

Mrs Ann Keen MP: Resolution Letter

Letter to Mrs Adda Berkane from the Commissioner, 7 May 2009

I have now concluded my consideration of the complaint you sent me on 21 November about the use of Parliamentary stationery by Mrs Ann Keen MP in respect of three letters that she sent you.

In essence, your complaint was that Mrs Keen had used pre-paid House of Commons envelopes and perhaps House of Commons provided stationery to send unsolicited letters to groups of her constituents, contrary to the rules in respect of the use of such House stationery.

I have consulted Mrs Keen and the House authorities about this matter.

Mrs Keen has fully accepted that she should not have used pre-paid House of Commons envelopes and stationery provided from her stationery allowance for these dispatches. This was because the stationery allowance cannot be used to send communications to constituents who have not previously contacted the Member, or, as in the case with the Heathrow letter, in response to a survey instituted by the Member. Mrs Keen has apologised that she unintentionally breached the rules. The errors were made because of a misunderstanding in her office. I understand that there were two other similar communications which were also dispatched in the same way. Mrs Keen has taken steps to ensure that these errors do not recur.

Mrs Keen may, however, use Parliamentary funding for these communications. The funding should, however, have come from Mrs Keen's Communications Allowance, which permits Members to communicate pro-actively with their constituents to let them know what they have been doing and to consult them on issues of importance to them locally. Accordingly, Mrs Keen has made arrangements with the House authorities for the costs of the communications wrongly sent using provided stationery and prepaid envelopes to be transferred to her Communications Allowance¹.

I consider this a satisfactory resolution of your complaint. I therefore consider the matter to be closed. I shall report the outcome to the Committee on Standards and Privileges. Thank you for raising this with me.

I am copying this letter to Mrs Ann Keen MP.

7 May 2009

¹ £4583.

Mrs Ann Keen MP: Written evidence

1. Letter to the Commissioner from Mrs Adda Berkane, 21 November 2008

I am writing concerning the use of Parliamentary Stationery by my M.P., Ann Keen, for Labour party constituency business. (I did speak to your office several weeks ago concerning what and what was not acceptable – and as far as it was possible over the phone, it was thoughts that this was probably unacceptable)..

I have received 3 unsolicited letters, which if not going to the whole of her constituency, certainly must have gone to a large part, if not all, of Brentford.

Although she does not actually mention the Labour Party in the letters, I would imagine this is probably a ploy in order to use the House of Commons paper and pre-franked envelopes. She may not be breaking the “letter of the law” but she must certainly be breaking the “spirit of it”, in order to get round using her personal parliamentary expenses.

I will enclose copies of the said letters and envelopes but they were as follows:-

1. 2/9/08 Re: Petition on future of Gunnersbury Park.²
2. 10/10/08 Re: Heathrow Airport.³
3. 21/10/08 Re: Invite to a tea and coffee morning!⁴

Interestingly, she refers to holding “regular surgeries” —she doesn’t say when these are and a couple (?) of years ago, publicity was given in the local press to the fact that she was no longer holding “surgeries”. If her constituents wished to see her they could come to the House of Commons! I have not seen this rescinded.

Ann Keen has attracted a lot of bad coverage recently in the press, regarding her expenses—“Mrs Expenses” as she has been coined.

These letters appear to be an effort to rebrand herself with her constituents before any coming election.

However, she seems unable to help herself from using stationery which is provided at taxpayers’ expense for more personal and official correspondence. Apart from the postage costs the paper itself is of a very good quality and must be comparatively costly.

[personal details]

Ideally, I would like to see Mrs Keen asked to repay herself, for the cost of this stationery, i.e. reimburse the public purse.

If she has managed to avoid wrongdoing by legal niceties, then perhaps a strong word on the spirit of the law would be in order.

I know you are very busy and have a very difficult job, (if you do well they sack you!) but I would be grateful if you could look at this—and if possible try to discourage this lady from her profligate ways.

