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Summary

5 The allegation concerned the alleged misuse of House-provided stationery immediately before the Dissolution of the 2015 Parliament. I found that in writing to constituents to provide details of how he might be contacted during the Dissolution period the Member breached paragraph 15 of the Code of Conduct for Members. He did so by sending the letter to all constituents who had contacted him during the 2015 Parliament and by including text which was party political in tone and content.

10 The Member accepted my decision, apologised and refunded the House authorities for the cost of the misused resources (£750.46). I concluded the matter using the rectification procedure available to me under Standing Order No 150.

Mr Paul Farrelly MP: Resolution Letter

Letter from the Commissioner to Mr Chris Tomkinson, 22 February 2018

5 My predecessor, Kathryn Hudson, wrote to you on 23 November 2017 to say that she was beginning an inquiry into your allegation of a misuse of House-provided stationery by Mr Paul Farrelly MP. I recently took up post as Commissioner and I have now completed the work on this inquiry. I am writing to let you know that I found Mr Farrelly did break the *Rules for the use of stationery and pre-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis*. That amounts to a breach of paragraph 15 of the Code of Conduct for Members and I have, 10 therefore, upheld your allegation.

My letter of 23 January to Mr Farrelly (item 9 in the written evidence pack enclosed) explains how the decision was made. All the evidence relevant to the inquiry is provided.

15 Mr Farrelly has now acknowledged his breach of the rules, apologised and refunded the value of the misused stationery.

I consider that to be an appropriate outcome and the matter is now concluded, 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.

22 February 2018

Written evidence

1. Letter from Mr Chris Tomkinson to the Commissioner, received 23 November 2017

5 Further to my email on 29 April and your reply on 2 May¹ I wish to make a complaint about the conduct of my sitting MP, Paul Farrelly, at this year's General Election Campaign. It is my understanding that Members of Parliament are not allowed to use parliamentary stationery for party political purposes. I, and presumably many other of his constituents, received a letter dated 25 April advising us of the Dissolution of Parliament; which is fair enough and proper to do. However, he
10 spends four paragraphs on blatant electioneering.

This is not the medium for which to tout for votes. He should be using official Labour Party channels for this purpose. His constituency, in which I reside, is an incredibly tight marginal. The result of this election saw his majority cut to just thirty votes. I feel he gained an unfair advantage over his opponents by using stationery with the
15 House of Commons seal which may well have had a detrimental effect on the chance of his opponents having a fair chance. The envelope was also printed with the House of Commons logo.

I have enclosed the original letter and the envelope which it was sent in for you to examine and I look forward to your response.

20 2. Letter from the Commissioner to Mr Paul Farrelly MP, 23 November 2017

I would welcome your help with an allegation I have received from Mr Chris Tomkinson about your compliance with paragraph 15 of the House of Commons Code of Conduct for Members in connection with your letter to him of 25 April 2017.

I enclose a copy of Mr Tomkinson's letter and the enclosures he sent with it.

25 The scope of my inquiry

The scope of my inquiry will be, in essence, to establish whether you have used parliamentary resources to confer an undue advantage on yourself or on a political organisation.

The relevant rules and guidance

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

"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services

¹ Email exchange not included as it does not include any additional relevant information

5 *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.*

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 - 4:

10 *“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*
 15 *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:

- 20
- *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;*
 - *....*
 - *for newsletters (including annual reports or general updates to constituents on a range of issues)”*
- 25

Next steps

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:

- 30
- how the database for this mailshot was populated;
 - how many similar letters were distributed as part of this mailing;
 - 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);

- if the paper was not House-provided, please explain how it was funded and provide supporting evidence
- how it came about that this letter was sent in a House-provided postage pre-paid envelope;
- 5 • the basis on which you considered this correspondence to be in support of your parliamentary function; and
- whether you consider the content of the letter of 25 April 2017 might reasonably be thought to confer, or to seek to confer, undue advantage of a political organisation or to be supporting the return of an individual to public office; and
- 10 — if you do not, the reason(s) for that belief.

I enclose a copy of the *Commissioner's Information Note*,² which sets out the procedure I follow. I am writing to Mr Tomkinson to let him 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 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.)

15
20

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.

25

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.

30

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 7 December 2017.

