



House of Commons
Committee on
Standards and Privileges

Use of pre-paid envelopes and official stationery

Nineteenth Report of Session
2007-08

*Report and appendix, together with formal
minutes*

*Ordered by The House of Commons
to be printed 25 November 2008*

The 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.

Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)
Rt Hon David Curry MP (*Conservative, Skipton & Ripon*)
Mr Andrew Dismore MP (*Labour, Hendon*)
Nick Harvey MP (*Liberal Democrat, North Devon*)
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)
Mr Chris Mullin MP (*Labour, Sunderland South*)
The Hon Nicholas Soames MP (*Conservative, Mid Sussex*)
Mr Paddy Tipping MP (*Labour, Sherwood*)
Dr Alan Whitehead MP (*Labour, Southampton Test*)

Powers

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.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/sandp. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Mr Steve Priestley (Clerk), Mrs Sarah Hartwell-Naguib (Second Clerk) and Ms Jane Cooper (Committee Assistant).

Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

Contents

Report	<i>Page</i>
Use of pre-paid envelopes and official stationery	3
Introduction	3
Restrictions on party political or campaigning material	3
<i>Applying a test of what constitutes party political or campaigning material</i>	3
<i>Proactive and reactive communications</i>	3
Arrangements for advising Members on stationery and communications	6
Conclusions	6
Appendix: Extract from the memorandum of the Parliamentary Commissioner for Standards dated 6 November 2008	8
Wider Issues	8
<i>Restrictions on party political or campaigning material</i>	8
<i>Responding to web material</i>	9
<i>Arrangements for advising Members on stationery and communications</i>	10
<i>Recommendations</i>	10
Formal minutes	12
Reports from the Committee on Standards and Privileges in the current Parliament	13

Use of pre-paid envelopes and official stationery

Introduction

1. In our Eighteenth Report of Session 2007-08, we stated that we would return in a later Report to consideration of issues arising from complaints received by the Parliamentary Commissioner for Standards arising from alleged misuse of House of Commons pre-paid envelopes and of stationery bearing the official symbol of Parliament, the portcullis.¹ The Commissioner's views on these wider issues were set out in paragraphs 85 to 97 of his memorandum, published as Appendix 1 to the Eighteenth Report. For convenience, we have appended those paragraphs to this Report also.²

2. The rules of the House do not permit Members to use pre-paid envelopes or officially provided stationery for communications having a party political or campaigning nature. Similarly, inappropriate use of stationery bearing the portcullis emblem is not permitted. Guidance and advice on the application of these rules are available to Members and their staff.³

Restrictions on party political or campaigning material

3. In his memorandum, the Commissioner reaffirmed his support for the principle that Members' use of party political and campaigning material should be subject to restrictions.⁴ He referred to correspondence received from members of the public, showing concern when they think that Parliamentary resources are being used to support party political activity. The Commissioner suggested that it would be helpful, particularly in relation to Members' use of the Communications Allowance, if the distinction between Parliamentary business and party political or campaigning activities were more clearly drawn and the terms more clearly defined in the Green Book, which sets out for Members of Parliament the detailed guidance on use of their allowances.

Applying a test of what constitutes party political or campaigning material

4. In the Commissioner's view, the test for acceptability of communications funded from Parliamentary allowances should be:

¹ Eighteenth Report of Session 2007-08, *Ms Dari Taylor*, HC 1188

² See Appendix

³ Eighteenth Report, Appendix 1, paragraphs 4 to 15

⁴ Appendix, paragraph 88

... whether any party political reference is strictly necessary for the recipient to understand the business on which the Member has been engaged in their capacity as their elected Member of Parliament.⁵

The Commissioner explained that:

On this interpretation, party political references, gratuitously and unnecessarily introduced into publicly funded communications would be a breach of the rules. So, while the context is all important, it should rarely be necessary to identify the political persuasion of the government of the day, nor of the local council or of the individuals whom the Member refers to—for good or ill. Any reference which might be thought to be party political should be seen to be essential to an understanding of the central point of the communication and that point should not be motivated by party political advantage.⁶

5. There is also the question of when does a communication become a campaigning activity. The Commissioner suggested that this can be said to occur at a point,

