

Rt Hon Liam Byrne MP: Resolution Letter

Letter to Dr David Radcliffe from the Commissioner, 8 June 2009

I have now concluded my consideration of the complaint I received from you on 18 March against Rt Hon Liam Byrne MP in respect of the correspondence you enclosed with your letter.

In essence, the complaint which I have been considering from you is that Mr. Byrne used House of Commons pre-paid envelopes to send his constituents circular letters contrary to the rules of the House.

I have made inquiries of Mr. Byrne and of the House authorities about this matter.

Mr. Byrne has readily accepted that his circular letters should not have been sent using pre-paid House of Commons envelopes. This is because such envelopes may not be used to send mail to people on issues on which they had not previously contacted the Member. The mistakes occurred because, in Mr. Byrne's absence, an office volunteer, who posted the letters, was not aware of the rule that pre-paid envelopes may not be used for such mailings. The letters would only have been acceptable for funding from the Communications Allowance if they had borne an imprint identifying the source of funding and if the photograph of the two councillors with Mr. Byrne had not been included in the survey included with one of the letters.

Mr. Byrne has agreed to meet the full cost of these two dispatches, which amounted to just over 540 letters¹. He has taken action in his office to prevent a recurrence. He has apologised for the error. I consider this is an acceptable resolution of his complaint and I now regard the matter as closed. I shall report the outcome to the Committee on Standards and Privileges.

8 June 2009

¹ £240.

Rt Hon Liam Byrne MP: Written evidence

1. Letter to the Commissioner, from Dr David Radcliffe, 13 February 2009 (received 18 March 2009)

In November 2008 I wrote to both the Director of the Department of Resources and the Serjeant at Arms with examples of 2 letters which were sent out by Liam Byrne MP in Birmingham Hodge Hill constituency in September and October 2008.

I enclose copies of Mr Byrne's letters for you. I sent the originals with my first letters, including the pre-paid envelopes, though I do have one more unopened letter.

Both of Mr Byrne's letters were sent out across at least one quarter of Mr Byrne's constituency, in Hodge Hill Ward, to around 10,000 homes.

I believe there is a clear misuse of Parliamentary resources.

I wrote to the Serjeant at Arms as pre-paid parliamentary envelopes were used to send the letters out and both letters from Liam Byrne were clearly un-solicited mail.

I know my letter was sent on to the Accommodation Office as I have received acknowledgement letters, but no further correspondence.

[material not relevant to the complaint accepted]

I have not received any correspondence at all from the Department for Resources.

I look forward to hearing from you soon as I hope you can offer me an answer to my queries.

13 February 2009

2. Enclosures from Dr David Radcliffe



10th September 2008

Dear Friend

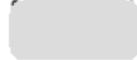
I write to check you're aware that Tesco have applied for detailed planning permission from Birmingham City Council to build on Brockhurst Playing Fields.

As you can see from the enclosed cutting I was shocked to see that they tried to slip the consultation through in August, so I demanded an extension - and got one.

We now have until September 25th to put in objections. You can look at the plans on www.Birmingham.gov.uk. Look at planning applications online and enter Local Authority Reference Number N/04161/08/RES. If you don't have access to the internet please call my office on [redacted] and I will send you a hard copy.

Please send your thoughts and comments to me at

FREEPOST [redacted]
Liam Byrne MP



And I will make sure they go to the council.

Yours sincerely



Liam Byrne MP
Working Hard for Birmingham Hodge Hill

SUPERSTORE: Plan 'sneaked through under cover of summer'

Halt the Tesco goliath - Byrne

By Edward Chadwick

TESCO and Birmingham City Council must give residents more time to consider plans for a new store, says an MP.

The retail giant has unveiled details of its 5,500 square metre store on Brockhurst playing fields, Hodge Hill. Liam Byrne said that he believed Tesco had submitted the plans during the summer - while politicians are enjoying their annual break - to avoid the sort of wrangle which followed when they first announced plans to build on the playing fields.

Mr Byrne (Lab, Hodge Hill) has accused the firm of underhand tactics in a bid to outmanoeuvre campaigners who have tried to put the brakes on the Tesco scheme since it was first mooted five years ago.

