

Ms Charlotte Atkins: Resolution Letter

Letter to Mr Henry Jebb from the Commissioner, 11 October 2010

I have now concluded my consideration of the complaint which you sent me on 16 March against Ms Charlotte Atkins, who was then the Member of Parliament for Staffordshire Moorlands, in respect of letters she sent in House of Commons pre-paid envelopes inviting recipients to a health check.

In essence, your complaint was that Ms Atkins used House of Commons pre-paid envelopes and House of Commons stationery to send unsolicited letters to people living outside her current constituency, contrary to the rules of the House. I have also considered other matters relating to your complaint.

I have consulted Ms Atkins and the House of Commons authorities about this matter.

The facts are that Ms Atkins arranged a number of health check events with the North Staffordshire Primary Care Trust. Ms Atkins' evidence is that the idea came about as a result of her work on the House of Commons Health Select Committee and with NHS North Staffordshire. The aim was to promote free health checks to try and prevent serious ill health, reduce health inequalities and encourage local people to take responsibility for their own health and wellbeing. Ms Atkins' evidence is that the Fire Service was also involved by promoting their fire prevention smoke alarm service. Ms Atkins undertook to book suitable venues and, along with the PCT, to publicise the events via press coverage, fliers and some direct mail letters to those who had raised health concerns with her or had health and fire service interests. I understand that Ms Atkins and her constituency staff were present throughout each event and undertook normal constituency duties, including conducting surgery-style appointments throughout the proceedings.

Ms Atkins booked two such health events in Leek, on 9 October 2009 and 26 February 2010. For the Leek events, she sent out invitations using House of Commons crested notepaper previously funded from her Incidental Expenses Provision, and House of Commons pre-paid envelopes funded from her House of Commons stationery allowance. She sent the invitations to some 500 of her then constituents for each event. In addition, she sent out for each event invitations to approximately 40 people who were not her constituents. Ms Atkins also booked two similar health events in Biddulph. They were held on 11 September 2009 and 12 February 2010. For each Biddulph event, she sent 500 hand-delivered invitations and about 20 invitations in pre-paid envelopes to her constituents. She did not send invitations to anyone who was not her constituent.

Ms Atkins paid for the room hire for the two Leek events and the costs (£357) were met from her Administrative and Office Expenditure (AOE), as were a total of £49 for the refreshments for these events and £114 for the cost of transporting some of her constituents to the Leek events. She also claimed £65 for Freepost for the events in September and October 2009. The cost of the House of Commons pre-paid envelopes she used for all events is estimated to be £384. The cost of her House of Commons stationery is estimated to be £84. The costs of the House of Commons pre-paid envelopes and letter paper sent to the 80 recipients who were not Ms Atkins' constituents at the time, is estimated to be £31. These are included in the overall costs which I have estimated for stationery and pre-paid envelopes.

Ms Atkins' evidence is that she sent the invitation letters to you as a courtesy to inform you of the event. Ms Atkins has told me that the letters were sent to some people who were not her constituents because there was a good deal of uncertainty about constituency boundaries, and she believed that residents in [your village] would assume that any health MOT organised by the Member of Parliament for Staffordshire Moorlands would cover them too. As the event was to promote good health, she considered that she had no reason to exclude them, especially as the PCT covers this area.

The Department of Resources have noted that the Green Book established the principles which Members were to apply, but it was accepted that individual Members had different needs, priorities and ways of doing their duties. It was for Ms Atkins to judge whether the events were undertaken properly to perform her functions as a Member. The Department feels that it did not have sufficient information to determine whether Ms Atkins' events could be held to have been for her constituents. In the Department's view, Ms Atkins would not have been able to use her Communications Expenditure to communicate with non-constituents. Hiring facilities for meetings was an example of appropriate expenditure under the Green Book, although the claims

