

Mr Paul Burstow MP: Resolution Letter

Letter to Mr Crispin Blunt MP from the Commissioner, 9 July 2008

I have now concluded my consideration of the complaint which you sent me on 25 June against Mr Paul Burstow in respect of a letter and newsletter sent by Mr Burstow to one of his constituents.

In essence, your complaint is that Mr Burstow used House of Commons pre-paid envelopes for unsolicited communications to some of his constituents in contravention of the rules for the use of such envelopes.

I have received responses from Mr Burstow and have consulted the House authorities.

I have accepted the advice I have received from the Department of Resources that it is permissible to use Parliamentary allowances to meet the costs of communicating to new voters within a Member's constituency, including those new to the electoral register. Mr Burstow has however accepted that he has breached the rules of the House with these communications. He should not have used House of Commons pre-paid envelopes to send mail to constituents on issues on which they had not previously contacted him. The stationery he used for the letter should not have been taken from his provided stationery instead of being paid for through his allowances. And he should not have included in the envelope a newsletter which would not have been eligible to be funded from Parliamentary allowances (and which Mr Burstow did not fund from such allowances).

Mr Burstow immediately recognised these errors and has apologised for them. He has offered to meet the full cost of the envelopes and stationery which has been used for these mailing from the date when they started in January 2007 to June 2008, when Mr Burstow suspended these despatches.

I have concluded, therefore, that Mr Burstow has breached the rules of the House in using House of Commons pre-paid envelopes and stationery from his provided allowance for communicating to new constituents who had not previously contacted him and for including in the communication a newsletter which could not be funded from Parliamentary allowances. He has told me that he very much regrets this error and he has taken urgent steps to put the matters straight and to refund the expenditure incurred.¹ He will be considering how best in future to communicate with new voters in his constituency within the rules of the House and will consult the House authorities. I have accepted the actions which Mr Burstow has taken in response to his breach of the rules and to rectify the matter. He has apologised. I therefore regard the complaint as now closed. I shall be reporting the outcome informally to the Committee on Standards and Privileges.

I am copying this letter to Mr Paul Burstow.

9 July 2008

¹ Mr Burstow repaid £1490.14.

Written evidence received by Mr Paul Burstow MP: Written evidence

1. Letter to the Commissioner from Mr Crispin Blunt MP, 25 June 2008

I am writing to make a complaint about a letter and publication² mailed in a House of Commons envelope (also enclosed) to a constituent of Paul Burstow, MP for Sutton and Cheam.

As this publication was mailed from the House of Commons I assume that the contents were paid for from Mr Burstow's Communications Allowance or the Incidental Expenditure Provision. As you will be aware the guidelines in the Green Book on the use of the Communications Allowance make it explicitly clear the allowance cannot be used to promote a party political agenda or to denigrate a member's political opponents:

*"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."*³

As you will see from the publication "Who's Talking?", on page eight is an article which explicitly criticizes the Conservative Party's prospective parliamentary candidate for Sutton and Cheam. Whilst describing Philippa Stroud as "twice failed" it refers to a story in the *Sutton Gazette*, which is a Liberal Democrat Party publication. This leaflet was posted on the 28th May 2008 (from the frank on the envelope) and it was pointed out to Mr Burstow's agent in 2007 that Philippa Stroud was resident in Sutton, not Fulham as one would have concluded from the article. It is possible that the Communications Allowance was also used to pay for the enclosed leaflet as well as the postage—that would be a further breach of the rules on the use of the Communications Allowance.

I would be grateful if you could investigate this matter as it seems to me that this publication is not only in clear breach of the guidelines for the Communications Allowance and pre-paid postage envelopes but also the spirit in which politics should be conducted. I also think it is wrong to send unsolicited mail at public expense in this manner to all new voters on the register, not just 18-year olds, as perhaps intended by the committee. I accept that the rules on the Communications Allowance permit this, but I do not believe the rules on use of pre-paid stationery do, and if Mr Burstow has used his £7,000 stationery allowance towards this I believe this is further ground for complaint. As the rules clearly state:

*"[Pre-paid envelopes] should not be used to send mail to people on issues on which they have not previously contacted you."*⁴

