of course repeats the error that response rate is the same as registration rate, a mis-statement made in various Labour party communications locally before and since the Commission's press release, and in my view calculated to mislead the public. The Council's officers estimate that 90% of Islington's eligible voters are in fact registered to vote, as a result of this and previous responses. Why was this error committed in the Commission's own press release?

Thirdly, did you make any inquiries with these Labour figures which would have led you to realise that you were at risk of associating the Commission with the party-political campaign Labour had been running locally?

I note from your web site that your values are these:

We take pride in our independence.

We are passionate about the quality of our work.

We are open and honest about what we do.

We respect stakeholders and each other.

We value equality and diversity in everything we do.

We believe it's important to listen and work with others.

This press release appears to me to display none of these values.

I therefore invite you to respond to these questions and on the basis of your reply I will decide whether or not to make a formal complaint.

*28 February 2006*

## **6. E-mail to Cllr George Allan from the Electoral Commission, 3 March 2006**

Further to your email of 28 February 2006 and our telephone conversation yesterday, please find enclosed the press release issued by The Electoral Commission following the recent photocall for MPs we organised.

As I explained when we spoke yesterday, the photocall was organised to help promote the Commission's national campaign to encourage voter registration ahead of the local elections in May. The event was cross-party and attended by representatives of all the main parties, and we issued press releases to local media in their respective constituencies. (As far as I'm aware, no local press in Islington have featured the story.)

As you will see, the release we issued did not include any mention of electoral registration issues specific to Islington, nor a quote from Emily Thornberry. The release was copied to her office for information and it appears a quote was added at that stage without our knowledge or permission. We have been in touch with Ms Thornberry to express our concern about this.

*3 March 2006*

## **7. Letter to Emily Thornberry from the Commissioner, 20 March 2006**

I am writing about a complaint against you which I have received from Councillor Hitchins.<sup>22</sup> I understand that you should already have received a copy of the complaint and supporting material direct but enclose a further copy for ease of reference.

The essence of Councillor Hitchins's complaint is that you amended an electronic copy of a news release about voter registration issued by the Electoral Commission without the Commission's approval and then reissued it to the press to gain party political advantage.

Councillor Hitchins refers to a number of provisions of the Code of Conduct for Members which he alleges have been breached by you. I prefer to hear your own account of what has happened before reaching any view on whether his arguments in relation to the application of the Code to the circumstances he outlines are correct. However I am clear that, if what Councillor Hitchins alleges is correct, his complaint does appear to raise issues in relation to paragraph 15 of the Code, viz:

"Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute."

I enclose a note I send all Members who are the subject of a complaint.<sup>23</sup> In accordance with the procedure this sets out, I should be grateful if you will let me have your explanation of what has occurred. It would be helpful if this covered, among other things:

1. Whether you acknowledge amending the Electoral Commission press release as Councillor Hitchins alleges.

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<sup>22</sup> WE1

<sup>23</sup> Not appended to the Commissioner's report.

2. If you did so, why did you do so.
3. Whether you accept his charge that, in so doing, you were attempting “to associate the Commission with a party political campaign being conducted by [you] and local Labour Party members on the record of the Islington Liberal Democrat administration on electoral matters”.
4. Whether you accept his criticism that you have deliberately muddled the response rate with the registration rate in your comment.
5. How Councillor West came to be associated with you and Jeremy Corbyn MP in the Electoral Commission exercise.

I am writing separately to the Electoral Commission inviting their comments on the complaint. If, having considered the complaint, you wish a word, please get in touch. Otherwise I look forward to receiving your reply. It will be helpful to receive this, if possible, before the House adjourns for the Easter recess.

*20 March 2006*

## **8. Letter to The Electoral Commission from the Commissioner, 21 March 2006**

I enclose a copy of a letter of complaint against Ms Thornberry which I have received from the Leader of Islington Council, Councillor Steve Hitchins.<sup>24</sup> The essence of the complaint is that Ms Thornberry amended an electronic copy of a news release about voter registration issued by your Commission, without the Commission’s approval, and then re-issued it to gain a party political advantage.

You will see that the material Councillor Hitchins has sent me in support of his complaint includes an exchange of e-mails between Stephen Rooney of the Commission’s staff and a Councillor George Allan, in which some of the circumstances of the complaint are explained.<sup>25</sup>

I shall be grateful for the Commission’s comments on the complaint. Does the Commission have a view on the appropriateness or otherwise of Ms Thornberry’s alleged actions? Has the Commission been in touch with Ms Thornberry about them, and what was her response?