"This is an outrageous attempt to slip

unpopular decisions past residents in August in the hope that no one will notice.

"In the interests of fairness I have demanded an extension of the consultancy process in order that all views can be heard."

The council agreed to sell the land to Tesco and gave the firm outline planning permission last year, despite angry demonstrations by residents.

Tesco will plough £1 million in to sports facilities in the area as part of the deal, but Mr Byrne said young people had been "sold out" by the council.

The consultation period for the planning application was due to finish tomorrow, but residents will be allowed to apply to address city planners at a committee.

The council said written objections would be accepted until the meeting.

Mr Byrne added: "Residents and traders have already been let down by Birmingham City Council's sell-out to Tesco.

"The least they can do is allow a real opportunity to have their say on the issues that will affect them."

The plans reveal developers will create a glass and timber-fronted store with 366 parking spaces.

No-one was immediately available for comment from Tesco.

A city council spokesman said: "We will accept all representations until the morning of the planning committee, which will not be before September 25.

"That will mean there will have been at least 50 days since the public notice was issued on August 6 for the public to respond.

"This is well in excess of the 21 days were are statutorily obliged to give."



House of Commons Westminster London SW1A 0AA

Liam Byrne MP

Dear Friend

Residents Meeting

Blue Cross Church, [REDACTED]

Friday 10th October 5.45 - 7.00pm

Following on from my residents meeting earlier this year I write to invite you and your family to meet me again to talk about your area.

I wrote to you a couple of months ago to update you on the issues with speeding and parking and toilet facilities at the Fox and Goose. As you may know I persuaded Tesco to allow their toilet facilities to be used by anybody without having to walk through the main store. This compromise was suggested by local residents to save money that can be used for other things.

We also spoke at length about the Tesco development. I am outraged that plans for changing rooms on the playing fields have been submitted without consultation with local residents. And I had to convene planning officers and regeneration specialists to make sure there was a plan in place to look after the Fox & Goose shopping centre since we were sold out by the council.

I have submitted a Freedom of Information act request to the council to find out how much Tesco paid for Brockhurst playing fields. I want to make sure that all the money goes on improving Hodge Hill, not to be used in the city centre and Sutton! I will tell you how I've got on at the meeting on Friday.

I'm still campaigning for cleaner streets. Earlier this month I launched 'RubbishTV', log on to www.liambyrne.co.uk to see videos of streets that are in desperate need of cleaning. Let me know where there is rubbish so I can come and make a film about your street.

Lots of people sent back my survey demanding Hodge Hill be prioritised for ward based cleaning. We won! A ward based cleaning team has been in place for two months. Has it made a difference to you? Let me know by filling in the questionnaire and sending it back to the FREEPOST address provided.

I hope you can make it on Friday.

Yours sincerely

[REDACTED]
Liam Byrne MP
Birmingham Hodge Hill



Liam Byrne MP
Working for a FAIR deal
for YOUR family

Did you know that Warm Front can provide up to £2,700 towards insulation and heating measures for the elderly, disabled and low income families

• **£8,187,308** has been invested in Hodge Hill

• **6889** local families have benefitted

• Many households save **£300–£600** per year

Can you get help with your energy bills?

Do you own your own home or live in privately rented accommodation?

If yes, find out if you qualify
call Warm Front on [REDACTED]

DID YOU KNOW?

- Child benefit is at a record high
- But 33% of parents in our area aren't claiming Children's Trust Fund!
- Every child born after 1 September 2002 is entitled to £250–£500

Let me help you collect it!
Contact my office for a fact sheet

3 ways to get in touch with me
Call: [REDACTED]
Email: [REDACTED]
Write: HoC, London, SE1A 0AA



Liam Byrne MP
Working for you,
all year round



How has the new ward based
cleaning team affected your
street? Let me know so I can
pass it on.

