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## Summary

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The allegation I investigated was that the Member had misused House-provided postage-paid envelopes by using them to distribute a mailshot which was for party-political, rather than parliamentary purposes.

- 5 I considered the tone and content, as well as the overall presentation of the letter, and concluded that it was of a party-political nature rather than a communication for parliamentary purposes. I considered that to be a breach of the House's rules on the use of House-provided stationery and a breach of paragraph 15 of the Code of Conduct for Members.
- 10 The Member told me that he had drafted his letter carefully and he believed he was complying with the rules. However, he accepted my decision, acknowledged and apologised for his breach of the Code, and refunded to the House authorities, the sum of £1,504.50 to refund to the public purse the value of the misused envelopes.
- 15 I considered that to be an appropriate outcome, and concluded the matter by way of the rectification procedure.

## Mr Bill Esterson MP: Resolution letter

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### Letter from the Commissioner to Mr Mark Rawlinson, 13 June 2018

5 I wrote to you on 13 February to tell you that I had begun an inquiry into your allegations that Mr Bill Esterson MP had breached paragraph 15 of the House of Commons Code of Conduct.

10 I found that Mr Esterson acted in breach of paragraph 15 of the Code of Conduct by using House of Commons stationery for party political purposes. Looking at the document as a whole, including the tone and content of the letter, I found that it was part-political rather than parliamentary in nature. I therefore uphold your allegation.

For my full decision and rationale please refer to my letter to Mr Esterson on 14 March 2018 (item 9 in the enclosed evidence pack).

15 The correspondence I have exchanged with Mr Esterson is reproduced in full in the evidence pack which is enclosed. You will see that Mr Esterson has accepted my decision. He has acknowledged his breach of the rules, apologised and has refunded an amount equivalent to the value of the misused stationery to the House authorities.

20 I have concluded the matter by way of the rectification procedure available to me under Standing Order No 150. I will notify the Committee on Standards in due course of this outcome. The matter is now closed.

*13 June 2018*

## Written Evidence

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### 1. Letter from Mr Mark Rawlinson to the Commissioner, 3 February 2018

I wish to raise a complaint about Bill Esterson MP, who is MP for Sefton Central.

5 I received the attached correspondence from him today which was placed within a House of Commons pre-paid envelope (also attached).

The correspondence I received was completely unsolicited, very generic in nature and it is clearly of a political nature rather than anything parliamentary. It appears to be blatant electioneering and not something I would expect to have to be paying for (i.e. the envelope and postage) out of taxpayer funds.

10 It rather put me in mind and appears on all fours with the case of [named redacted] who in similar circumstances was found to be misusing stationery back in 2014. (A link to a BBC news story about is here [link provided]).

I wonder whether you can look in to my complaint for me and let me know the outcome. Please let me know if I can be of any further assistance.

15 *3 February 2018*

### **Enclosure: text of letter from Mr Esterson dated 31 January 2018**

BILL ESTERSON MP

[contact details]

STANDING UP FOR SEFTON CENTRAL

What are your views about our NHS?

20 The NHS is suffering an unprecedented winter crisis. Thousands of routine operations have been cancelled across England. Waiting times are increasing and waiting lists are growing longer and longer.

25 Earlier this month, an A&E doctor apologised for "third-world conditions" in our hospitals. At the A&E in Southport and Ormskirk hospitals over Christmas week, 133 patients had to wait more than 30 minutes in an ambulance because the department was too busy to admit them and, of those, 60 had to wait more than an hour.

Shockingly, on 28th December 2017, the NHS reported that every single bed at Southport and Ormskirk hospitals was occupied.

30 Despite all this, last year, proposals were put forward to potentially 'downgrade' Southport A&E and reduce its opening hours in order to save money.

Meanwhile, budgets have been cut by the Lib-Dem & Conservative governments over the last eight years in our NHS and in the social care which is so vital for the success of our health service.