Thanking you in anticipation of your trouble.

² WE 2

³ WE 3

⁴ WE 4

21 November 2008

2. Letter to Mrs Adda Berkane from Mrs Ann Keen MP, 2 September 2008

I am writing to you to seek your support for the future of Gunnersbury Park as one of London's treasured green spaces. I am very concerned that the secretive Hounslow and Ealing joint council committee meetings, set up to decide the future of the park, are currently held in private and are not open to public scrutiny. I am also concerned that rumours are already circulating about the possibility of developing luxury homes on part of the park.

While I must reiterate that proposals for housing development appear to be hearsay at the moment, I am working to clarify this and will keep you informed.

In the meantime, I am running a petition to request that future meetings of the board are made public and that their minutes made available to all. I also want the two councils to oppose any plans for housing development on the site if and when they come forward.

If you would like to take part, please send the attached form back to me at the following address: Ann Keen MP, Gunnersbury Petition, [address]. Alternatively, you can write to me at that address or here at the House of Commons or e-mail me at [...].

Please note that I have sent one letter to each household. If your family members would also like to sign, they can either email me their support or send a signed photocopy of the slip to me. The more signatures we get, the stronger our hand.

I look forward to hearing from you.

Dear Ann Keen MP, We are extremely concerned about the secrecy surrounding the management and future of Gunnersbury Park. Please contact Hounslow Council on my behalf and ask them to make future meetings of the Gunnersbury Park Regeneration Board public and to oppose any plans to build luxury homes in the park.

NAME TITLE

ADDRESS

TELEPHONE NUMBER E-MAIL

SIGNATURE

3. Letter to Constituents from Mrs Ann Keen MP, 10 October 2008

I am writing to give you a further update on the proposed expansion of Heathrow airport, and a third runway.

The Department for Transport has recently published an Equalities Impact Assessment (EqIA) consultation document as part of its work to assess whether and how Heathrow airport could be developed over the next 20 years or more.

The EqIA seeks views on how different equality groups may be differentially affected by the proposals set out in the initial consultation document Adding Capacity at Heathrow Airport consultation by reason of their race, disability, age or level of income.

Almost 70 000 individuals and organisations responded to the Adding Capacity at Heathrow Airport consultation, further to the petition Alan Keen, Member of Parliament for Feltham & Heston, and I carried out and presented to the Department for Transport (DfT) in February.

The outcomes of the EqIA will be used to supplement that consultation. The DfT is currently still working to analyse these responses and a decision on this is expected later this year.

The EqIA consultation document can be found on the DfT's website: www.dft.gov.uk/heathrowconsultation, along with foreign language translations. You may also request a copy of the EqIA by post by writing to: Airports Policy Division, Department for Transport, 1/26 Great Minster House, 76 Marsham Street, London SW1P 4DR. Responses to the consultations should be sent to the Department by 9th November 2008. They can be emailed to heathroweciia@dft.gsi.gov.uk or posted to the above address.

I do hope you will be able to take part in this part of the consultation period.

10 October 2008

4. Letter to Mrs Adda Berkane from Mrs Ann Keen MP, 21 October 2008

INVITATION TO A TEA AND COFFEE MORNING WITH YOUR MP AT HIVE ROOM, BRENTFORD FOOTBALL CLUB, BRAEMAR ROAD, BRENTFORD ON FRIDAY 24 OCTOBER 11:30AM — 12:30PM

Public transport, health, housing, crime and safer streets — you name it and I've had people stop me and ask me to do something about it. I am interested to know what you think about these issues and anything else that is concerning you in Brentford.

So, in response to the large number of calls and letters I have had from people in your area, I'll be holding another tea and coffee morning near you. I want to make it easier for you to say "hello" and to tell me about things that might make life better for you or your neighbours, no matter how trivial it might seem.

So please come along on this Friday (**Friday 24 October**) to the "Hive Room" at Brentford Football Club, Braemar Road, Brentford.

