

Mr Ian Cawsey MP: Resolution Letter

Letter from the Commissioner to Mr Andrew Percy, 12 August 2008

I have now concluded my inquiries into the complaint you sent me with your letters of 23 April and 9 May complaining about the use of the Communications Allowance by Mr Cawsey to send the two letters which you enclosed.

In essence, your complaint is that Mr Cawsey has used the Communications Allowance to fund communications with his constituents which you consider included party political or campaigning material, contrary to the rules of the House.

I have carefully considered your complaint, consulting Mr Cawsey and the House authorities. Mr Cawsey has informed me that none of the costs of these communications came from his Parliamentary allowances. Neither the stationery, nor the envelopes nor the postage (where applicable, since many were hand delivered) was paid for from his Parliamentary allowances.

Since no Parliamentary funds were associated with these communications, it has not been necessary for me to consider the content. As Parliamentary funds were not involved, I do not propose to pursue your complaint further. I therefore dismiss the complaint and I regard the matter as now closed. I shall report this outcome briefly to the Committee on Standards and Privileges.

I believe your complaint may have been founded on the reference at the bottom of Mr Cawsey's notepaper that it was paid for by the Communications Allowance. This was there because Mr Cawsey has a separate stock of similar notepaper which he uses for communications funded from his Parliamentary allowances. His office has a template which obscures this reference on correspondence which is not funded through the allowance, but, due to an oversight, the reference was not blanked out on these communications. Mr Cawsey has taken steps to prevent this happening again and so to avoid a similar misunderstanding.

I am copying this letter to Mr Ian Cawsey MP.

12 August 2008

Mr Ian Cawsey MP: Written Evidence

1. Letter to the Commissioner from Mr Andrew Percy, 23 April 2008

I wish to make a formal complaint against Brigg and Goole MP Mr Cawsey's use of the Communications Allowance. As you are aware this is public money and as such should not be used for overtly partisan literature.

A few months ago I signed a petition in the Goole Courier which was organised by the local Labour Party and the Fire Brigade Union. The petition was regarding proposals to downgrade our local fire station in Goole. I then received the enclosed letter dated April 4th.¹ Either that letter was sent in response to my signing the Labour Party petition or it was sent unsolicited. It arrived in a franked white envelope and was post marked Goole.

You will see from the letter that it makes clearly partisan remarks and is damning of the local Conservative Council. The letter was paid out of parliamentary allowances and must surely be a breach of the rules. Taxpayers do not expect MPs to use public funds in this way. Mr Cawsey is free to attack the Council as he sees fit, even if the issue at stake is one the rest of us have tried to approach in a non-partisan matter. His attack is certainly not helpful to those of us who are trying to fight the fire cuts. My issue is not what Mr Cawsey is saying it is that the letter and the postage were paid out of allowances paid for from public funds and thus should not be partisan.

I would therefore formally like to ask for you to investigate this matter to establish whether or not there has been a breach of the rules. Please could you investigate the following :-

1. Whether the Communications allowance should be used to make party political attacks.
2. Whether or not the Communications Allowance should be used to respond to a party political petition. The petition in the paper was labelled — Goole Labour Party.
3. If this letter was not sent in response to the petition, should the Communications Allowance be used to produce mass mailed unsolicited letters to constituents such as myself.
4. The letter advertises Mr Cawsey's website and blog which are overtly partisan. Should the Communications Allowance be funding the advertising of partisan websites?

I am sure you will agree that this is potentially a serious breach of the rules and amounts to a possible misuse of public funds for party political purposes. I hope you will investigate the matter.

23 April 2008

2. Letter to Mr Andrew Percy from Mr Ian Cawsey, 4 April 2008

Tory Councillors Vote To Support The Downgrading Of Goole Fire Station

I am writing to firstly thank you for your support for the campaign to keep two full time fire engines at Goole Fire Station. There has been an overwhelming local response and there can be no doubt in anyone's mind of the strength of support for our local fire service.