² <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

23 November 2017

3. Letter from Mr Paul Farrelly MP to the Commissioner, 11 December 2017

Thank you for your letter of 23 November and to your Complaints Manager [name redacted] to whom I spoke on Thursday, for letting me have an extension to the
5 requested deadline for an initial response to this complaint.

Your letter, namely, arrived on 27 November, just as I was dealing with the surprise publication of an independent report into electoral administration chaos in Newcastle-under-Lyme, which I had called for on election night and has taken so much of my time since.

10 The political 'fall-out' from that also took all my time - along with 'Brexit' and other parliamentary responsibilities - last week, as my local Labour Council Leader resigned ahead of a confidence vote, following the withdrawal of support by Independent Councillors.

15 It was only last Thursday, therefore, and at the weekend that I have had a proper opportunity to look into the complaint. Following the posting of the news of your latest inquiries on your parliamentary web page, however, I was contacted on the weekend before last by the Mail on Sunday newspaper. I did not respond, nor will I make any comment to any other approaches.

20 At the outset, I must say that I am mystified by the timing of the formal complaint (Mr Tomkinson's letter is dated 25 October, but stamped as received on 23 November) and its possible motivation, six months on from my letter and four and a half months on from election day.

25 By the time his letter was sent, it was well-known that my majority - of just 30 votes - was one of the tightest in the country and that the independent report into the severe electoral problems we faced (failures affecting postal votes and electoral registration) was imminent.

30 My letter, about which Mr Tomkinson has complained, was similar to those I have sent on the Dissolution of Parliament in every election since 2005 - and I cannot recall receiving a formal complaint like this about any correspondence since I was first elected in 2001.

35 Having checked on Friday with my constituency office, I understand that we received one telephone call only about the letter after it was sent. The name was not recorded, but it is quite possible it was the same person, Mr Tomkinson. The person concerned, however, did not take up an offer to speak to me personally. Mr Tomkinson certainly has not done so, nor has he written to me since he says he first raised it with you by email on 29 April.

The principle purpose of what I have always termed our 'dissolution letter' is to give constituents who have been in touch with me, details of how to contact me during the election period, if they either wish or need to.

5 As you know, during the election we are no longer able to use our Westminster offices after dissolution and our parliamentary emails are usually disabled (the latter did not happen this time, owing to the snap nature of the election, but we did not know that at the time the letter was sent).

10 Generally, constituents are thankful to receive this and quite a number of people this time again expressed their thanks. Mr Tomkinson has been alone in all this time in complaining that my letter was tantamount to what he calls 'blatant electioneering'.

The letter is sent to constituents who have been in touch with us regarding personal casework, local concerns, policy representations to Government or topical issues generally. It is [not] - and never has been - sent unsolicited to constituents who have never contacted me.

15 The only time I have ever done the latter, indeed, was in 2014 and 2015 over an important local issue to do with the future of 'Green Spaces', where my views were being misrepresented locally for political advantage ahead of the 2015 election and it was important to tell local residents affected, factually, how they could make their own representations.

20 Before I did so then, I remember considering very carefully the example in Section 8 of the 'Rules for the use of stationery and postage paid envelopes', where correspondence is allowed 'with constituents ... about a specific issue with people who have not previously contact them' - and again I received thanks and no complaints about doing that.

25 Having checked with both my offices, I am afraid I cannot say with certainty how many 'dissolution letters' were sent out this time. Given the snap election, I did not sign them personally this time, my long-standing staff member who prepared them has left since the election and we do not now have the mail-merge that was used.

30 As a guide, however, I remember that we did order stationery and envelopes for this purpose and after receiving your letter, we have checked the volume of ordering between 1 April this year and dissolution with the House of Commons authorities - a copy of this is attached.

35 It is only a general guide, however, as we certainly had stationery and envelopes left over, which have been used since I was returned as the Member of Parliament in June.

I can assure you, however, that these letters are certainly not sprayed around like confetti, and only went to people who had been in touch with us. They certainly did

not go, for example, to the several thousand residents I contacted unsolicited over the 'Green Spaces' issue.

5 Mr Tomkinson complains about 'four paragraphs', which he considers 'blatant electioneering' but let me address five of the paragraphs (the second to sixth in the letter).

These were intended to let these constituents briefly to know about my views as their Member of Parliament on the main issues of the day, about which many of them had been in contact with me.

