

RECTIFICATION

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Summary

5 The allegation I investigated was that Mr David Linden MP had used a pre-paid House-provided envelope to send a birthday card bearing the Crowned Portcullis to a constituent. During the course of my inquiry Mr Linden advised me that an estimated 200 birthday cards had been sent using pre-paid House-provided envelopes. I concluded that Mr Linden had used pre-paid House-provided envelopes and the Crowned Portcullis in a way that was contrary to the published Rules, which put the Member in breach of the requirements of Paragraph 16 of the Code of Conduct.

10 I upheld the allegation.

Mr Linden accepted my decision, apologised and refunded the House authorities the cost of misused resources (£147.34). I considered the Member's remedial actions to be an appropriate outcome and concluded the matter by way of the rectification procedure available to me under Standing Order 150.

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David Linden MP: Resolution Letter

Letter from the Commissioner to complainant, 20 November 2020

5 I wrote to you on 9 July 2020, to tell you I had begun an inquiry into your allegation that Mr David Linden MP had acted in breach of the rules of conduct. I am writing to you now to tell you the outcome of my inquiry.

10 I found that Mr Linden had used pre-paid House-provided stationery and the crowned portcullis in a way that was contrary to the published Rules, which put the Member in breach of the requirements of Paragraph 16 of the Code of Conduct for Members. The full rationale for my decision can be found in my letter to Mr Linden, dated 28 October 2020 (item 12 in the written evidence pack), which you can access once the evidence pack has been published.

15 Mr Linden has acknowledged and apologised for his breach of the rules; and has committed to repay the House for the stationery and the postage he used. I consider that to be an appropriate outcome and have concluded the matter using the rectification procedure available to me under Standing Order no 150.

I will notify the Committee on Standards of the outcome in due course and the evidence pack will be posted on my webpages in the next few days. This matter is now closed.

20 November 2020

Written evidence

1. Email from the complainant to the Commissioner, 15 June 2020

In mid-May this year I received an unexpected and unsolicited birthday card from my MP, David Linden.

- 5 The card was enclosed in a House of Commons envelope and the postage mark indicates that Mr Linden did not pay the postage cost himself. From reading the Code of Conduct documentation available on your website, it appears that Mr Linden may have breached the behavioural code.

- 10 I would be grateful if you could review this matter. I have attached an image of the envelope that contained the birthday card.

15 June 2020

Enclosure: Birthday card from Mr David Linden MP, sent to the complainant May 2020



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Mid May 2020

2. Letter from the Commissioner to Mr David Linden MP, 9 July 2020

5 I am writing to seek your help with an inquiry into an allegation I have received from [name redacted], about your compliance with paragraph 16 of the House of Commons Code of Conduct for Members. I enclose a copy of [name redacted] letter and the enclosures sent with it.

The scope of my inquiry

10 My inquiry will focus on whether you have acted in breach of paragraph 16 of the House of Commons' Code of Conduct for Members by sending a birthday card to [name redacted] using a prepaid House provided envelope and by using the Crowned Portcullis on the birthday card.

The relevant rules of the House

15 The overarching rules on the use of resources provided by the public purse are found in the House of Commons' Code of Conduct for Members.

Paragraph 16 of the current Code of Conduct for Members states:

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5 “16. 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.”

10 Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis

Paragraph 2 includes the following:

15 “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.”

20 Paragraph 3 of the rules lists examples of uses for which House-provided stationery should not be used. Although not exhaustive, it does prohibit the use of stationery and pre-paid envelopes “for birthday or other greetings cards”.

Paragraph 9 relates specifically to the use of the Crowned Portcullis. It begins with the following explanation:

25 “*The principal emblem of the House is the Crowned Portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House....*”

30 **Next steps**

I would welcome your comments on the allegation that your alleged actions have amounted to a breach of paragraph 16 of the Code of Conduct for Members. I would also be grateful for your answers to the following questions:

35 (1) Were you aware of the Rules regarding the use of House provided stationery and the limitations of its use for sending birthday cards?

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(2) Were you aware of the Rules regarding use of the Crowned Portcullis?

5 (3) Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out this communication. If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.

(4) Please could you let me know how many birthday cards you have sent using pre-paid envelopes and/or bearing the Crowned Portcullis since you were first elected in 2017. If you have sent other birthday cards, please explain how you selected people to whom you would send a card.

10 (5) On reflection, do you consider it appropriate to have used a pre-paid envelope to send a birthday card bearing the Crowned Portcullis?