This is a matter for the Humberside Fire Authority which is made up of local councillors from the East Riding of Yorkshire Council, Hull City Council, North Lincolnshire Council and North East Lincolnshire Council. As part of their consultation I have met with the Authority's Chair and Vice-Chair, with the Chief Fire Officer, with the Fire Brigade Union and with the Council's Review Panel. I also have raised the matter in parliament and spoke in the debate in the House to highlight all our local concerns.

But our campaign received a serious setback on April 2nd when the East Riding of Yorkshire Council voted to support the proposal to downgrade Goole. This was despite all our concerns and all our support from the local community. The ruling Tory Group used their large majority to push this through saying they were backing the

¹ WE 2

Council's Review Panel (a panel made up of Lib Dem and Tory Councillors to look into these proposals) who had recommended supporting the downgrading of Goole.

I am, at least, grateful for the firm opposition to these proposals from my Goole Labour colleagues, Cllrs Pat O'Neil and Keith Moore and from Goole Town Council.

I have to say that I see this act as a betrayal of our town and flies in the face of local opinion, local judgement and most importantly local need. But we need to keep going, this still requires Fire Authority approval but ironically we now need councillors from other areas to help us keep our current Fire Service provision to make up for the Tories on the East Riding who will not. I fear other councils may take the view that if our own council doesn't want to stop this proposal why should they? But I will be writing to them to ask them to do just that.

This is a bad time and we are trying to pull back from a position few of us thought our own council would put us in. I will do everything I can and whatever the outcome I am once again most grateful for the huge level of support from people in the town.

4 April 2008

3. Letter to the Commissioner from Mr Andrew Percy, 9 May 2008

Many thanks for your letter dated April 24th² regarding my complaint against Mr Cawsey MP. I can confirm that the letter did not arrive in a House of Commons envelope but instead in a plain white franked envelope post marked Goole. There was no use of the portcullis on that envelope and I can only assume it was franked in Mr Cawsey's constituency office in the Courtyard in Goole.

I am including a scanned copy of a further letter which was sent to residents in the Hilton Avenue area of Gunness which again was paid for by the Communications Allowance.³ This letter once again makes an attack on the Conservatives, this time Conservative Councillors in North Lincolnshire Council. It also name checks a number of Labour Councillors and makes specific mention of Dave Oldfield who was the Councillor we defeated last May and who is likely to stand for them again at the next election. This letter was hand delivered and so there are no issues around postage to be considered this time. I would be grateful if you would keep the name and address of the residents confidential as they wish to remain anonymous.

I am sorry to burden you yet further with more complaints but I do feel that inappropriate use of public funds should be investigated fully.

Many thanks

9 May 2008

4. Letter about Hilton Avenue bus service from Mr Ian Cawsey, 15 April 2008

Hilton Avenue Bus Service

I am just writing a quick note to inform you of the decision by North Lincolnshire Council to subsidise a Hilton Avenue to Scunthorpe Town Centre bus service on Mondays and Wednesdays at 10am, commencing on Monday April 28th.

This has been made possible due to the council providing £2,500 subsidy which followed representations myself and local Parish Council Chairman, Cllr Dave Oldfield made to Cllr Bernard Regan the Cabinet Member for Highways and Planning. Both Dave and I would like to take this opportunity to thank Bernard for listening to our concerns and to all the people in the area who supported us in this work.

Indeed it was pointed out to me that this money came out of the increased budget for transport agreed by the Labour Council earlier in the year, despite only having a precarious majority of one and it being opposed by the

² Not included in the evidence.

³ WE 4

Conservative Councillors! But one was enough to get it through and it is good that some of this funding is now heading our way.

This bus service is in addition to the Taxi Voucher scheme for those in need proposed by Dave Oldfield and supported by Gunness Parish Council which is proving very popular and is likely to have reached full -capacity very soon.

For your information the route of the bus will be: 10am at Hilton Avenue, then via Burn Rd, Scotter Rd, Doncaster Rd, Oswald Rd, Mary St, Fenton St, arriving at the Bus Station at 10.08am.