10 It was not possible to tailor each letter to each constituent individually, and it would look odd in such a letter if I made no comment at all about where I stood on issues regarding the national interest. In doing so, as before previous elections, I believe I was acting entirely in accordance with Section III (6) of the Code of Conduct for Members of Parliament.

15 In paragraph three, I give my quite reasonable views on the snap election and in paragraph four I tell constituents I will be standing again. I was one of 13 Members of Parliament to vote against holding the election before the due date in 2020 and - given this, the size of my majority and my fervent Remain views over Brexit in a strongly leave constituency - there had been some questions and speculation as to whether I would be standing down.

20 In paragraphs five, six and seven, I state my position as a Member of Parliament on the main issues - health, education and the EU referendum - over which people have been in recent contact with me. Some, of course - like Mr Tomkinson perhaps - may have disagreed with me, so it hardly necessarily conferred political advantage to make such views clear.

25 In this respect, indeed, as in the referendum Newcastle voted by over 60% to leave, the letter might well have strongly disadvantaged me personally. That was of no consequence, though, as consideration of political advantage played no part in the letter restating my views.

30 As a matter of course, too, I never ask people who contact me how they vote, nor in these letters on dissolution have I ever asked people to vote for me, nor indeed the Labour Party.

35 With regard to paragraph 15 of the Code of Conduct (and paragraphs 2-4 of the 'Rules of the use of stationery and postage paid envelopes), therefore, I do consider that the letter, of which Mr Tomkinson alone complains, was in line with parliamentary duties and it did not 'confer any undue personal or financial benefit' nor any 'undue advantage on a political organisation'.

As I have said, the letter was similar to those I have out to constituents with whom I had dealt - using parliamentary stationery and postage - ahead of dissolution at

three previous general elections, about which no previous such complaints have been made.

5 The Code of Conduct and Rules for use of stationery and postage paid envelopes do not specifically address or give examples relating to pre-dissolution correspondence. Over the weekend, therefore, I look at the latest Dissolution Guidance issued by the House of Commons and found, too, there is nothing specific there, either.

10 By virtue of commencing this inquiry, therefore, if this might - on reflection - be considered in any way a 'grey area', perhaps it might be helpful to Members of Parliament - and members of the public - if the House of Commons were to set down what is and what is not permissible in such a 'dissolution letter' to constituents.

This could either be by way of a further example in paragraph 8 of the Rules for the use of stationery and postage paid envelopes or through a standard template text as by way of guidance.

15 Those rules do already allow (in paragraph 6) party political references in replies to correspondence (which my 'dissolution letter' did not have) and the sending of letters about a specific issue to people who have not already contacted MPs (again, my 'dissolution letter' did not do this, though it did refer to specific issues over which people had contacted me).

20 More explicit guidance from the House of Commons regarding what can and cannot be sent immediately before Dissolution, therefore, might help to clarify any confusion about what is and what is not allowable for Members of Parliament (and their staff) to say.

25 You, your office and the Standards Committee will clearly judge this complaint against the requirements of the Code of Conduct and House of Commons rules, and possibly any clarifications that may be needed to avoid any confusion now and in the future.

30 Before concluding though, I do wish to return to my concerns as to why this complaint has formally been raised so long after the election and the sending of my 'dissolution letter'.

I do so because if a complaint has been raised against a Member of Parliament in these circumstances, which alleges improper behaviour for personal or political advantage, it is quite reasonable to ask whether the complaint itself has been raised for political advantage.

35 This is also of concern as the Commissioner publishes the fact of having started an inquiry on the parliamentary website, before the complaint is investigated and adjudicated. This can lead to questions from the press, as has already happened in my case from the Mail on Sunday, and stories can be published about the fact of an

inquiry, which may lead to embarrassment of an MP - whether intended by the complainant or not - before conclusions are reached.

5 I do not know Mr Tomkinson personally, but he is known to me. I understand that he does not support me or the Labour Party, and is in fact a supporter of the Conservative Party.

As part of trying to understand why this complaint has come now, over the weekend I looked at Mr Tomkinson's Facebook account - as he lives near me and I find he has shared Facebook friends with me and is 'friends' with one person, in particular, whom I know only too well.

10 At the time of the election, there were no Facebook posts by Mr Tomkinson - before or afterwards - sharing indignation either with my 'dissolution letter' or the narrow election result. Last month, however, he did share a ridiculous Sunday newspaper story about me, and there were exchanges with a former Labour Councillor.