It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

15 **Important information**

My inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation of an alleged breach of the Code of Conduct. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

25 I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published.

30 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. Given the current circumstances, all interviews will be held either by phone or video call.

35 I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry.

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Potential outcomes

Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may – in certain circumstances – uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the material is published on the Parliament website, on my webpages.

If I uphold the allegation and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My Memorandum to the Committee would be published, as an appendix to the Committee's own Report.

I should make clear that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). If you provide sensitive material which you think I should consider redacting, please tell me. I would give careful consideration to any such request.

Action

I would be grateful to have your response to this letter as soon as possible and no later than **21 July 2020**. If you would prefer me to communicate with you using an alternative email, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you. Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

Thank you for your cooperation with this matter.

9 July 2020

3. Letter from Mr David Linden MP to the Commissioner, 29 July 2020

Thank you for your letter of 9 July to advise of your inquiry into an allegation about my compliance with paragraph 16 of the House of Commons Code of Conduct for Members. I set out my response to your questions below:

1. Were you aware of the Rules regarding the use of House provided stationery and the limitations of its use for sending birthday cards?

Yes, I was aware of the Rules and believed that they were being followed in my office. As a matter of routine, I send birthday cards to constituents on their 18th birthday. Generally, this is well-received in the local area and is not intended to have any other

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5 purposes than to mark a milestone occasion and ensure that they are aware, at suffrage age, that their local Member of Parliament is accessible and contactable. This is by no means a novel idea, with many other Members having conducted a similar practice prior to my time in Parliament. I regularly sign cards, usually a month in advance, and delegate staff to take responsibility for sending them at the appropriate time to ensure they arrive on the correct day.

10 The birthday cards have a custom design and were produced by a local printing business. This business supplied me with plain envelopes along with the cards at my request. My intention is, and always has been, to only use these plain envelopes when sending cards.

15 Once it came to my attention that parliamentary stationery had been used instead, I requested that staff stop sending cards. Upon investigation, it became apparent that one member of staff had misunderstood the correct procedure and had mistakenly been sending cards using parliamentary stationery. This should not have happened, and the staff member in question is now fully aware of the Rules regarding the use of House provided stationery.

2. Were you aware of the Rules regarding use of the Crowned Portcullis?

20 Yes, I was aware of the Rules regarding use of the Crowned Portcullis. As I interpreted the Rules, the use of the symbol on these cards was not in breach. I accept that my interpretation may not have been correct and am receptive to clarification. There was no intent on my part to breach the Rules.

25 3. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out this communication. If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.

As outlined in a previous answer, my intent was to send these cards in plain envelopes. I believed that this procedure was being followed. As such, I have not sought any advice on the use of House provided stationery for these purposes.

30 4. Please could you let me know how many birthday cards you have sent using pre-paid envelopes and/or bearing the Crowned Portcullis since you were first elected in 2017. If you have sent other birthday cards, please explain how you selected people to whom you would send a card.

35 I truthfully cannot say how many pre-paid envelopes have been used in this manner, given that staff members have shared responsibility for sending these cards. There is no system in place to record how many cards any one staff member has sent, and so it is impossible to provide an accurate figure for how many were sent by the member of staff who required retraining on this. As previously stated, birthday

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cards were being sent to constituents on their 18th birthday. This data has been drawn from the electoral roll. I can, if required, provide an estimation of the total number of cards sent since I began this practice, but will not be able to accurately say how many of these in total were sent in House-provided stationery.

- 5 5. On reflection, do you consider it appropriate to have used a pre-paid envelope to send a birthday card bearing the Crowned Portcullis?

10 No, it was not appropriate to have used a pre-paid envelope to send a birthday card bearing the Crowned Portcullis. I accept that I, as Member, am personally responsible for ensuring that the Rules are followed and upheld. I believe that I have now taken the appropriate action to ensure that there is no repeat of this in future. No cards have been sent since receipt of your letter. Should I decide to resume the practice of sending these cards, I will ensure that the cards are reprinted without the Crowned Portcullis. I have also ensured that all staff are aware of the rules pertaining to use of House provided stationery.

- 15 I thank you for your consideration of my response and look forward to hearing back from you in due course.

29 July 2020

4. Letter from the Commissioner to Mr David Linden MP, 18 August 2020

20 Thank you for your letter of 29 July 2020, in response to my initiation of the inquiry into the complaint regarding your use of the House provided stationery and Crowned Portcullis.