If you are unable to make this coffee morning, but would like to see me, I hold regular surgeries in the constituency. Just call me on [...], or send me an email to [...] to book your personal appointment, or to let us know you'll be coming along on Friday.

Alternatively, return the tear off slip at the bottom to **Freepost** ... and my office will contact you.

21 October 2008

5. Letter to Mrs Ann Keen MP from the Commissioner, 27 November 2008

I would welcome your comments on the attached complaint of 21 November which I have received from Mrs Adda Berkane about your use of what would appear to be House of Commons provided stationery and pre-paid envelopes to communicate with groups of your constituents.

In essence, the complaint is that you have used pre-paid House of Commons envelopes and perhaps House of Commons provided stationery to send unsolicited letters to groups of your constituents, contrary to the rules in respect of the use of such House stationery.

I have informed the complainant that there is provision for proactive communications under the Communications Allowance and that I do not intend to inquire into the complainant's allegations about your possible motivation for your letters since I consider it is within the rules of the House to write to your constituents in the terms you have used: the issue is whether your use of stationery and pre-paid envelopes for these communications was within the rules.

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 respect of the use of House stationery are set out in a document headed 'The Communications Allowance and the use of House stationery' published in April 2007. Appendix Four deals with rules and guidance on House of Commons stationery and pre-paid envelopes. Paragraph 9 provides:

"If you wish to use original House of Commons stationery to send to people on issues on which they have not previously contacted you, you must purchase it from the suppliers. Alternatively, you may photocopy stationery which includes the crowned portcullis and the words "House of Commons". Such mail must comply with the rules set out in paragraph 7 [not relevant here] and may not be sent using pre paid envelopes."

Paragraph 10 provides:

"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 Communications 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 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 contacted you only at your own instigation."

Appendix One to the same booklet provides a new section 6 of the Green Book dealing with the Communications Allowance. Paragraph 6.14.1 gives examples of expenditure allowable under the Communications Allowance, including:

"...

- *Targeted correspondence relating to issues of importance locally, including*
 - *Contact with local groupings*
 - *Circulars*
 - *Questionnaires or surveys*
 - *Petitions*
- *Contact and surgery details, including advertisements*

..."

Appendix Two, among other things, deals with the distribution of material funded by the Communications Allowance as follows:

"10. Parliamentary newsletters and other publications can be distributed to all constituents or a targeted local grouping, for example local head teachers, or residents affected by a development scheme."

“12. The cost of envelopes and postage or freepost facilities can be met from your Communications Allowance.”

“13. You must not use House of Commons pre paid envelopes .for the distribution of these publications.”

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

1. whether the notepaper used for the three letters to the complainant which she enclosed was original House stationery provided from your stationery allowance, or whether it came from any other source and, if so, what that was and how it was funded;
2. how many copies of each of the three letters which are the subject of this complaint you sent to your constituents;
3. how many similar letters you have sent to your constituents using House of Commons notepaper and pre-paid envelopes over the past 12 months;
4. whether you consider that your use of House of Commons notepaper for this correspondence was within the rules of the House;
5. whether you consider your use of first-class pre-paid envelopes for these dispatches was within the rules of the House.

Any other points you may wish to make would, of course, be very welcome.

I enclose a note which sets out the procedure I follow in these matters. I am writing to the complainant to let them know that I am writing to you about this complaint. I would hope it might be possible for you to let me have a reply to this complaint within the next three weeks. If there is any difficulty about this, or you would anyway like a word, please contact me at the House.

Thank you for your help on this matter.

27 November 2008

6. Letter to the Commissioner from Mrs Ann Keen MP, 12 January 2009

Let me firstly thank you for your patience in this matter, and I hope this letter answers your questions in full, but if you require further information, please do not hesitate to get in touch.