I should also be grateful if you will let me know how Councillor Catherine West, Leader of the (Opposition) Labour Group on Islington Council came to be associated with the exercise. Were councillors from other authorities involved with their local MPs? It seems likely that Councillor West’s involvement has exacerbated local inter-party feeling on the issue.

I look forward to hearing from you. If you wish a word, please do not hesitate to give me a ring. Meanwhile you may find helpful the enclosed note, which sets out the procedure I follow in pursuing complaints against Members.<sup>26</sup>

*21 March 2006*

## **9. Response to the Commissioner from Ms Emily Thornberry, 23 March 2006**

1. On 22 December 2005 Ms Harriet Harman, Minister of State at the DCA, circulated (to me among others) tables showing the number of electors in London boroughs and the percentage of electoral

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<sup>24</sup> WE1

<sup>25</sup> WE5&6

<sup>26</sup> Not appended to the Commissioner’s report.

registration forms returned as at 1 December 2005.<sup>27</sup> The covering letter stated that the DCA together with other organisations including the Electoral Commission would be running a concerted registration drive in London in the New Year, and drew attention to the fact that London has the worst electoral registration rates in the country, and that overwhelmingly those who are not registered are young, from black or ethnic minority (“BME”) backgrounds and living in rented accommodation.

2. The tables showed that the percentage of forms returned for the London Borough of Islington was only 67%. This was the lowest level for any London borough, the next lowest being Lambeth with 71%. (This excludes the City of London which had a response rate of 64%; the City of London is not technically a London borough<sup>28</sup> and is very atypical in that it has a tiny electorate compared to the other authorities and (as explained in footnote 2 to the Table) has many short term lets which are empty for much of the year, which explains the low proportion of forms returned. Neighbouring boroughs had markedly higher response rates than Islington, notably Haringey (96%) and Camden (84%).
3. On 19 January 2006 my office received an e-mail from the Electoral Commission “inviting me to attend a photo-opportunity to express her support for our public awareness campaign for the local elections in May and help to encourage her constituents to register to vote”. It offered two dates on 13 and 16 February 2006 at Portcullis House.<sup>29</sup>
4. On 13 February 2006 I wrote to Mr Ian Bowden, the Electoral Services Manager for Islington, expressing my concern that only 67% of Islington’s households had registered to vote.<sup>30</sup> As my letter shows, I said that I found the situation deeply troubling and asked among other things what was being done to ensure that the lower socio-economic groups, young people and ethnic minorities register.
5. Mr Bowden replied on 20 February 2006 and his letter was received in my office on 21 February. As can be seen, he started by saying that he shared my concerns that significant numbers of people in Islington did not respond to their registration drives; he also described the figures as “disappointing”.
6. Meanwhile on 16 February I attended the photo-opportunity at Portcullis House which had been arranged by the Commission and was intended to help the Commission remind people to register to vote by 13 March for the local elections in May. Similar invitations had been given to all MPs where local elections are due to be held. On 14 February I suggested to Jeremy Corbyn MP (Islington North) that we do a photograph together as I thought it would make more impact than separate photos.<sup>31</sup> On 15 February I also suggested to Councillor Catherine West, the Leader of the Labour Group on Islington Council, that she might come along too; I knew that she was also concerned about the low response rate for Islington and had herself raised questions with Council officers on this.
7. On the morning of 16 February one of my staff confirmed a time of 12.50 pm that day for the photo-opportunity with the Electoral Commission. I turned up first and Councillor West joined me. While waiting for Jeremy Corbyn MP I explained to the Commission’s staff that I had invited Councillor West to join us as Leader of the Labour Group as the appallingly low response rate for Islington was something which she had expressed concern about. I was of course conscious that the photo-call had been arranged by the Commission and not by me and if they had thought there was anything inappropriate in Councillor West attending and participating in the photo-call I have no doubt they would have said so, and I would of course have respected that. In the event they were quite happy to take a photograph of all 3 of us.
8. On 17 February 2006 Ms A at Fishburn Hedges (a communications consultancy) e-mailed me a copy “of

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27 Not appended to the Commissioner’s report.

28 London Government Act 1963, s.1(1) and Sch.1

29 Not appended to the Commissioner’s report.

30 Not appended to the Commissioner’s report.

31 Not appended to the Commissioner’s report.

your release and your photograph”.<sup>32</sup>As the e-mail shows she indicated that it would be sent to the local media. The attached press release is that included at item 1 to Councillor Hitchins’ letter and (unsurprisingly, since it did not emanate from me) does not contain any quote from me. It did contain a quote from Mr Peter Wardle, the Chief Executive of the Commission, reminding people in Islington to register by 13 March. The photograph attached shows myself, Jeremy Corbyn MP and Councillor West and as can be seen from the text of the press release the Commission themselves described the three of us as helping them launch their campaign.

