



House of Commons  
Committee on  
Standards and Privileges

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**Conduct of Mr Eric  
Illsley**

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**Fifteenth Report of Session 2005–06**

*Report and Appendices,  
together with formal minutes*

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## Committee on Standards and Privileges

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

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The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

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### Committee staff

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

### Contacts

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## Conduct of Mr Eric Illsley

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1. We have considered a memorandum by the Parliamentary Commissioner for Standards relating to a complaint against Mr Eric Illsley, Member for Barnsley Central, by Councillor Sandra Birkinshaw, Secretary of Barnsley Independent Group.<sup>1</sup> The Commissioner's memorandum is reproduced at Appendix 1.

2. In accordance with our normal practice, we have made available to Mr Illsley a copy of the Commissioner's memorandum. His comments are reproduced at Appendix 2.

3. Councillor Birkinshaw's complaint in effect raised four issues:

- whether there was any basis for Mr Illsley to involve himself as a Member of Parliament in what was purely a local matter for decision by the Council;
- whether Mr Illsley should have used official House of Commons stationery and post-paid envelopes to distribute to about 1700 residents of an area where Barnsley Metropolitan Borough Council planned to introduce a Controlled Parking Zone (CPZ) a survey of whether they wished the proposed scheme to include their street;
- whether the timing and nature of Mr Illsley's involvement was calculated to improve the prospects of Labour candidates in the wards affected by the proposed CPZ, the local elections then being imminent; and
- whether in these circumstances the letter should have included an imprint as an 'election publication'.

4. Mr Illsley had received representations from constituents about the CPZ. **We agree with the Commissioner that it was perfectly proper for him to respond to those representations, and to attempt to establish local opinion on the issue. We also agree with him that the letter was an attempt by Mr Illsley to canvass local opinion on a live constituency issue that had been raised with him, and was not an 'election publication'. It therefore did not require an imprint.**

5. Were the references in Mr Illsley's survey letter to the respective attitudes of the Barnsley Independent Group councillors and Labour candidates in the two wards<sup>2</sup> concerned calculated to enhance the prospects of the Labour candidates? Mr Illsley maintains that it was not. The Commissioner considers that he was unwise to have included this information, and points out that his explanation as to why he did so is unclear. In his submission to us, Mr Illsley reiterates that there really was no contrasting attitude between

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1 Barnsley Independent Group is a registered political party, and Councillor Birkinshaw is registered with the Electoral Commission as its Nominating Officer.

2 In 2004, the whole council was up for election following re-warding. Old Town Ward returned three Barnsley Independent Group (BIG) councillors, and Darton West returned two Labour councillors and one representing BIG. In 2006, a third of the Council retired by rotation, including the two BIG councillors. In the event, the sitting councillor was re-elected in Old Town Ward, but defeated in Darton West by the Labour candidate.

the parties and that this part of the letter was an attempt to explain how the situation had arisen. He continues:<sup>3</sup>

“The parking scheme was not a political issue. I accept my letter may have been clumsy or unwise but it was not political”.

6. The Commissioner nonetheless concluded that, whatever Mr Illsley’s intentions were, the inclusion of these references amounted to a breach of the House’s rules. Mr Illsley is a very experienced Member of the House and, notwithstanding the pressure imposed by the fact that the CPZ was to come into force very soon, he should in our view have recognised that both the nature of the references, and the timing of the letter so close to the local elections, would have created an impression that one aim of his initiative was to promote the Labour candidates, particularly the Labour candidate in the marginal Darton West ward.<sup>4</sup>

**7. We therefore agree with the Commissioner that it was inappropriate for Mr Illsley to include, in his letter sounding out opinion on the CPZ, references in the terms which he did so to the attitudes of local Barnsley Independent Group Councillors and the Labour candidates respectively in the two wards concerned. He should therefore repay to the Serjeant at Arms the cost of the stationery and post-paid envelopes used.**

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3 Appendix 2, p. 23.

4 In 2004, the successful BIG candidate beat the third Labour candidate by 26 votes.

# Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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# Complaint against Mr Eric Illsley

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## The Complaint

1. On 9 May I received a letter from Councillor Sandra Birkinshaw (Secretary of the Independent Group of Councillors on Barnsley Metropolitan Borough Council) in which Councillor Birkinshaw expressed “deep concern” about a letter distributed during the run-up to the May 2006 local elections within the Darton West and Old Town wards of Barnsley by Mr Eric Illsley, the Member for Barnsley, Central. The letter, on official House of Commons stationery and distributed to residents in the two wards in House of Commons post-paid envelopes, invited recipients to complete a slip expressing their views about a resident’s car parking scheme which the Borough Council was planning to implement in the area to alleviate parking problems around the local hospital. Councillor Birkinshaw continued:

*“The Local Authority (Barnsley Metropolitan Borough Council) is dealing with a consultation to all residents within a proposed Parking Permit Zone. There is no need for the MP to be involved, other than if the National Government is going to take responsibility for car parking issues throughout the country and deal with it from Westminster.*

*There is also neither printer or publisher on the communication and I wish to bring this to your attention and the Parliamentary Standards Commissioner.”*

