

Contents

	Summary	2
	Mr Paul Girvan MP: Resolution letter	3
	Letter from the Commissioner to Mr Ian McCullough, 13 February 2018	3
5	Written evidence	4
	1. Extract from letter from Mr Ian McCullough to the Commissioner, 8 December 2017	4
	2. Letter from the Commissioner to Mr Paul Girvan MP, 12 December 2017	4
	3. Letter from Mr Paul Girvan to the Commissioner, 20 December 2017	8
10	4. Letter from the Commissioner to the Director of Accommodation and Logistics, 21 December 2017	9
	5. Letter from the Commissioner to Mr Paul Girvan MP, 21 December 2017	10
	6. Letter from the Director to the Commissioner, 22 December 2017	10
	7. Letter from the Commissioner to Mr Paul Girvan MP, 3 January 2018	11
15	8. Email from Mr Paul Girvan MP to the Commissioner, 17 January 2018	12
	9. Letter from the Commissioner to Mr Paul Girvan MP, 22 January 2018	12

Summary

5 The allegation I investigated was that the Member had misused House-provided stationery by using it to write to a number of constituents to solicit donations for local charities. I concluded that the Member had acted in breach of the rules on the use of House-provided stationery and that that amounted to a breach of paragraph 15 of the Code of Conduct for Members. I found that the breach was inadvertent and that it was at the least serious end of the spectrum.

10 The Member acknowledged the breach and apologised for it, and refunded the value of the misused stationery to the House authorities. I concluded the inquiry using the rectification procedure available to me under Standing Order No 150.

Mr Paul Girvan MP: Resolution letter

Letter from the Commissioner to Mr Ian McCullough, 13 February 2018

5 My predecessor, Kathryn Hudson, wrote to you on 12 December to say that she was beginning an inquiry into your allegation of a misuse of House-provided stationery by Mr Paul Girvan 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 the outcome. My decision and the reasons for it are explained in my letter of 3 January to Mr Girvan (item 7 in the enclosed evidence pack.)

10 As I have told Mr Girvan, I accept that his use of House-provided stationery to encourage donations to local charities was motivated by a genuine wish to help constituents in need. Nonetheless, the rules do not allow House-provided stationery to be used to confer undue benefit on any third party and this means it may not be used to solicit charitable giving for good causes. By asking for contributions to be made to local foodbanks, Mr Girvan acted in breach of that rule and, therefore, in
15 breach of paragraph 15 of the Code of Conduct. However, I am satisfied that the breach was both inadvertent and at the least serious end of the spectrum.

Mr Girvan has explained the circumstances and why he had thought he was acting in accordance with spirit and meaning of the rules. When the allegation was put to him, he immediately offered apologies if he was found to have breached the rules.
20 Mr Girvan has since accepted my findings promptly and without reservation, and he has refunded the value of the misused stationery to the House authorities (£149.27). 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.

25 *13 February 2018*

Written evidence

1. Extract from letter from Mr Ian McCullough to the Commissioner, 8 December 2017

5 I am in receipt of six official House of Commons envelopes with private correspondence addressed and used on House of Commons notepaper within + a private circular for coffee mornings - each is published by Paul Girvan MP Democratic Unionist Party.

Of the six envelopes (as mentioned above) five were to other members of the public - for whatever reason, placed in my letter box by Royal Mail (in error).

10 In his letter, written on House of Commons notepaper - Mr Girvan states he is (personally) launching a "new initiative, The MP Christmas Appeal, to help local families in our community have a better Christmas."

15 When I have confirmed the correct House of Commons Department in relation to Parliamentary Standards I will scan the letter and envelope.¹ I believe it is incorrect for an MP to use House of Commons notepaper - for personal and private matters, also - to further use pre-paid House of Commons envelopes for private usage. I believe each of these items should be paid for - personally, by the MP concerned. I can only guess, the MP has used a commercial directory, circulating thousands of individuals, professionals, businesses and organisations.

20 *8 December 2017*

2. Letter from the Commissioner to Mr Paul Girvan MP, 12 December 2017

I would be grateful for your help with an allegation I have received from Mr Ian McCullough, concerning your use of House-provided stationery.

The Inquiry

25 The allegation I have accepted for investigation concerns the alleged misuse of House of Commons pre-paid envelopes and letter-headed paper when you wrote to constituents on 27 November 2017 about "*The MP Christmas Appeal*, soliciting donations for Newtonabbey Food Bank and Oasis Caring in Action (Antrim).