25 In accordance with my usual practice regarding inquiries into the use of House provided stationery, I have today written to the Brand and Design Manager, Chamber and Committees Team, [name redacted], seeking her advice. I enclose a copy of that letter for your information.

I will write to you again when I have [name redacted] advice and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

- 30 Thank you for your continued co-operation with this matter.

18 August 2020

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5. Letter from the Commissioner to the Brand and Design Manager, 18 August 2020

5 I would like to ask your advice on a complaint I have recently received about Mr David Linden MP. In essence, the complaint is that Mr Linden acted in breach of paragraph 16 of the Code of Conduct for Members by printing the Crowned Portcullis on a birthday card sent to a constituent.

I enclose a copy of the birthday card for your review.

10 It would be helpful to know whether Mr Linden approached you or your team for advice and, if they did, to know what advice they were given. If they did not, it would be helpful to know how you would have advised Mr Linden if they had sought advice from you/your team before printing the Crowned Portcullis on the birthday card. It would also be helpful to understand the factors you took into account/would have taken into account when giving that advice.

It would be very helpful to have your reply by 2 September 2020 please.

15 *18 August 2020*

6. Email from the Brand and Design Manager to the Commissioner, 1 September 2020

To my knowledge I have not received a specific request from David Linden MP to use the Crowned Portcullis on a birthday card.

20 Our standard response to initial requests to use the Crowned Portcullis points to the statement on its use¹ and puts the onus on the MP and their office to make their own decisions based on the statement. If Members request further clarity and provide context on the intended use I will consult a record of previous advice for similar examples and also the draft guidance which HoC Counsel have drafted in
25 consultation with myself, Lords Counsel, the Clerk of the Journals and PPCS. Novel requests are escalated to the Deliverer of the Vote (my previous line manager) and the Clerk of the Journals.

The draft guidance sets out examples of permitted and prohibited uses of the Crowned Portcullis and is the only area that mentions cards specifically:

30 *Examples of permitted uses of the Crowned Portcullis:*

- *on communications to constituents encouraging them to support a petition;*

¹ <https://www.parliament.uk/site-information/copyright-parliament/the-crowned-portcullis/>

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- **on holiday cards printed by a third party (e.g. Langford) and/or sent “from the office of” the Member;**
- *on the folders for the Choir of St Mary Undercroft;*
- *on invitations to events held for parliamentary purposes on the Estate.*

5 *Examples of prohibited uses of the Crowned Portcullis:*

- *on petitions that have not been formally presented to Parliament;*
- *on items relating to events held for non-parliamentary purposes and/or funded or organised by a commercial sponsor;*
- *in relation to things done by a Member acting in their government role.*

10 Having checked my log of previous queries and advice and found no similar requests recorded, I would have escalated this as a novel request and sought advice from my colleagues (as mentioned above).

1 September 2020

7. Letter from the Commissioner to Mr David Linden MP, 18 September 2020

15 When I wrote to you on 18 August 2020, I said that I was seeking the advice of the House authorities and that I would give you the opportunity to comment on that advice before I reach any decision.

I have now received a response from the Brand and Design Manager, Chamber and Committees Team, [name redacted]. However, I need to clarify a few points and so
20 will write to you again once I have obtained this additional information.

In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued assistance with this matter.

25 *18 September 2020*

8. Letter from the Commissioner to Clerk of the Journals, 18 September 2020

I would like to ask your advice on a complaint I have recently received about Mr David Linden MP. In essence, the complaint is that Mr Linden acted in breach of

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paragraph 16 of the Code of Conduct for Members by printing the Crowned Portcullis on a birthday card sent to a constituent.

I enclose a copy of the birthday card for your review.

- 5 I have already sought advice from [name redacted], Brand and Design Manager who advises that she would have escalated this as a novel request if Mr Linden had approached her office for advice. I enclose a copy of the advice she has kindly given. It would be helpful to know how you would have advised Mr Linden if [name redacted] had sought advice from you. It would also be helpful to understand the factors you would have taken into account when giving that advice.
- 10 It would be very helpful to have your reply by **25 September 2020** please.

Thank you for your assistance.

18 September 2020

9. Letter from the Clerk of the Journals to the Commissioner, 22 September 2020

- 15 You have asked me what advice I might have given to a Member who proposed to use the Crowned Portcullis in a birthday card sent to a constituent.

I would need a bit more information before I could give a firm view.