should have been made against Ms Atkins' Administrative and Office Expenditure, rather than her Communications Expenditure. (Where necessary these claims had been transferred by the Department to the correct account.) Claims for Freepost were permissible under the Administrative and Office Expenditure. Claims for tea and coffee were acceptable for surgeries, although, in the Department's view, since non-constituents were involved, strictly these claims were outside the purposes of the Administrative and Office Expenditure. The Green Book also allowed certain travel costs not met from travel expenditure to be a permitted use of a Member's Administrative and Office Expenditure, although it would have been for Ms Atkins to judge whether the transport costs which she claimed fell within the Green Book principles. The Department noted that there was no evidence that Ms Atkins discussed the ancillary costs of these events with the Department.

After careful consideration of Ms Atkins' evidence, and taking account of the Department's advice, I have concluded that it would be reasonable to treat these events as a type of a Member's surgery. This is because Ms Atkins and her staff conducted surgery-style appointments throughout each of these events and there was no reason to prevent Members finding different ways of running their surgeries. I do not think it fair to conclude that because some non-constituents were invited to two of the events, they were not intended to be a form of surgery. The mistake was to invite non-constituents to events which involved surgery meetings. In such circumstances, it was reasonable and within the rules of the House for Ms Atkins to have used House of Commons notepaper paid for from her allowances to send out invitation letters to her constituents. This was because the purpose of the letter was to inform constituents of these events. It was also within the rules for such an event for Ms Atkins to claim from parliamentary allowances for Freepost costs, as she did for the first of the Leek and Biddulph events. But I have concluded that Ms Atkins was in breach of the rules in using House of Commons pre-paid envelopes to send these invitations to her constituents, because they were common format letters which could not be held to be an update relating to each recipient's specific case. She should not, therefore, have used House of Commons pre-paid envelopes to send out this invitation. She was also in breach of the rules in sending invitations to a surgery event to people who were not her constituents, including yourself. While this was not part of your complaint, I have concluded that, as a surgery event, it was permissible for Ms Atkins to pay from her parliamentary allowances for the hire of the rooms and for refreshments. She was in breach of the rules, however, in claiming from her Administrative and Office Expenditure for the costs of transporting some of her constituents to these events, since travel expenditure under that heading is, in my view, specifically for the use of the Member and their staff.

My conclusion, therefore, is that Ms Atkins was in breach of the rules of the House of Commons in using pre-paid envelopes for sending out the 540 invitations to each of the two Leek events and 20 invitations to each of the two Biddulph events (a total of 1,120 envelopes), and for using House of Commons crested paper for the 40 invitations for each such event that were sent to people who were not her constituents (a total of 80 sheets). Ms Atkins was also in breach of the rules in using her Administrative and Office Expenditure to meet the cost of transporting some of her constituents to the Leek events. But it was within the rules for Ms Atkins to use House of Commons paper funded from her allowances to invite her constituents to the Leek and Biddulph events, each of which was a form of constituency surgery, and, on that account, to meet the cost of the room hire, refreshments and Freepost.

Ms Atkins has fully accepted these conclusions. She has apologised. She has also repaid the cost of 1,120 House of Commons second-class envelopes, 80 sheets of notepaper and the transport to the Leek events. This amounted to £501.

I consider that Ms Atkins has made a reasonable response to your complaint. I now regard the matter as closed.

I should point out that, if the House of Commons agrees to recommendations which I made to the previous Committee on Standards and Privileges, and which that Committee supported, this letter and the evidence on which it is based would, in due course, be made available on my webpages.

11 October 2010

Ms Charlotte Atkins: Written evidence

1. Letter to the Commissioner from Mr Henry Jebb, 16 March 2010

Following my e-mail to you of 15th March,¹ I wish to complain formally about Ms Atkins' use of expenses/allowances and I enclose, as requested, two unsolicited letters from her and an envelope used for the September communication.² I am unable to locate the second envelope, but it was similar if not exactly the same as the one enclosed (though [Ms Atkins] may have used 1st Class post, given the date of the letter and the event to which I and my wife were being invited). You may know, or Ms Atkins will be able to tell you, whether she also claims the cost of the Freepost address, telephone and other means of communication advertised on the back of the letters from her Parliamentary allowances. This may be legitimate if used for constituency correspondence, but not, I believe, for the enclosed letters.

