

Contents

	Summary	2
	Mr Chris Davies MP: Resolution Letter	3
	Letter from the Commissioner to Mrs D Roberts, 2 October 2017	3
5	Written evidence	4
	1. Letter from Mrs D Roberts to the Commissioner, 1 June 2017	4
	2. Letter from the Commissioner to Mr Chris Davies MP, 13 June 2017	7
	3. Letter from Mr Chris Davies MP to the Commissioner, 26 June 2017	11
10	4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 6 July 2017	14
	5. Letter from the Director of Accommodation and Logistics Services, to the Commissioner, 17 July 2017	15
	6. Letter from the Commissioner to Mr Chris Davies MP, 20 July 2017	16
	7. Email from Mr Chris Davies MP to the Commissioner, 27 July 2017	16
15	8. Letter from the Commissioner to Mr Chris Davies MP, 17 August 2017	18
	9. Letter from Mr Chris Davies MP to the Commissioner, 5 September 2017	22

Summary

The complaint I investigated was that the Member had misused House-provided stationery (paper and prepaid envelopes) by using it to confer an undue advantage on a political organisation.

- 5 I found that the Member had sent out a mailshot to 7,500 recipients (comprising a survey and covering letter) one week after the decision to dissolve Parliament was taken. I found that he could reasonably have foreseen that responses to the survey would not arrive in time for him to make use of them for parliamentary purposes, before he ceased to be a Member on the Dissolution of Parliament on 3 May 2017. I
10 also found that the content of the letter, was likely to be read as party political, given its timing, and that the two components of the mailshot served to increase awareness of his name as the incumbent MP ahead of the imminent General Election.

- The Member accepted my decision, acknowledged and apologised for his breach of the Code of Conduct and agreed to refund the cost of the misused stationery to the
15 House authorities. I considered that to be an appropriate resolution and concluded the matter using the rectification procedure.

Mr Chris Davies MP: Resolution Letter

Letter from the Commissioner to Mrs D Roberts, 2 October 2017

5 I wrote to you on 13 June 2017 to say that I would begin an inquiry into your allegation that Mr Chris Davies had misused House of Commons provided stationery and/or pre-paid envelopes.

10 I am pleased to be able to tell you that I have now completed my inquiry. I have been in correspondence with Mr Davies and he has acknowledged a breach of the rules, for which he has apologised. He has agreed to refund to the House authorities the cost of the misused stationery, which amounted to £5,037.90.

15 The reasons for my decision are set out in full in the correspondence I have exchanged with Mr Davies, a copy of which is attached. (This will be posted in my webpages in due course.) As you can see, Mr Davies has told me that he had not intended to misuse public funds and, having seen the rationale for it, he has accepted my decision without reservation.

20 I have concluded this inquiry using the rectification procedure. I consider Mr Davies' acknowledgement of the breach, his apology and the refund of the cost of the misused stationery to bring this matter to a close.

2 October 2017

Written evidence

1. Letter from Mrs D Roberts to the Commissioner, 1 June 2017

I am writing to draw your attention to what I regard as a breach of the Rules for the use of stationery and postage-paid envelopes provided by the House of Commons.
5 This was by Mr Chris Davies while he was a Member of Parliament for Brecon and Radnorshire before the current General Election campaign.

Many people in Brecon and Radnorshire constituency received a Residents' Survey, of which I enclose a copy, in the latter part of week beginning 24 April 2017. For example, I enclose an envelope post-marked 25 April that arrived on 27 April. As
10 you will see, the envelope was an official House of Commons envelope¹. Enclosed with the survey was another House of Commons franked envelope to be used for the return of the survey.² This was addressed to Mr Davies's constituency office in Builth Wells.

The first issue I would refer to you is the sending of reply-paid House of Commons
15 envelopes to those surveyed for them to use in order to reply to Mr Davies. I understand that this is specifically forbidden under bullet point 4 of Rule 4. I assume that this is to prevent the waste of public resources that would happen if recipients discard these pre-paid envelopes.

My second issue is one of even greater importance. It is my contention that the
20 timing of Mr Davies's Residents' Survey constituted the exploitation of the free stationery and postage provided by the House in order to convey an advantage to the Conservative cause, and to him personally, in the Brecon and Radnorshire constituency in the June General Election. It was thus contrary to the Principles for the use of stationery.