BILL ESTERSON MP STANDING UP FOR SEFTON CENTRAL [LABOUR LOGO]

- 5 Please complete the questionnaire below and return it to me. I look forward to hearing your views.

Yours sincerely

Bill Esterson

MP for Sefton Central

10

The winter NHS crisis - we want to hear your views.

1. Do you have concerns about Southport & Formby Hospital. If so, what are they?

2. 'The NHS has been damaged by lack of funding since 2010' - how do you feel about this statement?

- 15
- Strongly Agree
  - Agree
  - Unsure
  - Disagree
  - Strongly disagree

20 3. NHS staff have had their pay rises capped at a maximum of 1% for the last seven years. Do you agree with capping the pay of NHS staff?

- Strongly Agree
  - Agree
  - Unsure
  - Disagree
- 25

- Strongly disagree

4. I live in Sefton Central with my family. I love living here and I want to hear your views about how we can make the area better. What local issues are important to you in Formby?

5 **2. Letter from the Commissioner to Mr Bill Esterson MP, 13 February 2018**

I would welcome your help with an allegation I have received from Mark Rawlinson about your compliance with paragraph 15 of the House of Commons Code of Conduct for Members. I enclose a copy of Mr Rawlinson's letter and the enclosures he sent with it.

10 The scope of my inquiry

2. The scope of my inquiry will be, in essence, to establish whether you have used parliamentary resources to confer an undue advantage on a political organisation, by using House-provided stationery in connection with work "for or at the behest of a political party".

15 The relevant rules and guidance

Paragraph 15 of the Code of Conduct (copy of Code enclosed) says that:

20 *"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

25 The *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis* (enclosed) say, at paragraphs 2 and 3:

30 *"2. The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.*

*3. House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary function. In particular, this excludes using stationery or postage:*

- 5
- *In connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office;*
  - *...."*

Paragraph 8 of those rules gives examples of permissible uses for House-provided stationery. It includes:

- 10
- "correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues);"*

Next steps

15 I would welcome your comments on the allegation that your letter amounts to a breach of the House's rules and the Code of Conduct for Members. In particular it would be helpful to have the following information:

- how many letters were distributed as part of this mailing;
- 20 • whether the paper used was part of your House-provided allocation of stationery (I believe the postage pre-paid envelopes are clearly so);
- how it came about that this letter was sent in a House-provided postage pre-paid envelope; and
- whether you consider this letter could reasonably be construed as being "in connection with work for or at the behest of a political party"

25 — if you do not, the reason(s) for that belief;

I would be glad to receive any other information you consider relevant to my inquiry.

30 I enclose a copy of the *Commissioner's Information Note*,<sup>1</sup> which sets out the procedure I follow. I am writing to Mr Rawlinson to let him know that I have begun an inquiry into this matter. I will shortly update my parliamentary web pages to

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<sup>1</sup> <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

5 show the fact that I am conducting an inquiry into an allegation into an alleged breach of paragraph 15 of the Code of Conduct. My office will not comment further on any aspect of the inquiry to third parties. They will, however, confirm that I have begun an inquiry if asked before this information is posted on my webpages and they will answer factual questions about the processes I follow and the standards system more generally.

10 As you will be aware, my inquiries are conducted in private. This letter and any subsequent correspondence between us is protected by parliamentary privilege. Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the contents of our correspondence to any third party. I have made a similar request of Mr Rawlinson.

My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

15 As a matter of courtesy, I should say now that I may make enquiries of the relevant House authorities in due course. If I do so, I will share that correspondence with you. While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

20 I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon as possible and no later than 27 February 2018.

*13 February 2018*

### **3. Email from Mr Bill Esterson MP to the Commissioner, 21 February 2018**

25 Thank you for your letter dated 13 February 2018 about the allegation, which you received from Mark Rawlinson.

Please see below for my response to your request for information:

30 The letter was sent according to the rules of the House for the use of stationery, a copy of which you sent to me, namely, paragraph 8, "correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys".