- 20 First, if the birthday card is an example of cards which the Member sends to everyone in his constituency on their 18th birthday, then the purpose of the card, and of the associated use of the CP, might be very different from its use in a card sent to a constituent whom he happens to know, e.g. through some constituency activity and not on their 18th birthday.

- 25 Second, [name redacted] has quoted a permitted use for 'holiday cards' printed by a third party and with the text 'from the office of.' I am not clear what this means. It is almost the only outstanding query on the Guidance for the use of the Crowned Portcullis which Speaker's Counsel have been working to finalise. I had understood that the CP was only permitted on cards authorised by the Speaker in support of his Art Fund (and likewise in the Lords). The Speaker's Office may be able to clarify this point. Even so, I don't think a birthday card counts as a 'holiday card'.

- 30 If the card was an 18th birthday card sent to all constituents and permitted use of the CP does not extend to holiday cards not authorised by the Speaker, I would have advised against its use in this case. The purpose, it seems to me, is to advertise the Member himself, which is not a parliamentary purpose. On the other hand, the card contains no party-political content. There is no mention of the Member's own party

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affiliation. It doesn't even encourage the recipient to vote. Consequently, I would put the misuse at the lower end of seriousness.

5 If the card was sent individually (i.e. not part of a wider pattern) and not on an 18th birthday, I would still regard the use as inappropriate, since it would be for a personal rather than parliamentary purpose, but it would be an even less serious offence.

In short he should probably be advised not to do it again, but it's no big deal and possibly no more than an innocent mistake.

I hope this is useful.

10 *22 September 2020*

10. Letter from the Commissioner to Mr David Linden MP, 28 September 2020

When I wrote to you on 18 August 2020, I said that I was seeking the advice of the House authorities and that I would give you the opportunity to comment on that advice before I reach any decision.

15 I have now received a response from both the Brand and Design Manager, Chamber and Committees Team, [name redacted] and Clerk of Journals, Chamber and Committees, [name redacted].

[The Brand and Design Manager] has responded as follows:

20 *To my knowledge I have not received a specific request from David Linden MP to use the Crowned Portcullis on a birthday card.*

25 *Our standard response to initial requests to use the Crowned Portcullis points to the statement on its use and puts the onus on the MP and their office to make their own decisions based on the statement. If Members request further clarity and provide context on the intended use I will consult a record of previous advice for similar examples and also the draft guidance which HoC Counsel have drafted in consultation with myself, Lords Counsel, the Clerk of the Journals and PPCS. Novel requests are escalated to the Deliverer of the Vote (my previous line manager) and the Clerk of the Journals.*

30 *The draft guidance sets out examples of permitted and prohibited uses of the Crowned Portcullis and is the only area that mentions cards specifically:*

Examples of permitted uses of the Crowned Portcullis:

- *on communications to constituents encouraging them to support a petition;*

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- **on holiday cards printed by a third party (e.g. Langford) and/or sent “from the office of” the Member; (emphasis by author)**
- *on the folders for the Choir of St Mary Undercroft;*
- *on invitations to events held for parliamentary purposes on the Estate.*

5 *Examples of prohibited uses of the Crowned Portcullis:*

- *on petitions that have not been formally presented to Parliament;*
- *on items relating to events held for non-parliamentary purposes and/or funded or organised by a commercial sponsor;*
- *in relation to things done by a Member acting in their government role.*

10 *Having checked my log of previous queries and advice and found no similar requests recorded, I would have escalated this as a novel request and sought advice from my colleagues (as mentioned above).*

[The Clerk of Journals] has responded as follows:

15 *You have asked me what advice I might have given to a Member who proposed to use the Crowned Portcullis in a birthday card sent to a constituent.*

I would need a bit more information before I could give a firm view.

20 *First, if the birthday card is an example of cards which the Member sends to everyone in his constituency on their 18th birthday, then the purpose of the card, and of the associated use of the CP, might be very different from its use in a card sent to a constituent whom he happens to know, e.g. through some constituency activity and not on their 18th birthday.*

25 *Second, [name redacted] has quoted a permitted use for ‘holiday cards’ printed by a third party and with the text ‘from the office of.’ I am not clear what this means. It is almost the only outstanding query on the Guidance for the use of the Crowned Portcullis which Speaker’s Counsel have been working to finalise. I had understood that the CP was only permitted on cards authorised by the Speaker in support of his Art Fund (and likewise in the Lords). The Speaker’s Office may be able to clarify this point. Even so, I don’t think a birthday card counts as a ‘holiday card’.*

30 *If the card was an 18th birthday card sent to all constituents and permitted use of the CP does not extend to holiday cards not authorised by the Speaker, I would have advised against its use in this case. The purpose, it seems to me, is to advertise the*

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Member himself, which is not a parliamentary purpose. On the other hand, the card contains no party-political content. There is no mention of the Member's own party affiliation. It doesn't even encourage the recipient to vote. Consequently I would put the misuse at the lower end of seriousness.