The Prime Minister announced that she would be seeking a dissolution of
25 Parliament on 18 April. The necessary vote under the Fixed Term Parliament Act 2011 took place on 19 April. The Commons' last sitting day was on 2 May and Parliament was dissolved on 3 May. Even if a person who received Mr Davies's survey on 27 April had responded that day, Mr Davies could have done nothing by
30 way of parliamentary action before Dissolution to follow through the response. Any response to the survey could not therefore help him to discharge his parliamentary functions.

Had Mr Davies sent his survey before 18 April, I would have no grounds for
35 complaint on this point. But the use of publicly-funded stationery resources during what was the period of a General Election campaign seems to me wholly wrong and a misuse of public resources, not least because I am not aware of any similar

¹ Enclosed a cream-coloured House of Commons, 2nd class postage pre-paid envelope post-marked 25 April 2017

² Not provided

Residents' Survey having been conducted by Mr Davies during the two years after his election in 2015. My belief is that Mr Davies intended the survey to be a means of highlighting his profile in the constituency ahead of the 2017 election and possibly of using material gleaned from the survey in his election campaign.

- 5 You will also note that several of the questions included in the survey were about devolved matters and matters within the responsibility of Powys County Council. County Council elections were also due to take place on 4 May, and Mr Davies was prominent in campaigning in those elections for the return of Conservative councillors. It may be that some responses to the survey were used by Mr Davies for
10 this purpose, though I have no direct evidence to that effect.

I hope you will investigate these matters further.

1 June 2017

Text of enclosed residents' survey form

- 15 "As your MP, I believe it is important to make every effort to listen and respond to the views of local residents. Please take a few moments to complete this short survey and return it to me using the Freepost envelope provided.

Q1. Which three of these local issues are most important to you as a resident of Brecon and Radnorshire?

- | | |
|-----------------------|--------------------------------------|
| Parking | Public Transport |
| 20 Traffic/speeding | Local infrastructure (Road and rail) |
| Crime | Street lighting |
| Waste collection | Anti-social behaviour |
| Litter/dog waste | Broadband |
| Other, please specify | |

- 25 Q2. Do you have any other issues you would like me to raise with Powys County Council?

Q3. Rate the public transport in your area (1-10) and please specify if you have had any problems with particular bus routes:

Poor

Excellent

Please detail

Q4. Tourism is a vital part of our economy here in Brecon and Radnorshire. In your opinion, what needs improving to attract more tourists to our beautiful constituency?

5 Please detail

Q5. Are you happy with Powys County Council's changes to waste and recycling services?

Yes No Please detail

10 Q6. 65% of Brecon and Radnorshire has superfast broadband. Are you happy with the service you receive from your broadband provider?

Yes - go to question 7 No - go to question 8

Q7. Is the current service adequate for your home internet requirements?

Yes No

Q8. What speed of internet do you currently have?

15 Please go to ww.speedtest.net to measure your speed

Speed:

Q9. Have you experienced, or are aware of, any form of crime in your local area? Please specify

Q10. Do you think there is a strong enough police presence in your area?

20 Yes No

Q11. Do you have any other concerns or issues you would like to raise with me?

Q12. Are there any national issues you would like the government to focus more closely on?

The deficit and national debt The state pension

25 Tax evasion and avoidance The welfare and benefits system

Access to key health services

Levels of immigration

Devolve further powers to the Welsh Assembly

Defence & the armed forces

Income tax and personal allowance

Policing

Other, please specify

5 Q13. How do you rate my service to you as your MP:

Poor

Excellent

0

10

Q14. Finally, do you have any feedback that could improve my service to you as your MP? Please specify

Printed and promoted by the office of Chris Davies MP - 6 Market Street, Builth Wells, LD2 3AG

10 Thank you for taking time to complete this survey. Please return it free of charge in the envelope provided. So we can keep in touch with you on the issues that matter to you, please fill in your details below.