9. I asked one of my staff to add a quote from me and send the press release to the local press. This was done and the press release with a quote added from me was sent to the press on 20 February 2006.<sup>33</sup> The attached press release is that included at item 2 to Councillor Hitchins’ letter. As can be seen, a quote has been added from me in these terms.

“Emily Thornberry, Labour MP for Islington South and Finsbury, said “It’s extremely worrying that only 67% have registered for Islington’s May Council elections as voting is the only way to have your voice heard.”

As can also be seen no other additions were made, and no alterations made to the Commission’s text.

It can also be seen that the covering e-mail under which this was sent out says;

“Press release attached. Further quote may follow from Jeremy Corbyn MP”.

I believe this makes it clear that any quote from Jeremy Corbyn MP would come from him (ie not via the Commission), and would tend to suggest that my quote had similarly come from me.

10. As I am sure you are aware MPs receive a large number of press releases from a variety of organisations. I regularly add quotes to such press releases and forward them to the local press. The purpose of doing this is not to “hi-jack” the press release for my own purposes but to try and add something in the hope that the story will be of more interest to the local newspapers. Local papers are naturally only interested in stories with a local angle, and it is my experience that they are more likely to be interested in a story if they can caption it “MP supports call for X” rather than just “ABC Society calls for X”. What is more, I have found that the likelihood of a story being used is increased if I can add a quote which demonstrates why the point has a particular significance to the local community. This practice is therefore intended to be of assistance to whichever organisation has produced the press release in the first place; and indeed the very purpose of involving an MP is usually precisely because the organisation hopes that it will increase publicity for whatever cause they are promoting. I have never before had any difficulties with this and as I have said have assumed that this was what the originators of such press releases wanted me to do—ie lend my support by endorsing their message with helpful quotes highlighting the local significance.
11. In the case of the Electoral Commission, I assumed that they too had sought to enlist the help of MPs in order to help promote their campaign, and that this was why they had asked us for a photo-call and sent out the press release in the form in which they did. In adding a quote therefore I was in no way seeking to undermine what they were doing but to promote it. In the event to my disappointment neither of the local newspapers ran the story.
12. On 3 March Ms Angela Salt, the Director of Communication for the Commission, prompted no doubt by the e-mail from Councillor George Allan which is at item 3 to Councillor Hitchins’ letter, wrote to me (following up on a telephone conversation I had had with Mr Stephen Rooney, Head of Communication, on 1 March) expressing her concern that the Commission’s press release had been changed and re-issued without their permission.<sup>34</sup> I replied on 7 March 2006, explaining that I had not intended to drag the

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32 Not appended to the Commissioner’s report.

33 Not appended to the Commissioner’s report.

34 WE10

Commission into partisan political debate and had followed what I understood to be a regular practice, but that I had already changed procedures in my office to prevent any future complaints or misunderstandings.<sup>35</sup> I have not to date received any further reply from them.

13. Councillor Hitchins' complaint to you was made on 16 March 2006 and copied to the Prime Minister, and the Chief Whip. He also wrote to the Prime Minister in his capacity as Leader of the Labour Party. I assume you have a copy of this letter.<sup>36</sup>
14. On the same day (or possibly 17 March) the Liberal Democrats (Councillor George) issued a press release headed "Emily Thornberry MP "doctored" Electoral Commission News Release".<sup>37</sup> They of course did this before waiting to see what the response from your office might be (let alone what the outcome of your investigation might be)

### Response to complaints

I will first answer here the particular matters raised in your letter:

#### **"Whether you acknowledge amending the Electoral Commission press release as Councillor Hitchins alleges"**

15. As appears above I did add a quote from myself to the Commission's press release. To this extent I acknowledge that the press release was amended. However I certainly do not accept the way in which this is characterised by Councillor Hitchins in his complaint as "coming close to forgery" or by the Liberal Democrats in their press release as my having "doctored" the news release or having "tampered with" other people's documents. This language suggests an intention to pass off my words as someone else's, alter what someone else has said, or give a false and misleading impression.
16. As is clear I did no such thing. I did not attribute what I said to the Commission - I made it perfectly clear it was a quote from me - and I do not believe that anyone reading the news release, let alone the newspapers to whom it was addressed, would have read this as anything other than what it was, namely a quote from me. I did not intend to suggest, nor do I think that it does suggest, that the Commission were agreeing with or adopting or endorsing my quote, and the covering e-mail (paragraph 10 above) in stating that a further quote might be added by Jeremy Corbyn tends to suggest the opposite. Nor did I alter the text as sent out by the Commission; what I did was to add to the text my own words, clearly identified as mine and not the Commission's.
17. I of course now accept in the light of the subsequent correspondence with the Commission that it would have been preferable to have told them what I proposed to do and ask if they have any objection, and in the future I will follow this course. But as I have explained this is the first time I have come across a problem of this sort and I never intended to do anything other than support what the Commission was trying to do, or in the words of their original invitation "express [my] support for their public awareness campaign for the local elections in May and help to encourage [my] constituents to register to vote" (paragraph 3 above)
18. In the light of the way in which the Liberal Democrat Councillors have chosen to characterise what I did, you may find it of interest to see that in at least two examples local Liberal Democrat parties have amended the Electoral Commission press release by attributing quotes in fact made by Mr Wardle to local Liberal Democrat Councillors as if they were their own. In the case of Birmingham, the second paragraph of Mr Wardle's quote ("Politics affects every aspect of our lives") is attributed to Councillor X, in the case of Walsall, the same quote is attributed to Councillor Y.