2. The text of Councillor Birkinshaw’s letter is at WE1 and a facsimile of Mr Illsley’s letter to local residents at WE2. Councillor Birkinshaw also sent a photograph of a post-paid envelope used to distribute the letter and a copy of a letter which had appeared in the “Barnsley Chronicle” on 5 May said to be from a resident within the area of the proposed parking scheme (WE3). The resident described Mr Illsley’s letter as:

*“a cynical attempt to sway voters in the area against the independent councillors and in support of Labour.”*

## The Relevant Provisions of the Code

3. Paragraph 14 of the Code of Conduct approved by the House on 13 July 2005 includes a provision that:

*“Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services.”*

4. Rules on the use of official House of Commons stationery, post-paid envelopes and the House’s crowned portcullis insignia (the Stationery and Postage rules)— approved by Mr Speaker and administered by the Serjeant at Arms—make clear that original House stationery and post-paid envelopes may not be used at public expense for unsolicited communications, surveys or circulars. A Member may, however, use original House

stationery and plain (not post-paid) envelopes either at their own expense or, in certain circumstances, by charging the cost to their Incidental Expenses Provision (IEP) for politically neutral questionnaires or surveys and letters on constituency issues.

5. Guidance issued by the Department of Finance and Administration (DFA) says that among the communications which may be charged to a Member's IEP are surveys or questionnaires relating to specific local matters or for use by the Member locally.

6. Both the guidance issued by the Serjeant and that issued by the DFA make clear that the resources of the House should not be used for party political or campaigning purposes. So the former says that original House stationery and envelopes should not be used for "supporting the return of somebody to public office." The DFA's guidance says that IEP funded publications must not be used:

*a) to promote, criticise or campaign for or against anyone seeking election*

*b) for the purpose of advancing perspectives or arguments with the intention of promoting the interests of any political party or organisation you [the Member] support, or damaging the interests of any other such party or organisation.*

## My Inquiries

7. On receipt of Councillor Birkinshaw's letter, I wrote to Mr Illsley seeking his response to the complaint. The text of my letter is at WE4. I drew Mr Illsley's attention to the provisions of the Code and Rules I have just set out. In that context I invited his observations in particular on the third paragraph of his letter of 27 April to his constituents, which included the statement that:

*"...local Labour Council candidates Sharon Howard and Martin Dyson have pressed for the scheme to be reviewed and for any street that does not wish to take part [to] be removed from the scheme completely."*

8. I asked Mr Illsley in responding to the complaint to answer the following questions:

- a) Why did you despatch your letter of 27 April?
- b) What prompted its release at that point (ie in the run-up to the local council elections)?
- c) Why did it include a reference to two Labour candidates standing in those elections and the stance they had taken on the parking scheme?
- d) To how many people/addresses was the letter sent?
- e) Was it prepared for despatch by your parliamentary staff?
- f) How was the cost of the letter met?
- g) Why were post-paid envelopes used?

I also sought the views of the Serjeant at Arms and DFA on the complaint.

## Mr Illsley's Response

9. Mr Illsley replied on 6 June. The text of his reply is at WE5 (the enclosures are not appended). Summarising his response, Mr Illsley said that:

- a) He was dismayed by the complaint, which he believed to be unfounded.
- b) His letter to constituents had been sent in response to representations and complaints he had received from constituents about the parking scheme. It was not therefore unsolicited.
- c) The proposed scheme was the subject of much local controversy, but this did not divide on party lines.
- d) He had been accused by constituents of doing nothing in relation to the scheme but the balance of opinion among residents was unclear. His letter was an attempt to establish constituents' views.
- e) The timing of dispatch of his letter was determined by the fact that the scheme was set to go live in May 2006 and that controversy about it had been heightened by an announcement by the Council in April 2006 that residents would be charged for their parking permits. The local authority had also let it be known that any street where a majority of residents voted not to proceed could be removed from the scheme. These developments had sparked further representations to Mr Illsley.
- f) He had accordingly decided to ask local people for their views, and with the help of his parliamentary staff had sent out a total of 1711 letters in post-paid envelopes to residents covered by the scheme.

10. Mr Illsley said that he had written only to people affected by the proposed scheme, not to all residents in the two wards named by Councillor Birkinshaw. He defended his right to get involved, on behalf of his constituents, in such matters and suggested that the letter allegedly from an affected resident which Councillor Birkinshaw had forwarded (WE3) was probably from someone who lived outside the affected area (and indeed, outside the constituency)—although it appears he might have owned a property in the affected area. He denied that he had used official House stationery for a party political purpose. The parking scheme had been supported by both the ruling Labour group on the Council and Independent councillors, and the suggested provision for streets to opt out had also been supported by Labour and by Independent Councillors. He continued:

*“It simply does not make sense that my letter was construed as campaign material given that there is very strong support both for and against the scheme in all political camps in the area.”*

*“The letter did not seek to advance or damage the interests of any political party or organisation nor did it promote, criticise or campaign for anyone seeking election.”*

11. In relation to the reference in his letter by name to two Labour candidates in the impending local election, Mr Illsley pointed out that in the first line of his letter he had also referred to Independent Councillors who had pressed for the scheme.

