

# Dr Rudi Vis MP: Resolution Letter

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## Letter to Mr Edward Condon from the Commissioner, 12 February 2009

I have now concluded my consideration of the complaint you sent me on 10 November against Dr Rudi Vis MP about a letter he sent to his constituents in November 2008.

In essence, your complaint was that Dr Vis had used the House of Commons Communications Allowance to fund the cost of notepaper to send a letter containing party political material to his constituents.

I have consulted Dr Vis and the House authorities about this matter.

Dr Vis has readily accepted that the note paper used for this letter should not have been funded from the Communications Allowance. This was because part of the letter, in particular the opinion survey, and addressing the return envelope to the Finchley and Golders Green Labour Action Team, constituted a party political activity, contrary to the rules of the House. Dr Vis has identified for me a similar letter which was sent to some constituents in February 2008. All the letters in both dispatches were hand delivered, and no House of Commons envelopes were used. The mistake was made in Dr Vis' constituency office. Dr Vis has taken action in his office to prevent a recurrence. He has agreed to meet the cost of the note paper used for these two dispatches which was incorrectly funded from the Communications Allowance.<sup>1</sup> Dr Vis has apologised for the errors made.

I consider that this is a satisfactory resolution of the complaint and I therefore now regard the matter as closed. I shall report the outcome to the Committee on Standards and Privileges.

Thank you for raising this matter with me.

I am copying this letter to Dr Rudi Vis MP

*12 February 2009*

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<sup>1</sup> £49.33

# Dr Rudi Vis MP: Written Evidence

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## 1. Letter to the Commissioner from Mr Edward Condon, 10 November 2008

I am writing to report what I believe to be a breach of the regulations for Members regarding the Parliamentary Communications Allowance.

On 8 November of this year my wife received a letter (enclosed) from Rudi Vis MP addressed to her under her maiden name, which was delivered by hand. The stationery used clearly states that it is paid for under the HoC Communications Allowance and it also bears the seal of the House of Commons. In the letter she is encouraged to answer an opinion poll on her party political voting intentions for the next general election. She is further asked to use a prepaid envelope (also enclosed) to return her "Opinion Poll". The return address on the envelope is to a "Labour Action Team".

Section 1.4 of the HoC Communications Allowance Booklet clearly states "Neither the Communications Allowance nor House stationery, including pre-paid envelopes, can be used for personal benefit or for party political activities or campaigning." This would seem to me to be an obvious breach if the letter was indeed produced using the communications allowance as it says it is.

I would be grateful if you could tell me your opinion of this matter and recommend steps I can take in ending this use of taxpayers' money for conducting a voting intention poll for the benefit of the Finchley & Golders Green Labour Party.

Please feel free to correspond with me at my office address which is care of [...] or on [...].

*10 November 2008*

## 2. Letter to constituents from Dr Rudi Vis MP, November 2008

As the local Labour MP for Finchley and Golders Green for over ten years I have always valued the views of local people, and there is no better way of finding out your opinions than asking you direct. I'd like to know what you think about local & national issues and Barnet Council—no matter what your political views are. Knowing what you think means we can work all year round for the causes that you tell us are important.

Over the years I have had the opportunity to talk to and correspond with very many constituents and I have valued and benefited from hearing their views on a whole range of local and national issues and from understanding the problems, large and small, that constituents face in their daily lives. I believe that I have been able to make a real difference to the lives of my constituents by being able to tackle some of those problems. I have also enjoyed sharing with many of them the changes and improvements we, together, have been able to make to Finchley and Golders Green over the past ten years.

I have not had the opportunity to speak to you personally yet, but I would very much appreciate your views on a number of issues. I know from experience that understanding my constituents' views helps me to represent them better both locally and in Parliament and I'd like to ensure that you are part of that. If there are any issues you would like to raise with me then fill in the slip below and return to me by using the Freepost envelope enclosed.

*November 2008*

## 3. Letter to Dr Rudi Vis MP, from the Commissioner, 13 November 2008

I would welcome your comments on a complaint I have received about a letter you sent to your constituents this month which included a form asking for their voting intentions. The letter was apparently paid for from the Communications Allowance.

I attach a copy of the complainant's letter of 10 November, together with your letter to your constituents, a return envelope addressed to the Finchley & Golders Green Labour Action Team and the white plain envelope in which the complainant says his wife received your letter.