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35 WE11

36 WE2

37 Not appended to the Commissioner's report.

**“If you did so, why you did so”**

19. As appears from the above I did so in order to lend my support to the Commission’s campaign and in the hope that it might make the local papers to whom the release was addressed more likely to run the story.
20. I was very careful not to use language that could be regarded as anything other than politically neutral. The issue of voter registration in Islington has indeed become a matter of acute party political controversy for reasons that I explain in more detail below; but the low level of registration in London is (or should be) a matter of deep concern to all those interested in the health of the democratic process. The very fact that the Electoral Commission launched this campaign with cross-party support shows that a desire to increase registration is not by itself a party political matter. I am very aware, as every MP is, of the difference between party political activities and matters undertaken as an elected representative acting on behalf of all constituents and I firmly believe that in this case I acted, and would be perceived to have acted, quite properly in the latter capacity.
21. I did not take the opportunity to criticise the Council, or suggest that it was not doing enough; I believe that what I said (that the low level of registration was worrying and that voting is the only way to have your voice heard) was entirely in line with the message that the Commission was seeking to promote, and the statements from Mr Wardle. You will recollect that the letter from Mr Bowden of 20 February 2006 (which of course I had not then seen) made a point of saying that he shared my concerns at the significant numbers of people in Islington not responding to registration drives and that the figures were “disappointing”; this forms an interesting contrast with Councillor Hitchins’ glowing reference in the Liberal Democrats’ press release to the “Lib Dem administration’s excellent record on electoral registration in Islington.”

**“Whether you accept his charge that, in so doing, you were attempting ‘to associate the Commission with a party political campaign being conducted by [you] and local Labour Party members on the record of the Islington Liberal Democrat administration on electoral matters.’”**

22. No.
23. As I have already said, I was careful to use politically neutral language and not to use the opportunity to criticise the Liberal Democrat administration or make a party political point.
24. I do accept that the question of low voter registration in Islington has *now* become politically controversial, and one can sense that the Liberal Democrat administration is very sensitive on the issue, particularly since a Council meeting on 23 February 2006. I understand that at that meeting the Labour Group put down a motion calling for a specific canvass of BME groups to increase voter registration, and this was defeated by the majority Liberal Democrats. (This motion, but not what it was seeking or the fact that it was voted down by his administration, is referred to by Councillor Hitchins in his letter). As I said in my letter to Ms Salt, I am told that after voting against this motion, Councillor Terry Stacey (a Liberal Democrat councillor who is a member of the Executive and very close personally to Councillor Hitchins) shouted: “That’s why we win elections”.
25. In order to put this unfortunate remark in context, I should explain, in case you are not familiar with it, the local demographics in the borough. In common with other inner London boroughs the population consists of an affluent middle-class (usually owner-occupiers) and a much less affluent population resident on large public sector estates. This is true of both constituencies but the polarisation is particularly marked in Islington South and Finsbury, where extremes of wealth and deprivation are found, without much middle ground. I am sure it will not come as any surprise to you that ethnic minority groups and lower socio-economic groups tend to be concentrated on the estates; nor that the Liberal Democrats tend to draw more of their electoral support from the affluent middle classes, and Labour from the more deprived estates. The Liberal Democrats took control of the Council in 1999 and have made no secret of their desire to also win the parliamentary seat in Islington South from Labour; at the last (2005) parliamentary election they made it their No 1 target seat in London (as the popular sitting MP, Chris Smith, was retiring) and very nearly succeeded in taking it. I held the seat for Labour with a majority of just 484.