Name

Address

15 Postcode Tel Mobile

Email

How we use your information Some data we receive from you will probably comprise personal data about you and may include sensitive personal data. The types of information we may collect about you will probably include your name, address and contact information. The data you provide will be retained by the office of Chris Davies MP ("the data holders") in accordance with the provisions of the Data Protection Act 1998 and related legislation. The data holders will use the data we collect for the following purposes: (i) to improve our understanding of life in the Brecon and Radnorshire Constituency; (ii) to compile and provide anonymous statistics about local life and (iii) to contact you in the future by telephone, text or other means, even though you may be registered with the Telephone Preference Service, without asking for further permission. Your data will not be sold or given to anyone not connected with your MP's office. If you do not want the information you give to us to be used in these ways or for us to contact you, please indicate by ticking the relevant boxes: Post Email SMS Phone"

2. Letter from the Commissioner to Mr Chris Davies MP, 13 June 2017

I would welcome your help with an allegation I have received from Mrs Dunja Roberts about your compliance with paragraph 15 of the House of Commons Code

of Conduct for Members. I enclose a copy of Mrs Roberts' letter and the enclosures she sent with it.

The scope of my inquiry

5 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.

The relevant rules and guidance

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

10 *"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.*

15 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 say, at paragraphs 2 - 4:

20 *"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.*

25 *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:*

30 *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;*

...."

4. In addition:

....

Pre-paid envelopes may only be used for correspondence sent by or on behalf of Members. They should not be sent to others to facilitate a reply. Members should set up an individual Freepost account with the Royal Mail for surveys and other such requirements.”

5 Paragraph 8 of the rules on the use of House-provided stationery outline the permitted uses of such stationery.

“8. Examples of proper use of stationery and pre-paid envelopes include:

....

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 the database for the distribution of this survey was populated;
- how many surveys were distributed as part of this mailing;
- 20 • whether the paper used to print this was part of your House-provided allocation of stationery (I believe the postage pre-paid envelopes are clearly so);
- whether any other material was included in the same envelope as this survey (if so, please provide a copy and say whether it was printed on
- 25 House-provided paper);
- how it came about that this survey was sent in a House-provided postage pre-paid envelope;
- whether the postage-paid envelope provided for the return of the survey was a House-provided postage pre-paid envelope (if not, please say how
- 30 the postage was funded and provide any supporting evidence you have);
- whether you consider this email to amount to party political campaigning and, if you do not, the reason(s) for that belief;

- how you had intended to use the results of this survey as part of your parliamentary activities between 25 April and 2 May 2017; and
 - whether you have used House-provided stationery and/or House-provided postage pre-paid envelopes to distribute communications containing similar messages since May 2015;
- If so, please provide details, including the number of such letters distributed and, if possible, copies of the communications.

10 The “*How we use your information*” footnote on the survey says that it may be used “(iii) to contact you in future by telephone, text or other means, even though you may be registered with the Telephone Preference Service, without asking for further permission”. Please describe any mailings distributed on the basis of data collected in this way since May 2015.

15 I enclose a copy of the *Commissioner’s Information Note*,³ which sets out the procedure I follow. I am writing to Mrs Roberts to let her know that I have decided to begin an inquiry into this matter. I will shortly update my parliamentary web pages to 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.)

25 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. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you respect that confidentiality.

30 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.

35 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 June 2017.

³ <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

13 June 2017

3. Letter from Mr Chris Davies MP to the Commissioner, 26 June 2017

Thank you for your letter of 13 June 2017 regarding the letter and documents you have received from Mrs Dunja Roberts of 1 June 2017. I will be more than happy to answer both your questions in your letter, and any subsequent questions you may have.

If I may, I will take each of your questions in turn:

1. How the database for the distribution of this survey was populated

The data base was populated using the electoral roll only.

10 2. How many surveys were distributed as part of this mailing

While some surveys were returned due to incorrect addresses, the number we aimed to send out was 7,500 households

3. Whether the paper used to print this was part of your House-provided allocation of stationery

15 Yes, the ink, paper, printer and envelopes were part of House-provided stationery.

4. Whether any material was included in the same envelope as this survey

Some surveys included a cover letter from me to the constituent outlining the purpose of the survey. I have included a copy of the letter herein (Enclosure 1). Many also had a blank envelope enclosed for the survey to be returned to the freepost address. There was no further material included in the envelope.

20 5. How it came about that this survey was sent in a House-provided postage pre-paid envelope

Under paragraph 8 of the rules on House-provided stationery, surveys are mentioned as a "proper use of stationery" and thus, as this was for parliamentary work only, the survey was sent in pre-paid envelopes.