As I mentioned in my e-mail, Ms Atkins is not my MP, and from the Communications Allowance booklet, I understand House of Commons resources may only be deployed in this manner for *constituents* of a Member. While the boundaries will change at the next General Election and my address will therefore be in the new Staffordshire Moorlands constituency, Ms Atkins will only be my MP if she wins the election.

I understand similar letters were sent to many residents who live outside her constituency. The number of households in Bagnall & Stanley and Brown Edge & Endon wards (the wards closest to where I live which are outside the current Staffordshire Moorlands constituency) is over 2500, so it is possible over 5,000 letters were posted in the two mailings to people who were not Ms Atkins' constituents. If letters were also sent to electors in the other two wards that are due to join the constituency (Churnet and Alton) the total could be at least 9,000. However only Ms Atkins or her agent will be able to tell you exactly how many were sent in contravention of the rules.

In the circumstances outlined above, there is no reason why public funds should give advantage to an MP over any other candidate who has to provide the resources for their campaign themselves or through their party.

16 March 2010

2. Letter to Mr Henry Jebb from Ms Charlotte Atkins MP, 29 September 2009

FREE NHS HEALTH MOT FOR ALL THE FAMILY

Trinity Church, Derby Street, Leek

Friday 9 October 10.30 am to 3.00 pm

I am passionate about getting the best health care possible here in Staffordshire Moorlands. That is why I fought successfully to retain a local Primary Care Trust when NHS bosses were determined to impose a county wide health service on us.

Being healthy and staying healthy is something we all want for ourselves and our families. So, working with our local Trust, NHS North Staffordshire, I am happy to invite you and your family and friends to come along to Trinity Church, You can just walk in, have free on the spot health checks, chat to NHS health professionals

¹ To which he attached a photocopy of Ms Atkins' 29 September letter. That e-mail is not included in the evidence.

² WE2, WE3. The envelope has not been reproduced in the evidence.

and pick up loads of information about keeping healthy. I will be on hand if there are issues you wish to raise with me.

You can have your blood pressure checked and talk to the dietician who will measure your height, weight and body mass index. There will be information and advice on how to quit smoking, dental care, healthy eating, stroke awareness and many other aspects of healthy living.

Children, teenagers, mums and dads and senior citizens are all welcome. There is something for all ages, interests and health concerns so please put the date in your diary now and come along to Trinity Church on Friday 9 October.

If you need to, you can book transport to and from Trinity. just call [...] on [...] at Staffordshire Moorlands Community and Voluntary Services.

To help with planning for the numbers attending please fill in the reply slip on the enclosed invitation and return it to me free of charge as indicated. I look forward to seeing you on 9 October.

29 September 2010

FREE NHS HEALTH MOT

Just Walk In

TRINITY CHURCH, DERBY STREET, LEEK

9 OCTOBER 10.30 am to 3.00pm

INFORMATION / ADVICE WILL BE AVAILABLE ABOUT ALL THE FOLLOWING HEALTH ISSUES

- Physio direct
- Blood pressure testing
- Cholesterol testing (subject to staff availability)
- Stroke awareness advice
- Smoking cessation
- Health trainers
- Infection control
- Height, weight, body mass index testing — dietician
- Fit for the future
- Change for Life
- PALS
- Dental health
- NHS North Staffordshire Membership
- Citizens Advice Bureau

CHARLOTTE'S LEEK HEALTH MOT 10.30am to.3.00pm FRIDAY 9 OCTOBER

I will/will not be attending Charlotte's good health event at Trinity Church, Leek (delete as appropriate).