15 These comments quite astounded me, frankly, with their derogatory, untrue content. The Councillor in question was one of the now Independents who withdrew his support ahead of the confidence motion last week, which prompted the Labour leader to resign.

20 I am aware that this correspondence will be published following the conclusion of the inquiry, so I will go no further in this respect now. If you consider this relevant, however, I am happy to let you have more details of this background research.

I hope this answers all of your questions, as far as I am able, and look forward to receiving the results of your inquiry.

11 December 2017

25 **4. Letter from the Commissioner to the Director of Accommodation and Logistics, 12 December 2017**

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

30 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 Farrelly sent after the General Election was triggered on 19 April was acceptable. I would be grateful to
35 have your views on whether the content of the letter falls within the definitions of acceptable use of House-provided resources.

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.

5 It would be very helpful to have your response to this letter as soon as possible.
Thank you for your assistance.

12 December 2017

5. Letter from the Commissioner to Mr Paul Farrelly MP, 12 December 2017

10 Thank you for your letter of 11 December 2017. The information you provided is very helpful. 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.

15 As you may know, my term of office comes to an end on 31 December. Clearly, I will not be able to complete my inquiry before then. However, my successor, Kathryn Stone, takes up her appointment on [1] January and I am sure she will write to you to share the Director's advice as soon as possible.

20 In the meantime, I thought I should explain a little about the criteria for beginning an inquiry. There is no time limit for the submission of an allegation of a breach of the rules of conduct. However, the procedure approved by the House allows the Commissioner to begin an inquiry into a matter which dates back more than seven years (or which concerns a former Member) only with the permission of the Committee on Standards. Otherwise, it is for the Commissioner to decide whether to begin an inquiry into an allegation made in the proper manner.

25 When the Commissioner receives an allegation, there are two criteria which must be considered. These are whether the allegation concerns a matter within remit and whether there is sufficient evidence to justify beginning an inquiry. The Commissioner does not take into account the motives of the person making the allegation. You will, therefore, appreciate that it is not for me to speculate on, nor to factor into my decisions, reasons for Mr Tomkinson submitting his allegation now.
30 It is, on the other hand, necessary on occasions for the Commissioner to take a view on whether resources provided by the public purse have conferred an undue advantage on a political organisation.

12 December 2017

6. Letter from the Director to the Commissioner, 14 December 2017

35 Thank you for your letter dated 12 December 2017 concerning a complaint you received from Mr Tomkinson regard Paul Farrelly MP's use of stationery.

When my team and I are asked to provide guidance to Members it is 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 behave with 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.

I note that you have asked for advice on whether the correspondence Mr Farrelly sent out after the General Election using pre-paid postage envelopes and stationery 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-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 complaint, the current rules do allow for Members to use stationery and envelopes to contact constituents proactively. A proper use would be for the dissemination of information shortly before a General Election has been triggered; e.g. in his letter Mr Farrelly says "Parliament will effectively come to a halt this week for the election on 8 June, during which time MPs' offices at Westminster will be closed". However, the correspondence goes on to say: "But I have decided to stand and fight"; and "I don't want more scorched earth for our local NHS, nor the budget cuts planned for all our schools".

My view is that inclusion of this form of references can lead the recipient to believe that the correspondence is in some way political in nature and thus in contravention of the rules that exclude the use of stationery and 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 to office of any person to public office);"

I hope this is helpful.

14 December 2017

7. Letter from the Commissioner to Mr Paul Farrelly MP, 19 December 2017

When I wrote to you on 12 December 2017, 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.

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 mis-use of House-provided stationery. (I also enclose, for ease of reference, a copy of my November 2014 guidance to Members, to which the Director refers, and a copy of the version I re-issued in April 2016.)

It would be helpful if you would provide any comments by 8 January 2017. As I mentioned in my last letter, my term of office comes to an end on 31 December, so it will be for my successor, Kathryn Stone, to consider your comments.

19 December 2017

10 **8. Letter from Mr Paul Farrelly MP to the Commissioner, 11 January 2018**

Thank you for your letter of 19 December and the acknowledgement previously of 12 December, enclosing a copy of your letter to [the Director].

15 Please accept my apologies for being [un]able to comply with your requested response date of 8 January. I only arrived back in Westminster on Monday from my constituency after the Christmas and New Year recess and have only been able to look at this further since then.