25 6. Whether the postage pre-paid envelope provided for the return of the survey was a House-provided postage pre-paid envelope (if not please say how postage was funded and provide any supporting evidence you have)

The return envelope was not a pre-paid House-provided envelope, it was a blank envelope to be returned freepost to my constituency office (6 Market Street, Built Wells, Powys, LD2 3AG)

30

7. Whether you consider this survey to amount to party political campaigning and, if you do not, the reason(s) for that belief

5 This was not party-political campaigning. There was no mention of the party on the survey, nor did the survey seek any non-parliamentary work responses. This was a survey that had been in the planning over previous months and was due to be used to inform my parliamentary work over the coming year.

8. How had you intended to use the results of this survey as part of your parliamentary activities between 25 April and 2 May 2017

10 The surveys were intended to be used to collate data on a number of issues affecting the Brecon and Radnorshire constituency. One such was the broadband speed achieved in the area, the results of which it was my intention to take to the Minister responsible for the super-fast broadband portfolio to try to push for better access for local residents. As it happened, due to the election being called, the information collected from the surveys was not used as it was felt inappropriate to do so.

15 9. Whether you have used House-provided stationery and/or House provided postage pre-paid envelopes to distribute communications containing similar messages since May 2015

20 I have previously sent out letters to constituents regarding the proposed closure of the Barracks in Brecon and, further, I have also sent out and email[ed] to constituents who have attended a public meeting I organised regarding the Local Council's Local Development Plan to thank them for attending. I have enclosed copies of both along with this letter.⁴

10. The "How we use your information" footnote

25 This was included for the likely eventuality that a constituent would write back with a concern that me and my team felt was in want of, or required an answer. In all likelihood, this was to be used to ask the constituent if they would like us to take up a case on their behalf rather than for any other purpose. We have not sent out any correspondence to constituents, other than of the nature described above, from this footnote.

30 In the interests of full disclosure, I have in the petitions I have run on various issues included a tick box for signing up to an update on my activities in the form of an annual/monthly report. However, each time I have made it abundantly clear that constituents are signing up to such an update.

⁴ The three promised enclosures were omitted. Two were sent later, after follow-up correspondence from the Commissioner's office

I do hope this satisfactorily answers the questions you have asked. However, if it does not - or indeed you have any further questions you would like to ask - please do not hesitate to get in touch and I will be happy to answer as best I can.

5 Finally, I also fully understand the process as set out in your letter and enclosure and will co-operate with any requests you have.

I would be grateful if you would confirm receipt of this letter and the attached enclosures.

Enclosure 1: covering letter for the survey

10 "I am writing to enclose a copy of my residents' survey to get your views on what matters to you in our area.

Since I was elected as your local MP in 2015 I have been campaigning hard on a number of issues in our area. Whether that be to improve access to high speed broadband, opposing school closures or working to improve access to healthcare services, I have been working tirelessly on your behalf to improve our area for all.

15 But that does not mean we will not face challenges over the coming years. Powys County Council's proposals to increase the numbers of wind and solar farms across our beautiful countryside is a threat to our tourism industry; many farmers are worried about the consequences of Brexit; and there are serious issues facing our local public services.

20 That is why I want your views on what matters to you. I want to continue campaigning on your behalf to improve the lives of all of us here in Brecon and Radnorshire and your views will help to inform me of how I can help. So I do hope you are able to fill out the attached survey and return it to me freepost at: [address]

I very much look forward to hearing from you."

25 **Enclosure 2: Text of letter dated 2 December 2016**

"As I am sure you are aware, the Ministry of Defence has recently announced the closure of the Barracks in Brecon in 2027 after over 200 years of military history on the site. We cannot just sit by and let this happen. That is why I am running a campaign to save the Barracks from closure and I need your help!

30 There has been a barracks on the site since the early 19th century, with soldiers stationed in Brecon serving their country in every war since the Napoleonic wars in the 1800s. Most famously, soldiers from our area took part in the battle of Rorke's Drift in which only 150 British troops defeated over 3000 enemy soldiers.

More recently, the Barracks has become home to the 160th Wales Borderers' brigade and the site also houses the Museum of the Royal Welsh Regimental.

5 It is not only essential that we do all we can to protect Brecon's place as an important military town, but that we also protect local businesses who rely on the Barracks. Whether it is in providing catering, equipment or even fuel for the Barracks and the staff who work there, the potential closure could see real harm done to our local economy.

10 Furthermore, military families have settled here and have made lives for themselves in our area. We would all feel a great loss of community should the proposed closure go ahead and the 160th move out of Brecon.