Number attending

Name: (Mr/Mrs/Miss)

Telephone No :.....Mobile No:.....

E-mail:.....

Address:.....Post Code:.....

Please post this free of charge to: [...]

3. Letter to Mr and Ms Jebb from Charlotte Atkins MP, 19 February 2010

Health MOT Trinity Church, Leek

Friday 26 February 2010 2pm to 7pm

I am passionate about getting the best health care possible here in Leek. That is why I worked so hard with our local NHS North Staffordshire health trust to ensure we have an NHS dentist available and excellent drop in facilities at Leek Moorlands Hospital.

Being healthy and staying healthy is something we all want for ourselves and our families. So again, working with NHS North Staffordshire, I am happy to invite you, your family and friends to come along to this event at Trinity Church, Derby Street, Leek. You can just walk in, have free on the spot health checks, chat to NHS health professionals and pick up loads of information about keeping healthy. I will be on hand if you wish to talk to me.

The last event we held was hugely successful with around 450 attending. Having listened carefully to your comments I have changed the time to afternoon and evening to allow as many as possible to attend after work and school.

You can have tests for diabetes and blood pressure and talk to the dietician who will check your height, weight and body mass index. There will be information and advice on how to quit smoking, dental care, healthy eating, stroke awareness and even armchair exercise.

Adults, children, teenagers, mums and dads and senior citizens are all welcome. There is something for all ages, interests and health concerns so please put the date in your diary now and come along to Trinity Church on Friday 26 February. If you are elderly or disabled and need transport, call [...] on [...] at Staffordshire Moorlands Community and Voluntary Services (please give 48 hours' notice) .

Free Health MOT Leek
Trinity Church, Derby Street, Leek
2pm to 7pm on Friday 26 February

Want expert health advice or information? Interested in a health MOT?

Come along to this Free event and find out more about:

- Stopping smoking
- Blood pressure testing/glucose testing
- Cholesterol testing
- Stroke awareness advice
- Height , weight body mass index testing - dietician
- Fit for the future
- Change for life
- PALS – Patient Advice & Liaison Service
- Dental health
- NHS North Staffs Membership
- Citizens Advice Bureaux

Please note that all tests will be subject to the availability of operational staff.

To help with the planning for the number attending, please fill in the reply slip below and return it to Charlotte free of charge as indicated.

...

Free Leek Health MOT 2pm to 7pm Friday 26 February

I will/will not be attending Charlotte's good health event at Trinity Church, Leek (delete as appropriate).

Number attending

Name: (Mr/Mrs/Miss)

Telephone No :.....Mobile No:.....

E-mail:.....

Address:.....Post Code:.....

4. Letter to Ms Charlotte Atkins MP from the Commissioner, 24 March 2010

I would welcome your comments on a complaint I have received from Mr Henry Jebb in respect of your use of a pre-paid House of Commons envelope and perhaps provided stationery to send unsolicited letters to the complainant, who lives outside your current constituency.

I attach a copy of the complainant's letter of 16 March, together with copies of the letters which the complainant received ³ and a copy of the House of Commons pre-paid envelope in which he says one of these letters was sent. I have informed the complainant that I shall not be inquiring into whether these communications involved campaign expenditure, as this would be a matter for the Electoral Commission rather than for Parliament.

In essence, the complaint is that you used House of Commons pre-paid envelopes and House of Commons stationery to send unsolicited letters to people living outside your current constituency, contrary to the rules 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 House stationery and postage are set out in the Green Book published in July 2009. The fundamental principles governing all allowances are set out in Section 1.3, including the following:

- *“Claims should be above reproach and must reflect actual usage of the resources being claimed.*
- *Claims must only be made for expenditure that it was necessary for a Member to incur to ensure that he or she could properly perform his or her parliamentary duties.*
- *Allowances are reimbursed only for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide a benefit to a party political organisation.*
- ...
- *Individual Members take personal responsibility for all expenses incurred, for making claims and for keeping records, even if the administration of claims is delegated by them to others.”*

The rules in relation to House stationery and postage are set out in Section 2.6 of that Green Book. The rules in relation to pre-paid envelopes are set out in paragraph 2.6.3.1, including:

“Pre-paid envelopes are designed to enable you to reply to letters or other contacts you receive, and to write to individuals and organisations in pursuit of your parliamentary duties. They should not be used to send mail to people on issues on which they have not previously contacted you. You can use stationery and pre-paid envelopes to respond to contacts you have received through any medium.”