Name (1st person): _____
 Address: _____
 Postcode: _____
 Phone: _____
 Email: _____

Name (2nd person): _____
 Address: _____
 Postcode: _____
 Phone: _____
 Email: _____

1. Since August the rubbish in my street has
been
 Better The same Worse

1. Since August the rubbish in my street has
been
 Better The same Worse

2. There are problems with Anti Social
Behaviour in my street
 Yes No

2. There are problems with Anti Social
Behaviour in my street
 Yes No

My main local concerns are:
 1. _____
 2. _____
 3. _____

My main local concerns are:
 1. _____
 2. _____
 3. _____

Working Hard for Hodge Hill



Cllr Gill Beddows, Liam Byrne MP, Cllr Anita Ward
Building a Community we're PROUD of.

2nd Fold

1st Fold

Freepost [redacted]
Liam Byrne MP



3rd Fold, tuck flap in



For news and updates see:
www.liambyrne.co.uk

3. Letter to Rt Hon Liam Byrne MP from the Commissioner, 19 March 2009

I would welcome your help on a complaint I have received from Dr David Radcliffe about your use of House of Commons pre-paid envelopes to send circular letters to your constituents.

I attach a copy of the complainant's letter dated 13 February—which I received on 18 March—together with his enclosures. In essence, the complaint is that you used House of Commons pre-paid envelopes to send to your constituents circular letters contrary to the rules of the House.

I have not accepted the complainant's additional complaint about your alleged use of the Communications Allowance because the complainant has not provided me with sufficient evidence that the letters about which he complained were funded from the that allowance, or from any other source of Parliamentary funding. Questions about whether their content is in accordance with the rules in relation to expenditure from Parliamentary

allowances do not, therefore, arise. I have also not accepted his complaint about the use of the portcullis emblem on your survey since I do not believe that its use reasonably creates a risk that the survey might wrongly be regarded or represented as having the authority of the House.

The Code of Conduct for Members of Parliament 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 relation to the use of pre-paid envelopes were included in a publication entitled “The Communications Allowance and the use of House stationery” published in April 2007. Appendix 4 gives rules and guidance on the use of pre-paid envelopes. Paragraph 10 provides:

“Pre paid envelopes

10. In broad terms, the pre paid envelopes are designed to enable you to reply to letters received and to write to individuals and organisations in pursuit of your parliamentary business. They should not be used to send mail to people on issues on which they have not previously contacted you. You should refer to the guidance note on publications funded from the Communication Allowance (such as annual reports) for help with the costs of mail to inform your constituents about, for example, news about your work as a Member.”

Paragraph 11 provides:

“Pre paid envelopes may only be used in pursuit of your parliamentary duties. This includes

...

d) correspondence with constituents in connection with an issue on which they have previously contacted you.”

Paragraph 13 provides:

“Pre paid envelopes may only be used to send updates to constituents on an ongoing basis where the updates relate to specific cases which have been raised with you by those constituents (such as progress on asylum applications). Pre paid envelopes may not be used to send updates of more general concern.”

Paragraph 14 provides:

“Pre paid envelopes must not be used.

...

h) for correspondence with constituents on issues on which they have not previously contacted you or on which they have only contacted you at your own instigation.”

I would welcome your comments on the complaint about your use of pre-paid envelopes in the light of this summary of the relevant rules. In particular, it would be helpful to know:

1. the circumstances in which you came to use pre-paid envelopes to send to constituents your letter of 10 September 2008 and information about the 10 October residents’ meeting, together with your survey;
2. your view on whether these dispatches were in accordance with the rules of the House, and if not, how the breach occurred;
3. the size of the two dispatches which you sent using pre-paid House of Commons envelopes, and whether you used first or second class pre-paid envelopes for these dispatches;
4. how many similar dispatches, if any, you have sent in pre-paid envelopes in the last twelve months, taking account of the complainant’s reference to his having one more unopened letter apparently from you.

Any other points you wish to make to help me with the consideration of this complaint would of course be most welcome.

I enclose a note which sets out the procedure I follow in dealing with complaints. I have written to the complainant to let him know that I have accepted part of his complaint and I am writing to you about it. I would be very grateful if you could let me have a response to this letter within the next three weeks. If there is any difficulty about this, or you would like to talk to me about it, please contact me at the House.

I would be very grateful for your help on this matter.