The return journey is 12 noon at the Bus Station then via Manley St, Fenton St, Mary St, Frances St, High St, Doncaster Rd, Scotter Rd, Burn Rd, arriving at Hilton Avenue at 12.08pm.

I hope this is of interest to you and that both schemes do help those who would otherwise face difficulty getting in and out of town.

If you have any queries on this or any other matter then please do not hesitate to get in touch and I will be very glad to respond to them.

15 April 2008

5. Letter to Mr Ian Cawsey from the Commissioner, 13 May 2008

I am sorry to have to raise with you two further complaints I have received from Mr Andrew Percy about your use of the Communications Allowance. He has, however, raised some issues in two letters to me on which I would welcome your comments. I propose to deal with these matters separately from the earlier complaints which are now from Mrs Julie Johnson, about which I wrote to you on 8 May.

I attach Mr Percy's letter to me of 23 April with your letter to him of 4 April about Goole Fire Station, which includes a reference to funding from the Communications Allowance.⁴ Since Mr Percy referred to a franked white envelope, I thought it necessary to check with him whether his complaint was also that that envelope was a House of Commons prepaid envelope. I attach his further letter of 9 May giving his response to that inquiry, and enclosing a further letter from you to two constituents (who wish to remain anonymous) about the Hilton Avenue Bus Service.⁵

In essence, Mr Percy's complaint is that you have used the Communications Allowance to fund communications with your constituents which he considers included party political or campaigning material, contrary to the Rules of the House.

The Code of Conduct for Members provides in Paragraph 14 as follows:

"Members shall at all times ensure that their use of expenses, allowances, , facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services. "

The Rules and guidance about the use of the Communications Allowance was included in a publication issued by the then Department of Finance & Administration and the Serjeant at Arms Department in April 2007. Paragraph 1.2 of the introduction to this booklet summarises the purpose of the Communications Allowance as follows:

"The Communications Allowance provides funds to allow you, as a Member of Parliament, to communicate proactively with your constituents and inform them about your Parliamentary duties. You may claim up to 1:10,000 per year from this allowance."

Paragraph 1.7 provides:

***"Your responsibility.** It is your responsibility to ensure that all expenditure funded under the Communications Allowance and the provision of House stationery and pre paid envelopes is wholly,*

⁴ WE 1, WE 2

⁵ WE3, WE 4

exclusively and necessarily incurred on your Parliamentary duties. Parliamentary resources may not be used for communicating information about your political activities or those of the party to which you belong. You are responsible for ensuring that your use of this new allowance and of provided House stationery and pre-paid envelopes is above reproach and you must ensure you follow the rules outlined in this booklet correctly."

Appendix 1 sets out a new section 6 to the Green Book. Section 6.1.1 includes the following reference:

"The CA may only be used to help Members inform their constituents about what they have been doing and to consult them on issues of importance to them locally. It cannot be used to meet personal costs or the costs of party political activities or campaigning."

Paragraph 6.2.1 provides as follows:

"The content of any communications paid from the allowances must not seek to compare the Member's party favourably with another, promote one party at the expense of another or seek to undermine the reputation of political opponents."

I would welcome your comments on the complaint in the light of the Rules of the House. In particular, it would be helpful to know:

1. your views on the complainant's suggestion that the material in these 2 letters contained party political or campaigning material;
2. how many copies of each of these 2 letters were sent to your constituents and what was the cost of the preparation, publication and distribution of these letters; how much of that was claimed from the Communications Allowance and whether any other Parliamentary allowances were used to meet any of the costs, including postage;
3. whether there were any similar letters with similar references which you have produced and circulated since April 2007, and if so, if I could have copies and an indication of their costs;
4. whether any staff time paid for from your Parliamentary allowances was used for these letters, and if so, what is the estimated cost.

Any other points you wanted to make would, of course be welcome.