- 2,500 letters were sent as part of this mailing.
- The paper and postage pre-paid envelopes used were part of my House provided allocation.

- The letter was sent to ask my constituents' views on a specific issue for use in the performance of my parliamentary functions, as their representative. The letter is not therefore in connection with or at the behest of a political party. Party political logos are permitted (paragraph 5 7 of the House rules).

Having reviewed the allegation and the rules, I am satisfied that I have complied with the rules covering the use of House stationery and trust that this response provides you with the information that you have requested, in order to complete your investigation.

- 10 Thank you again for your letter and please let me know if you would like to discuss this further as part of your investigation.

*21 February 2018*

#### **4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 27 February 2018**

- 15 I would like to ask for your advice on a complaint I have received about Mr Bill Esterson MP, and into which I have begun a formal inquiry. In essence, the allegation is that Mr Esterson misused House of Commons stationery for what appear to be party political purposes.

- 20 I enclose the relevant correspondence, together with the papers that led to the inquiry. I would be grateful to have your views on whether the content of Mr Esterson's letter of 31 January 2018 falls within the definitions of acceptable use of House-provided resources.

- 25 I appreciate that there is no published definition of where the boundary between parliamentary and political use lies, and it would be helpful to have your observations on the factors you have taken into in reaching a view in this instance.

It would be very helpful to have your response to this letter by 13 March 2018. Thank you for your assistance.

*27 February 2018*

#### **5. Letter from the Commissioner to Mr Bill Esterson MP, 27 February 2018**

- 30 Thank you for your email of 21 February 2018.

In line with my usual practice, I have today written to [the] Director of Accommodation and Logistics Services, to seek her advice before reaching a decision on allegations concerning the use of House-provided stationery.

I enclose a copy of that letter for information. I will share a copy of her response with you as soon as I can.

27 February 2018

## 6. Letter from the Director to the Commissioner, 5 March 2018

5 Thank you for your letter of 27 February 2018, which I received last week, concerning a complaint you have received from Mr Rawlinson regarding Bill Esterson MP's use of stationery.

10 I note that you have asked for advice on whether Mr Esterson has used the postage paid envelopes in accordance with the current rules on House of Commons provided stationery. As you know, Members are under no obligation to ask for guidance on the use of stationery. If they do ask for advice my colleague and I provide guidance with the proviso that the House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with  
15 probity and integrity when using House-provided stationery and postage and they should regard themselves as personally responsible and accountable for the use of it. Although we can provide guidance on usage, if a complaint were made, it is for you as Commissioner for Standards to rule on individual cases, and our guidance cannot in any way bind your decisions. You note there are no published definitions  
20 of where the boundaries between parliamentary and political lie and have asked for my observations on how I have come to my view below.

The current rules do allow for Member to use House provided postage paid envelopes to contact constituents and others proactively. However, I believe that there is a distinction to be made between correspondence using House provided  
25 stationery for Members to contact constituents on specific issues and Mr Esterson's correspondence dated 31 January 2018. This is because although the correspondence includes a quote from an A&E doctor's apology for "*third-world conditions*" in Southport and Ormskirk hospital, and plans to reduce its opening hours (I am not able to advise on the factual validity of these statements), it also  
30 includes a comment that "*budgets have been cut by the Lib-Dem & Conservative Government over the last eight years in our NHS*" and together with the inclusion of the Labour party branding on the paper appears to have a political rather than a parliamentary sense.

35 My advice is that all of the references combined in the correspondence to be in contravention of the rules that exclude the use of postage:

*"in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office);"*

The correspondence appears to have a political rather than a parliamentary sense and in using the House of Commons postage paid envelope would be in breach of the House of Commons Commission rules on stationery use.

*5 March 2018*

5 **7. Letter from the Commissioner to Mr Bill Esterson MP, 6 March 2018**

When I wrote to you on 27 February 2018, I sent you a copy of my letter of the same date seeking advice from [the] Director of Accommodation and Logistics Services. I have now received her reply.