... where a Member's advocacy of a particular policy or viewpoint becomes so extensive and intensive that the communication of these messages changes from the statement of a position to proactive persuasion.⁷

As the Commissioner pointed out, to regard any expression of support in a Member's communications for a policy or view held by a political party as amounting to campaigning activity would be "over-restrictive."⁸

6. We strongly agree that a ban on such expressions would be unrealistic and unreasonable. Members of Parliament must be free to comment on the policies of the various executive bodies—the Government, local councils and official agencies—that have an impact on the lives of those they represent, and should likewise be free to outline alternative policies, without having to finance the medium for those comments privately or from party funds. We would not wish to see MPs inhibited from expressing their views on policies which are the legitimate subject of public debate.

7. The test of acceptability for such comments when made in communications funded from Parliamentary allowances should be whether any party political reference is necessary to an understanding of the issue. However, as the Commissioner recognised, the judgment on whether a reference is 'necessary' can often be a fine one and it will be important for Members to have access to good advice.

⁵ Appendix, paragraph 90

⁶ Appendix, paragraph 91

⁷ Appendix, paragraph 89

⁸ Appendix, paragraph 89

Proactive and reactive communications

8. Drawing on his experience of recent complaints, the Commissioner suggested that a more demanding standard should be set for proactive communications than for responses to incoming communications.⁹ Noting that the two types of communication are funded from different allowances, the Commissioner told us that he made this recommendation:

... because for the former the Member should have full control of the message and should be careful to use public funds to tell constituents only about their work as a constituency Member of Parliament and not about their party political activities. Provided stationery, however, is used to respond to an approach from a constituent and it may be necessary for a Member to make party political points to respond effectively to that approach. But gratuitous party references should still be avoided. The test might be whether the party political reference is necessary in order to deal adequately with the issue the constituent has raised.¹⁰

9. We agree that there is an important distinction to be drawn between a letter, e-mail or other communication sent by an MP proactively, and one that is sent in response to a communication from a constituent or other correspondent. Members receive a large number of communications that include comment or references that are party political. It would be unfair to require Members always to respond to communications that include political references without making any such references in the response. As the Commissioner has suggested, the test might be whether the party political reference is necessary in order to provide a proper response. Such a test will require the exercise of judgment and it will not always be clear where the line is to be drawn. For this reason, the guidance needs to be as clear as possible. Equally, the Commissioner and this Committee will need to adopt a sensitive approach when questioning the judgment a Member may have made in composing a communication which later gives rise to a complaint. Our view is that the rules should not be overly restrictive in inhibiting what an MP might say in a response to an individual constituent.

10. The Commissioner also raised the question of whether it is proper for a Member to use the provided stationery allowance to reply to a communication that is not a hard-copy letter.¹¹ Members are frequently contacted face to face in their surgeries, or by letter, fax, telephone or e-mail. Text messages, e-petitions or comments on Members' blogs may become increasingly common. It is the Commissioner's view that, so long as the Member's reply is dealing specifically with the matter raised by the constituent, the medium used for the original communication is not relevant. We agree.

⁹ Appendix, paragraph 92

¹⁰ Appendix, paragraph 92

¹¹ Appendix, paragraph 93

Arrangements for advising Members on stationery and communications

11. In his memorandum of 6 November, the Commissioner set out the present arrangements for administering the provision to Members of allowances and advice relating to stationery and communications:

... provided stationery and pre-paid envelopes are administered by the Facilities Department. The Communications Allowance (and the Incidental Expenses Provision) is administered by the Department of Resources. This means that there are separate departments advising Members, depending on whether they are using or intend to use provided stationery or stationery funded from their Communications Allowance.¹²

The Commissioner continued:

The rules relating to the Incidental Expenses Provision can be found in the Green Book published in July 2006. The rules for the Communications Allowance and use of House stationery can be found in a document issued by the then Department of Finance and Administration and the then Department of the Serjeant at Arms in April 2007. The April 2007 guidance runs to an initial seven page document, plus five annexes together running to a further 31 pages, including a new section of the Green Book. Any one issue can require the Member or their staff to check through more than one annex.¹³

12. The Commissioner has described a situation that is clearly unsatisfactory. The present division of responsibilities, and the confusing way in which advice to Members and their staff is distributed between parts of different publications, make misunderstandings and mistakes inevitable. We agree with the Commissioner that there should be a single source of advice for Members on all communications funded by the House.