I enclose a copy of Mr McCullough's letter and the enclosures.

30 The Code of Conduct for Members of Parliament in paragraph 15 provides that

¹ Sample original subsequently provided to the Commissioner

5 '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.' [my emphasis added]

The rules on the use of House of Commons stationery and envelopes are available on the parliamentary intranet². The guidance includes the following:

"Principles

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...."*

15 I would be grateful for your response to this complaint, taking into account the *Code of Conduct; 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* (a hard copy of which I enclose)."

It would be helpful to have answers to the following questions:

- 20
- How many copies of the letter were sent?
 - How it came about that you sent this letter and enclosure in a House of Commons pre-paid envelope.
 - Have you sent similar letters to constituents using House of Commons pre-paid envelopes/paper since your election in June?
- 25
- if so please provide details, including numbers.
- Whether you consider your use of House-provided stationery falls within the rules and, if so, the basis for that belief.

Any other points you wish to make would be most welcome.

² <http://www.parliament.uk/documents/facilities/Accommodation-and-Logistics/Stationery-rules-March-2015.pdf>

I enclose a copy of the *Commissioner's Information Note*,³ which sets out the procedure for inquiries. I am writing to Mr McCullough 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 that I am conducting an inquiry into an allegation into an alleged
5 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 standards system more generally, including those about the inquiry procedures.)

10 As you will be aware, my inquiries are conducted in private. This letter, and any subsequent correspondence between us, is protected by parliamentary privilege until such time as a final report is published. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you respect that confidentiality. I have made a similar request of Mr McCullough.

15 As a matter of courtesy, I should say now that the Commissioner may make enquiries of the relevant House authorities in due course. If that is necessary, the correspondence will be shared 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.

20 Action

As you may be aware, my term of office ends at the end of this month. 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
25 as possible and no later than 31 December 2017. My successor, Kathryn Stone will no doubt contact you once she has had an opportunity to consider your responses to the questions above.

12 December 2017

Letter from Mr Paul Girvan MP dated 27 November 2017

Dear Friend

30 The MP Christmas Appeal 2017 - Helping Local Families

As we approach the festive period many of us look forward to taking time with family and enjoying the good things of the season.

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

However, for many Christmas is a challenge. The financial pressures associated with the season make it a difficult time of year.

That is why this year I am launching a new initiative, *The MP Christmas Appeal*, to help local families in our community have a better Christmas.

- 5 For my appeal, I am asking local businesses and the people of South Antrim to donate food or toys that will be passed on to local Food Banks in Newtownabbey, Ballyclare and Antrim. My office in Ballyclare will act as a drop off point for any donations, or alternatively you can drop off donations at DUP offices in
10 Newtonabbey and Antrim. You don't need to worry about wrapping toys, we will take care of that. No donation is too small - any contribution you can make will be gratefully received and help a local family have a better Christmas.

All financial donations **must be by cheque** and should be made to one of the following Food Banks:

Newtownabbey Foodbank

- 15 Oasis Caring in Action (Antrim)

If you have any questions about the appeal, please do not hesitate to contact my office on [number].

Thank you in anticipation of your support, and may I take this opportunity to wish you a Happy Christmas.

- 20 **Text of enclosure with letter of 27 November 2017**

Christmas Coffee Mornings

Fri 8th Dec, 10am - 11.30am

DUP Office, Ballyclare

Fri 8th Dec, 11.30am - 1pm

- 25 DUP Office, Carnmoney

Fri 15th Dec, 10am - 11.30am

DUP Office, Antrim

All proceeds in aid of local foodbanks to help local families this Christmas

3. Letter from Mr Paul Girvan MP to the Commissioner, 20 December 2017

Thank you for your correspondence of 12 December outlining an allegation made by Mr Ian McCullough of [address redacted] in relation to the use of House-provided stationery to seek support for local foodbanks this Christmas.

- 5 Firstly, can I make clear at the outset my desire to work with your office to ensure this allegation is investigated thoroughly and expeditiously for the benefit of Mr McCullough and the wider public.

In your correspondence, you outline four questions and I trust the answers to these will assist your inquiry:

- 10 How many copies of the letters were sent?