20 Your letter arrives just as the House was pre-occupied with the final Committee days of the EU Withdrawal Bill and, as I hope you will appreciate, there are always a multitude of things to finish off before Christmas, not least sending out hundreds of Christmas cards.

25 Thank you, too, for sending me copies of your guidance of November 2014 and April 2016, regarding the use of stationery before the 2015 election and the EU Referendum respectively. I am sure I would have read them but have not retained copies - not least because, as I have said, I never had complaints then, nor ever previously.

Clearly, given the snap nature of June's election and dissolution of Parliament, I fully appreciate why it may have been difficult to re-issue the guidance in 2017.

Turning to [the Director's] response, it is difficult for me to add much more to my rather long letter of 11 December, but I will try.

30 Just taking the sentences [the Director] has highlighted from my 'dissolution letter', about which Mr Tomkinson has now complained.

35 "But I have decided to stand and fight..." - As I have said, I thought this to be factual (with my reasons for doing so), as there was speculation I might stand down, not least as my stance on Brexit was strongly at odds with the referendum result in my constituency. It was meant to convey that I would, therefore, still be dealing with issues people had raised with me.

"I don't want more scorched earth for our local NHS, nor the budget cuts now planned for all our schools..." - Again, as I said in my response, I think constituents with whom I had been dealing would find it odd if I had not re-stated my views on the main local issues they had been raising with me, and it was impossible in the time available to tailor individual letters.

I had been dealing with many of the recipients over both these issues recently. In my area, our local community hospital had just been closed, mental health and services severely cut and our local main hospital, the Royal Stoke, put into 'special measures' with the biggest financial deficit in the country. "Scorched earth" was a term I had already used in much parliamentary correspondence with constituents asking me to pursue their concerns over this.

Likewise, future cuts to school budgets with the new national funding formula had been a big issue not just for my constituents, but across Staffordshire, and we continue to pursue 'fairer funding' cross-party in our area. It would have been odd not to mention this, too.

[The Director] concludes, carefully, that her view is that: "inclusion of this form of references can lead to the recipient to believe that the correspondence is in some way political in nature and thus in contravention of the rules that exclude the use of stationery and postage: in connection with work for or at the behest of a political party...."

Clearly this is a view taken by Mr Tomkinson in his complaint - the first, as I have said, that [I] have had like this in over 16 years as a Member of Parliament.

But that could equally apply to a great deal of correspondence sent out by MPs, within the rules, when overt political references are allowed in Section (6).

My political party was not mentioned in my 'dissolution letter', nor did I - or have I ever - asked people to vote for me in any letter using parliamentary letterhead or postage.

As I said in my response, too, given the Referendum result locally, if I had wanted through this routine 'dissolution letter' to confer 'undue advantage' on myself or my party, I would have best avoided mentioning Europe at all. This may, indeed, have offended Mr Tomkinson, whom I understand from friends - and his Facebook posts - is a strong Leave supporter.

It remains, however, an important issue over which many of the recipients had written to me and I would have thought it odd at this time not to reiterate my position, as a matter of fact.

I am therefore still left rather uncertain not only as to why this formal complaint has been made now, long after the election, but as to what is allowable in such letters at such a time.

5 I can only repeat, therefore, that it would be helpful if the House were to clarify the Rules further, by way of specific guidance in Section (8) (or an additional Section), or by issuing a standard template text for Members of Parliament to use. That would be helpful for our staff and members of the public, too, and might reduce complaints, too.

11 January 2018

9. Letter from the Commissioner to Mr Paul Farrelly MP, 23 January 2018

10 Thank you for your letter of 11 January 2018. I have considered very carefully all the correspondence you have exchanged with my predecessor, Kathryn Hudson, and I believe I now have sufficient evidence on which to base a decision.

My decision

15 I have decided that your letter to Mr Chris Tomkinson of 25 April 2017 was sent in breach of 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*. That breach has put you in breach of paragraph 15 of the Code of Conduct and I, therefore, uphold the allegation.

Reasons for my decision

20 It is clear from [the Director's] letter of 14 December 2017 that she would have cautioned you against using House-provided stationery had you sought her advice before sending this letter. Having considered her advice and your comments on it carefully, I agree with the Director that it was a contravention of the rule against using House-provided resources in connection with work for or at the behest of a political party.