Conclusions

13. The Commissioner acknowledged in his memorandum of 6 November that “Discussions on the propriety of the use of stationery and postage may seem to some a long way from the higher ethical issues which should underpin any standards system.” He went on to suggest that ensuring that Parliamentary allowances are not used to support Members in communicating on party political or campaigning issues is “of fundamental importance in the operation of the House’s standards system and in its acceptability to the public at large.”¹⁴ We agree with both statements, but **we stress that although the onus for ensuring that Parliamentary allowances are not misused falls primarily on Members, who need to follow the guidance and—in all cases where there may be doubt—to seek**

¹² Appendix, paragraph 94

¹³ Appendix, paragraph 95

¹⁴ Appendix, paragraph 96

advice, it is also essential that the House authorities provide clear and consistent guidance and advice.

14. There is, as the House's Director of Accommodation Services has suggested, a case for a review of aspects of the rules relating to Members' use of stationery. The Green Book has recently been the subject of a review by the Advisory Panel on Members' Allowances and a revised version is expected shortly. It may be, therefore, that some of the Commissioner's detailed recommendations have been anticipated by that review, but if not, they could be looked at in a future review. The recommendations that follow are intended to make it easier for Members to remain within the rules.

- The necessary restrictions against using Parliamentary allowances to fund party political or campaigning activity should be clarified in the Green Book.
- Members should be able to use provided stationery to deal with specific issues raised by a constituent whatever the medium used.
- There should be a single source of advice within the departments of the House for all stationery issues.
- The rules on the Communications Allowance and the use of House stationery should be consolidated into two new sections of the Green Book.

15. All these suggestions could be implemented administratively, without any need for a formal decision of the House. We commend the proposed changes to our colleagues on the Members' Estimate Committee.

Appendix: Extract from the memorandum of the Parliamentary Commissioner for Standards dated 6 November 2008

Wider Issues

85. I turn now to some wider issues which this complaint has illustrated in common with some others I have considered. These issues did not in my judgement affect Ms Taylor's handling of the communications which I have examined.

86. I draw the conclusions which follow from a number of complaints about Members' communications which I have considered in recent months. These others have not been of themselves inherently serious and, where the Member accepts that he or she has breached the rules, the breach has been inadvertent and he or she has taken action to correct the position, I have been able to resolve the complaint through the rectification procedure provided for in Standing Order 150, and so without a formal submission to the Committee. But there are I believe sufficient examples of Members inadvertently breaching the rules to suggest that some review of the rules in respect of stationery would be helpful to Members and their staff. I am bolstered in this view by the suggestion of the Director of Accommodation Services that aspects of the rules would benefit from a review.¹⁵

87. Based on my own experience, I would suggest that any review should include the restrictions on party political or campaigning material in communications funded by the allowances; responding to web material; and the arrangements in the House for advising on these allowances.

Restrictions on party political or campaigning material

88. I consider that restrictions on party political and campaigning material are necessary and right. It is clear from the (relatively limited) correspondence I receive, that people are concerned when they think that Parliamentary resources are being used to support party political activity. Public acceptance of the Communications Allowance in particular depends on drawing a clear distinction between Parliamentary business and party political or campaigning activities. These terms are not more clearly defined in the published rules. I consider it would be helpful if they could be. And it would be helpful if the references to party political and related matters were made consistent across the rule book. I referred in a recent Memorandum to the difficulty of drawing a line between a Member using Parliamentary funds for their Parliamentary duties and using these funds for party political or campaigning activities.¹⁶ More clearly defined rules in this respect would I believe help

¹⁵ WE 15

¹⁶ Sixteenth Report of Session 2007-08, HC 1128

Members in drawing the necessary discretion, although I recognise that in practice the distinction is likely to remain a matter of fine judgement.