Per our records, 234 letters were issued. This falls well short of the "thousands" speculated by Mr McCullough.

How it came about that you sent this letter and enclosure in a House of Commons pre-paid envelope?

- 15 As MP for South Antrim, I believe I have a duty as an elected representative to assist the most vulnerable and those in need in my constituency. As such, it was my genuinely held belief that it was appropriate to raise awareness of the MP Christmas Appeal using House-provided stationery and envelopes and my office acted accordingly.

- 20 Have you sent similar letters to constituents using House of Commons pre-paid envelopes/paper since your election in June?

No. Pre-paid envelopes used since my election have been solely used to correspond with public bodies, constituents and other bodies in pursuance of my parliamentary activities.

- 25 Whether you consider your use of House-provided stationery falls within the rules, and, if so, the basis for that belief?

- 30 In Northern Ireland, the Trussell Trust had to provide 32,780 three-day emergency food supplies to people in crisis last year. In the same period, 14,000 children have been fed through emergency food parcels. In this season of goodwill and giving, it was my earnest desire as MP to ensure more families benefitted from this service by raising donations to Newtownabbey Foodbank and Oasis Foodbank.

Primarily my aim was for food and toys to be provided, but in the event of anyone desiring to make a financial donation I thought it more appropriate that these be made out directly to the foodbanks named, rather than anyone sending a cheque to

me personally, which I would have deemed totally inappropriate. The appeal has been embraced by the local community and has had a very positive response, apart from Mr McCullough. I have been overwhelmed by the support and goodwill of my constituents in response to my appeal which is the first initiative of this type by any MP for the area.

As is stated in the principles of the rules for the use of stationery and post-paid envelopes, the rules cannot be expected to cover every eventuality. I believe in this rather unique case, if found to be guilty of the alleged breach, it would go against the overall spirit of the rules, particularly considering the beneficiaries. Furthermore, considering the General Principles of Conduct as set out in the Code of Conduct for Members of Parliament pursuant to the Resolution of 19 July 1995, it is my firm belief that I adhered to, was guided by and acted consistent to the General Principles of Conduct by initiating this appeal and how I sought to manage it - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

I take very seriously the responsibility to use House-provided stationery with probity and integrity. If I am deemed to have been in breach of the rules, I apologise and am happy to reimburse the House. However, I do feel compelled to urge you to consider this allegation in the context that, considering the detailed knowledge of House rules required to allege a very specific breach of this nature, it may be motivated and inspired by political opponents in my constituency who have knowledge and experience of the rules of the House, and who have in recent weeks launched a despicable personal attack on me.

I trust this response brings you clarity on my position, but if you require further information I am more than happy to provide it upon request.

20 December 2017

4. Letter from the Commissioner to the Director of Accommodation and Logistics, 21 December 2017

I would like to ask for your advice on a complaint I have received about Mr Paul Girvan MP, and into which I have begun a formal inquiry. In essence, the complaint from Mr Ian McCullough is that Mr Girvan misused House of Commons stationery by writing to businesses in his constituency to seek support, in the form of donations, for local foodbanks.

I enclose the relevant correspondence. 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 Girvan sent to 234 local business was an acceptable use of House-provided stationery.

Thank you for your assistance.

21 December 2017

5. Letter from the Commissioner to Mr Paul Girvan MP, 21 December 2017

Thank you for your letter of 20 December 2017. The information you provided, including the explanation of the background, is very helpful.

5 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.

10 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.

15 In the meantime, thank you for the assurances in your letter and for offering at this early stage to refund the House authorities if you are found to have acted in breach of the rules.

21 December 2017

6. Letter from the Director to the Commissioner, 22 December 2017

Thank you for your letter dated 21 December 2017 concerning a complaint you have received from Mr McCullough regarding Paul Girvan MP's use of stationery.

20 As you know, Members are under no obligation to ask for guidance on the use of stationery. If they do ask for advice my colleagues and I provide guidance with the proviso that the House provides the stationery budget to assist Members in performing their parliamentary duties but the rules cannot be expected to cover every eventuality; ultimately it is incumbent on the Member to always behave with
25 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 anyway bind your decisions.

30 However, if I had been asked to provide advice I would have advised against the use of House provided stationery and envelopes for this correspondence, as my view is that it is in contravention of the rules that exclude the use of stationery and postage "for business purposes".

I hope this response is helpful.