In essence, the complaint is that you have used the Communications Allowance to fund the cost of notepaper to send a letter to your constituents containing party political material.

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 in respect of the Communications Allowance are contained in a document entitled *The Communications Allowance and the use of House stationery*, issued in April 2007.

Paragraph 2.1 of the rules sets out the scope of the allowance, including the following:

*"The Communications Allowance may be used to meet expenses for:*

*Regular reports and constituency newsletters*

*Questionnaires and surveys*

*...*

*Targeted communications*

*..."*

The April 2007 rules and guidance also provides in Appendix One a new section 6 to the Green Book on the Communications Allowance. Section 6.2.1 sets out the principles and propriety, including the following:

*"You must avoid any arrangements which may give rise to an accusation that you—or someone close to you—is obtaining an element of profit from public funds; or that public money is being diverted for the benefit of a political organization."*

Paragraph 6.15.1 gives examples of expenditure not allowable under the Communications Allowance, including:

*"...*

*Petitions, surveys or questionnaires associated with national political campaigning or local elections*

*Party political activities*

*Membership drives*

*..."*

Appendix Two gives further rules and guidance on producing newsletters and other publications from the Communications Allowance. Paragraph 4 gives the scope of permitted publications, including:

*"...*

*Questionnaires and surveys*

...

*Locally targeted communication with constituents or specific groups (e.g. voluntary sector organizations) in order to gauge opinions or impart information specific to your role as a constituency Member of Parliament.*

..."

Paragraph 7 of Appendix 2 provides:

*"No party political or campaigning material is allowable in any part of a publication funded, wholly or in part, from the allowance."*

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

1. how many copies of your November 2008 letter you had printed, and if you have sent similar letters within the last year, and if so, how many;
2. whether you consider that the content of your letter, and the form of the survey you prepared, including its return to the Finchley & Golders Green Labour Action Team, was in accordance with the rules of the House in relation to communications funded from the Communications Allowance, and if so, why;
3. what consideration you gave to the use of the Communications Allowance to fund this letter given your decision to use your Labour Action Team to receive responses. In particular, what account you took of my letter to you of 3 March 2008 which gave the views of the Director of Operations at the Department of Resources about the use of the Communications Allowance for another letter from you. That letter included a reference to the Labour Action Team. You subsequently accepted in your letter to me of 5 March 2008 that the use of Parliamentary stationery for that letter was a breach of the rules of the House.

Any other points you wish to make to help me with this inquiry would, of course, be very welcome.

I attach a note which sets out the procedure I follow. I am informing the complainant that I have accepted his complaint and am writing to you about it.

I will be very grateful if you could let me have a response within the next three weeks. If there is any difficulty about that, or you would like to discuss any other matter arising from this complaint with me, please contact me at the House.

I would welcome your help with this matter.

*13 November 2008*

#### **4. Letter to the Commissioner from Dr Rudi Vis MP, 27 November 2008**

I have now received the required information concerning the use of stationery paid for by the Communications Allowance in instances where that should not have happened. The activists of my party hand-delivered 400 letters on headed paper paid for by the Communications Allowance. No House of Commons envelopes were used.

We have, to my knowledge, not used any other part of the Communications Allowance for these purposes except a letter dated February 2008 which has just been brought to my attention of a batch of 250 headed-paper hand delivered with the same errors as in your present questions.

In your second question three mistakes were indicated: “As the local Labour MP for....” Secondly, a short opinion poll was put at the bottom of the letter. Thirdly, the letter was accompanied by a printed free-post envelope addressed to the Finchley and Golders Green Labour Action Team.

The letter was prepared by my constituency assistant, who had been warned, after 5th March 2008, not to use materials from the Communication Allowance for party political campaigning or from House of Commons, unless it was to respond directly to a query from a constituent. Apparently this matter was overlooked and I am therefore responsible for this error.

I can only apologise for these errors. I have, once again, instructed staff not to use materials when the instructions do not allow for it.

*27 November 2008*

## **5. Letter to Dr Rudi Vis MP from the Commissioner, 2 December 2008**

Thank you very much for your letter of 27 November about this complaint in respect of your use of notepaper funded from the Communications Allowance.

It was most helpful to have such a clear response and I very much appreciate you writing to me before your Council of Europe and Western European Union work this week.