The same paragraph gives examples of the proper use of pre-paid envelopes, including:

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

The same paragraph sets out the circumstances in which pre-paid envelopes must not be used, including:

“for correspondence you instigate with constituents on issues on which they have not previously contacted you.”

The paragraph concludes with:

³ WE1, WE2, WE3. The envelope has not been included in the evidence.

“You are encouraged to use second-class pre-paid envelopes. First-class envelopes should only be used for priority mail.”

Paragraph 2.6.3.2 concerns the use of House stationery:

“If you wish to use House of Commons stationery to write to people on issues on which they have not previously contacted you, you must purchase it from the suppliers, not as part of your cash-limited entitlement. Alternatively, you may photocopy stationery which includes the crowned portcullis and the words ‘House of Commons’. Any such use must also comply with the three requirements set out earlier in this section.”

The provisions in relation to the use of the Communications Expenditure are set out in paragraph 2.5 of the Green Book. Paragraph 2.5.1 sets out the purpose of the allowance as follows:

“Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.”

Paragraph 2.5.4.3 deals with the content of such communications and includes the following:

“The purpose of a publication or website must be to inform constituents about your work as a Member, to consult with constituents or local groups, or to provide information about how to contact you.

No party political material is permitted in any part of a publication or website funded wholly or in part from the allowance. You must not use party logos or slogans. You may use the House of Commons Portcullis provided the document meets the rules.

You must take care not to publish material which could be construed as campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000.”

The use of the Communications Expenditure is in any case restricted following a communication from the Department of Resources sent to all Members on 15 December 2009. The second and third paragraphs of that letter stated as follows:

“From 1 January 2010 the Communications Expenditure will be suspended for the majority of costs normally incurred. No claims for expenditure incurred on or after 1 January 2010 will be paid from the Communication Expenditure except when used to pay the following:

- *Surgery posters or small advertisements in local and regional newspapers; these must not include party colours, logos or slogans and should not include other extraneous material.*
- *Contractual agreements associated with the maintenance or lease of equipment entered into on or before the 23 November 2009.*
- *Cancellation fees for any good or services entered into on or before the 23 November 2009, if the goods or services cannot be provided by 31 December.*

You cannot therefore use the Communications Expenditure or utilise resources acquired from the Communications Expenditure from 1 January 2010 for:

- *The production and distribution of newsletters, Parliamentary reports, targeted letters, petitions and surveys.*
- *The production and distribution of surgery leaflets and flyers (in other words a ban on anything that can be put through the letter box).*
- *The purchase of office and other equipment.*
- *Services associated with website maintenance, development or updating (this includes automatic feeds which update websites).”*

The Guidance Note which accompanies this letter gives further information about such letters, including the following question and answer:

“Q1. Can I use Administrative and Office Expenditure after 1 January 2010 what would otherwise be Communications Expenditure costs?”

A1. No. The AOE cannot be used for expenditure normally associated with Communications Expenditure as no provision is made in the Green Book for such costs to be paid for from the AOE.”