35 22 December 2017

7. Letter from the Commissioner to Mr Paul Girvan MP, 3 January 2018

When Kathryn Hudson wrote to you on 21 December 2017, she enclosed a copy of her letter of the same date seeking advice from [the] Director of Accommodation and Logistics Services.

5 I have now received the Director's response. I enclose a copy of her advice for your information and, as promised, to give you the opportunity to comment before I reach a final decision on the allegation of misuse of House-provided stationery. However, I think it is only fair to say now that, although I might not characterise your use of the stationery as having been for "business" purposes, I do think it conferred "undue
10 benefit" on a third party because public resources are not provided to parliamentarians in order to solicit charitable giving for good causes.

I would like to emphasise that I accept that you did not personally benefit and that your action was motivated by a genuine wish to help constituents in need. While I appreciate that the rules cannot cover every eventuality, I do not think the
15 circumstances are unique. I think there are parallels between the circumstances here and those in an inquiry concluded by the Commissioner in March 2015 concerning the use of House-provided stationery by the Member for Barrow and Furness.⁴

Like my predecessor, I am grateful for the assurances in your letter of 20 December
20 concerning your commitment to using House-provided resources with probity and integrity. While I understand that you feel the allegation of a breach of the rules was prompted by political considerations, the only criteria the Commissioner took into account when deciding to begin the inquiry were those set out in the *Commissioner's Information Note*, those are whether the allegation concerned a matter in remit and
25 whether there was sufficient evidence to justify beginning an inquiry. My findings will, similarly, be confined to the application of the rules to the facts of this case.

As you will understand from the above, subject to any final comments you wish to add, I do consider that you acted in breach of the rules of conduct. I appreciate that the breach was inadvertent and was the product of kind intentions. In all the
30 relevant circumstances, I consider the breach to be at the least serious end of the spectrum. With your agreement this matter could be concluded through the rectification procedure available to me through Standing Order No 150. Under this procedure, the Committee would normally expect the Member to have acknowledged their breach of the Code, apologised and taken any steps necessary
35 to rectify the error. You have already indicated your willingness to take these steps and, on the basis of the information you have provided so far, a refund of £149.27 would be required (based on a mailshot using 234 2nd class postage-prepaid envelopes @ £150.45 per 250 and 234 sheets of headed paper @ £9.03 per 250).

40 If you agree, I would give you an opportunity to see the letter I will send to Mr McCullough and the evidence which would be posted on my webpages, before I

⁴ <http://www.parliament.uk/documents/pcfs/rectifications/John-Woodcock-MP.pdf>

conclude my inquiry. I would also explain how to make the refund to the House authorities. The content of the letter to Mr McCullough will be, of course, a matter for me alone but you will have the opportunity to comment on its factual accuracy. 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.

It would be very helpful if you would let me know by close of business on 17 January 2018 whether you would like me to rectify the complaint on the basis I have suggested.

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

3 January 2018

8. Email from Mr Paul Girvan MP to the Commissioner, 17 January 2018

Thank you for your correspondence of 3 January. I note your comments and wish to pursue the rectification procedure under Standing Order No 150.

15 17 January 2018

9. Letter from the Commissioner to Mr Paul Girvan MP, 22 January 2018

Thank you for your email of 17 January, accepting my decision.

I said I would give you an opportunity to comment on the factual accuracy of the decision letter I propose to send to Mr Ian McCullough before I issue my formal decision. I enclose a draft copy of the evidence pack which will be published on my webpages in due course. The proposed text of my letter to Mr McCullough is the first item in the pack after the summary.

I would be grateful if you would let me have any comments on that text as soon as possible, and no later than 5 February 2018. I will then, subject to those comments, write to Mr McCullough and bring the inquiry to an end. Shortly after that, your name will be removed from the list of current inquiries and the evidence pack will be posted here on the Parliament website: <http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/rectifications-2017-18/>.

Please make arrangements to have the refund of £149.27 made as soon as possible. A cheque made out to HOC2 Members should be sent direct to my office or an electronic transfer can be made using the following details ([redacted]). If the payment is made by electronic transfer, a copy of the confirmation of the transaction should be sent to my office.

Until I despatch the final letters, this matter should remain confidential and you should not discuss it with any third party. In the meantime, thank you for your prompt co-operation with this inquiry.

22 January 2018