Let me first of all, address one of the central complaints in Mrs Berkane's letter namely that I sent her three unsolicited letters (copies of which she enclosed with her complaint). In the guidelines you provided for me you say that the use of prepaid envelopes should not be used for contacting issues on which they have not previously contacted me. Mrs Berkane did in fact contact me about Heathrow (the subject of one of the letters) and I enclose a copy of the response she sent to me. I am of course happy to send you the original.

On the other two letters, namely the issue surrounding Gunnersbury Park and the invitation to the Coffee morning, I entirely accept that these should have been paid for through the Communications Allowance rather than the stationery allowance used. I have taken immediate steps to remedy this and will pay for these letters (details to follow) with my Communications Allowance. I apologise for this oversight and steps have been taken to ensure that this administrative error does not reoccur.

I will now turn to the questions in the final page of your letter:

1. The stationery was from my stationery allowance
2. I sent out 5047 Gunnersbury letters, of which 3500 were sent out in second rather than first class envelopes and 1342 for the Brentford Coffee morning which were sent first class. I also sent out 569 Heathrow letters in response to people who have contacted me about Heathrow.
3. I sent out 4154 to people in Hounslow Heath inviting them to a coffee morning and 625 to people in Syon inviting them to a coffee morning.
4. I would argue that the Heathrow letters were and are a legitimate use of House of Commons paper and envelopes as I had previously been contacted by everyone to whom I have written on this subject. I accept that the other letters should have been paid for out of the Communications Allowance and as I have already said, I have taken steps to ensure that this oversight is corrected.
5. As 4.

12 January 2009

7. Letter to the Director of Accommodation Services, Department of Facilities, from the Commissioner, 14 January 2009

I would welcome your comments and advice on a complaint I have received against Mrs Ann Keen MP about her use of provided stationery to send letters to her constituents.

In essence the complaint is that Mrs Keen used pre-paid House of Commons envelopes and House of Commons provided stationery to send unsolicited letters to her constituents.

I attach [relevant correspondence].

As you will see, Mrs Keen accepts that she should not have used provided stationery and pre-paid envelopes for her communications on Gunnersbury Park (2 September 2008) and for her invitation to a tea and coffee morning (21 October 2008). She considers that the letter about Heathrow airport of 10 October 2008 was a legitimate use of her stationery allowance since she had previously been contacted by everyone to whom she wrote. Her evidence is that this contact was the result of constituents returning a consultation form which she, together with the Member for Feltham and Heston, had sent out.

I would be grateful to know whether you agree with Mrs Keen that the letters of 2 September and 21 October should not have been sent using her provided stationery allowance; and whether you agree that her letter on Heathrow airport was an appropriate use of the allowance taking account of the rules on the use of House stationery, in particular Appendix 4, paragraph 12 to the rules booklet issued in April 2007.

It would also be helpful if you could compute the cost of the stationery and pre-paid envelopes which Mrs Keen used for each of these letters. I have asked the Director of Operations in the Department of Resources whether it would be appropriate for her to transfer these costs to her Communications Allowance, assuming her budget for that allowance permits it.

Any other points you may wish to make would also be welcome.

I am writing separately to the Department of Resources for their advice on the potential use of the Communications Allowance for this expenditure. I attach a copy of my letter to the Director of Operations.

It would be most helpful if you could let me have a response to this letter, if possible by 4 February.

Thank you for your help.

14 January 2009

8. Letter to the Director of Operations, Department of Resources from the Commissioner, 14 January 2009

I would welcome your comments and advice on a complaint I have received against Mrs Ann Keen MP about her use of provided stationery to send letters to her constituents.

In essence the complaint is that Mrs Keen used pre-paid House of Commons envelopes and House of Commons provided stationery to send unsolicited letters to her constituents.

I attach [relevant correspondence].