89. In terms of campaigning material, in my view, it would be over-restrictive to suggest that in their communications to constituents any expression of support by a Member for a particular policy or view, whether it be held by the Member or by their political party, is necessarily a campaigning activity. But there comes a point where a Member's advocacy of a particular policy or viewpoint becomes so intensive and so extensive that the communication of these messages changes from the statement of a position to proactive persuasion. That, in my view, becomes a campaigning activity. As such, it should not be funded from any part of the Parliamentary allowances.

90. I believe it would be unrealistic and unreasonable to expect Members of Parliament acting in their Parliamentary capacity to make no reference to any party political interest or concern in their publicly funded communications. Parliament is about politics and Parliamentary communications cannot sensibly be shorn of all political content. The test for communications funded from Parliamentary allowances should not therefore be whether the reader could identify the political persuasion of the author, but whether any party political reference is strictly necessary for the recipient to understand the business on which the Member has been engaged in their capacity as their elected Member of Parliament.

91. On this interpretation, party political references, gratuitously and unnecessarily introduced into publicly funded communications would be a breach of the rules. So, while the context is all important, it should rarely be necessary to identify the political persuasion of the government of the day, nor of the local council or of the individuals whom the Member refers to—for good or ill. Any reference which might be thought to be party political should be seen to be essential to an understanding of the central point of the communication and that point should not be motivated by party political advantage.

92. I consider there should be a more demanding standard set for proactive communications funded by the Communications Allowance than for reactive letters sent using a Member's centrally provided Stationery Allowance. This is because for the former the Member should have full control of the message and should be careful to use public funds to tell constituents only about their work as a constituency Member of Parliament and not about their party political activities. Provided stationery however is used to respond to an approach from a constituent and it may be necessary for a Member to make party political points to respond effectively to that approach. But gratuitous party references should still be avoided. The test might be whether the party political reference is necessary in order to deal adequately with the issue the constituent has raised.

Responding to web material

93. This complaint raised the question of whether the provided stationery allowance can be used to respond to issues raised by a constituent other than by a letter. I agree with Ms Taylor that it would be unreasonable to interpret the rule for the use of provided stationery as meaning that it can only be used when the Member has received a letter in hard copy

and I have no evidence that it is so interpreted. Members should be able to use centrally provided stationery to respond to specific issues raised with them by a constituent whatever the medium used, for example during a meeting, telephone conversation or in an e-mail or website posting. But it has to be a matter specifically raised by the constituent to whom the response letter is sent.

Arrangements for advising Members on stationery and communications

94. At present provided stationery and pre-paid envelopes are administered by the Facilities Department. The Communications Allowance (and the Incidental Expenses Provision) is administered by the Department of Resources. This means that there are separate departments advising Members, depending on whether they are using or intend to use provided stationery or stationery funded from their Communications Allowance. That seems to me less than satisfactory. I consider Members would be greatly facilitated, and the risk of inadvertent breach considerably reduced, if there could be a single source of advice for Members on all Parliamentary funded communications.

95. The rules themselves are also quite difficult to access and to reconcile. The rules relating to the Incidental Expenses Provision can be found in the Green Book published in July 2006. The rules for the Communications Allowance and use of House stationery can be found in a document issued by the then Department of Finance and Administration and the then Department of the Serjeant at Arms in April 2007. The April 2007 guidance runs to an initial seven page document, plus five annexes together running to a further 31 pages, including a new section of the Green Book. Any one issue can require the Member or their staff to check through more than one annex. I welcome the House's decision that the Green Book should be reviewed and revised.¹⁷ I believe it would be particularly helpful if the rules in relation to the Communications Allowance and the use of House stationery were consolidated into two new sections of the Green Book.

Recommendations

96. Discussions on the propriety of the use of stationery and postage may seem to some a long way from the higher ethical issues which should underpin any standards system. But Members' communications are central to the service they provide to their constituents and stationery and postage remain important in enabling them to do so. It is right public funds should be available to carry Members' communications on Parliamentary business to their constituents. But public funds made available to Members for this purpose should not be used to support them in communicating on party political or campaigning issues. This in my view is of fundamental importance in the operation of the House's standards system and in its acceptability to the public at large. The wider proposals for consideration coming out of this complaint will, I hope, help the House in clarifying these issues and in providing a clearer and more easy to follow set of funding rules to support their Parliamentary communications.