15 With your help, we can show the Government just how much the Barracks means to Brecon. First, I would be very grateful if you and your family could sign my petition to keep the Barracks open. I will then take all the signatories to Parliament and hand them personally to the Government to show how strong local feeling is. You can find the petition on my website at www.chrisdavies.org.uk or call my office on [number] to find out the nearest place where you can sign a physical copy.

20 Secondly, I will also be meeting the Secretary of State for Defence, Michael Fallon, to show our opposition to the closures. I would like to take your views directly to him, so if you would like me to raise your concerns with him please write to me at chris.davies.mp@parliament.uk or at the address below.

By working together, I believe that we can get the Government to change their minds and abandon the appalling proposal to close the Barracks in 2027.

I look forward to seeing your signature on my petition and hopefully hearing your views on the closure of the Barracks."

25 *2 December 2017*

4. Letter from the Commissioner to the Director of Accommodation and Logistics Services, 6 July 2017

30 I would like to ask for your advice on a complaint I have received about Mr Chris Davies MP, and into which I have begun a formal inquiry. In essence, the complaint from Mrs Dunja Roberts is that Mr Davies misused House of Commons pre-paid envelopes for what appear to be party political purposes.

35 I enclose the relevant correspondence, together with the papers that led to the inquiry. Please would you let me have your advice on whether, under the guidance given to Members on the use of stationery and postage-paid envelopes provided by the House of Commons, you consider the correspondence Mr Davies sent to 7,500 households after the General Election was triggered on 19 April was acceptable. I would be grateful to have your views on whether the covering letter and the survey

fall within the definitions of acceptable use of House-provided resources. I would also appreciate your comments on the two other mailshots (dated December 2016 and April 2017) for which Mr Davies has provided samples.

5 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 20 July. Thank you for your assistance.

6 July 2017

10 **5. Letter from the Director of Accommodation and Logistics Services, to the Commissioner, 17 July 2017**

Thank you for your letter dated 6 July 2017 concerning a complaint you have received from Ms Roberts regarding Chris Davies MP's use of stationery.

15 I note that you have asked for advice on whether the correspondence, using the pre-paid postage envelopes and stationery (including both the covering letter and survey) Mr Davies sent out after the General Election was called was acceptable within the current rules on House of Commons provided stationery. You have asked that I include the factors I have taken into account when reaching my view; I have referred to your November 2014 guidance to Members, which I believe was re-
20 issued to all Members in the last Parliament (before the Referendum on exiting the European Union), on the use of House-provided stationery in a period of heightened sensitivity.

In regard to the covering letter, the current rules do allow for Members to use stationery and envelopes to contact constituents and others proactively; however, I
25 believe that there is a distinction to be made between correspondences using House provided stationery for the dissemination of factual information shortly before a General Election has been triggered (e.g. informing constituents that during the Dissolution of Parliament there are no Members of Parliament to address regular constituency issues) and Mr Davies' correspondence dated April 2017. Mr Davies'
30 letter included sentences such as "*I want to continue to campaign on your behalf to improve the lives of all of us here in Brecon and Radnorshire*"; and "*Since I was elected as your local MP in 2015 I have been campaigning hard on a number of issues in our area*".

35 Question 12 of the questionnaire issued by Mr Davies asks the recipients if there are any national issues that they would like the Government to focus more closely on and lists 10 different policy areas. Given that the General Election had been triggered it is hard not to read that question in the context of a party political rather than a parliamentary message.

My view is that the references in the letter and the questionnaire combine to put it in contravention of the rules that exclude the use of stationery and 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"

The correspondence appears to carry campaign messages using the House of Commons stationery and postage paid envelope and would be in breach of the House of Commons Commission rules on stationery use.

10 *17 July 2017*

6. Letter from the Commissioner to Mr Chris Davies MP, 20 July 2017

When I wrote to you on 6 July 2017, I sent you a copy of my letter of the same date seeking advice from [name redacted], Director of Accommodation and Logistics Services. I have now received her reply.

15 I enclose a copy of the advice for your information and, as promised, to give you the opportunity to comment before I reach a decision on the allegation of mis-use of House-provided stationery.

I would be grateful if you would let me have any comments you wish to make and/or any further evidence you think might be relevant to my inquiry by 3 August 2017.
20 If you have no comments, please telephone or email my PA, [name redacted] to let me know by this date.