- 5 *If the card was sent individually (i.e. not part of a wider pattern) and not on an 18th birthday, I would still regard the use as inappropriate, since it would be for a personal rather than parliamentary purpose, but it would be an even less serious offence.*

In short he should probably be advised not to do it again, but it's no big deal and possibly no more than an innocent mistake.

- 10 I would be grateful to receive any observations that you may care to make about either [redacted] or [redacted] advice by return and no later than **Wednesday 7 October 2020** please.

- 15 In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued assistance with this matter.

28 September 2020

11. Letter from Mr David Linden MP to the Commissioner, 7 October 2020

- 20 Further to our previous correspondence, I write in response to your letter of 28 September.

Firstly, may I thank you for providing clarification from [redacted] and [redacted]. I accept their responses and assure you that I will seek advice from their offices in future regarding use of the Crowned Portcullis.

- 25 I disagree that the purpose of the card was to advertise myself, and that this is not a parliamentary purpose [redacted] is entitled to interpret the intention behind the card as he sees fit, however I would argue that it promotes my parliamentary role rather than myself as an individual. The inclusion of my constituency office and contact details in a prominent position on the outside of the card was intended to promote democratic engagement with a demographic which has traditionally felt disenfranchised and is generally less likely to become involved with democratic processes. It was my view that the card complimented the work I have carried out with local schools, and engagement with Parliament's Education and Engagement team.
- 30

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I do, however, welcome and accept [redacted] conclusion that the usage should not be repeated in future and that prior usage was "no big deal and possibly no more than an innocent mistake."

5 I am very grateful to you for giving me this opportunity to clarify matters and look forward to hearing back from you.

7 October 2020

12. Letter from the Commissioner to Mr David Linden MP, 28 October 2020

Thank you for your letter of 7 October 2020. I now have sufficient information to be able to make a decision on the allegation I have been investigating.

10 My Decision

I have given careful consideration to all the evidence, the points you have raised during our correspondence and the advice of the House authorities. I have decided that you have breached paragraph 16 of the Code of Conduct by:

1. Sending out a birthday card using a House-provided pre-paid envelope; and
- 15 2. Using the Crowned Portcullis on the birthday card.

The rationale for my decision

There are two aspects to this inquiry, and I will deal with each one separately.

Use of pre-paid envelope

20 The use of pre-paid envelopes to send birthday cards is explicitly prohibited in paragraph 3 of the rules for the use of stationery.

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

iv. for birthday or other greeting cards;

25 You accept in your correspondence of 29 July 2020 that a House-provided pre-paid envelope should not have been used to send this birthday card. You have told me that as a matter of routine, you send birthday cards to constituents on their 18th birthday. You have also told me that your usual practice is for plain envelopes (provided by the card printers) to be used to send birthday cards to your
30 constituents. In the absence of evidence to the contrary, I accept that the House-

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provided pre-paid envelope has been used in error by one of your staff. You were not able to confirm with any certainty how many other birthday cards may have been sent in House-provided pre-paid envelopes, but you are willing to give me an estimate. You have also assured me that you have now taken steps to ensure that this does not happen again.

Use of the Crowned Portcullis

The birthday card has been printed with a Crowned Portcullis. As you are aware, I have sought the advice from House authorities on this point.

When I asked for his advice about your use of the Crowned Portcullis, the Clerk of the Journals advised:

If the card was an 18th birthday card sent to all constituents and permitted use of the CP does not extend to holiday cards not authorised by the Speaker, I would have advised against its use in this case. The purpose, it seems to me, is to advertise the Member himself, which is not a parliamentary purpose.

I consider this advice to be sound.

In your letter of 7 October, you said that the purpose of the card was to promote your parliamentary role rather than you personally. While I cannot rule definitively on your personal motivation, I think the effect of your action was to promote you as an individual. Given that the House does not allow cards to be posted at public expense, I agree with the Clerk of the Journals. Although, I accept that the guidance in relation to the use of the Crowned Portcullis does not explicitly prohibit its use on birthday cards and is much more general in its application, I am persuaded that the Crowned Portcullis should not have been used in this way.