My decision

25 It was not appropriate to use parliamentary resources (stationery and postage) to provide your contact details as a candidate during the forthcoming election in a letter which also expressed your views on a range of issues, at least some of which were likely to be topics on which you would be campaigning during the election period.

30 Although the letter contains some specific factual information, its overall tone and content was that of party political campaigning. The language was value laden and you drew stark comparisons between your own position and that of another party. [The Director] identified a couple of specific phrases which might lead the reader to conclude the letter was party political rather than parliamentary. I agree with her analysis and I am also concerned by the first sentence of the fourth paragraph, in
35 which you say "*With a majority of just 650 ahead of the Conservatives in Newcastle, it is certainly going to be challenging to say the least.*" Read as a whole, the letter is

clearly concerned with party political differences and making your own position on policy clear. This should not have been done at the expense of the public purse.

5 I have considered carefully your suggestion that constituents “*would find it odd if [you] had not re-stated [your] views on the main local issues they had been raising with me*”. I do not agree. However, if you felt strongly that you could not contact constituents without re-stating your known views on various topics, it would have more appropriate to use stationery and postage funded other than through the public purse. It was not acceptable to use parliamentary resources for that purpose.

10 You have explained at some length the basis on which you distributed the letter to “*constituents who have been in touch with us regarding personal casework, local concerns, policy representations to Government or topical issues generally*.” I note that in the letter of 25 April, you say it has been sent to “*everyone who has been in touch with me during this brief Parliament*”.

15 The decision to write to everyone on your database, rather than constituents who had “live” issues with which you were assisting, further suggests that the purpose of the letter went beyond the performance of your parliamentary duties. Constituents who had, for example, approached you earlier in the 2015 Parliament about then current issues or concerns personal to them would not necessarily expected to have received letters setting out your views on wider policy matters, nor might they have
20 expected you to contact them again once their particular issue had been resolved.

I note that you have sent similar letters on the Dissolution of every Parliament since 2005. Notwithstanding the absence of complaints about them, if they contained similarly worded explanations of your position on the issues of the day, it is likely that they also were in breach of the rules for the use of stationery. The prohibition
25 on the use of public resources for work for or at the behest of a political party is of long-standing, albeit the precise detail of the stationery rules has changed over time. That said, I have decided that it would be neither appropriate nor proportionate to ask you to search for copies of those letters now.

Next steps

30 If you accept my finding, with your agreement, I would be willing to conclude the inquiry through the rectification procedure. Under Standing Order 150, I am able to rectify a complaint in these circumstances without submitting a full and formal memorandum to the Committee on Standards. I would instead write to Mr Tomkinson to inform him of my decision, following which the matter would be
35 closed. I inform the Committee of the outcome and my letter to the complainant and the relevant correspondence is in due course published on my webpages (<http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/>).

In order for me to implement the rectification procedure, it would be necessary for you to accept that you were in breach of the Code of Conduct and the rules of the House as set out in the *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for use of the Crowned Portcullis*. The
5 Committee would normally expect the Member to have apologised and taken any steps necessary to rectify the error. In this instance, that would involve refunding the House authorities a sum equivalent to the value of the misused stationery.

You have told me that you are unable to say how many of these “Dissolution letters” were despatched. I appreciate that with the passage of time that information is not
10 readily available. The information you have obtained from the House authorities about the percentage of your stationery and postage allocation used sets an upper limit on the value of the misused stationery but that is not an entirely satisfactory basis for calculating a refund. I think it would be helpful if you would arrange for your database to be reviewed to establish how many entries were made between
15 May 2015 and 26 April 2017. That would, I think, provide a fairer basis on which I might estimate the value of the misused stationery and base a refund.

If you do not accept that you have acted in breach of the rules, you should say so and explain clearly the reasons for your disagreement with my decision

Action

20 It would be very helpful if you could let me know by 6 February 2018 whether you would like me to rectify the complaint on the basis I have suggested. When you reply, please also provide the information I have requested about the number of constituents recorded on your database as of 26 April 2017.

10. Letter from Mr Paul Farrelly MP to the Commissioner, 1 February 2018

25 Thank you for your letter of 23 January in connection with the above complaint and welcome to your new role in the House of Commons.

To move on and bring this matter swiftly to a close, I am now writing to confirm that I accept your finding and agree to your concluding the inquiry through the rectification procedure.