20 July 2017

7. Email from Mr Chris Davies MP to the Commissioner, 27 July 2017

25 Thank you for your letter of 20 July 2017 enclosing a copy of the letter you have received of 17 July 2017 from [name redacted], Director of Accommodation and Logistics Services, regarding the accusation of mishandling of House stationery. I am grateful to you for having passed along a copy of the letter and for allowing me the right of reply.

I would like to pick up on four points in the response you have received if I may.

30 First, I would like to pick up on the two quotes selected by [the Director] in my cover note. The first quote ("I want to continue to campaign on your behalf to improve the lives of all of us here in Brecon and Radnorshire") has had the concluding remark removed. The full line is "I want to continue to campaign on your behalf to improve the lives of all of us here in Brecon and Radnorshire and your views will help to
35 inform me of how I can help". The completion of this line changes its context from

one of wishing to campaign to one of informing the reader of why they are being requested to complete the survey. Indeed the preceding and post-ceding lines reinforce the message yet further (“That is why I want your views on what matters to you” and “So I do hope you are able to fill out the survey and return it...”
5 respectively). Taken in isolation, I would agree with [the Director], but in context, and with the surrounding phrases, the meaning of the first half of the sentence is changed and therefore I do not agree with the accusation made.

The second phrase: “Since I was elected as your local MP in 2015 I have been campaigning hard on a number of issues in our area” I would also like to dispute.
10 While I can, once again, see the point [the Director] is making, it is clear that this is not an electioneering sentence. Were it to be I would have stated any good or any result that would have come from the campaigns I have run or stated that I should be re-elected on the back of such campaign work. However, neither of these statements are present. Instead, this is a statement of fact, the evidence for which
15 can be seen on my website for anyone member of the public who wishes to check it.

Second, I would like to pick up on the matter of the twelfth question in the survey. I would like to point out that this question covers the work of an MP in Westminster, scrutinising the Government on behalf of his or her constituents, and therefore is a reasonable question to ask of my constituents. I did not feed in any of the
20 information gained from the questionnaire to either my Party or my local campaign team. Indeed, as I have said in my previous response to you of 26 June 2017, I did not use the surveys in any of my work prior to my re-election.

Third, [the Director] suggests that the letter and questionnaire “combine to put it in contravention of the rules” and I would like to make two points on this if I may. First,
25 it is usual and proper in my experience to include a cover note on a survey. As I am sure you will agree, to receive a survey without some note as to its future use would be confusing to anyone receiving such mail. Therefore, the note was merely to inform the constituent of why I was sending the survey and its intended use on its return. In addition, if indeed it is the **combination** of the letter *and* survey that [the
30 Director] believes is in contradiction of the rules, then surely each individually she does not see as in contradiction. I am therefore unclear as to how a question surrounding an MP’s work in Westminster and a factual line stating local issues can combine to contradict the rules. The two seem unrelated to one another.

Finally, [the Director] suggests the letter and survey carry “campaign messages”.
35 Neither the letter nor the survey mentions the, at the time, forthcoming election or my political party – nor does the letter or survey state that I would like to continue as a Member of Parliament. Instead, the letter merely stresses that it is useful to the work of a Member of Parliament that he or she is informed of the views of his or her constituents and that the survey seeks to discover these. I can assure you that if I
40 was looking to use these surveys for election campaign purposes I would have asked very different questions and written a completely new cover note.

Once again, I am grateful to you for the opportunity to set out my position on the response you have received from [the Director] and if you would like any further information please do not hesitate to contact me or my office.

I look forward to your response, which I am happy to receive in hard copy form.

5 27 July 2017

8. Letter from the Commissioner to Mr Chris Davies MP, 17 August 2017

Thank you for your email of 27 July 2017. I am sorry I have not been able to reply sooner. As [my Complaints Manager] has explained, I have been out of the office for a couple of weeks and I understand that you are now away until 20 August.

10 My decision

Since my return, I have considered carefully your comments on the advice I have received from the Director, [name redacted]. On balance, I am persuaded by that advice and I have concluded that the House-provided stationery used in this mailshot after 22 April 2017 were used contrary to 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*.

I have decided that that breach of the rules amounts to a breach of paragraph 15 of the Code of Conduct for Members, which prohibits the use of public resources to “confer an undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.”

Reasons for my decision

I should begin by saying that I accept [the Director's] advice. Before I explain the implications of my decision, I would first like to address the points you have raised about that advice.