As you will see, Mrs Keen accepts that she should not have used provided stationery and pre-paid envelopes for her communications on Gunnersbury Park (2 September 2008) and for her invitation to a tea and coffee morning (21 October 2008). She considers that the letter about Heathrow airport of 10 October 2008 was a legitimate use of her stationery allowance since she had previously been contacted by everyone to whom she wrote. Her evidence is that this contact was the result of constituents returning a consultation form which she, together with the Member for Feltham and Heston, had sent out. Mrs Keen considers that the letter on Gunnersbury Park and the invitation letter should have been paid for through the Communications Allowance.

I would be grateful to know whether you agree with Mrs Keen that these two letters should have been funded through Mrs Keen's Communications Allowance. It would also be helpful to know whether, if the Director of Accommodation Services to whom I am writing separately believes that the Heathrow letter should not have been sent using provided stationery, it too could have been funded through the Communications Allowance. I assume that no claim has been made by Mrs Keen in respect of her free post facility, but again it would be helpful to know whether, in principle, it would be open to Mrs Keen to charge that facility against her Communications Allowance. I enclose a copy of my letter to the Director.

I have also asked the Director of Accommodation Services whether it would be appropriate for Mrs Keen to be asked to transfer the cost of the stationery and pre-paid envelopes she used for these dispatches to her Communications Allowance, assuming the budget for that allowance permits it. I would welcome your advice on that, ideally in consultation with the Director of Accommodation Services.

Any other points you may wish to make would also be welcome.

It would be most helpful if you could let me have a response to this letter, if possible, by 4 February.

14 January 2009

9. Letter to the Commissioner from the Director of Operations, Department of Resources, 29 January 2009

Thank you for your letter of 14 January 2009 concerning the complaint against Mrs Keen.

Whilst any breach of the House rules in this case is largely a matter for the Director of Accommodation Services, you have asked if I will comment on whether the three letters referred to you by the complainant could have been funded from the Communications Allowance. I am satisfied that they could have been because they are clearly targeted letters which relate to local or constituency wide issues (Paragraph 4, page 20, The Communications Allowance and use of House stationery) and they do not contain what we would consider party political material.

You also ask if Mrs Keen has used her Communications Allowance to fund the freepost facility referred to in the letters. I can confirm that Mrs Keen has not used her allowance to fund the freepost facility, but could have done if she had so wished.

Following discussions between the two Departments, the Department of Facilities are preparing to raise an invoice for the cost of the House stationery used and if Mrs Keen chooses to present this as a claim against the Communications Allowance it will be paid by this Department.

I hope this fully covers the matters you have raised.

29 January 2009

10. Letter to the Commissioner from the Director of Accommodation Services, Department of Facilities, 2 February 2009

You asked for my comments and advice on a complaint you had received from Mrs Ann Keen MP about her use of provided stationery to send letters to her constituents.

Turning first to the letters of 2 September and 2 October 2008, it would appear that this correspondence was not in response to any previous contact from the individuals to whom it was sent. Under these circumstances the House rules (Appendix 4, paragraph 9 of the rules booklet issued in April 2007) permit the use of original House stationery if the Member concerned purchases it from the suppliers or, alternatively, copies it. The same rule also states that any such correspondence "may not be sent using pre-paid envelopes". From this it follows:

That Mrs Keen should not have sent these letters using her provided stationery allowance.

That Mrs Keen could have purchased the paper on which the letters were written but not the pre-paid envelopes.

Mrs Keen considers that the use of her stationery allowance to fund the letter of 10 October 2008, about Heathrow airport, was legitimate since she had been contacted previously by everyone to whom she wrote. She also states that this contact was the result of constituents returning a consultation form which she and the Member for Feltham and Heston had sent out jointly.

Paragraph 12 of the rules states that:

"Someone who has signed a petition which has been addressed to you, who has sent you a campaign postcard or letter, or has raised an issue with you in person, is considered to have contacted you for the purpose of these rules, unless the petition or campaign was itself instigated by you or someone acting on your behalf."

The rules do not explicitly mention consultation forms such as that sent out by Mrs Keen. However, I take the view that the essential point underlying paragraph 12 is that an individual who responds to a general communication about an issue from a Member is not considered to have contacted the Member for the purposes of the rules. I

therefore consider that this letter falls into the same category as the other two and should be dealt with in a similar fashion.