*“My references to both Independent Councillors and Labour candidates were in no way intended to promote either but to try and factually explain the background to my involvement in the scheme and explain my letter. . .*

*“The letter referred to the two candidates merely to explain what was happening in relation to changes to the scheme particularly the opt-out but the letter also referred to Independent Councillors.”*

Mr Illsley concluded that the response to his letter had been “overwhelming”. He had collated the responses into a database which he had passed to the local authority at their request. In the hundreds of responses to his letter, he had not received a single word of complaint that his letter was inappropriate.

## **Views of the Serjeant at Arms and the Department of Finance and Administration**

12. Having received Mr Illsley’s very full response, I sought comments on it and the complaint from the Serjeant at Arms and the DFA.

13. The Serjeant at Arms said that he was satisfied, on the basis of Mr Illsley’s evidence, that Mr Illsley had been responding to representations from some constituents and that the letter Mr Illsley had sent these constituents was therefore solicited. His use of House stationery and post paid envelopes was appropriate in these cases.

14. The Serjeant continued:

*“I can understand why Mr Illsley decided to contact all of the people in the area concerned about the proposed scheme, in the light of the correspondence received. However the current rules mean that the letter is a circular and that those letters to constituents who had specifically written to him on this matter could be sent using post paid envelopes and centrally funded paper, whilst those to the rest of his constituents would have to be funded by Mr Illsley or through the IEP. This is the reason why the 2005 leaflet on stationery advised Members to keep accurate records of contacts from their constituents.”*

15. On the issue of whether or not the letter was party political, the Serjeant suggested that a “not proven” verdict might be appropriate.

16. The Director of Operations in the DFA commented in relation to the possible funding of part of the cost of the letter from Mr Illsley’s IEP:

*“. . .the DFA factsheet on publications funded from the parliamentary allowances states that ‘No party political or campaigning material is allowable in any part of a publication funded, in whole or in part, from the allowances’. What constitutes party political or campaigning material is a difficult one. . .However, although Mr Illsley does not believe his circular fell foul of the rules, it is not easy to see the reference to the two Labour candidates in anything other than a party political light. Furthermore, Mr Illsley’s reference to the (opposing) Independent councillors reinforces the impression that the circular is party political. The timing—close to the local election—is regrettable, notwithstanding Mr Illsley’s explanation.*

*“The test you [ie the Parliamentary Commissioner for Standards] have applied in other cases is whether the reference complained of can be omitted without altering the sense of the circular. I conclude that the references to Independent and Labour councillors were unnecessary and that their omission would not make the purpose of the circular redundant.*

*“It follows that should Mr Illsley refund the cost of the circular to the Serjeant at Arms Department and then seek reimbursement for the cost of the letter from his IEP, I would be obliged by the rules not to accept the claim as payable.”*

17. Having received these responses from the two Departments of the House whose responsibilities were touched on by the complaint, I wrote to Mr Illsley conveying their views. I put the key point raised by the DFA about Mr Illsley’s reference by name to the two Labour candidates to him in the following terms:

*“I am afraid I too remain unclear about why you thought it necessary to refer in your letter to the two Labour local council candidates, Ms Howard and Mr Dyson. You say in your letter of June 6:*

*“The letter referred to the two candidates merely to explain what was happening in relation to changes to the scheme particularly the opt out but the letter also referred to Independent Councillors.’*

*“However, it would have been possible to refer to the existence of the opt-out arrangement without referring at all to the attitude of the two Labour candidates to the scheme. Moreover, your reference to Independent Councillors comes in a separate paragraph at the start of the letter and says that they had pressed for the introduction of the scheme. A clear distinction is thus drawn between the attitude to the scheme of the different candidates, with the implication that if constituents receiving your letter are not in favour of it as regards their street, they should vote for the Labour candidate.*

*“In short I find it difficult to believe that it was at all necessary for you to refer to the two Labour candidates by name or that your reason for doing so was other than to boost their candidacy in the local election.”*

## **Mr Illsley’s Further Comments**

18. Mr Illsley telephoned on 5 July and subsequently wrote as at WE6. He continued to believe that his letter to constituents had not been party political. He was not supporting the return to office of anyone, he had not mentioned the forthcoming election and he had not suggested that anyone’s vote would affect the parking scheme. Support for and opposition to the scheme cut across party lines. He continued:

*“I made reference to the Independent Councillors and the Labour candidates simply as a background to explain the reason for my letter and to show how the Scheme was being changed. As you are already aware the Scheme had been changed in the days before the local election.*

*“In your letter you refer to the attitude of the Labour Candidates and suggest that the implication of my letter was that by voting for the Labour Candidates a street could be*

*withdrawn from the Scheme. I probably had not made it clear that the decision had already been taken in principle to allow individual streets to withdraw from the Scheme so voting at the election could not affect the Scheme one way or the other. The Labour group had taken the decision which was confirmed after the election. This is why I felt safe in sending my letter as the issue could not be affected by the election!”*

Mr Illsley added that his letter had only been sent to about 10 percent of voters in the two wards in question. He concluded:

*“I would never for one minute have considered sending the letter if I had thought that it could be considered as politically motivated.”*

## Findings of Fact

19. On 27 April 2006, in the run-up to the May local authority elections, Mr Illsley sent a letter to 1711 constituents, being residents affected by the introduction of a local resident’s car parking scheme, seeking their views on the proposed scheme. The letter was sent following representations Mr Illsley had received from constituents, both for and against the scheme. The purpose of the letter—which was dispatched on House of Commons stationery and in post paid envelopes—was to establish the balance of opinion among residents about the scheme. Its timing was affected by the fact that relevant decisions about the scheme had only recently been announced by the local council, including the levying of a charge on local residents which had heightened controversy around the scheme.