I attach a note which sets out the procedures I follow in considering these complaints. I have written to the complainant to let him know that I have accepted his complaint. If you would like a word about this at any time, please get in touch with me at the above address or by telephone.

I look forward to hearing from you.

13 May 2008

6. Letter to the Commissioner from Mr Ian Cawsey, 30 May 2008

Thank you for your letter of the 13th May outlining a complaint from a Mr Andrew Percy. As you can see Mr Percy is the prospective parliamentary candidate for the Brigg & Goole constituency and once again I believe this to be part of an ongoing campaign by the local Conservative Party to use your good offices to make attacks against me.

Indeed you may be interested to learn that the first I heard about these complaints was from a journalist. It transpires that the Conservatives informed the media before either myself or your office had been informed. It was also just prior to the local government elections. I fully accept that I have to respond to these issues but I thought you might welcome the context to all of this.

When I considered the advice from yourself to previous complaints I decided that I needed a separate letterhead for communications that could not be on House of Commons letterheads.

Of course, most of these would be paid for by the Communications Allowance so I ordered 20,000 from my local printer at a cost of £1,126.83 which I paid for via the communications allowance. I also ordered a smaller number (5000) at my own expense for letters that I might wish to send outside of parliamentary allowances.

In the two cases in your letter these were sent out of my personally financed letterheads. The cost of envelopes and postage (where applicable, many were hand delivered) did not come from my allowances.

To put this into context even if I had not bought my own letterheads, there were just under 750 letters sent. If this were from my 20,000 communications allowance letterheads then it would only equate to £37.50. But coming from my own there is no cost at all.

So I hope this is sufficient to deal with the complaint but I would like to raise the general issue with you. Once I was aware from the media that there was a potential complaint, I immediately contacted Jo Lush and I received a letter from Simon Patrick on the issue to which I have responded.

Of course I understand the guidance but I feel there is a real issue here as to what constitutes undermining a different political party.

The issue here is that the Goole Fire Station is under threat and when the East Riding of Yorkshire Council debated the matter they voted to support the downgrading of the station. However, it is not as clear cut as that. Only members of the Conservative Group voted to downgrade the station but as they have a majority their motion was carried. Goole (and nearly all of these letters went to Goole), does not have any Conservative Councillors so to simply say that the Council voted to downgrade the Fire Station would have been very unfair to those who represent the town and voted against the motion.

In other words I do not think that I am undermining the Conservative Party by reporting accurately their votes. If their position is undermined in the local community then it is by their actions not by the reporting of it.

As I say I don't think this an issue in this case but I do think that the guidance is open to interpretation. It is for this reason that I have told my staff that we seek prior approval of the text of any future correspondence to be paid by the communications allowance.

But I really do think some thought needs to be given to the reality of political life. In other words whilst the communications allowance should not be used for the Labour Party (or any other Party's) own materials, I think you should be able to differentiate between the Parties in a situation such as happened in the East Riding.

To a certain extent this is a different point to the complaint, except given this is a relatively new allowance and every complaint is potentially a "test" case I would welcome your guidance as to how you can report a split vote on a council within the rules of the communications allowance.

As ever, your guidance advice and expertise is much appreciated.

30 May 2008

7. Letter from the Commissioner to Mr Ian Cawsey, 6 June 2008

Thank you very much for your letter of 30 May with your response to the complaint from Mr Andrew Percy about alleged funding from the Communications Allowance of the letters you sent on Goole fire station and the Hilton Avenue bus service.

I was very grateful for this clear explanation. I have noted that none of the costs associated with these communications — the notepaper, the envelopes or the postage - came from your Parliamentary allowances. The letters, however, do say at the bottom "*Paid for by the Communications Allowance, House of Commons*". Could you confirm that that was a mistake and let me know whether you propose to take any action to prevent a recurrence?

Once I have your reply — and I would be extremely grateful if it were possible to let me have this quickly — I will seek advice from the Department of Resources.