¹⁷ Members Estimate Committee, Third Report of Session 2007-08, HC 578; HC Deb, 3 July 2008, cols 1095-1121.

97. In conclusion, therefore, I suggest for consideration by the House, that:

- i) The necessary restrictions against using Parliamentary allowances to fund party political or campaigning activity are clarified in the Green Book;
- ii) Members should be able to use provided stationery to deal with specific issues raised by a constituent whatever the medium used;
- iii) There should be a single source of advice within the departments of the House for all stationery issues;
- iv) The rules on the Communications Allowance and the use of House stationery should be consolidated into two new sections of the Green Book.

6 November 2008

John Lyon CB

Formal minutes

Tuesday 25 November 2008

Members present:

Sir George Young, in the Chair

Mr Kevin Barron
Mr David Curry
Mr Andrew Dismore
Nick Harvey

Mr Chris Mullin
The Hon Nicholas Soames
Mr Paddy Tipping
Dr Alan Whitehead

Draft Report [Use of pre-paid envelopes and official stationery], 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 5 read and agreed to.

Paragraphs 6 to 8 read, amended and agreed to.

Paragraphs 9 to 15 read and agreed to.

A paper was appended to the Report.

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

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

[Adjourned till Tuesday 9 December 2008 at 9.30 am]

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

Session 2007-08

First Report	Conduct of Mr Elfyn Llwyd, Mr Adam Price and Mr Hywel Williams	HC 94
Second Report	Conduct of Mr Norman Baker, Mr Malcolm Bruce and Mr Sadiq Khan	HC 182
Third Report	Publications funded from the Communications Allowance	HC 232
Fourth Report	Conduct of Mr Derek Conway	HC 280
Fifth Report	Conduct of Mr Peter Hain	HC 324
Sixth Report	Employment of family members through the Staffing Allowance: Proposals for consultation	HC 383
Seventh Report	Employment of family members through the Staffing Allowance	HC 436
Eighth Report	The Complaints System and the Criminal Law	HC 523
Ninth Report	Conduct of Mr Speaker	HC 559
Tenth Report	Conduct of Mr George Osborne	HC 560
Eleventh Report	Conduct of Sir Robert Smith	HC 646
Twelfth Report	Conduct of Sir Nicholas and Lady Winterton	HC 744
Thirteenth Report	Ending Dual Reporting of Donations: Interim Report	HC 989
Fourteenth Report	Conduct of Rt Hon Ed Balls and Rt Hon Yvette Cooper	HC 1044
Fifteenth Report	Additional Cost Allowance: Main Homes	HC 1127
Sixteenth Report	Conduct of Mr Mark Hunter	HC 1128
Seventeenth Report	Audit and Assurance of MPs' Allowances (Cm 7460)	HC 1138
Eighteenth Report	Ms Dari Taylor	HC 1188
Nineteenth Report	Use of pre-paid envelopes and official stationery	HC 1211

Session 2006-07

First Report	Evidence to the SSRB Review of Parliamentary pay, pensions and allowances	HC 330
Second Report	Conduct of Mr David Cameron	HC 429
Third Report	Complaints about alleged misuse of Parliamentary dining facilities	HC 431
Fourth Report	Conduct of Mr Julian Brazier	HC 682
Fifth Report	Handling of future complaints on misuse of the private dining facilities	HC 683
Sixth Report	Conduct of Mr George Galloway	HC 909
Seventh Report	Conduct of Mr Gregory Campbell	HC 992

Eighth Report	Conduct of Mr Martin Salter and Mr Rob Wilson	HC 1071
---------------	---	---------

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 Report	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh Report	Conduct of Ms Emily Thornberry	HC 1367
Twelfth Report	Conduct of Nadine Dorries	HC 1368
Thirteenth Report	Conduct of Mr John Prescott	HC 1553
Fourteenth Report	Conduct of Dr Desmond Turner	HC 1578
Fifteenth Report	Conduct of Mr Eric Illsley	HC 1579
Sixteenth Report	Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document	HC 1580