19 March 2009

4. Letter to the Commissioner from Rt Hon Liam Byrne MP, 6 April 2009

Thank you for your letter of 19 March 2009.

You may be aware that this matter has already been brought to my attention as Dr David Radcliffe has previously issued this complaint to [the Director of Accommodation Services] and [Director of Operations]. As such I have commenced—and now completed—an internal investigation into this matter.

If I may take your points in order,

1. The circumstances in which my office came to use pre-paid envelopes to send these mailings.

On the 10th of September when the letters regarding Tesco's development were sent I was in China on business. The residents' meeting letters were sent out the week of the 6th October when the House returned from summer recess and I was in Westminster. A trusted volunteer printed, stuffed and posted the letters. It was a genuine mistake that parliamentary pre-paid envelopes were used as opposed to standard stamped envelopes.

2. My view on whether these dispatches were in accordance with the rules of the house, and if not, how the breach occurred.

It is clear that these mailings should have been sent in standard stamped envelopes with the communications allowance imprint. I believe that a volunteer got the instructions muddled and did not appreciate the consequences of this mistake.

3. The size of the two dispatches

These mailings did not go to 10,000 homes as stated by David Radcliffe. The Tesco mailing went to 228 homes. The Residents meeting invite to 315. The volunteer in question believes they were sent in 1st class envelopes due to the timescale attached to each one.

4. Similar dispatches

To the best of my knowledge no similar dispatches have been sent in pre-paid envelopes in the last 12 months.

I offer my sincere apologies for this mistake. I will of course repay the cost of the envelopes. I have re-iterated to my staff the importance of being aware of the rules regarding the use of pre-paid envelopes. I thank Dr Radcliffe, who I believe is a Liberal Democrat Councillor, for bringing this matter to my attention.

6 April 2009

5. Letter to the Director of Operations, Department of Resources, from the Commissioner, 7 April 2009

I would welcome your help on a complaint I have received against Rt Hon Liam Byrne MP about his use House of Commons prepaid envelopes to send circular letters to his constituents.

I attach [relevant material]

In essence, the complaint is that Mr Byrne used House of Commons prepaid envelopes to send his constituents circular letters contrary to the rules of the House.

I would welcome your comments and advice on the complaint, taking account of Mr Byrne's response. Mr Byrne suggests that the cost of both letters, including their postage, was intended to have been met from the Communications Allowance. You will see that the complainant initially raised a complaint about the content of the letters, which I did not accept because there was no evidence that the letters themselves had been funded from that allowance. It would be helpful to know whether Mr Byrne has in fact claimed from the Communications Allowance for these two letters and also whether the Department's advice is that the content of the letters is acceptable under the rules in relation to the Communications Allowance.

Since Mr Byrne accepts that prepaid House of Commons envelopes should not in any event have been used, I would also welcome your advice on Mr Byrne's proposal that he repays the costs of the envelopes, taking account of your advice on the possible use of the Communications Allowance.

It would be very helpful if I could have a response to this letter within the next three weeks.

I am copying this letter for information to [...] in Accommodation Services.

7 April 2009

6. Letter to the Commissioner, from the Director of Operations, Department of Resources, 30 April 2009

Thank you for your letter of 7 April 2009 concerning the complaint against Mr Liam Byrne.

You are probably aware that this Department had been contacted by the complainant, Dr David Radcliffe, and I had in turn contacted Mr Byrne to ask for his comments on the alleged breaches of the rules.

I attach with this letter copies of the two letters from the Department to Mr Byrne dated 23 December 2008² and 5 March 2009.³ The second letter, I think, addresses the questions you have raised with me.

Mr Byrne responded to the first letter (his reply also attached)⁴ on 12 February seeking further clarification. No reply was received to my letter of 5 March. No further action was taken by the Department on hearing that the case was now under consideration by your office.

30 April 2009

7. Letter to Rt Hon Liam Byrne MP from Director of Operations, Department of Resources, 23 December 2008

I have recently received a complaint from a member of the public about letters you have funded from the Communications Allowance. I understand that you have also been contacted by the Department of Facilities about aspects of the complaint that relate to the stationery provision and the use of pre-paid envelopes. Responsibility for the Communication Allowance rests with the Department of Resources and you the purpose of this letter is to seek your views on the complaint.