26. Given that the advice from the DCA in Ms Harman's letter (paragraph 1 above) was that low voter registration is concentrated in the young, BME groups and those living in rented accommodation, you can appreciate that the low level of registration in Islington does indeed give rise to a question whether the ruling Liberal Democrat administration does not find itself with a conflict of interest between its duty to try and encourage registration and its purely party political advantage in not trying too hard among those groups which are least likely to be registered but most likely to vote for their opponents if registered (not only at the imminent Council elections but at the next parliamentary election). In these circumstances I see absolutely nothing inappropriate in either the Labour Councillors or myself raising the question of what more could and should be done to increase voter registration; and the fact that the Liberal Democrats voted against the motion for a targeted canvass of BME groups and Councillor Stacey's reported remarks have done nothing to dispel the suspicion that the administration does indeed find itself with a conflict of interest that it does not find easy to resolve.
27. It would be quite wrong therefore for me to pretend that I have not at all times been conscious of the wider political ramifications of the issue of low voter registration in Islington, and I do not seek to do so.
28. But the fact remains that in adding a quote to the press release I was not trying to enlist the support of the Electoral Commission to make a party political point, I was not trying to associate the Commission with any party political campaign, and I do not believe that anyone reading the press release would have so interpreted it. I have already explained what I was trying to do, which is to respond to the request from the Commission to help express my support for their campaign and encourage my constituents to register to vote.

**“Whether you accept his criticism that you have deliberately muddled the response rate with the registration rate in your comment”**

29. No.
30. What I said was that 67% “have registered”. I do not believe this was untrue - it was certainly not intended to be untrue or deliberately muddling or misleading.
31. The message that the Electoral Commission was concerned to promote was that one had to return a form to register. As I understand it, it is in fact a statutory duty under the relevant regulations for a householder to return the form each year and thereby register to vote. What the letter from the DCA showed was that only 67% of Islington residents had done so. I do not believe this is any different from stating that only 67% had registered to vote.
32. What Councillor Hitchins is talking about is something different, namely the proportion of potential electors who are currently on the register. As I understand what he says, a person who was already on the register in 2005 can be left on the register for 2006 despite not having returned the form in 2005 as long as he had not failed to register in 2004 as well. This appears to be right and if this has been done then he is no doubt right to say that these people are registered today. But it is not correct - or is at least highly misleading without further explanation - to say that these people are people who have registered when they have failed to do so. It is more accurate to say that the registration officer has allowed them to remain on the register to make up numbers despite their having failed to comply with their statutory duty to register.
33. So I do not believe that what I said was incorrect; only 67% of Islington residents have returned their forms and have thereby registered; and the fact that some of them who have not done so are permitted nevertheless to remain on the register does not make this untrue.
34. But I do not want you to think that this rests merely on a semantic point; the plain fact is that I had no intention to mislead, nor any motive for doing so. If I had realised what was going to be said by Councillor Hitchins I could easily have changed the wording to “67% have returned their forms” or the like which would have conveyed exactly the same message which I was trying to give and could not possibly be suggested to be untrue.
35. I add two points on what Councillor Hitchins says in his letter. First he says that the distinction between

the response rate and the registration rate “has been repeatedly explained to Ms Thornberry and . . . Cllr West but they have continued to misrepresent these figures.” This is incorrect. The only such explanation given to myself that I am aware of was in Mr Bowden’s letter of 20 February 2006, which I had not received at the time of adding my quote to the press release (paragraph 5 above). In addition Councillor West had on 25 January 2006 forwarded to me an e-mail which she had received from [an official] at the Council.<sup>38</sup> (I did not receive this directly from the Council). I saw this at the time but I did not read it as meaning that it was untrue to say that 67% had registered - indeed what it refers to is the numbers who ‘are on the register’, which for the reasons I have explained above is an important difference. You may care to note that in an earlier e-mail of 16 January which is attached, she herself had referred to “an effort to bring registration levels up to about 75% by March” which shows that one of the officers concerned found this an entirely natural way to refer to the levels of those who had responded. (You may also notice incidentally that she says in her e-mail of 25 January that it “seems likely that many of the non-responders come from tower blocks on the estates” which is independent support for the points I have made above).

36. Second, Councillor Hitchins also refers to an estimate that 90% of residents are registered. I do not know on what basis this estimate was made, but it strikes me as optimistic. If only 67% have returned the forms, that means 33% have not, and to assume that of these over 2/3 (23% out of 33%) had registered last year seems at first blush unlikely, especially given the well-known mobility of population in inner urban areas. I do not know the true position but I doubt that the Council has an accurate idea either.