20. Mr Illsley’s letter opened with a sentence which read:

*“As you are aware, the independent councillors in your area pressed for a car parking scheme to alleviate car parking problems around the hospital.”*

After referring to the charging arrangement, the letter continued:

*“As a consequence of the charges many residents have expressed dissatisfaction with the scheme and local Labour Council candidates Sharon Howard and Martin Dyson have pressed for the scheme to be reviewed and for any street that does not wish to take part[to] be removed from the scheme completely.”*

Mr Illsley rejects any suggestion that these references were intended to contrast the attitude of Independent and Labour candidates to the scheme. He argues that opinions for and against the scheme were divided within as well as across party political groupings and that, in including these references, it was never part of his intention to support the return of anyone to office in the local elections.

## Conclusion

21. In her letter of complaint at WE1, Councillor Birkinshaw not only expressed concern at Mr Illsley’s letter to residents having been dispatched using House of Commons stationery and post-paid envelopes but also suggested that:

- a) Parking was a local matter and there was no need for Mr Illsley to get involved in the debate about the proposed residents parking scheme in his constituency, or to sound opinion about it;
- b) There was no reference to a printer or publisher on the letter Mr Illsley had distributed, which there should have been if it was an ‘election publication’.

22. I am satisfied that, as the local Member of Parliament, it was perfectly proper for Mr Illsley to respond to the representations he had received from constituents and to attempt to establish local opinion on the car parking issue. I do not therefore accept the implication of Councillor Birkinshaw’s letter that in sending out his letter to residents, Mr Illsley was in some way exceeding his proper role as a Member.

23. I am also satisfied that Mr Illsley’s letter was not, in its nature, an ‘election publication’ but was a letter sent out by the local MP in the course of carrying out his constituency duties. This should have been evident to anyone who read it. No reference to a printer or publisher was therefore, in my view, necessary.

24. Like the Serjeant at Arms, I am satisfied that it was open to Mr Illsley to send his letter using House of Commons notepaper and post-paid envelopes to any constituent who had previously made representations to him about the planned parking scheme. The Serjeant points out that it was not, on a strict interpretation of the Stationery and Postage Rules, open to Mr Illsley to use these facilities to write to constituents affected who had not previously contacted him about the scheme, unless he paid the costs (including the postage costs of the plain envelopes which necessarily should have been used ) arising in these cases either himself or out of his IEP. **This case illustrates the artificiality of seeking to distinguish in such circumstances between solicited and unsolicited items, and in my view reinforces the arguments for the introduction of the single, unified stationery and postage or communications regime, which I urged, and the Committee endorsed, in another recent case.**<sup>1</sup>

25. If Mr Illsley had not included in his letter a reference to the views on the scheme of local councillors and named Labour Party candidates, he would certainly have been able to charge to his IEP the cost of the copies he sent to constituents who had not previously contacted him about the scheme. No question would, in my view, have arisen about the appropriateness of his actions or his use of facilities provided by the House and any complaint would fall.

26. I am, however, still puzzled as to why, in a letter which—for reasons to do with the timing of decisions about the scheme—was issued in the immediate run-up to the local elections, a Member of Mr Illsley’s experience thought it right to include these references in his letter. Mr Illsley offers a number of different explanations for this:—

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1 Tenth Report of Session 2005-06, HC 1223

a) *“My references to both Independent Councillors and Labour candidates were in no way intended to promote either but to try and factually explain the background to my involvement in the scheme and explain my letter. . .”*<sup>2</sup>

I cannot see how the inclusion of the references explained the background to Mr Illsley’s involvement or to his letter. The explanation for both was in fact the representations he had received from constituents.

b) *”The letter referred to the two candidates merely to explain what was happening in relation to changes to the scheme particularly the opt-out but the letter also referred to Independent Councillors.”*<sup>3</sup>

It was not necessary to mention the attitude of Labour candidates in order to explain the existence of the opt-out.

27. Although Mr Illsley says that attitudes to the scheme varied within parties,<sup>4</sup> his letter did not bring this out. He refers to Independent Councillors in the area as having pressed for the scheme. The named local Labour candidates are, however, presented as having pressed for the scheme to be reviewed and for the opt-out arrangement to be included.

c) *“In your letter you refer to the attitude of the Labour Candidates and suggest that the implication of my letter was that by voting for the Labour Candidates a street could be withdrawn from the Scheme. I probably had not made it clear that the decision had already been taken in principle to allow individual streets to withdraw from the Scheme so voting at the election could not affect the Scheme one way or the other. The Labour group had taken the decision which was confirmed after the election. This is why I felt safe in sending my letter as the issue could not be affected by the election!”*

28. The issue is not whether a vote for or against the two Labour candidates could have affected the scheme but whether the way in which Mr Illsley presented the attitudes of the respective parties to the scheme could have influenced the way voters viewed candidates in relation to the forthcoming council election. In this context, for Mr Illsley to say:

*“I was not supporting the return to office of anyone, I did not mention the election and I did not suggest that anyone’s vote would affect the car parking scheme.”*<sup>5</sup>

simply misses the point.