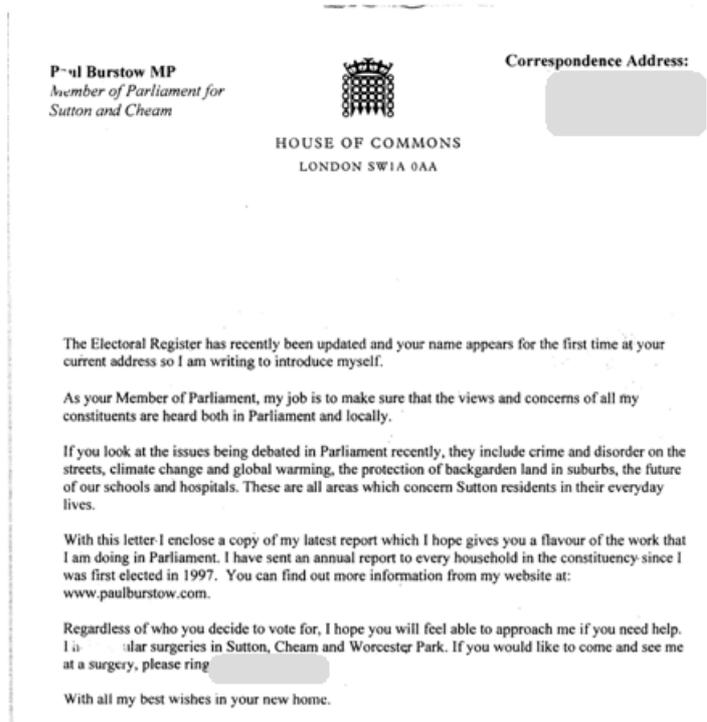
25 June 2008

² Publication not included in the evidence.

³ Page 13, Appendix 1: The Communications Allowance and the use of House stationery, April 2007

⁴ Page 33, Appendix 4: The Communications Allowance and the use of House stationery, April 2007

2. Letter from Mr Paul Burstow MP



2. Letter to the Commissioner from Mr Paul Burstow MP, 25 June 2008

I have received a copy of the letter sent to you concerning a complaint made by Crispin Blunt regarding my use of parliamentary stationery.

Having reviewed the circumstances surrounding the despatch of the material referred to I would make the following points:

1. I have issued an instruction to my staff to cease issuing the letter and any report;
2. The report enclosed with the letter was not paid for by the Communications Allowance and as such in itself did not have to be compliant with House rules;
3. The report should not have been sent in a parliamentary envelope, nor would it be in order for it to be sent at the cost of the Communications Allowance;
4. The letter accompanying the report should not have been sent in a parliamentary envelope;
5. I disagree with Crispin Blunt's contention that Members should not be able to communicate with constituents new to their constituency or those constituents who have turned 18 by means of unsolicited mail. I believe it is my responsibility to ensure that constituents know how to contact me if they wish to raise an issue or need my assistance;
6. I accept that I should not have used pre-paid envelopes for this purpose and I am making arrangements to reimburse the full cost of the envelopes and stationery with the Facilities Department;
7. In order that my practice of mailing to new constituents is regularised I am in discussions with the Department of Resources to ensure that any future mailing are fully compliant with House rules and that the cost is met either from the Communication Allowance or private funds.

I very much regret this error on my part and I am now taking urgent steps to put matters straight and refund the expenditure incurred. Please let me know if there is anything further that I should be doing. I would be happy to discuss the matter further if that would be helpful.

25 June 2008

3. Letter to Mr Paul Burstow MP from the Commissioner, 26 June 2008

Thank you for your letter of 25 June responding to Mr Crispin Blunt's complaint about your use of Parliamentary stationery which he sent me with his letter of the same date, copied to you. I was very grateful to receive such a prompt and clear response.

I have written to Mr Blunt to let him know that I have accepted his complaint that you may have used House of Commons pre-paid envelopes for unsolicited communications to some of your constituents in contravention of the rules for the use of such envelopes; and that you may have included with the letters material which may not be the sort of material which can be sent using pre-paid envelopes. I have not accepted his complaint that you may have funded your newsletter from the Communications Allowance.

I shall now consult the Department of Resources and the Facilities Department on the complaint and the actions you have taken to rectify matters. In the meantime, it would be helpful to know how the error occurred, whether it has been going on for some time, and how many such House of Commons pre-paid envelopes may have been used for this purpose. Could you also confirm that you are proposing to reimburse the cost of the stationery because you provided it from your stationery allowance?

I am very grateful for your help on this matter.

26 June 2008

4. Letter to the Acting Director of Operations, Department of Resources from the Commissioner, 26 June 2008

I would welcome your comments on a complaint I have received against Mr Paul Burstow in respect of his use of Parliamentary stationery in communications to some of his constituents.