10 I enclose a copy of the advice for your information and, as promised, to give you the opportunity to comment before a decision is made on the allegation of misuse of House-provided stationery. As you can see, the Director is clear that she would, had you sought her advice, recommended not using House-provided resources for the mailshot.

15 Once I have any comments you wish to make I hope to be able to make a final decision. It would be helpful to have your comments as soon as possible and no later than 15 March 2018.

*6 March 2018*

**8. Email from Mr Bill Esterson MP to the Commissioner, 7 March 2018**

20 Thank you for your letter dated 5 March about the allegation from Mr Rawlinson and thank you for enclosing a copy of [the Director's] letter.

Please see my response below.

[The Director] points out that the letter contained Labour Party branding. As I said in my earlier email, the rules of the House specify that party logos are allowed.

25 Quoting a doctor and plans by the local hospital to downgrade opening hours are statements of fact, not comments on the policies of a political party. The line about what governments have done over the last 8 years is also a statement of fact.

As to what is parliamentary and what is party political. This is a judgement for me as the parliamentarian to take.

30 The rules of the House permit me to share factual information with my constituents and to give my opinions in correspondence with my constituents, both of which I have done in the letter. This is covered by the rules about correspondence on a specific issue, again referred to in my earlier email.

The job of a Member of Parliament is to represent constituents and to do that we have to understand what the concerns of our constituents are. The letter sought opinions to that I could scrutinise and challenge the government of the day. Again this is covered by the rules of the house on surveys and questionnaires.

- 5 Mr Rawlinson's allegation makes comparisons with the allegations made against Matthew Hancock in 2014. Mr Hancock in his letter asked his constituents to say which party they support. My letter has no such references.

10 Mr Rawlinson's allegation was that this was political. The use of the Labour logo is clearly political but it is also specifically allowed. My letter complies with the current rules of the House and is for parliamentary purposes, for the reasons, which I set out above.

Please let me know if you would like to discuss this further.

*7 March 2018*

#### **9. Letter from the Commissioner to Mr Bill Esterson MP, 14 March 2018**

- 15 Thank you for your email of 7 March 2018 providing your comments on the advice from the Director of Accommodation and Logistics. I am grateful to you for the clarity and promptness of your response.

Decision

- 20 I have considered the Director's advice and your comments very carefully. I appreciate that you take a different view from the Director but I consider her advice to be sound. In using House-provided envelopes and postage to distribute the 2,500 letters in this mailshot, I find you have acted in breach of the House's Rules for the use of stationery and postage-paid envelopes provided by the House of Commons,  
25 and for the use of the Crowned Portcullis.

Rationale

- 30 The relevant rules make clear that they cannot cover every eventuality and that it is for each Member always to behave with probity and integrity when using House-provided stationery and postage. Although the rules do not attempt to define the boundary between parliamentary activity and party-political activity, the rules do ask Members to distinguish between the two. In the absence of a neatly and easily defined boundary, each piece of correspondence must be considered carefully on its own merits.

- 35 When making a judgement about whether a particular mailshot should have been posted at public expense, I must look at the communication as a whole and make my own independent judgement about its tone and content.

Like the Director, I cannot assess the factual validity of the statements made about Southport and Ormskirk Hospital but the arrangement of the facts in your letter is not neutral. The text on the first page of the letter might reasonably be expected to influence the recipients' reading of, and responses to, the survey questions. While  
5 it is permissible for House-provided stationery to include a party emblem or logo, the prominence of any such branding is also an issue and the first page of your letter would not look out of place as a party-political leaflet. That impression is underscored by the inclusion of your Facebook account details, a non-parliamentary email address and a link to a party-political website which includes a page soliciting  
10 campaign donations. Taking all those factors together, I find it hard to avoid the conclusion that this was a party political, rather than a parliamentary, communication.