29. Mr Illsley points out that his letter only went to residents affected by the car parking scheme, who constituted, he says, about 10% of voters in the two wards concerned. I note that one of the two Labour candidates he mentioned was elected to the Council on 4 May 2006, the other was not. It seems unlikely that his letter was a determining factor in the election outcome. Nonetheless it was, in my judgment, unwise of him to have included in

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2 WE5

3 WE5

4 WE6

5 WE6

his letter reference to the attitudes of the two Labour candidates and of Independent Councillors to the scheme. To that extent, his letter was in breach of the House's rules.

**30. To sum up, I recommend that Councillor Birkinshaw's complaint be upheld to the extent, and only to the extent, that it was inappropriate for Mr Illsley to include in his letter to residents—sent out in the immediate run-up to the local council elections on House of Commons notepaper and in post-paid envelopes—contrasting references to the attitude of local Independent councillors and named Labour candidates to the locally controversial parking scheme.**

*18 July 2006*

*Sir Philip Mawer*

# Written evidence received by the Parliamentary Commissioner for Standards

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## **1. Letter to the Commissioner from Cllr Sandra Birkinshaw, 5 May 2006**

I wish to express my deep concern to a communication that has been distributed within the Darton West and Old Town Wards, submitted by Eric Illsley MP on House of Commons letter headed paper and with a House of Commons franked postage envelope.

The Local Authority (Barnsley Metropolitan Borough Council) is dealing with a consultation to all residents within a proposed Parking Permit Zone. There is no need for the MP to be involved, other than if the National Government is going to take responsibility for car parking issues throughout the country and deal with it from Westminster.

There is also neither printer or publisher on the communication and I wish to bring this to your attention and the Parliamentary Standards Commission.

## 2. Letter from Mr Eric Illsley to his constituents, 27 April 2006

ERIC ILLSLEY MP  
Barnsley Central



HOUSE OF COMMONS  
LONDON SW1A 0AA

The Resident

27<sup>th</sup> April 2006

Dear Resident,

**Re: Residents' Car Parking Scheme**

As you are aware, the independent councillors in your area pressed for a car parking scheme to alleviate car parking problems around the hospital.

Initially the Council agreed a Residents' Car Parking Scheme which did not involve any cost to local residents, but as the scheme developed and the full costs became apparent, it was clear that a charge would have to be levied on those taking part in the scheme. Recently therefore, as you know, a charge was implemented.

As a consequence of the charges many residents have expressed dissatisfaction with the scheme and local Labour Council candidates Sharon Howard and Martin Dyson have pressed for the scheme to be reviewed and for any street that does not wish to take part be removed from the scheme completely.

Many of my constituents have made representations to me on this issue both in favour of and against the scheme, and in order that I can assess the level of support, I should be grateful if you would assist me by completing and returning the attached slip to the above address.

Yours sincerely,

Eric Illsley MP  
Barnsley Central

Please delete as applicable:

I wish the Residents' Car Parking Scheme to be implemented in my street.

I do not wish for the Residents' Car Parking Scheme to be implemented in my street.

No.:

CC 058:

### 3. Letter to the Barnsley Chronicle, 5 May 2006

Eric Illsley MP sent a letter to residents in the area to be affected by the proposed parking scheme. The timing of its delivery, so that there was no opportunity to bring this to public attention before the local election, is a cynical attempt to sway voters in the area against the Independent councillors and in support of Labour.

Those Independents supported requests from residents for a parking scheme, representing much local opinion as they were elected to do. Initially Barnsley Council proposed a scheme which did not involve any cost to residents, and this was presented to the public by the Independent councillors and council officers at public consultation exercises. Then Barnsley Council discovered the real costs of the scheme and tried to implement a charge. Surely it was negligent in not establishing the cost of the scheme before issuing the proposals, so that the public could have known the truth of the matter from the beginning? After all, it is not the first scheme that the council has put in place.

All this is disguised by Mr Illsley as an attempt to assess support for the scheme. Failure to return the reply slip will, of course, be taken to mean support for the scheme, though this is not stated. I wonder what was the cost of sending out these letters, by first class post, and who actually is meeting the expense? It will be interesting to see whether the council will try to make use of the results of this survey as their ‘consultation’ exercise.

### 4. Letter to Mr Eric Illsley from the Commissioner, 11 May 2006

I enclose a letter of complaint (and its enclosures) which I have received from Councillor Birkinshaw. You will see that this relates to a letter which it is alleged you distributed in 2 wards of Barnsley about a residents car parking scheme. The letter seeks the views of residents on the scheme.

The letter was apparently distributed using your official House stationery and first class post-paid envelopes supplied by the House. The Rules on the use of Stationery, post-paid envelopes and the House’s crowned portcullis insignia— approved by Mr Speaker and administered by the Serjeant at Arms (a copy of whose leaflet on the subject I enclose)—make clear that original House stationery and post-paid envelopes may not be used at public expense for unsolicited communications, surveys or circulars. A Member may, however, use original House stationery or plain (not post-paid) envelopes either at their own expense or, in certain circumstances, by charging the cost to their Incidental Expenses Provision (IEP) for politically neutral questionnaires or surveys and letters on constituency issues.