The complaint alleges that your letters and enclosures break the Communications Allowance rules as follows:

- a) there is no Communications Allowance imprint;
- b) you include a photograph of Labour Party ward Councillors even though there is also a Liberal Democrat councillor in the ward; and
- c) the content of your letters brings Birmingham City Council into disrepute.

The documents referred to by the complainant are:-

² WE 6

³ WE 7

⁴ Not included in the evidence

- i. letter dated 10 September 2008 referring to a planning application from Tesco, enclosing a newspaper article headlined “*Halt the Tesco Goliath—Byrne*”;
- ii. a survey entitled “How has the new ward based cleaning team affected your street”;
- iii. a leaflet/note about “Warm Front”;
- iv. a letter relating to a residents meeting at Blue Cross Church on Friday 10 October, about the Tesco development.

Paragraph 18, Page 23 of *The Communications Allowance and the use of House Stationery* notes that your publication must include a notice explaining that the costs have been met from the allowances. The rules also state—page 21 paragraph 15—that your publications must not be used to promote, criticize or campaigning for or against anyone seeking election, and photographs and other material of this nature may potentially fall foul—or be seen by others to fall foul—of this rule.

I attach a schedule of payments made from our Communications Allowance since April 2007. I would be grateful for your comments on the complaint referred to, and in particular whether 1) you have in fact charged or intend to charge this material to your Communications Allowance and 2) if so, whether you have any comments on the specific allegations set out above.

If you feel it would be helpful to discuss this matter prior to responding, please do not hesitate to contact me.

Trans.date	Invoice No	Payee
12/04/2007	26988	...
01/06/2007	3912	...
21/08/2007	TILLED ACC AUG	...
15/08/2007	SZZ04100	...
27/09/2007	1102213684	...
10/10/2007	07/000738	...
19/11/2007	CM/07/156	L BYRNE MP
04/11/2007	1102327716	...
13/12/2007	54986	...
07/01/2008	C315706	MR LIAM BYRNE MP
01/02/2008	356400	MR LIAM BYRNE MP
09/02/2008	C353306	MR LIAM BYRNE MP
25/02/2008	43721	...
17/03/2008	108148	...
24/03/2008	108149	...
01/05/2008	C397209	MR LIAM BYRNE MP

23 December 2008

8. Letter to Rt Hon Liam Byrne MP from the Director of Operations, Department of Resources, 5 March 2009

Thank you for your letter of 12 February 2009⁵ concerning complaints which were made about your use of Parliamentary funds. The Department of Facilities sent you copies of the complaint letters of 20 November.

The complainant alleges that you have breached the rules set out in the House guidance on the Communication Allowance and the use of House Stationery, namely,

- v. You sent identical letters and enclosures to a number of constituents;

⁵ Not included in the evidence.

- vi. These letters were on original House of Commons crested paper; and
- vii. The letters were posted in House of Commons pre-paid first class envelopes.

From the form and content of the letter the suggestion is that these were unsolicited i.e. they were not written to individuals who had contacted you directly about a particular issue. If this is the case then:

- d) Pre-paid envelopes should not have been used; and
- e) Original House of Commons crested stationery should have been used only if you had purchased it.

The rules concerning the House stationery are set out in Appendix 4 of the reference. Paragraphs 9-15 are particularly relevant.

The complainant also raised a number of concerns about your possible use of the Communications Allowance.

He alleges that your letters and enclosures, sent in September and October, break the Communications Allowance rules. The documents referred to are:

- Letter dated 10 September 2008 referring to a planning application from Tesco, enclosing a newspaper article headlined "Halt the Tesco goliath—Byrne";
- A survey entitled "How has the new ward based cleaning team affected your street";
- A leaflet/note about "Warm Front";
- A letter relating to a residents meeting at Blue Cross Church on Friday 10 October, about the Tesco development.