25 **Next steps**

I consider this breach to be on the less serious end of the spectrum. As you may be aware, having decided that a breach of the Rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order number 150. You are, of course, entitled to decline my proposed rectification, in which case I will refer this matter to the Committee on Standards for their review.

In order to progress this through rectification, I will require the following from you:

- a) Confirmation that you have accepted my decision, acknowledged and apologised for your breaches of the rules.

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b) Information about the steps you will take to avoid this happening again.

5 In this matter, rectification would also include refunding the House authorities for the cost of the envelopes and prepaid postage for all cards you have sent using House-provided pre-paid envelopes. You have told me that you do not know precisely how many were sent in pre-paid envelopes and offered to give me an estimate. I would be grateful if you would do that and provide an explanation of the basis for that estimate. The card sent to [name redacted] was sent 2nd class and so we will apply that rate to any other pre-paid envelopes which have been used.

10 Once I have this information, my office will liaise with the House authorities to calculate the final amount required for repayment.

15 If you agree to this proposal, my office will send you details about the various methods available for repayment to the House authorities. I will share with you a draft copy of my letter to the complainant, [name redacted], informing them of the outcome, alongside a draft copy of the written evidence pack. The content of my letter to the complainant is, of course, a matter for me alone. However, you will be invited to comment on the factual accuracy of the written evidence before publication on my webpages; <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>.

20 I would also report the outcome to the Committee on Standards in due course. Please let me have a response to this letter by **4 November 2020**.

In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

25 As you know, due to the current pandemic, my team are currently working from home only, so I would be grateful if you could please send your response electronically to [redacted].

28 October 2020

13. Letter from Mr David Linden MP to the Commissioner, 4 November 2020

Thank you for your correspondence of 28 October.

30 I accept that you have found that I have breached paragraph 16 of the Code of Conduct. I accept and acknowledge your decision that this breach was "on the less serious end of the spectrum" and it is my intention to fully co-operate with you to rectify the matter. Please accept my full and sincere apologies for this breach.

RECTIFICATION

During the course of your investigation, I have undertaken training with members of my staff to ensure that they are fully aware of the rules regarding the use of House stationary. I will also ensure that in future I will err on the side of caution in clearing use of the Crowned Portcullis through relevant parliamentary authorities.

5 Having spoken with members of my staff regarding the numbers of cards sent by each, I estimate the total number of cards sent using pre-paid House stationary since I became a Member of Parliament to be fewer than 200. This has been estimated by reviewing the total number of dates on which each staff member had responsibility and extrapolating using an average of the number of constituents turning 18 each
10 day. Current electoral roll data has 605 constituents in Glasgow East with an 18th birthday in 2020. The member of staff who had been incorrectly using House stationary took responsibility for sending cards on 105 days in total. This has given me a calculation of 174 cards sent using pre-paid stationary. Given that this result does not give a precise and actual figure, I have rounded up to 200 as a precautionous
15 overestimate.

I once again thank you for the opportunity to rectify this issue and look forward to your response detailing the next stage to bring this matter to a conclusion.

4 November 2020

14. Letter from the Commissioner to Mr David Linden MP, 12 November 2020

20 Thank you for your email of 4 November 2020, in which you acknowledged and apologised for your breach of the rules.

As I explained in my letter on 28 October 2020, rectification would also include refunding the House authorities for the cost of the envelopes and second-class postage used for sending out birthday cards to constituents. Based on your
25 estimation that 200 cards were sent using pre-paid envelopes, I have calculated the following;

House provided franked (second class) envelopes (162x238mm) embossed crown portcullis,

£184.17 per box of 250 = £147.34

30 The total sum due for repayment will be £147.34.

Payment can be made using one of the following methods; [details redacted]

I would be grateful if you would send me a copy of your confirmation once the transaction is completed.

RECTIFICATION

5 I enclose a copy of the written evidence pack, which includes the correspondence exchanged during the investigation. In this pack you will find a draft copy of the letter I plan to send to the complainant; it is the first item in the 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 and the written evidence pack. The complainant's name will be redacted from the published pack; please let me know if there are any further redactions you think should be made, and I will consider your request.

10 I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than **20 November 2020**.

Once I have any comments you wish to make, I will finalise the pack, which will then be published on my webpages. I will notify you of the publication of the pack. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

15 In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and the complainant letters concluding the inquiry, this matter should remain confidential.

12 November 2020

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