**“How Councillor West came to be associated with you and Jeremy Corbyn MP in the Electoral Commission exercise”**

37. I have explained this above. I suggested to her that she come along. The position was explained to the Commission and they had no objection; they used her in their photograph and referred to her in their press release.
38. It never occurred to me to make a similar suggestion to Councillor Hitchins or any of the majority Liberal Democrat group on the Council. I assumed that the Council was in any event working with the Electoral Commission, and would be doing its own publicity.
39. In any event I do not have the sort of relationship with Councillor Hitchins when I could drop him a line and make such a suggestion. Nor quite frankly would I wish to have my photograph taken with him, or be publicly associated with him. As you may have gathered from the tone in which he has chosen to couch his complaint, the relationship between the Liberal Democrat and Labour parties in Islington is not a warm one. He is very bitter that I won the general election and, as the only Labour elected representative at council or parliamentary level in my constituency, he sees me as the opposition; he would no doubt prefer to run the Council without opposition.
40. You have referred in your letter to Paragraph 15 of the Code. I regard it as an immense privilege to serve as an MP and I take my responsibilities very seriously. I have never consciously done or would do anything to undermine the integrity of Parliament and I certainly did not intend to bring, nor do I believe that I have brought, the House of Commons or its Members into disrepute.
41. Paradoxically it is the actions of the Liberal Democrats in bringing this complaint and then seeking to publicise it in lurid terms which are likely to do more to lower the reputation of Members - or at any rate me - in the eyes of the public than anything I have done; this is of course precisely what their intention is. I am sure you will not be misled into thinking that their real concern is for the integrity of Parliament or the standing of the Electoral Commission - it is of course a desire to make political capital out of attacking me.
42. Although you do not specifically refer to them, I should also answer briefly the other allegations of breaches of the Code made by Councillor Hitchins and his specific complaints:

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38 Not appended to the Commissioner’s report.

## Paragraph 5

I do not believe I have come anywhere near breaking any law and to describe adding a quote in my own name as "close to forgery" is manifestly unsustainable.

## Paragraph 9

I do not believe there was any conflict of interest between my personal interest and the public interest. It is in the public interest to increase voter registration. Councillor Hitchins suggests it is also in my political interests. As appears above, I do not disagree, but he comes close to suggesting that it is in the political interests of the Liberal Democrats not to increase voter registration. I certainly did not intend to undermine the standing of the Commission, but to support it in its campaign.

## Paragraph 15

I have already dealt with this above.

## Allegation of dishonesty

I do not believe what I said was untrue and it was certainly not dishonest.

*24 March 2006*

## **10. Letter to Ms Emily Thornberry from the Electoral Commission, 3 March 2006**

Further to your telephone conversation with my colleague Stephen Rooney, Head of Communication, on 1 March 2006, I am writing to express my concern that an Electoral Commission press release copied to your office was changed and re-issued without our permission.

Following our photocall for MPs to support our campaign encouraging voter registration, which you attended, we issued press releases to the local press in your constituency as arranged. The release was copied by email to your office. We were subsequently forwarded a version of our release, on Electoral Commission letterhead, which included a quote from you stating that "It is extremely worrying that only 67% have registered for Islington's May council elections as voting is the only way to have your voice heard".

We are aware that the issue of voter registration in Islington is the subject of local political debate at the moment, and would not have agreed to this quote having been included in a release from the Commission. The quote is also inaccurate as it refers to the percentage of registration forms returned, not the percentage of people registered.

It is not acceptable that an Electoral Commission press release was changed without our permission. I would be grateful if you could explain why our release was amended and to whom the amended version was sent.

*3 March 2006*

## **11. Letter to the Electoral Commission from Ms Emily Thornberry, 7 March 2006**

Thank you for your letter dated 3rd March 2006.

It was not my intention to drag the Electoral Commission into partisan political debate but to make the press release as interesting to my local press as possible. My quote was not party political in nature and the aim was simply to encourage registration and raise awareness of the issue. The press release was sent to the Islington Gazette, Islington Tribune and placed on my website.

My main concern is the appalling level of voter registration in Islington—especially when compared to other inner London boroughs. The last DCA figures that allow comparison show that only 67% registered this year in Islington compared to 96% in Haringey and 84% in Camden.

You are right that the issue is a matter of local political debate in Islington, especially given the comments of Councillor Terry Stacey last week (Thursday 23rd February), who after voting against a motion for a targeted canvass of BME groups to increase voter registration shouted “That’s why we win elections!”

MPs regularly receive press releases from organisations to alter and forward to local press as they see fit. This system has never posed a problem in the past. However, I have now changed the procedures in my office to prevent any future complaints or misunderstandings.

*7 March 2006*

## **12. Letter to the Commissioner from the Electoral Commission, 18 April 2006**

Thank you for your letters of 21 and 27 March 2006

The Electoral Commission organised a photocall for MPs to express their support for our campaign to encourage voter registration ahead of the local elections in May. The photocall took place over two days (13 and 16 February 2006). The event was attended by MPs of all parties, and subsequently the Commission issued press releases to the local media in their constituencies.