Guidance issued by the Department of Finance and Administration (DFA a copy of which I also enclose) says that among the communications which may be charged to a Member’s IEP are surveys or questionnaires relating to specific local matters or for use by the Member locally.

Both the guidance issued by the Serjeant and that issued by the DFA make clear that the resources of the House should not be used for party political or campaigning purposes. So the former says that original House stationery and envelopes should not be used for “supporting the return of somebody to public office.” The DFA’s guidance says that IEP funded publications must not be used

- to promote, criticise or campaign for or against anyone seeking election
- for the purpose of advancing perspectives or arguments with the intention of promoting the interests of any political party or organisation you support, or damaging the interests of any other such party or organisation.

In this connection I note that the third paragraph of your letter of 27 April to constituents distributed in the immediate run-up to the recent local authority elections—includes the statement that:

*“... local Labour Council candidates Sharon Howard and Martin Dyson have pressed for the scheme to be reviewed and for any street that does not wish to take part [to] be removed from the scheme completely.”*

Paragraph 14 of the Code of Conduct approved by the House on 13 July 2005 includes a provision that:

*“Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services.”*

I am therefore writing, in the light of Councillor Birkinshaw’s complaint, to ask for your explanation of the circumstances surrounding your letter. It would be helpful if this could include answers to the following:

1. Why did you despatch your letter of 27 April?
2. What prompted its release at that point (ie in the run-up to the local council elections)?
3. Why did it include a reference to two Labour candidates standing in those elections and the stance they had taken on the parking scheme?
4. To how many people/addresses was the letter sent?
5. Was it prepared for despatch by your parliamentary staff?
6. How was the cost of the letter met?
7. Why were post-paid envelopes used?

I am enclosing a note I send to all Members who are the subject of a complaint, which sets out the procedures I follow when handling them. I am also copying this letter and its enclosures to the Serjeant at Arms and the Director of Operations in the DFA, Mr Terry Bird, whose views I will be seeking both on the complaint and on your response to it.

If you want a word at all about the complaint, please do not hesitate to contact me.

## **5. Letter to the Commissioner from Mr Eric Illsley, 7 June 2006**

Thank you for your letter of the 11th May 2006 regarding a complaint which has been made against me by Mrs Sandra Birkinshaw.

I must confess that I am somewhat dismayed to be the subject of such a complaint as in almost nineteen years’ membership of the House of Commons I have always ensured that my conduct has been of the highest standard and that my expenses were always within the rules laid down by the House Authorities. However, I am happy to respond to the complaint in detail as I sincerely believe it to be unfounded.

I shall comment below on the history of, and background to, the letter which is the subject of the complaint, including its timing and content. I will also respond to the letter of complaint and the points raised in your letter to me.

In summary, my letter was sent in response to representations and complaints I had received from constituents and was therefore not a survey as such. It was not sent in support of any political candidate or party and the subject matter was not a party political issue.

Turning first of all to the history of and background to the letter I would point out that a small area of Barnsley has for many years suffered from problems caused by inadequate car parking facilities at the hospital which has led to congested on-street parking. Many residents have complained bitterly for years that both hospital staff and visitors block driveways and properties with indiscriminate parking. The hospital authorities and the Local Council have for many years tried to find a solution to the problem but without success.

In 2001 the Local Authority investigated the possibility of a Resident’s Permit Scheme to try and address the problem. In 2005 they employed a firm of consultants to draw up a scheme which would enable the residents to continue to park but which would prevent the hospital staff and visitors from parking on the local streets throughout the day. Following the consultation the Local Authority decided to press ahead with the scheme although crucially, and this is the crux of the matter, there was no clear indication from the residents as to whether they supported or opposed the scheme.

Application packs were distributed by the Local Authority in 2005 and a “live date” for the scheme was set as May 2006. Again, this date is crucial to the timing of my letter.

I first began to receive representations about the scheme in August 2005 and I enclose copies of correspondence from that time. These representations continued despite my attempts to distance myself from the scheme. This was to prove impossible to do particularly as my home is a few hundred yards from the hospital itself although I am not directly affected by the car parking scheme.

Despite the uncertainty and doubt (and in many cases outright opposition) the Local Authority continued with the scheme. During the Council budget negotiations earlier this year, the financial implications of the scheme were reconsidered and as late as the 3rd April of this year new application packs were distributed which included details of charges for the permits. Prior to that time it was intended that the parking permit scheme would be free of charge.

The decision to implement charges raised the profile of the scheme once again and many residents who had not so far objected to the scheme began to do so. Supporters of the scheme continued to apply for permits and several hundred applications with the appropriate fees have been received by the Local Authority. However, the charge issue “muddied the waters” even further with regard to the numbers of people opposing or supporting the scheme.

The final twist to the history as far as my letter is concerned is that the Local Authority then made it known that any street where a majority of residents voted not to proceed could be removed from the scheme. Incidentally, that initiative was suggested by the ruling Labour council but supported by other candidates in the local elections particularly the Independent Party.