You asked for the cost of the stationery and pre-paid envelopes Mrs Keen used for each of these letters. The information is as follows:

Letter	Number	Stationery cost	Postage cost	Total cost
Gunnersbury 1st class	1547	£102.10	£556.92	£659.02
Gunnersbury 2nd class	3500	£230.99	£945	£1,175.99
Brent coffee morning	1342	£88.57	£483.12	£517.69
Hounslow coffee morning	4154	£274.15	£1495.44	£1,769.59
Syon coffee morning	625	£41.25	£225	£266.25

I have costed all those listed in the final paragraph of Mrs Keen's letter to you of 12 January 2009. The stationery cost quoted covers the costs of the envelopes and paper used in each mailing. The postage cost is calculated separately.

I hope this is helpful but please do not hesitate to contact me if you require further information or clarification.

2 February 2009

11. Letter to Mrs Ann Keen MP from the Commissioner, 5 February 2009

I wrote to you on 14 January about this complaint to let you know that I was consulting the House authorities about your helpful response to me of 12 January.

I have now heard from both the Director of Operations, and the Director of Accommodation Services. I attach copies of their letters of 29 January and of 2 and 4 February respectively.

As you will see, the Director of Accommodation Services considers that you were in breach of the rules in using your provided stationery allowance to send each of the three letters which the complainant (and others of your constituents) received, including the Heathrow letter. The Director of Accommodation Services had identified the cost of the stationery and postage used: its total is £4,388.54. The Director of Operations has advised that the expenditure for these communications could have been met from your Communications Allowance and that, on receipt of an invoice for the three dispatches, they will consider it as a claim against that allowance.

I need now to consider the way forward. I am minded to accept the advice of the House authorities. If I do so, and you were also to accept that advice in respect of the Heathrow letter, then I would consider whether I could resolve this 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 this case, therefore, I would note that you had fully accepted that you should not have used pre-paid House of Commons envelopes and stationery provided from your stationery allowance for these dispatches. This is because the stationery allowance cannot be used to send communications to constituents who have not previously contacted the Member or, as in the case with the Heathrow letter, in response to a campaign instituted by the Member themselves. I would note that you have accepted that you were in breach of the rules in this respect and have apologised. I would note too that you have taken steps to ensure that this error does not reoccur.

Finally, I would note that you are able to use Parliamentary funding for these communications but that it should have come from your Communications Allowance. I would note that there was nothing in the content of your three communications to prevent them being funded, including postage costs, from that allowance. And I would note that you were making arrangements with the House authorities for the costs of the three communications to be met from the Communications Allowance.

Before considering this further, I would be very grateful to know whether you accept the advice of the House authorities, both in respect of the Heathrow letter and the arrangements they suggest for meeting the cost of the three dispatches; and whether you would like me to consider using the rectification procedure to resolve this complaint. If you did so, the House authorities would raise an invoice for these dispatches and I would write to the complainant and report the outcome to the Committee.

If you could let me have a response by 11 February and you were to agree to rectification, then I would do my best to have this resolved before the recess.

Thank you for your help with this.

5 February 2009

12. Letter to the Commissioner from Mrs Ann Keen MP, 23 February 2009

Thank you for your letter of 5 February and my apologies for the delay in replying to you.

While I accept the findings with regard to the Gunnersbury Park letters and the coffee mornings in Brentford, Syon and Hounslow Heath wards, I do not accept the finding with regard to the letter regarding Heathrow.

As you are doubtless aware, the expansion of Heathrow Airport has been one of the biggest issues not just in my constituency and in West London, but throughout the UK. I have been lobbied and contacted not just by constituents, but also by the trade unions and businesses, and this has taken place over many years.