There is one point however on which I need your help before I consult the House authorities. You refer to instructing your staff once again not to use materials when the instructions do not allow it. It would seem that, despite the warning you gave your staff after you wrote to me on 5 March 2008 about a previous complaint, your instructions were overlooked. Clearly you will not want such errors to continue. It would be helpful if you would let me know whether you have considered what further actions you could take in addition to repeating your instructions to your staff to give some assurance that these mistakes will not recur; and if so what these might be.

Thank you again for your help on this.

*2 December 2008*

## **6. Letter to the Commissioner from Dr Rudi Vis MP, 12 January 2009**

Allow me to thank you again for seeing me today and giving me the opportunity to discuss mistakes made by my office concerning the Communications Allowance.

These matters were discussed in some detail at 3.30pm today when I called [staff member] and she agreed that she failed to throw away the copy that was unacceptable and before the acceptable copy arrived back to her she had added a short survey to the unacceptable copy. Then most unfortunately she made the mistake of using the wrong copy which should have been destroyed in the first place.

[Material about the organisation of Dr Vis' office.]

If you wish to receive any further information please let me know.

*12 January 2009*

## **7. Letter to the Director of Operations, Department of Resources from the Commissioner, 13 January 2009**

I would welcome your help and advice on a complaint I have received against Dr Rudi Vis MP about his use of the Communications Allowance to send a survey letter to his constituents.

In essence, the complaint is that Dr Vis has used the Communications Allowance to fund the cost of note paper to send a letter to his constituents containing party political material. I attach [relevant evidence].

As you will see, Dr Vis accepts that the Communications Allowance should not have been used to fund the note paper used for this letter. It is not clear whether the Communications Allowance has also been used to fund the cost of the free post facility. It would appear that Dr Vis discussed with the Department of Resources the content of his letter in advance and agreed it with the Department, but, due to a mistake in his constituency office, an earlier unapproved version was dispatched with the addition of the survey questions. It would appear that four hundred such letters were sent out. And it would appear that a further 250 similar letters were sent out in February 2008, although it is not clear whether there were any discussions with the Department about the content of that earlier letter.

Dr Vis has apologised for the errors and has set out in his letter of 12 January the action he proposes to take to avoid a recurrence.

I would welcome your comments on the current complaint, in particular on any discussions that the Department has had about the circulation of Dr Vis' letters in February 2008 and again in November 2008; your estimate of the cost which has been incurred from the Communications Allowance as a result of these dispatches; and any comments you may wish to make on the action which Dr Vis is taking to avoid a recurrence.

It would be most helpful to have a response on this matter, if possible by the end of the month.

*13 January 2009*

## **8. Letter to the Commissioner from the Director of Operations, Department of Resources, 22 January 2009**

Thank you for your letter of 13 January 2009 concerning the survey letter sent by Mr Vis to a number of his constituents.

You indicate that Dr Vis submitted his survey letter for review by this Department. We have no record of such a letter being received prior to its delivery in November 2008 nor advice being given; there is also no record of any previous letter being received around February 2008.

A letter, sent by his Senior Parliamentary Assistant, [...], was received in the Department and reviewed and approved on 3 December 2008 but this is not the one that has accompanied the complaint.

As you point out, Dr Vis agrees that his letter should not have been produced or delivered using the Communications Allowance. We agree with him.

Dr Vis has not made any claim against his Communications Allowance for paper or postage in this financial year. He did however claim for letter heads provided by a company called [...] in the last financial year. A quantity of 7,500 was paid for in February 2008 and 10,000 in March 2008.

There is a slight difference in costs per 1,000 copies on the two invoices which would indicate that the 250 letters distributed in February 2008 would have cost £19.33 and the 400 distributed in November 2008 (assuming the cost is calculated on the second quantity purchased) would have cost £30.

We have received no claims for freepost envelopes or stamps against the Communications Allowance during this financial year.

Finally, in relation to the action taken by Dr Vis to avoid a recurrence of this situation, I am satisfied that he has reiterated to his constituency office staff the rules that should be applied when dealing with the Communications Allowance. He has also confirmed [reference to staffing matters].

I hope this covers all the issues you have raised.

*22 January 2009*

## **9. Letter to Dr Rudi Vis MP from the Commissioner, 27 January 2009**

I am writing to you further about this complaint in respect of your use of the Communications Allowance to fund the note paper for surveys you sent out in February and November last year.