We emailed electronic copies of this release to the MPs who attended as a courtesy. The release was sent to Emily Thornberry on 20 February 2006 and we later discovered, following a complaint from Cllr George Allan, that it had been subsequently amended and re-issued to the media without our permission.

Stephen Rooney, our Head of Communication, telephoned Ms Thornberry on 1 March to express our concern that this had happened. Following this telephone conversation, Angela Salt, our Director of Communication, wrote to Ms Thornberry on 3 March in similar terms. I attach a copy of this letter and Ms Thornberry’s 7 March reply.<sup>39</sup>

We do not consider that it was acceptable for Ms Thornberry to have changed an Electoral Commission press release without our permission and were surprised that this happened. We made our view clear to her but it was not our intention to pursue this matter any further.

It is sometimes the case that MPs provide quotes for inclusion in press releases, but with the knowledge and permission of the organisation concerned. Given the particular role of the Electoral Commission as an independent body, we would expect MPs to be conscious of the need to clear with us any quote that they wished to be included in our release. There is, of course, nothing to prevent an MP sending a quote to the media under separate cover, which would, in our view, have been a better course of action for Ms Thornberry to have taken.

We are also concerned that, in addition to being politically contentious, the quote was misleading. It states that “only 67% have registered for Islington’s May council elections”. The 67% figure in fact refers to the percentage of household canvass forms returned in Islington during the autumn 2005 canvass. This is not the same as the percentage of people registered, not least because there are different numbers of potential electors in different households. Furthermore, and to clarify the point about carry-forward of names on the electoral register (page 7, paragraph 4 in Ms Thornberry’s “response to complaints” in her letter to you of 24 March 2006) Electoral Registration Officers do not have discretion to remove names from the register after the first occasion on which a canvass form is not returned. For example, someone who returned a form in November

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39 See WE10 and WE11.

2004 and failed to do so in 2005 could not legally be removed from the register for reason of non-return until November 2006.

Councillors were not invited to the photocall by the Commission. Only MPs were invited to the event. Cllr West was asked to join by Ms Thornberry, as she explains in her letter to you. However, Commission representatives in attendance at the photocall did not object to Cllr West's attendance at the time and the photograph - of Jeremy Corbyn MP, Emily Thornberry MP and Cllr West - was issued to the media, although to our knowledge it was not printed in any local newspapers. With hindsight, given the sensitivity of registration issues in Islington that have since been brought to our attention, it would have been better had our staff asked that Cllr West was not included in the photograph, or that the photograph including her had not been sent to the media. However, in our view there is nothing wrong, in principle, with councillors lending support in general terms to the registration campaign.

Please do not hesitate to contact me if I can be of any further help

### **13. Letter to Ms Emily Thornberry from the Commissioner, 18 April 2006**

#### **COMPLAINT BY COUNCILLOR STEVE HITCHINS**

Further to my e-mail of 11 April, I received this morning the comments of the Electoral Commission in relation to this complaint. I enclose a copy of the letter from the Chief Executive of the Commission in which these comments are contained.

Having reflected on the complaint, your response and the views of the Commission, I believe that this is a matter on which I should report formally to the Committee on Standards and Privileges. In brief, I do not accept Councillor Hitchins' complaint in relation to paragraphs 5 and 9 of the Code. However, whatever your motives, I do think you erred in amending the Commission's press release without the Commission's permission and that this gives grounds for thinking that you may have breached your obligations under paragraph 15 of the Code.

I shall be glad to receive any further observations you may wish to make in the light of the Electoral Commission's comments. Subject to them, I will now draft a report to the Committee on Standards and Privileges, the draft of the factual sections of which I will let you see before finalising the report for submission to the Committee.

*18 April 2006*

### **14. Letter to the Commissioner from Ms Emily Thornberry, 28 April 2006**

Thank you for your letter of 18 April 2006 and its enclosures, and I am pleased that you do not accept the complaints in relation to paragraphs 5 and 9 of the Code.

I note what you say about paragraph 15 of the Code. Can I ask you to reconsider this?

It is clear from paragraphs 5 and 6 of their letter that the Electoral Commission regard it as inappropriate for me to have added my quote to their press release without clearing this with them first, and that it would have been better for me to send a quote to the media under separate cover. I have already accepted the legitimacy of this criticism and, as I have told both them and you, I have changed my procedures to prevent this happening again.