Contact with me has come in the form of letters, e-mails, telephone calls, advice surgeries and meetings arranged by interested parties, including churches, green groups, schools and the public to which I have been invited. Furthermore, the Department for Transport (DfT) instigated a consultation process before Alan Keen MP and I commissioned the "wraparound" survey in question, which was—in part—a response to the many complaints we received from people who did not understand the consultation paper from the DfT, or didn't know how to complete it or felt it failed to address their specific concerns and questions.

This has been the biggest single issue affecting my constituency and I strongly disagree with the conclusion that I should have not have used House of Commons paper and envelopes to contact people who contacted me. Many of the people who contacted me following the wraparound survey had already contacted me about Heathrow in the past and, on that basis, I would argue that I am entitled to write to them using House of Commons paper with House of Commons envelopes. I also only contacted those people who asked for a response.

23 February 2009

13. Letter to Mrs Ann Keen MP from the Commissioner, 25 February 2009

Thank you for your letter of 23 February responding to my letter of 5 February about your use of parliamentary stationery in respect of three letters which you sent to Mrs Berkane and the two further letters referred to in your letter of 12 January.

I note that you do not accept that your letter of 10 October to Mrs Berkane about the Heathrow expansion should have been funded from the Communications Allowance and not from your provided stationery allowance. I am showing your letter to the Director of Accommodation Services for any comments he may have on the views expressed in your letter. I am also asking him to let me know the costs of the stationery and postage used for your Heathrow letter.

I will write to you again when I have the Director's response.

24 February 2009

14. Letter to the Director of Accommodation Services, Department of Facilities, 25 February 2009

I have now heard from Mrs Ann Keen MP about the complaint against her in respect of her use of provided stationery on which you advised me with your letter of 2 February.

I attach a copy of her letter to me of 23 February. You will see that Ms Keen takes the view that her letter of 21 October to Mrs Berkane was an acceptable use of her provided stationery allowance since the survey to which Mrs Berkane had responded was itself a response to complaints from constituents.

I would be very grateful for your comments on these further arguments in Mrs Keen's letter of 23 February and to know whether they lead you to amend the advice you gave me in your letter of 2 February.

Could you also let me have your estimate of the costs of the Heathrow letter which were not included in your earlier letter?

If at all possible, it would be very helpful to have a response within the next two weeks. Thank you again for your help.

25 February 2009

15. Letter to the Commissioner from the Director of Accommodation Services, Department of Facilities, 3 March 2009

Thank you for your letter of 25th February asking for my comments on further arguments made by Mrs Ann Keen in her letter of 23rd February on the acceptability of using her provided stationery allowance to send a communication on Heathrow to her constituents on 10 October 2008. I appreciate the importance of this issue to people in Mrs Keen's constituency and in West London more generally. However, my interpretation of the rules is that they are drawn very tightly.

Mrs Keen's arguments as I understand them are:

- That this is a very important issue about which she has been contacted and lobbied by constituents and others over many years.
- That contact has been in a very wide variety of ways.
- That the survey to which Mrs Berkane and others responded was commissioned by Mr and Mrs Keen partly in response to many complaints from people who did not understand aspects of the Department of Transport consultation paper.
- That many of the people who contacted her following her survey had already contacted her about Heathrow in the past.
- Also that she only wrote to people who asked for a response.

In my opinion the following rules are relevant in this case:

1. A Member may use original House of Commons stationery to send to people on issues on which they have not previously contacted them but only if they have purchased it from suppliers. Alternatively, they may photocopy stationery which includes the crowned portcullis and the words "House of Commons". (Appendix 4, paragraph 9)
2. If a Member buys original House of Commons stationery to send to people who have not previously contacted them then pre-paid envelopes may not be used. (appendix 4, paragraph 9)
3. Someone who has signed a petition which has been addressed to a Member, who has sent a Member a campaign postcard or letter or who has raised an issue with a Member in person is considered to have

contacted the Member for the purpose of the rules, unless the petition or campaign was instigated by the Member. (Appendix 4, paragraph 12)