25 You suggest that by quoting only parts of some sentences in your letter, the meaning of it has been changed. I recognise there is a potential for misinterpretation when only extracts are cited. I do not agree with you that completing the sentences for the extracts [the Director] quoted alters matters substantively. However, I hope that the following information will clarify why I do not believe that this has happened here.

30 When considering an allegation of this kind, it is appropriate to take into account not only specific instances where the language and/or imagery used is alleged to be party political in nature but also to consider the overall tone and ‘feel’ of the communication. Individual sentences need to be considered in the context of the whole of the correspondence in question. Your letter to constituents, and [the
35 Director's] to me, must each be read as a whole and it is in this way that I have interpreted both.

[The Director] says, in the second paragraph of her letter, that she has taken into account the reminder I sent to all Members before the June 2016 referendum about the use of House-provided stationery in a period of heightened sensitivity. That reminder took the form of a covering letter (from which the following extract is taken) and an A4 sheet drawing attention to some key parts of the stationery rules (full copy enclosed). In the letter, dated 1 April 2016, I said:

“I first published this circular a little over a year ago in the run up to the [2015] General Election and I know that some Members still find the attachment useful. With several elections and the referendum now on the horizon, I thought it might be helpful to issue an updated version to assist all Members, and especially those who are relatively new to the House.

It is important that every item of house-provided stationery leaving your office is used strictly in accordance with the House’s rules. Any breach of the rules on the use of stationery may cause you unnecessary and unwelcome work, as reputational damage. Every year, a significant proportion of the in-remit complaints I receive are about the misuse of stationery and the number increases in the periods before an election. Every such complaint has the potential to undermine public confidence in Members’ proper use of public money.

The next few months will be a period of heightened sensitivity. Your correspondence may already be being read in the context of party political messages and emerging campaign themes. Bearing that in mind, I recommend you pay particular attention to the content of any unsolicited letters to constituents about specific subjects, especially those where the subject also features in campaign messages.”

I did not reissue that guidance in 2017 but its content remains valid (and the stationery rules have not changed in the interim). The decision to dissolve Parliament was taken on 19 April 2017, approximately one week before you sent your letter to Mrs Roberts. That decision was widely reported and it was, undoubtedly, the start of a period of heightened sensitivity. Your letter was read in that context.

In answer to my question about how you had intended to use the results of the survey as part of your parliamentary duties, you have told me that “*due to the election being called, the information collected was not used as it was felt inappropriate to do so*”. I appreciate that the letter and survey will have taken some time to compose, and that the preparatory work may have been done well in advance. Nonetheless, the outcome (i.e. that any survey responses could not be used in support of your parliamentary activities before you ceased to be an MP on 3 May) should have been foreseen before the mailshot was posted. In addition to the question of value for money (which is not for me), the timing increased significantly the risk that the letter would be read as party political.

I consider the letter and survey, read separately and together, served to increase awareness of your name as the incumbent MP ahead of the imminent general election. I acknowledge that you did not explicitly refer to your intention to stand for re-election and you did not refer to the outcome of your campaigning work over
5 the term of the 2015 Parliament, but you said that you “*want[ed] to continue campaigning on your behalf to improve the lives of all of us here in Brecon and Radnorshire and your views will inform me of how I can help*”. Your letter also contained a value judgement; you asserted that you had been campaigning “*hard*” over the lifetime of the 2015 Parliament. Reading your letter as a whole, and aware
10 that the General Election had been announced, it would have been natural (and indeed accurate) for recipients to understand that you would be standing for re-election and that you wanted them to be aware of your history in the role. Public resources should not have been used to do that.

The same considerations apply to your second point. I agree with [the Director]
15 that, given the timing, it is hard not to read as party political a question inviting recipients’ views about which national issues they would like the Government to focus on more closely. On reflection, I believe there was no realistic possibility that you could have used responses to the survey for parliamentary work, not least because recipients would have had to respond very promptly for you to receive their
20 completed survey before Dissolution. Answers to question 12 of your survey would seem likely to be of interest to candidates and/or political parties constructing campaign literature. I am, therefore, grateful to have your assurance that the data resulting from the survey was not, in fact, used either by you or by your political party.