As a consequence of the late decisions to implement changes to the scheme and then to allow opt outs, I received further representations regarding the scheme particularly in the run up to the local elections. It soon became clear to me that I was being criticised for not expressing an opinion against the scheme and opposing it. I realised at that stage that many of my constituents wanted me to become involved and I was unable to convince them that there was no clear majority against the scheme which is what some opponents plainly believed. The only way I could try and determine whether there was now a clear opposing majority was to contact all those affected by the scheme and ask for their view.

I should now like to comment on the letter of complaint submitted by Councillor Birkinshaw. I believe that I have already sufficiently explained why I have become involved in this scheme with the representations I received from constituents. The idea that Members of Parliament do not become involved in Local Government issues is ridiculous and I assume that Councillor Birkinshaw’s comments are somewhat “tongue in cheek”.

Her letter states that my letter was distributed within two wards of Barnsley The letter was sent only to those people affected by the Parking Scheme and not to everyone in the two wards.

Councillor Birkinshaw encloses a copy of an anonymous letter claiming it to be from “a resident living within the Parking Zone”. Quite how she deduces that from an anonymous letter I am not sure but I do know that I received a letter worded almost identically in sections, a copy of which I enclose. This letter is from an individual residing in the Mapplewell district of Barnsley. This address is not only outside the Parking Zone, it is outside the constituency!

The letter addressed to me makes reference to “a cynical ploy to sway voters in support of Labour Candidates at the local elections” but then goes on to say that the Independent Party Candidate, in his election leaflet, was also calling for any street that voted against the scheme to be withdrawn from it. I would suggest that this shows quite clearly that my letter could not be seen as political in nature given that the scheme cuts right across party lines. I will, however, expand on that issue later.

I turn now to your letter and would like to comment on the narrative before answering each of the questions posed within it.

In the first page of your letter you point out that Official Stationery may not be used for unsolicited communications or surveys or circulars. My response to that point is that my letter was in response to

representations I was receiving from constituents in relation to the Parking Scheme. I have enclosed a copy of my correspondence with my constituent Mr X who questioned why I did not want to be involved in the issue and accused me of not “earning my snap and baccy”, ie not doing enough to justify receiving my salary. I would like to add that the opinions expressed by Mr X were typical of those of many constituents who raised the issue with me during April.

In Mr X's later letter to me of the 3rd April 2006, he accuses me of being unhelpful and of having a “couldn't care less” attitude. He goes on to suggest that he will change his vote at the next election because, crucially, “Eric Illsley MP. . .has not provided the support and guidance we have requested”. It was becoming very clear to me at this stage that my reputation and integrity were being called into question as a consequence of trying not to become involved in this issue. However, in my reply of the 7<sup>th</sup> April I once again tried to distance myself from the scheme and urged my constituent to raise the issue with his local councillors.

A few days later Mr X telephoned me and during a heated exchange he repeated his allegations that I was not doing enough to support the local residents who were opposed to the scheme. After that conversation and following further vocal representations related to me during the local election campaign I felt I had to respond and the only meaningful thing I could do was to try and determine the level of opposition and support for the scheme to see whether it warranted me making representations to the Council. I maintain therefore, that my letter was not unsolicited but was in response to representations made directly to me. Every one of the recipients of my letter was already aware of the narrow issue on which I was writing and this was not an issue upon which I had simply decided to seek opinion.

Your letter goes on to state that Official Stationery must not be used for political purposes. I entirely agree and maintain that my letter was not sent in support of any candidate or any issue.

The Residents Car Parking Scheme was not a political issue. It had been agreed by the ruling Labour council and supported by the Independent Party. (I should point out at this stage that the Independent Councillors on Barnsley Council are registered as a Political Party with the Electoral Commission). Changes to the scheme were sought by both Labour and Independent Party Candidates and Councillors. Again I should point out that the issue was not relevant to the Conservative or the Liberal Democrat Parties as neither had representation in either of the two wards.

The people affected by the scheme either praised the Local Council or condemned them depending on whether they supported it or not. Clearly this cannot be looked at as a party political issue. It simply does not make sense that my letter was construed as campaign material given that there is very strong support both for and against the scheme in all political camps in the area.

The letter did not seek to advance or damage the interests of any political party or organisation nor did it promote, criticise or campaign for anyone seeking election.

In your letter you draw attention to the fact that I refer to Labour Council Candidates. However in the first line of my letter I also refer to the Independent Councillors who have pressed for the scheme and indeed there is a large body of opinion in favour. Both wards had sitting Independent Councillors who had been in office for two years and as I have shown the issue cut across party lines.

My references to both Independent Councillors and Labour Candidates were in no way intended to promote either but to try and factually explain the background to my involvement in the scheme and explain my letter.

Turning now to your specific questions, I hope that I have answered most in my earlier remarks but will respond to each in turn.

- The letter was dispatched on the 27th of April as I had received representations immediately prior to that date from constituents. However, some letters were posted up until Friday 5th May.
- It was released at that point as I wanted to counter the criticism I was receiving for not helping, advising and representing my constituents but also because decisions in relation to the scheme were made a couple of days earlier.

- The letter referred to the two candidates merely to explain what was happening in relation to changes to the scheme particularly the opt out but the letter also referred to Independent Councillors.
- The number of letters sent was 1711 and not two wards as suggested in the letter of complaint
- Yes and myself
- House Official Stationery
- Post paid envelopes were used as I believe that my letter was a legitimate use of postage in responding to representations.