4. Pre-paid envelopes and House stationery provided from a Member's cash-limited entitlement should only be used to reply once to this kind of petition or campaign correspondence in specific response to such contact. (Appendix 4, paragraph 12)
5. Pre-paid envelopes may only be used to send updates to constituents on an ongoing basis where the updates relate to specific cases (such as progress on asylum applications) which have been raised with the Member by those constituents. Pre-paid envelopes may not be used to send updates of more general concern. (Appendix 4, paragraph 13)
6. Pre-paid envelopes must not be used for correspondence on issues about which individuals have not previously contacted a Member or about which they have only contacted the Member at the Member's own instigation. (Appendix 4, paragraph 14)

I remain of the view, as stated in my letter to you of 2nd February 2009 that, although the rules do not explicitly mention consultation forms, the essential point is that an individual who responds to a general communication about an issue from a Member is not considered to have contacted the Member for the purpose of the rules. In my opinion whether the general communication from the Member was intended in whole or in part, to address issues with a consultation initiated by a government department is immaterial. In this context whether a respondent had asked for a reply is also not relevant.

There might be some merit in Mrs Keen's assertion that, in responding to those who had replied to her consultation document, she was also responding to many who had already contacted her about Heathrow in the past. The implication being that she would be entitled under the rules to use pre-paid envelopes and stationery provided from her cash limited allowance to correspond with those in the latter category. However, I note that the first paragraph of Mrs Keen's letter of 10th October 2008 to Mrs Berkane states "I am writing to give you a further update on the proposed expansion of Heathrow airport and a third runway." From this it would appear that any correspondence using stationery and post-paid envelopes within the rules had already taken place since updates are only permitted on specific cases (Appendix 4, paragraph 13).

I therefore remain of the view that:

- a) Mrs Keen should not have sent out the letter to Mrs Berkane and other similar letters using her cash-limited stationery allowance.
- b) Mrs Keen could have purchased the paper on which the letters were written or photocopied headed notepaper.
- c) Pre-paid envelopes should not have been used.

You asked me for the costs of the Heathrow letter which I regret I omitted from my letter of 2nd February. The information is as follows;

569 letters

Stationery £40.46	Postage £153.63	Total £194.09
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I hope this provides the information you require.

3 March 2009

16. Letter to Mrs Ann Keen MP from the Commissioner, 5 March 2009

I have now heard back from the Director of Accommodation Services about this complaint in respect of your use of provided stationery.

I enclose a copy of the Director's letter to me of 3 March. I enclose also a copy of my letter of 25 February to the Director asking him for his advice on the propriety under the rules of your using provided stationery and prepaid

envelopes for the Heathrow update – the only outstanding issue for resolution arising from your letter to me of 23 February.

As you will see, the Director's conclusion is that you should not have used your provided stationery allowance or pre-paid envelopes for this communication. He has also computed the cost of this dispatch as £194.09, which would need to be added to the cost of the other communications of £4,388.54 set out in my letter to you of 5 February 2009.

I would be very grateful to know, having considered further the Director's examination of the issues, whether you accept his advice. If not, it would be most helpful to know on what grounds you believe he has misdirected himself, and why, therefore, you consider this dispatch to be within the rules in relation to provided stationery and prepaid envelopes as summarized in the Director's letter and as available in full in the April 2007 publication.

It would be most helpful to have your response within the next two weeks - or earlier if at all possible – so that I can then consider the way forward on the basis of your response.

5 March 2009

17. Letter to the Commissioner from Mrs Ann Keen MP, 21 April 2009

Further to our meeting on 23 March, you asked me to set out in writing the agreement we reached.

I accept that there was a breach of the rules and this was the result of an administrative oversight. This has now been rectified and all costs associated with the use of House of Commons stationery have been reimbursed via the Communications Allowance. Both my staff and I have refreshed our understanding of the rules and I can assure you that there will be no repetition of the mistake.

21 April 2009