30 We have also now done as you suggested and review the records in my Westminster and constituency offices in respect of the people we were in correspondence with over casework, policy or other issues between May 2015 and April 2017.

Cross-referencing for duplications, incomplete or other addresses to which such letters would not have been sent (for example, schools, public or private
35 organisations or people outside the constituency), the total number comes to 1,031 from the records on our computer systems.

In case it helps, I have also asked my office to establish the cost of each letter; with headed papers charged at 3.61p per sheet and 1st class pre-paid envelopes at 69.18p each, that would put the cost of each letter at 72.79 p and the total cost on this basis, therefore, at £750.46.

- 5 As I have said, this is the first such complaint I have had in nearly 17 years now as an MP. The letters were sent in good faith, as a matter of good practice to let people know how to contact me during the election period.

They were also sent before Parliament's formal Dissolution and before the start of the "short campaign", during which election spending is strictly regulated.

- 10 During an election, we always continue to deal with casework and issues which people have raised. Many of the people who contact us, indeed - for example members of the 38 Degrees organisation - do so time and again over different issues, not least during an election, and they have been generally grateful to be given updated contact details post-Dissolution.

- 15 In my responses to your predecessor, Kathryn Hudson, I have suggestions as to how the stationery rules might perhaps be made clearer. While accepting your finding, I hope these comments might be helpful for any future changes or guidance, as I see that you are currently dealing with a number of similar complaints about other MPs from different political parties.

- 20 I hope you find this response satisfactory in now bringing this matter to a close.

I will be away from Parliament on a Select Committee enquiry all of next week and then in the constituency the following week during the half term recess, returning to the House on Monday 19 February when I will next see my Westminster post.

- 25 I will of course be checking emails in the meantime and, if need be, my Westminster office can also be reached on [number redacted].

5 February 2018

11. Letter from the Commissioner to Mr Paul Farrelly MP, 6 February 2018

Thank you for your letter of 1 February 2018, stating your acceptance of my finding and your agreement to resolving this matter using the rectification procedure.

- 30 Thank you also for arranging the research to enable an estimate of the stationery used in the mailshot. On the basis of 1,031 letters sent by first class post on headed notepaper, I agree that the refund due to the House authorities is £750.46. The repayment can be made in one of two ways; by electronic transfer using the following details (redacted) or by sending a cheque payable to HOC MEMBERS 2 to

my office³. If you choose to make an electronic transfer, I would be grateful to receive a copy of the transaction confirmation.

5 I have noted your comments about the absence of any other complaints about your “Dissolution letters”. I think it is important to emphasise that my concern is with the proper use of House-provided resources, and with the separation of information obtained during the course of your parliamentary work from party political activity. I do not doubt that some of the recipients of the information will have been grateful to receive it but it should not have been sent using resources funded by the public
10 purse. In that context, I am particularly concerned that you have cited 38 Degrees; a political activism organisation, as an example of a recipient continuing dialogue during the Dissolution period.

15 I have also noted your suggestion that the stationery rules should be made clearer. However, I am not at all persuaded that your letter fell into what you describe as “a grey area”. As I explained in my letter of 23 January, your Dissolution letter was clearly party political; that is against both the spirit and the detail of the rules, and in breach of an important principle about the proper use of public funds. I doubt that the provision of a template would have made a material difference on this occasion or that it would be welcomed by Members more generally.

20 The Director with responsibility for the stationery rules saw the earlier correspondence when she was asked to provide advice. I do not think it is appropriate for me to write to her again. However, the stationery rules are subject to the approval of the Administration Select Committee and it is, of course, open to you to submit suggestions for amendment to the Committee if you wish.

25 I enclose a copy of the letter I intend to send to Mr Tomkinson to inform him of my decision. While the content of the letter is a matter for me alone, I would welcome any observations you wish to make on its factual accuracy. (The draft letter is the first item after the summary, in the enclosed written evidence pack.) Once I have any comments you wish to make, I will finalise the letter to Mr Tomkinson, send you both a copy of the final evidence pack and post the material on my webpages shortly
30 after.

35 I would be pleased to have any comments you wish to make on the draft letter to Mr Tomkinson as soon as possible and no later than 20 February 2018. I appreciate that you will be away from Westminster during the half-term recess but trust that your office will forward mail to your constituency in the interim, as requested on the outer envelope in which this letter is sent.

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

³ Cheque received on 20 February 2018