Mr Rawlinson drew an analogy with a letter which was the subject of an inquiry concluded by the then Commissioner in September 2014. I agree that your letter of  
15 31 January can be distinguished from the letter in that case. However, you may wish to review some of the inquiries concluded more recently and posted on my webpages. I believe these demonstrate the consistency of the advice given by the Director and in the application of the House's stationery rules over a considerable period of time.

20 It is for you to make a judgement about what is parliamentary and what is party political – in the first instance. However, the Code of Conduct makes explicit that "Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down for these matters." Having begun an inquiry  
25 into an alleged breach of those rules, my role is to decide whether the rules have been broken.

#### Next steps

30 Before I can decide how to conclude this inquiry, I need first to ask you to consider my decision and to tell me whether you accept it. Please let me have your comments by close of business on 21 March 2018.

*14 March 2018*

#### **10. Email from Mr Bill Esterson MP to the Commissioner, 20 March 2018**

35 Thank you for your letter dated 14 March 2018 and please see below for my response to your decision.

When I designed the letter and survey, I did so with great care, in order to comply with the rules. The survey is a genuine survey to seek my constituents' views about the NHS and I have received a significant number of responses, with a wide range of  
40 views, which suggest I was right to send the survey.

5 The letter and survey were drawn up after consulting the rules, which state without ambiguity, “correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys”. The rules also state, “Party political logos or emblems may be used”.

I believe that I was complying with these rules.

10 In your letter you say that “the rules do not attempt to define the boundary between parliamentary and party-political activity, the rules ask Members to distinguish between the two.” The key point is that it is for members to determine what is parliamentary and I determined that this letter and survey was parliamentary and that it complied with the rules.

In the absence of clarity about what is and is not parliamentary, it is only possible to rely with certainty on those parts of the rules, which give certainty, namely those which I have quoted above.

15 You mention the prominence of the branding. There is no reference to the prominence or otherwise of the branding in the rules. I therefore do not accept that this is grounds for your decision.

20 You have accepted that the allegation in Mr Rawlinson’s letter drew an analogy with a letter which was the subject of an inquiry concluded in September 2014. You agreed that my letter of 31 January can be distinguished from the letter in that case. You therefore appear to have dismissed a key element of the allegation from Mr Rawlinson. Mr Rawlinson also alleged that the letter was unsolicited, something that is permitted in the rules quoted above for the purposes of a letter and survey or questionnaire on a specific issue. He alleged it was blatant electioneering. There was  
25 no election at the time of the letter.

In short, all of Mr Rawlinson’s main allegations have not been substantiated, something, which you have accepted.

30 In your letter of 14 March, you have introduced a number of allegations, to which you have not previously referred. I note that you have reached your decision without asking for my response to these additional allegations, none of which were made by Mr Rawlinson in his letter.

I turn to these additional allegations now.

35 You say in your letter that I have included my Facebook account details. There is no reference to my Facebook account on the letter and I should be grateful if you would withdraw this allegation.

The rules about party political comment apply to the content of the letter, not to information contained elsewhere and mentioned in the letter. Yet you state that there is a link to a party-political website. There is nothing in the rules which says Members may not publish details of their website in their correspondence to constituents sent using House supplied stationery. You also state that this website has a page soliciting campaign donations. The donations page on the website finished on 7 June 2017. It is non-operational. It is therefore not true to say that the website is being used for fundraising. I also note that the rules prohibit the use of House-provided stationery for fundraising. The rules are silent on the publication of a website which has a fundraising page on it. The letter does not reproduce party political information from my website and it does not include a fundraising section. I should be grateful if you would withdraw this allegation as well.

You state that a non-parliamentary email is quoted. There is again nothing in the rules about which email address to give. I should therefore be grateful if you would withdraw this allegation as well.