It is unclear from your claims whether you have in fact used the Communications Allowance to fund this distribution. I would therefore be grateful to know whether in fact the allowance was used; and if so, how many letters were sent, and to whom, on each occasion. For your assistance, I attach a list of those items you have claimed from the allowance in 2008-09.

If you have used your Communications Allowance to fund the above documents then my comments are set out below. If not, then there are no matters to consider.

(i) There is no Communications Allowance imprint

Paragraph 18, Page 23 of The Communications Allowance and the use of House Stationery notes that your publication must include a notice explaining that the costs have been met from the allowances. This is a requirement of the allowance and I advise you that this should be used in the future.

(ii) Photograph of Labour Councillors, even though there is also a Liberal Democrat councillor in the ward.

The rules state—page 21 paragraph 15—that your publications must not be used to promote, criticise or campaign for or against anyone seeking election. Photographs and other material of this nature may potentially fall foul—or be seen by others to fall foul—of this rule. Our normal advice in such matters is that such photographs should be linked to a clear story explaining why you are working with the councillors mentioned. In this instance, the photograph used gives the impression of being a political campaign, particularly given that it has a by-line of "Building a community we're PROUD of" and that there is no explanation attached. As both councillors are Labour councillors, this arguably promotes the councillors shown in the photograph at the expense of the other elected official for the area and therefore breaks the rules as given above.

(iii) The content of the letters bring the reputation of Birmingham City Council into disrepute

The rules state that you may not "seek to undermine the reputations of political opponents". I do not intend to uphold this aspect of the complaint as you are clearly campaigning on a matter of local interest, although arguably the language of the articles risks giving this impression.

The House has a responsibility to consider fairly representations it receives from the public. I hope therefore this clarifies the position and that you understand why I have to write to you about this matter.

I look forward to hearing from you, about the concerns set out above.

Trans.date	InvoiceNo	Payee	Amount
12/04/2007	26988	...	£83.43
01/06/2007	3912	...	£1,355.00
21/08/2007	TILLED ACC AUG	...	£430.00
15/08/2007	SZZ04100	...	£667.46
27/09/2007	1102213684	...	£112.05
10/10/2007	07/000738	...	£1,260.00
19/11/2007	CM/07/156	L BYRNE MP	-£451.27
04/11/2007	1102327716	...	£126.42
13/12/2007	54986	...	£195.05
07/01/2008	C315706	MR LIAM BYRNE MP	£240.00
01/02/2008	356400	MR LIAM BYRNE MP	£1,080.00
09/02/2008	C353308	MR LIAM BYRNE MP	£1,950.00
25/02/2008	43721	...	£312.55
17/03/2008	108148	...	£113.51
24/03/2008	108149	...	£145.94
01/05/2008	C397209	MR LIAM BYRNE MP	£1,956.00
			£9,576.14

5 March 2009

9. Letter to the Rt Hon Liam Byrne MP from the Commissioner, 7 May 2009

I have now heard back from the Department of Resources commenting on this complaint about your use of House of Commons prepaid envelopes to send circular letters to your constituents.

I attach a copy of their letter to me of 30 April, together with a copy of their letters to you of 23 December 2008 and 5 March 2009 and your letter to them of 12 February 2009.

From this correspondence, the House authorities' position would appear to be as follows:

1. your circular letters of 10 September and early October were funded from the Communications Allowance and were in breach of the rules since they contained no imprint to that effect;
2. your October letter included a survey in which there was a photograph of you with two Labour councillors and that photograph was in breach of the rules because it appeared to promote the interests of the Labour Party councillors shown in the photograph;
3. the content of neither letters sought to undermine the reputation of Birmingham City Council and so was not a breach of the rules on that account;
4. it was a breach of the rules of the House to send these two circular letters in House of Commons first class prepaid envelopes.

The letter of 5 March from the Department of Resources refers to the relevant rules relating to the use of the Communications Allowance. The rule in relation to the imprint is set out in the April 2007 rules: "*The Communications Allowance and the use of House stationery*;" in paragraph 18 to Appendix Two as follows:

"Your publication must include a short notice explaining that costs are to be met from the allowances, and giving the source of any other funding"

The rule in relation to content is set out in the same appendix to that publication.