In the context of your third point, there is, of course, no issue about providing an explanatory letter with a survey; it is usual and proper to tell recipients the purpose to which any resulting data will be put. I do not agree with you that [the Director’s]
25 comment that the letter and survey “*combine to put it in contravention of the rules*” means that individually the items are not a breach of the rules. In any case, that is a moot point, as paragraph 4 of the stationery rules says, among other things, that
30 “*Items which may not be sent in pre-paid envelopes on their own, such as newsletters or cards, must not be attached to correspondence legitimately sent using pre-paid envelopes.*” It follows that if either of the items sent in the mailshot breached the rules, the stationery involved in this mailshot was misused.

Turning to your final point, I should emphasise that the omission – or indeed the inclusion – of a reference to a political party is not the determining factor. The occasional factual reference to a political party (for instance) would not automatically lead to the conclusion that a letter or email should not have been sent using House-provided resources but equally the omission of party political
35 references would not itself be sufficient to avoid a breach of paragraph 15 of the Code of Conduct.
40

I hope it clear now why I consider the letter and the survey, individually and when read together, to have been sent in contravention of the relevant rules and of the Code of Conduct for Members.

Other matters

Similar letters

5 Thank you for providing information about other two other items of correspondence – one about the proposed closure of the Barracks in Brecon and the other about the Local Council’s Development Plan. On the basis of the evidence you provided, I see no need to enquire further about those letters in connection with this investigation.

The “how we use your information” footnote

10 Thank you for your explanation of the reason for including this footnote. In light of all the other information I have, this is not directly relevant to my inquiry and I do not need to pursue this point any further. However, I hope it might be of some help for the future to draw to your attention paragraph 14 of the Code of Conduct, which says that information obtained in confidence in the course of parliamentary duties
15 *“should be used only in connection with those duties”*. The third of the potential uses listed in the footnote, i.e. *“to contact you in future by telephone, text or other means”* could be a breach of paragraph 14 of the Code of Conduct, if any such contacts were for party political purposes, such as campaigning or soliciting donations. Databases generated through parliamentary activity should be kept entirely separate from any party political activity.

20 Resolving this inquiry

I need now to consider how best to resolve this matter.

25 Under Standing Order No 150, I am able to resolve an inquiry, without submitting a full and formal memorandum to the Committee on Standards, using the “rectification” procedure. With your agreement, I would be ready to consider resolving this matter through that procedure. I would inform the Committee of the outcome and my decision letter, with all the relevant correspondence, would be published on my webpages in due course.

30 Under the rectification procedure, the Committee would normally expect the Member to have acknowledged their breach of the Code, apologised and taken any steps necessary to rectify the error. In this instance, this would involve acknowledging and apologising for the breach and refunding the cost of the misused stationery. I would consider that to be an appropriate resolution to this inquiry.

35 On the basis of the information you have provided so far, the cost (based on a mailshot using 7,500 2nd class postage-prepaid envelopes @ £150.45 per 250, 7,500 sheets of headed paper @ £9.03 per 250, plus £216.30 for over-printing 7,500 sheets, and 7,500 sheets of plain photocopier quality white paper @ £12.40 per 2,500) would be £5,037.90. I have not included the cost of freepost envelopes provided for responses as I understand these would not have been House-provided.

5 If you agree, I would give you an opportunity to see the letter I will send to Mrs Roberts and the evidence which will be posted on my webpages, before I conclude my inquiry. I would also explain how to make a refund to the House authorities. The content of the letter to Mrs Roberts will be, of course, a matter for me alone but you will have the opportunity to comment on its factual accuracy.

It would be very helpful if you would let me know by close of business on 6 September 2017 whether you would like me to rectify the complaint on the basis I have suggested.

10 In the meantime, this matter remains protected by parliamentary privilege and the contents of our correspondence should not be disclosed to any third party.

17 August 2017

9. Letter from Mr Chris Davies MP to the Commissioner, 5 September 2017

15 Thank you for your letter of 17 August detailing your final decision, outlining the reasons behind the decision and on how you recommend settling the matter. I am grateful to you for setting out the details so clearly and to your staff for their assistance over the course of your investigation.

20 I understand your decision and accept your reasoning for it. I apologise for any misuse of public funds in the way you have described, this certainly was not my intention when sending the survey out, and I will rectify the matter in the way you have suggested.

I would therefore be grateful if you could send me the particulars of where to repay the costs of the stationery, at the level you have recommended, and also to outline any further steps I am required to take regarding any further acknowledgement and apology necessary other than that included within this letter.

25 Once again, I apologise for any misuse of public funds and would like to take this opportunity, once more, to thank you for the right of reply you have allowed me through your investigation.

5 September 2017