In her letter of 5 March, Director of Service Delivery, [named], stated that it was the inclusion of a certain phrase, “together with the inclusion of Labour party branding on the paper”, which led her to her conclusion. Again, the branding is specifically allowed. [The Director] is relying on the use of branding to reach her overall conclusion. Yet as the branding is allowed, she is relying on something that is specifically permitted and this means her conclusion is not justifiable.

You mention in your letter the prominence of the branding. The rules permit the use of the branding. They do not say how big the logo should be. The party logo is used once in the bottom right hand corner. Unless it were too small to read, it is hard to see how it could be used without it standing out. This is presumably why the rules permit its use.

Returning to your assessment that it is for Members to decide what is allowed, I had the rules to follow. The two rules quoted above are clear and unambiguous about what is permitted. The rules about what is not permitted are unclear and ambiguous in contrast. It is therefore only possible for Members to follow the clear rules about what is allowed, not the unclear rules about what is not allowed.

Given your comments, it is clear that it is for Members to decide whether we have complied with the rules, whilst at the same time accepting that we face possible findings against us from your office. [The Director] has suggested in her letter that Members are able to seek her guidance on the use of stationery. There are 650 Members. If all Members were to seek advice for every use of House-provided stationery it would be unworkable.

You will appreciate that I do not agree with the conclusions, which you have reached on any aspect of these allegations. I have also pointed out that you reached your decision on the basis of additional allegations, which you did not put to me before reaching that decision and that a number of the allegations are simply untrue.

Regardless of my view about your conclusions, however, I feel that a short meeting to discuss these matters would be a good idea before you publish your decision, not least in helping to work out how Members might work out how to draw the line between what is and is not permitted under the rules. At the end of that meeting, I shall be in a better position to say whether I accept your decision or not.

I look forward to hearing from you with proposed dates and times to meet.

*20 March 2018*

### **11. Letter from the Commissioner to Bill Esterson MP, 27 March 2018**

Thank you for your email of 20 March 2018.

10

Please accept my apologies for referring to your Facebook account details in my last letter. That was incorrect. I was referring to the address “@bill\_esterson”, which is your twitter account not your Facebook address.

15

I have considered your letter carefully and I should say now that I am not persuaded that my decision is flawed. However, I do not think it would be helpful to set out a detailed response to every point raised in your letter at this stage. I agree that it would be a good idea for us to meet. I would be grateful if you would – as soon as possible - call, or arrange for one of your staff to call, my PA, [name], to arrange a mutually convenient time for us to meet in week commencing 16 April at [redacted]. My role here is part-time and I work Monday to Wednesday. If you propose to be accompanied at our meeting, please tell [name] when the meeting is arranged.

20

25

I hope it will help us to focus on the most relevant points when we meet if I say now that I have not raised any questions about the appropriateness of the survey which was on the reverse side of your letter and further discussion of the survey would not be relevant.

30

35

I also hope it will be helpful to underline that I am considering whether your letter was sent “in connection with work for or at the best of a political party” and capable of conferring “undue advantage on a political organisation. The rules for the use of House-provided stationery make very clear, in paragraph 2, that they “cannot be expected to cover every eventuality”. I do not, therefore, agree with you that the absence of any specific reference to, for example, “branding”, means that this is not relevant to my decision. I should also be clear that, having accepted for inquiry an allegation of a breach of paragraph 15 of the Code of Conduct, I am not constrained to consider only the points that the complainant advanced in support of his allegation.

40

I should explain now that, if we cannot agree, then I would not be able conclude this matter through the rectification process; that procedure is available only where the Member acknowledges a breach of the rules, apologises and takes any steps necessary to rectify the breach. Instead, I would have to refer the matter to the Committee on Standards. I would set out the reasons for my decision and give you

the opportunity to add any comments you wish before submitting a formal Memorandum to the Committee for them to make their own decision. This is explained in the Commissioner's Information Note, a copy of which I sent to you on 13 February 2018.