As I have pointed out, in almost nineteen years' membership of the House, and numerous local elections in Barnsley, I have never sought to take unfair advantage of my position. If I had really been seeking to influence local politics in the two wards in question, surely it would have been more effective to have chosen a more party political issue. I only involved myself on this occasion because this parking scheme is a genuine constituency issue.

In conclusion I feel that my letter to a fraction of my constituents was justified in the light of the representations and complaints I was receiving. I maintain that it was not an unsolicited survey and was not political in nature but a letter that I was pressed into sending to some of my constituents to try and assist them and at the same time defend my reputation.

The response to my letter was overwhelming and in the hundreds of responses I have received there is not one word of complaint that my letter was inappropriate. Furthermore, I have collated the responses into a database which I have passed on to the Local Authority at their request in order to assist them in their administration of the scheme.

I hope that the information I have provided is of assistance but should you require anything further I will be happy to oblige.

## 6. Letter to the Commissioner from Mr Eric Illsley, 5 July 2006

Thank you for your letter of the 3rd July and for taking the time to speak to me over the telephone.

I note the comments of the Serjeant at Arms and although I could make an argument that perhaps a circular ought to be allowed to a wider group of constituents who are affected by a common theme but who had not initially contacted the Member, that argument is perhaps for another time and place. I would not take issue with the conclusion that my unsolicited letters were a circular under the rules. However it seems that a decision has already been made to deny me the opportunity of using the IEP allowance to meet the cost.

I remain with the view that my letter was not political and would reiterate the comments I made during our telephone conversation. The letter was never intended to be political. After nineteen years membership of the House and experience of a number of election campaigns, both local and national I would not have even considered sending out a letter in the run up to a local election if I had thought that it would be regarded as contravening the House rules.

I was not supporting the return to office of anyone, I did not mention the election and I did not suggest that anyone's vote would affect the Car Parking Scheme.

The Director of Operations has stated in his letter that I referred to the "(opposing) Independent Councillors". They were not opposing the Car Parking Scheme! Regardless of who any resident voted for the scheme would go ahead and I make the point once again that the Scheme was not a political issue. It was not the case, as the Director implies that Independents supported it and Labour did not as the Scheme cut across Party lines and this was a deciding factor when I decided to send my letter. As I have tried to point out I felt safe in sending my letter as the Parking Scheme was not a Political issue. It had already been agreed.

I made reference to the Independent Councillors and the Labour candidates simply as a background to explain the reason for my letter and to show how the Scheme was being changed. As you are already aware the Scheme had been changed in the days before the local election.

In your letter you refer to the attitude of the Labour Candidates and suggest that the implication of my letter was that by voting for the Labour Candidates a street could be withdrawn from the Scheme. I probably have not made it clear that the decision had already been taken in principle to allow individual streets to withdraw from the Scheme so voting at the election could not affect the Scheme one way or the other. The Labour group had taken the decision which was confirmed after the election. This is why I felt safe in sending my letter as the issue could not be affected by the election!

Your letter refers to the attitude of the Labour candidates but as far as I am aware they did not oppose the Scheme but simply wanted to exclude streets where it was unpopular if the residents so voted. Hence my letter to try and judge support or otherwise for the Scheme.

As I have already mentioned the letter only went to about ten percent of the possible electorate whose names were supplied by the Council and could not therefore have influenced the election in any event.

I apologise for the length of this letter but I do feel strongly about this issue. I would never for one minute have considered sending the letter if I had thought that it could be considered as politically motivated.

## Appendix 2: Memorandum from Mr Eric Illsley, 24 July 2006

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I have read the conclusion and recommendation of Sir Philip Mawer and would like to say that I stand by my previous comments that my letter was not of a political nature. Sir Philip has based his conclusion on the contrasting attitudes of the Independent and Labour candidates referred to in the letter. There really was no contrasting attitude and that part of my letter was an attempt to explain how the current situation had arisen.

Sir Philip believes I have missed the point he is making. That is not the case, I fully understand the point but I do not agree. Sir Philip believes the letter could have affected voting intentions but to what end? The Parking scheme was not a political issue. I accept my letter may have been clumsy or unwise but it was not political.

Not one of the recipients of my letter complained about its content, tone or that it was of a political nature. By contrast, the complaint against me is from a registered political party.

## Formal minutes

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**Monday 24 July 2006**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron

Mr Andrew Dismore

Mr Brian Jenkins

Mr Elfyn Llwyd

Mr Chris Mullin

The Hon Nicholas Soames

Dr Alan Whitehead

\* \* \*

The Committee deliberated.

Draft Report [Conduct of Mr Eric Illsley], 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 to 6 read and agreed to.

Paragraph 7 read, amended and agreed to.

*Resolved*, That the Report, as amended, be the Fifteenth Report of the Committee to the House.

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

Several Papers were ordered to be appended to the Report.

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

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[Adjourned till Tuesday 17 October 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
Twelfth	Conduct of Nadine Dorries	HC 1368
Thirteenth	Conduct of Mr John Prescott	HC 1553
Fourteenth	Conduct of Dr Desmond Turner	HC 1578
Fifteenth	Conduct of Mr Eric Illsley	HC 1579