I attach [relevant material].

I am asking if the Facilities Department could advise me on Mr Burstow's proposals for rectifying the position. I assume the position is that the pre-paid envelope should not have been used for unsolicited correspondence, nor should it have been used to enclose the newsletter which is not funded from Parliamentary resources. Mr Burstow refers to reimbursing the full cost of the stationery used. I assume that may be because he used stationery from his stationery allowance, again for an unsolicited communication. I am checking the position with the Facilities Department.

I would be grateful if the Department of Resources could advise me on the rules on whether the Communications Allowance can be used to send letters to voters new to the register as well as to those attaining the age of 18. I assume—but it would be helpful to have confirmation—that in this case the Communications Allowance could not have been used for the dispatch of this communication because it included a newsletter not funded from Parliamentary allowances. The content of Mr Burstow's letter to the voter is not part of the complaint. But any comments you may wish to make on that would, of course, be welcome. Finally, could you advise me on the discussions Mr Burstow reports that he is having with the Department on future mailings.

I would welcome any other comments or advice you can give me to help resolve this complaint. Clearly, since Mr Burstow has responded so quickly it would be helpful if I could have early replies so that I can try to resolve it as quickly as possible. I shall let you have any response I receive from Mr Burstow to my letter to him.

26 June 2008

5. Letter to the Head of Client Services, Department of Facilities, from the Commissioner, 26 June 2008

I would welcome your comments on a complaint I have received against Mr Paul Burstow in respect of his use of Parliamentary stationery in communications to some of his constituents.

I attach[relevant material].

I would be grateful if the Facilities Department could advise me on Mr Burstow's proposals for rectifying the position. I assume the position is that the pre-paid envelope should not have been used for unsolicited correspondence, nor should it have been used to enclose the newsletter which is not funded from Parliamentary resources. Mr Burstow refers to reimbursing the full cost of the stationery used. I assume that may be because he used stationery from his stationery allowance, again for an unsolicited communication.

I am asking if the Department of Resources could advise me on the rules on whether the Communications Allowance can be used to send letters to voters new to the register as well as to those attaining the age of 18. I assume—but I am asking for confirmation—that in this case the Communications Allowance could not have been used for the dispatch of this communication because it included a newsletter not funded from Parliamentary allowances. The content of Mr Burstow's letter to the voter is not part of the complaint. But I have asked the Department for any comments they may wish to make. Finally, I have asked them to advise me on the discussions Mr Burstow reports that he is having with the Department on future mailings.

I would welcome any other comments or advice you can give me to help resolve this complaint. Clearly, since Mr Burstow has responded so quickly it would be helpful if I could have early replies so that I can try to resolve it as quickly as possible. I shall let you have any response I receive from Mr Burstow to my letter to him.

26 June 2008

6. E-mail to the Commissioner from the Head of Client Services, Department of Facilities, 1 July 2008

I agree that Mr Burstow should not have used pre paid envelopes or stationery from the House provision for this mailing. I do not think that he has contacted my office yet to arrange to reimburse the House but it would be helpful to know how many mail shots were sent out and then we will send him an invoice for first class envelopes and paper.

1 July 2008

7. Letter to the Commissioner from Mr Paul Burstow MP, 1 July 2008

Thank you for your letter of 26th June concerning the complaint about my use of Parliamentary stationery which I received today.

You ask me to explain how the error occurred, the duration of the practice and the quantity of Commons stationery used. The routine practice of mailing new constituents and those turning 18 arose out of a discussion at an awayday with my staff in November 2006.

Because of the way in which electoral registers work the practice did not begin until January 2007. The practical steps necessary to introduce the practice were undertaken by my staff. Because the letters are mail merged and posted on a monthly basis (except November and December when the register is frozen) I did not see how the letters were being mailed. I realise now that I should have been more careful in checking how the letters were to be despatched.

Over the period January 2007 to June 2008 my office sent 3,497 letters to constituents. I have emailed [...] in Facilities and Finance asking him to raise an invoice so that I might reimburse the cost of the envelopes and stationery that were used for this purpose.

I have purchased some stationery with a view to using it for Communication Allowance compliant activities. However, in this case I accept that the use of stationery and envelopes was not in accordance with the rules and I am therefore seeking to reimburse the full cost.

Finally, I am in the process of putting in place a Communication Allowance compliant practice in respect of unsolicited communications with new constituents and those who turn 18.

I hope that this letter provides all the information you requested.