5 *27 March 2018*

### **12. Letter from the Commissioner to Mr Bill Esterson MP, 16 April 2018**

I was disappointed not to receive a response from you to my letter of 27 March 2018.

10 I am writing to confirm our appointment for 9.30am on Wednesday 9 May 2018, in my room [redacted]. I am further disappointed that we are not able to meet sooner but I understand that when my PA called, this was the earliest date you could offer.

If you plan to be accompanied, please let [name] know beforehand.

*16 April 2018*

### **13. Email from Mr Bill Esterson MP to the Commissioner, 23 April 2018**

15 Further to your letter dated 16 April, which I received today, I can confirm that we are due to meet at 9.30am on Wednesday 9 May.

20 I was surprised by your comment that you were disappointed not to receive a reply to your letter dated 27 March. I received this letter on my return to parliament after the recess on Monday 16 April. My office respected your comment on the envelope that the letter was for the recipient only and did not draw my attention to it earlier. Your assistant called me to arrange our meeting almost exactly at the time I walked into my office in Westminster. You will note that I live near Liverpool and therefore usually arrive in the afternoon on a Monday. As your assistant had arranged the appointment, I did not realise that a further acknowledgement of your letter was necessary and I confirmed the email notification of the appointment on 17 April. In  
25 your letter of 27 March you also state that you were not setting out a detailed response to my previous email. There therefore seemed nothing to say in response to your letter, given that your assistant had arranged the appointment.

30 You also express disappointment at the delay in making the appointment. I am also surprised at this. I have a very full schedule as an opposition front bench spokesman for two government departments and also have a busy constituency diary. As a result I am not physically in London very much between now and the 9 May for such an appointment. From my knowledge of the commitments of members across the House, this is not unusual.

I shall await your comments at our meeting on 9 May.

35 *23 April 2018*

#### 14. Letter from the Commissioner to Mr Bill Esterson MP, 14 May 2018

Thank you for meeting me on 9 May 2018. We met, at your request, because you had felt unable to accept my decision that by sending your letter of 31 January 2018 in postage pre-paid envelopes you had acted in breach of the rules of conduct I am  
5 grateful to you for taking the time to explain your difficulties with that decision, and for your subsequent acceptance of it.

I said I would write to you to summarise the key points of our meeting and you agreed to let me have any additional comments before I conclude my inquiry.

10 You told me that you consider the rules to be clear about what is permitted but less clear about what is not a permissible use of House-provided stationery and postage. You said that the Director of Accommodation and Logistics Services had provided a narrow commentary explaining why she would have advised against using House resources other elements. You said that in explaining my own decision I had brought  
15 in other factors and made matters more ambiguous. You pointed out that the rules allow Members to include a party-political logo on parliamentary correspondence and that the rules also allow unsolicited correspondence about a specific issue.

However, you also said that you had to accept the Director's advice and would accept my decision.

20 The House authorities (more specifically, the Director's team) are able to advise Members on the use of House-provided stationery and postage but such decisions are for Members in the first instance, and Members are accountable for those decisions. However, if an allegation is made and accepted for inquiry, the decision is for the me and, ultimately, the Committee on Standards. I said that while your letter was 'factual', the overall look and feel of the letter – taking the content and the  
25 visual presentation into account – was party-political rather than purely parliamentary. I acknowledged again that the boundary between the two is neither neatly or easily defined but, in my judgment, this letter was the wrong side of the boundary for House resources to have been used in its distribution.

30 The rules on the use of House-provided stationery cannot realistically be expected to cover every eventuality. That may be frustrating for a Member who makes a decision in good faith and then finds him/herself on the wrong side of the rules. Although I think paragraphs 3 and 8 of the rules provide clear and helpful guidance on what is not, and what is, permitted; I would be happy to receive any comments you have about how they might be further improved. (The rules are "owned" by the  
35 Administration Committee and I would be happy to draw the final report – which will include a copy of your response to this letter – to the attention of the relevant Committee Clerk.)