When I wrote to you on 13 January, I said that I would be consulting the Department of Resources on the basis of the letter you helpfully sent me the previous day. I have now received a response from the Director of Operations. I attach a copy of his letter of 22 January.

As you will see, the Department agrees that the note paper used for these survey letters should not have been funded from the Communications Allowance. The cost of the note paper for both letters would together have been £49.33. The Director has noted the action you have taken to avoid a recurrence.

There is one point, however, on which I need your help before I consider how best to proceed. Your letter noted that your assistant failed to throw away the copy of the letter that was unacceptable. I believe you mentioned, when we met on 12 January, that the Department of Resources had agreed the earlier (acceptable) version. As you will see, the Department has no record of being consulted on such a letter prior to their delivery in February or November last year.

I would be most grateful, therefore, if you could clarify the position for me. Was I right in my understanding from our meeting that you believed that the Department of Resources was consulted about one or other of these letters? Do you accept the Department's understanding that this did not happen? If so, was it the case that you yourself agreed a version that you believed to be acceptable, but this was not the version that was in fact sent out, which you readily accept was unacceptable? Or there may be another explanation. I do need your help in clarifying this so that I can be clear on the facts.

I would like to come to a view on the way forward on this complaint as soon as possible, so if you could let me have a response within the next week, that would be most helpful. If you would like a word about this, either in person, or on the phone, please contact me at the House.

Thank you again for your help.

*27 January 2009*

## **10. Letter to the Commissioner from Dr Rudi Vis MP, 4 February 2009**

Thank you for your letter of the 27th January. I may have given you the impression that the letter that was complained about had been checked by the Department of Resources. What went through my mind in your Office on the 12th January after you requested whether the letter had been checked by the Department of Resources was a reference to a different letter of December 2008 which went through the Department of Resources and was approved. I was therefore mistaken in my answer. The letter that was complained about was never checked by the Department of Resources.

I believe the remainder of my previous letter of explanation to you and any other aspects discussed in your office on the 12th January remains the same.

I apologise for having raised this confusion.

*4 February 2009*

## **11. Letter to Dr Rudi Vis MP from the Commissioner, 10 February 2009**

Thank you very much for your letter of 4 February confirming that the Department of Resources had not in fact seen earlier drafts of the letter which is the subject of this complaint, or of a similar letter sent out in February last year.

I need now to consider the way forward. As you know, it is open to me to resolve the complaint through the rectification procedure rather than submit a formal memorandum to the Committee on Standards and Privileges. The rectification procedure enables me to resolve a complaint where a Member has accepted the breach, where it is inadvertent and comparatively minor, and where suitable rectification, including financial recompense, has been made. The Committee also looks to the Member to apologise (as you have already done). In such cases, I write to the complainant, copied to the Member, and report the outcome briefly to the Committee.

In the light of your responses, and taking account of the advice I have received from the House authorities, I am minded, if you agree, to resolve this complaint through the rectification procedure. If so, I would tell the complainant that you had readily accepted that the note paper used for the letters should not have been funded from the Communications Allowance. This was because part of the letter, in particular the opinion survey, and addressing the return envelope to the Finchley and Golders Green Labour Action Team, constituted a party political activity, contrary to the rules of the House. I would note that you had identified for me a similar letter which was sent to some of your constituents in February 2008. I would note also that all the letters in both dispatches were hand delivered, and that no House of Commons envelopes were used. I would tell the complainant that the mistake was made in your constituency office and that you had taken action in your office to prevent a recurrence. I would note that you have agreed to meet the cost of the note paper used for these two dispatches which were incorrectly funded from the Communications Allowance, and that you had apologised for the errors made.

Before considering this further, I would be grateful to know whether you agree to rectification on this basis. If so, the House authorities would ask you to pay for the note paper which you drew from the Communications Allowance (£49.33) and I would write to the complainant and report the outcome to the Committee.

If you could let me have a response to this letter in the next week or so, and you were to agree to rectification, then I would aim to resolve this matter very shortly thereafter.

Thank you for your help with this.

*10 February 2009*

## **12. Letter to the Commissioner from Dr Rudi Vis MP, 11 February 2009**

Thank you for your generous letter of 10 February 2009. I agree with the content and therefore agree to rectification and I will pay the allowance of £49.33.

Allow me to say that I'm most grateful for your very understanding handling of the complaint.

*11 February 2009*