1 July 2008

8. Letter to Mr Paul Burstow from the Commissioner, 2 July 2008

Thank you very much for your letter of 1 July with the further information I asked for in my letter to you of 26 June.

It was most helpful to receive this. I wrote to the Facilities Department on 26 June and enclose a copy of their e-mail reply. I am sending them a copy of your letter, so they will know the numbers involved and that you have been in touch with [name of official].

I also wrote to the Department of Resources on 26 June for their comments and will let them have a copy of your further letter. I hope they will be in a position to let me have their comments shortly.

Thank you again for your help with this matter.

2 July 2008

9. Letter to the Commissioner from the Acting Director of Operations, Department of Resources, 3 July 2008

Thank you for your letter of 26 June 2008 concerning items distributed by Mr Burstow in his constituency using House of Commons stationery.

There appear to be three matters that concern this Department; namely, the legitimacy of sending targeted letters to new constituents, whether other material could be sent with it and whether we have given Mr Burstow any recent advice on targeted mailings.

I confirm that letters to constituents new to the electoral register are permitted and can be paid for from the Communications Allowance (CA). Whilst there is no specific reference to this type of correspondence in the booklet *The Communications Allowance and the use of House stationery*, we have accepted Member representation that it is acceptable to contact new constituents in order to inform them of who their Member of Parliament is and how they can contact them.

Mr Burstow's letter to new constituents would have been acceptable under this interpretation of the rules. However, it is not acceptable to enclose other noncompliant or separately funded material with such a publication, as the distribution cost would be charged to the CA. Page 21, para 11 of the guidance to Members states that "*Parliamentary newsletters and other publications may be included in the same mail drop as any political material but it must be placed in a separate envelope or cover. The Communications Allowance should not be used to meet the cost of distributing any non-parliamentary material.*" Therefore, neither the letter nor the distribution costs can be met from the CA.

Mr Burstow says, in his letter of 25 June, that he is in discussion with the Department of Resources "... to ensure the any future mailing are fully compliant ...". Mr Burstow has previously submitted publications to this department for review: the last two were targeted letters and were received on 30 April and 9

June; both were compliant and required no alterations. We have no other record of Mr Burstow seeking specific guidance on this matter.

I hope this clarifies the issue, but should you have any further questions please do not hesitate to contact me.

3 July 2008

10. Letter to Mr Paul Burstow from the Commissioner, 3 July 2008

I have now received a letter of 3 July from the Department of Resources about the complaint about your use of Parliamentary allowances for the "new voter" communication to your constituents.

I enclose a copy of the Acting Director's letter.

Subject to your confirmation — and to any comments you may wish to make on the Acting Director's letter — I am minded now to move to the determination of this complaint. On the basis of what you have told me, and the actions you have taken, I am minded, subject to your agreement, to use the rectification procedure to dispose of this matter. This allows me to recognise your acceptance of a breach of the rules of the House, your apology and the actions you have taken to rectify the matter, write to the complainant and close the complaint. I would subsequently report the outcome informally to the Committee on Standards and Privileges.

I have noted and accepted the Department of Resources' advice that it is permissible to use Parliamentary allowances to meet the costs of communicating with new voters within a Member's constituency including those new to the electoral register. However, I am taking it from what you have told me that you accept there was a breach of the rules in your use of pre-paid envelopes for correspondence and your newsletter because it was on a matter on which the constituent had not previously contacted you; the stationery had mistakenly been taken from your provided stationery rather than paid for through your allowances; and you should not have included in Parliamentary funded correspondence a non-Parliamentary newsletter.

You have also indicated that you are willing to pay personally the full costs of the first-class envelopes and stationery used for this correspondence from January 2007, when the process was initiated, to June 2008 when you suspended it; and that you are considering how best to communicate with new voters within the rules of the House and will be consulting the Department of Resources with your proposals. I would hope that you would be able to open discussions with the Department of Resources on your ideas comfortably before the Recess.

If you could let me know as soon as possible whether this is fair summary of the position, and whether you have any further comments you may wish to make, I would hope to be able to resolve the matter quickly.

3 July 2008

11. Letter to the Commissioner from Mr Paul Burstow, 8 July 2008

Thank you for your letters of the 2nd and 3rd July concerning 'new voter' communications.

I am happy to confirm that your letter of the 3rd July is a fair summary of the position. I have given instructions to my staff to enter into discussions with the Department of Resources concerning compliant 'new voter' communications.

I hope that this provides you with sufficient information to resolve the matter quickly.

8 July 2008