40 As you told me that you would accept my decision, I think it would be appropriate to conclude this inquiry by way of the rectification procedure available to me under the provisions of Standing Order No 150. The Committee would normally expect the Member to acknowledge and apologise for their breach of the rules, and to refund

to the House authorities an amount equivalent to the value of the misused stationery. In this instance, that is a sum of £1,504.50 (2,500 second-class pre-paid envelopes at £150.45 per box of 250). Payment can be made by sending a cheque payable to [redacted] to my office to forward to the Finance team.

5 Subject to any final comments you wish to make, I would draft a letter to Mr Rawlinson and give you an opportunity to comment on its factual accuracy before bringing this matter to a close. My letter to him and all the relevant evidence would then be posted on my webpages, and I would inform the Committee on Standards briefly of the outcome. I will share the draft of the evidence pack with  
10 you at the same time as sharing my draft letter to Mr Rawlinson.

I would be grateful to have your response to his letter as soon as possible and no later than 22 May 2018. In the meantime, you should continue to treat this correspondence as strictly confidential.

Thank you again for taking the time to discuss your concerns with me.

15 *14 May 2018*

#### **15. Letter from Mr Bill Esterson MP to the Commissioner, 22 May 2018**

Thank you for your letter, date 14 May, which I received yesterday.

In your letter, you indicated a willingness to raise the matter of the ambiguity of the rules with the Administration Committee. Your point about ambiguity is well made.  
20 The letter, which I sent was written with great care and I believed that I was complying with the rules, which specified that I could write about a single issue and include a survey or questionnaire and a party logo or emblem.

The fact that you decided that the letter was outside the rules, shows that there is significant ambiguity about what is and is not permitted, a point, which I believe you  
25 accept. During our meeting, you made the point that Members can ask the Director of Accommodation and Logistics Services for advice on the content of letters sent to constituents. You also said that even if the Director advised a member that correspondence was within the rules, there was no guarantee that you would agree with the advice from the Director in the event of a complaint.

30 So, in answer to your request for comments about how the rules might be improved, it would be to ensure there was a way that members could guarantee to comply with the rules without having to await a complaint and your ruling on such a complaint. The rules are clear about what is allowed. They are ambiguous about what is not permitted. This contradiction needs to be addressed to avoid the problems, which  
35 you identified in our meeting, where you felt unable to be specific about what was and was not permitted.

Having accepted your decision, I have also enclosed a cheque to cover the cost of the postage and am sorry that the rules were breached.

Thank you again for discussing this with me.

*22 May 2018*

5 **16. Letter from the Commissioner to Mr Bill Esterson MP, 24 May 2018**

Thank you for your letter of 23 May 2018, accepting my decision, and acknowledging and apologising for your breach of the rules on the use of House-provided stationery. Thank you also for enclosing a cheque as reimbursement to the House authorities for the misused stationery. That has been  
10 forwarded to the Finance team for processing.

I enclose a copy of the letter I plan to send to Mr Rawlinson. It is the first item in the evidence pack, after the summary. While the content of the letter is a matter for me alone, I would welcome any comments on the factual accuracy of this letter and the evidence pack.

15 Once I have any comments you wish to make on its factual accuracy, I will finalise the letter to Mr Rawlinson, send you both a copy of the final evidence pack. Shortly after that, the pack will be posted on my webpages (<https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/>). You will see that the  
20 evidence pack includes all the correspondence we have exchanged.

I would be pleased to have any comments you wish to make on the draft letter/evidence pack as soon as possible and no later than 11 June 2018.

25 Our correspondence continues to be protected by parliamentary privilege. Until I send you and Mr Rawlinson letters concluding this inquiry, this matter should remain confidential.

*24 May 2018*

**17. Email from Mr Bill Esterson MP to the Commissioner, 11 June 2018**

30 Thank you for your letter dated 24 May, which I received on 8 June. In response to your questions, I have no further comments to make on this matter.

*11 June 2018*