I understand the wider points you make about the content of newsletters and communications funded under the Communications Allowance. I think this is something you might want to discuss with the Department of Resources

since, as you know, as Commissioner I deal with complaints and, in fairness, need to avoid making pronouncements on issues on which I might subsequently have to determine in the context of a particular complaint.

I look forward to hearing from you.

6 June 2008

8. Letter from Mr Ian Cawsey to the Commissioner, 23 June 2008

Thank you for your letter of 6th June.

You ask about the use of letterheads that state they are paid for by the Communications Allowance when in fact they are not.

The original intention was that a template could be set up on a word processor that would simply overprint a line of XXXXXXXX over the wording. This did not happen on this particular mailing though this was no more than an oversight.

I have made arrangements for this to be done on all my own letterheads now before I use it any more so that it will not be missed when a mailing is put out which can be under tight time pressure depending on the issue.

I hope this answers your point but if you have any further queries then please do not hesitate to get back in touch.

23 June 2008

9. Letter to the Acting Director of Operations from the Commissioner, 24 June 2008

I would welcome your advice on a complaint I have received against Mr Cawsey about the alleged funding from the Communications Allowance of letters he sent to constituents about two local matters.

In essence, the complaint is that Mr Cawsey has used the Communications Allowance to fund communications with his constituents which included party political or campaigning material, contrary to the rules of the House.

I attach [relevant material].

On the basis of what Mr Cawsey has said, there would appear to be no Parliamentary funding involved in these communications. The confusion may have arisen because the attribution to the Communications Allowance remained on the letters. You will see the action Mr Cawsey has taken to prevent a recurrence.

Subject to your comments, there would appear to be no grounds for upholding this complaint. But, I would welcome your comments on whether the misattribution to the Communications Allowance is itself a breach of the rules.

I would hope that this matter could be resolved very quickly, so if you could let me have an early reply that would be most welcome.

24 June 2008

10. Letter from the Acting Director of Operations to the Commissioner, 8 August 2008

Thank you for your letter of 24 June, concerning a complaint against Mr Cawsey by Andrew Percy. I apologise for the delay in replying.

I agree that there has been no breach of the Communications Allowance rules in the distribution of these letters and confirm that the inadvertent inclusion of the funding imprint, whilst regrettable, was not a breach of the rules.

I can also confirm that Mr Cawsey (as mentioned in his letter to you of 30 May) did submit a claim for 20,000 letter heads at a charge of £1,126.83 which was paid by this Department on 19 April 2008 from Mr Cawsey's 2007/2008 Communications Allowance.

Whilst this now has no direct relevance to the outcome of the complaint, I note Mr Cawsey's remark in his letter of 30 May about our interpretation of "*undermining a different political party.*" For the record we stand by our judgement that Mr Cawsey's comments about the East Riding of Yorkshire Council would have needed to be expressed in more neutral terms to qualify for CA funding.

8 August 2008

11. Letter to Mr Ian Cawsey MP from the Commissioner, 12 August 2008

I have now resolved the complaint which I sent you on 13 May from Mr Andrew Percy about the alleged funding from the Communications Allowance of the letters you sent on Goole Fire Station and the Hilton Avenue bus service. I was grateful for your letter of 30 May and for your e-mail and letter of 23 June.⁶ I am sorry it has taken longer than I would have liked to have this matter resolved.

I enclose a copy of the letter of 24 June I sent to the Department of Resources and of their reply of 8 August.⁷ My conclusion is that since the correspondence was not funded from the Parliamentary allowances, the complaint falls. I have, accordingly, written to Mr Percy to inform him of the reasons for my conclusion and to dismiss the complaint.

You will know from my letter to you of 6 June, I do not propose to engage on the question of the content of your letters, and will leave you to respond to the Acting Director's comments on this should you so wish.

I attach a copy of my letter of 12 August to Mr Percy. I am grateful for your help on this matter.

12 August 2008

⁶ WE 6, WE 8

⁷ WE 9, WE 10