Paragraph 15 includes the following:

"You must not use the Communications Allowance:

- to fund publications that promote, criticise or campaign for or against anyone seeking election
- to advance perspectives or arguments with the intention of promoting the interests of any person, political party or organisation you support, or damaging the interests of any other such person, party or organisation

..."

The rule in relation to undermining the reputation of political opponents is set out in paragraph 6.2.1 of Appendix One to 2007 rules as follows:

"6.2.1. Principles and Propriety

...

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.

Members are encouraged to submit the content of newsletters to DFA for consideration in advance of publication (see Appendix 2 paragraph 20).

..."

I would be grateful to know whether you accept this summary of the position, in particular the conclusion to the four points set out above. I would be grateful also if you would confirm that the despatch was 228 first class pre-paid letters for the mailing of 10 September and 315 first class pre-paid letters for the mailing in early October. I understand from the Department of Resources that the cost of 543 first class pre-paid envelopes is £213.16. Could you also let me know the cost of producing each of the two circular letters, including their preparation, paper and printing costs; whether you have made a claim for those two letters on your Communications Allowance, and if so, how much that claim or claims has been in respect of each letter?

When I have received your response, I will need to consider how best to proceed. One option, if you were to accept the breaches set out above, is for me to resolve this complaint through the rectification procedure. That procedure allows me to close the complaint, without the need for a formal memorandum to the Committee on Standards and Privileges. To do that, the Member would need to accept that there had been a breach, the breach would need not to be serious and would not have been clearly intentional. The Member would expect to have to pay back the full cost resulting from the breach and would have taken action to prevent a recurrence. The Committee also expects Members to have apologised for the breach. In such cases, I write to the complainant explaining the Member's response and closing the complaint. I report the outcome briefly to the Committee. Subject to your response on the substance of this complaint, it would be helpful to know if you accept the breaches as identified, and whether you would like me to consider using the rectification procedure to resolve the complaint. If so, it would be helpful if you would let me know how the error over the inclusion of the photograph occurred, and to know briefly what you will be doing to prevent a recurrence. You may wish to consider the advice in the rules that Members should consult the House authorities in advance about the content of such communications. And it would be helpful to know if I may record an apology.

It would be very helpful if you could let me have a response within the next two weeks. I look forward to hearing from you.

7 May 2009

10. Letter to the Commissioner from the Rt Hon Liam Byrne MP, 21 May 2009

Thank you for your letter of 7 May 2009.

I accept your findings in points 2, 3 and 4, and I would like to add a clarification to point 1 regarding the Communications Allowance.

The letters should have been sent under the Communications Allowance. They have not been claimed for from the Communications Allowance as, in my absence, they were posted in pre-paid Parliamentary envelopes. They did not contain an imprint as the volunteer who printed them understood it was against the rules to send mailings from the Communications Allowance in prepaid envelopes, but did not realise that prepaid envelopes were not to be used for unsolicited mailings.

I can confirm that the despatch numbered 543 in total, first-class, costing £213.16. The paper and printing costs are as follows:

Parliamentary Paper (1 page each)	=	£20.98
White Paper (1 page each)	=	£3.79
Printing (4 sides)	=	£2.27
Overall total	=	£240.20

No claim has been made from the Communications Allowance for the mailings. I will of course repay the cost of the mailing.

The photograph was included with two local councillors; it did not state they were Labour councillors, therefore I did not perceive it as promoting the interests of Labour Party councillors. Again, if this had a Communications Allowance imprint my office would have automatically sent it to DFA for authorisation which would have highlighted this issue, allowing it to be rectified before mailing

In order to prevent any of these breaches occurring in future, I have gone through the rules with my staff team. In future, no communications are to be sent without authorisation from myself or a senior staff member in my absence.

I am pleased that you found that the content of neither letter sought to undermine the reputation of Birmingham City Council and was not a breach of any rules on that account.

I apologise for the breaches you have identified. I am grateful that it has been brought to my attention and the opportunity it has given me to rectify both the mistake and my office systems, and I accept your suggestion to resolve the matter through the rectification process.

21 May 2009