But:

1. The public was completely unaffected. The press did not use the story or the quote at all, so the matter was never published. However, even if the press had run the story, there is absolutely no reason to think that they would have run it any differently depending on whether my quote was added to the press release as it was, or sent under cover of an e-mail saying "here is a quote from me to accompany the

Commission's press release" which is what the Commission would have preferred. In each case the substance is the same this is what the Commission say, and this is what I say. In other words there never was any question of the public being misled into thinking that my quote was anything other than a quote from me.

2. As you appear to accept, my motives were entirely genuine and well-intentioned. My aim was to support the Electoral Commission's campaign to improve the level of voter registration in Islington. The Electoral Commission has not disputed my reasons, and they confirm that they have no intention of taking this matter further.
3. The press release was not misleading. No recipient of the press release was, or could have been, misled into thinking that what was attributed to me was anything other than a quote from me. There is a vast distinction between "amending" a press release by altering someone else's words and "amending" it by adding a quote in my own words and my own name. As it appears from the Electoral Commission's letter, it is really a question of adopting the wrong procedure, rather than a matter of substance. They accept that there is nothing objectionable in my sending a quote in my own name to the media, and while it may have been discourteous to the Commission to incorporate it into their document, it cannot be said to be misleading.

And as I said in my initial response the covering e-mail would have suggested to the recipients that the quote had been added as indeed it had.

Paragraph 15 of the Code is concerned with the integrity of Parliament, and bringing the House of Commons and its members into disrepute. With all respect to the view you express in your letter, I do not see that an unintentional procedural error of this type, which did not affect the public and could not have misled anyone, can possibly be regarded as involving a breach of this principle. It is noticeable that the Commission (who are the only ones who could in any sense claim to be wronged) confirm that they had no intention to pursue this any further.

I would therefore ask you to reconsider whether there is really any question of a possible breach of Paragraph 15.

I would like to add two further points.

First, in paragraph 7 of their letter, the Commission say that my quote was misleading. I have already answered this in my response to you, and I believe you have understood the point. The Commission appears unfortunately to have made the same error as Councillor Hitchins in confusing those who have registered (ie have returned their forms) and those who are registered (ie are on the register). To register is an act and is simply not the same as to be on the register. I entirely agree that the 67% figure refers to "the percentage of household canvass forms returned in Islington during the autumn 2005 canvass", but that is what I was referring to: only 67% of households had done this. I hope it is not necessary to elaborate on this point any further.

Second, I find it deeply ironic that I have had to justify my actions in great detail and at some considerable expense of my time when the real scandal is that the rate of electoral registration in Islington (ie those who have returned their forms this year) is so appallingly low compared with neighbouring boroughs. We know that those who are least likely to register are the poor, the black and ethnic minorities, and those living in rented accommodation, who are least likely to vote for the Liberal Democrats, and that the Liberal Democrat administration has both voted against specific proposals to increase this and publicly rejoiced in doing so. I would refer you to Councillor Stacey's comments—"That's how we win elections". I entirely accept that this is outside your remit, and that all you can do is determine the matters properly brought before you, but you should be in no doubt that this complaint is being used for party political ends.

If I can be of any further assistance please do not hesitate to contact my office.

*28 April 2006*

# Formal minutes

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**Tuesday 27 June 2006**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron

Mr David Curry

Mr Andrew Dismore

Mr Chris Mullin

The Hon Nicholas Soames

Dr Alan Whitehead

The Committee deliberated.

Draft Report [Conduct of Ms Emily Thornberry], proposed by the Chairman, brought up and read.

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

Paragraphs 1 and 2 read and agreed to.

Paragraphs 3 and 4 read, amended and agreed to.

Paragraph 5 read and agreed to.

Paragraph 6 read, amended and agreed to.

Paragraphs 7 and 8 read and agreed to.

Paragraphs 9 to 11 read, amended and agreed to.

Paragraph 12 read and agreed to.

*Resolved*, That the Report, as amended, be the Eleventh 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.*)

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[Adjourned till Tuesday 11 July at 10.30 am

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

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### Session 2005–06

First Report	Conduct of Mr Jonathan Sayeed	HC 419
Second Report	Conduct of Mr John Horam	HC 420
Third Report	Conduct of Mr Tony Baldry	HC 421
Fourth Report	Pay for Standing Committee Chairmen	HC 568
Fifth Report	Electoral Administration Bill: Simplification of Reporting Requirements	HC 807
Sixth Report	Mr Stephen Byers (Matter referred on 19 October 2005)	HC 854
Seventh Report	Conduct of Mr George Galloway	HC 1067
Eighth Report	Conduct of Mr Mark Lancaster	HC 1144
Ninth Report	Lobbying and All Party Groups	HC 1145
Tenth	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh	Conduct of Ms Emily Thornberry	HC 1367