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

1. the reasons why you produced and sent out this letter, including why you apparently sent it to people who were not your constituents;
2. how many of the letters similar to those which you sent to the complainant on 29 September 2009 and 19 February 2010 were sent to your constituents and how many were sent to people who were not your constituents;
3. why you used House of Commons headed paper to write to people who are not your constituents, and what was the source of the funding for this headed paper;
4. the distribution arrangements for both letters—including how many were sent out in each mailing using pre-paid House of Commons envelopes both to your constituents and to people who are not your constituents, and why such envelopes were used for this purpose;
5. the sources of the funding for your Freepost facility;
6. whether you have in the course of the current financial year (2009-10) sent similar communications using House of Commons headed paper and House of Commons pre-paid envelopes either to your constituents or to those who are not your constituents, and, if so, when and how many were sent;
7. whether any other costs associated with arrangements for the health checks mentioned in these letters were charged to your allowances, and, if so, what these were;
8. whether you have at any time discussed these communications with the Department of Resources.

Any other points you may wish to make to help me with this inquiry would be most welcome.

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

It would be very helpful if you could let me have a response to this letter within the next three weeks, although I appreciate that we are now very close to Dissolution and it therefore unlikely that I will be able to resolve this before then. If that is the case, I will need to return to it once Parliament resumes. If you would like a word about any of this, please contact me at the House.

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

24 March 2010

5. Letter to the Commissioner from Ms Charlotte Atkins, 30 April 2010

Further to your letter of 24th March 2010, let me first explain the nature of the events in question. They are Health MOTs organised with the local Primary Care Trust, NHS North Staffordshire. They provided the NHS staff to carry out a range of health checks on local people within their PCT area. These Health MOTs came about as a result of my work on the Health Select Committee and with NHS North Staffordshire. It became increasingly clear to me that the NHS focuses primarily on treating illness rather than trying to promote good health. So during my regular meetings with the NHS North Staffordshire PCT Chief Executive, I suggested that we actively promote free health checks to try and prevent serious ill health, reduce health inequalities and

encourage local people to take responsibility for their own health and well being. The Fire Service was also involved promoting their fire prevention smoke alarm service.

I undertook to book suitable venues and along with the PCT to publicise the events via press coverage, flyers and some direct mail letters to those who had raised health concerns with me or had health and fire service interests.

As you can see from the flyer posted to Mr and Mrs Jebb there were no party logos or slogans incorporated within the communication. If there had been any party political intent, it is inconceivable that I would have posted such a flyer to such well known Liberal Democrat councillors as Mr and Mrs Jebb.

Mr and Mrs Jebb live in [...] which is some [...] miles from Leek, just across my constituency boundary but within the NHS North Staffordshire PCT area. [...] is covered by the same newspapers as Leek and, therefore, residents in this area will have seen the coverage of the proposed MOT in the Leek papers and have heard about it on local radio. The reason I wrote to Mr and Mrs Jebb was as a courtesy informing them of an event which their PCT was hosting with me, and inviting them to attend.

I had instructed my staff only to send out such letters in stamped envelopes. But owing to an administrative error Mr and Mrs Jebb received a House of Commons envelope. This was an error for which I apologise. However, they were invited as local councillors who are involved in health and fire service matters.

There is a huge amount of uncertainty about exactly where constituency boundaries lie. [...] residents regard themselves as being in the Staffordshire Moorlands and, therefore, would assume that any Health MOT organised by the MP for Staffordshire Moorlands would cover them too. Many write to me assuming I am already their MP. As the event was to promote good health, I would have no reason to exclude them especially as the PCT covers this area.

For the most part, letters about the Health MOT were sent to constituents who had raised health issues or fire service issues with me. Flyers were also sent out in envelopes with other correspondence. Other flyers were posted through doors. I estimate that about 500 letters were sent out to constituents with around 40 being erroneously sent out to residents outside my constituency in House of Commons envelopes. The flyers were risographed on to a stock of House of Commons paper printed by an outside supplier. This paper was paid for out of the Office Costs Allowance March 2009.

The only other costs associated with these Health MOTs was room hire. This was charged to—Biddulph free of charge, Trinity 9.10.09 £178.50 claimed from C Allowance & 26 Feb paid by Charlotte £327.70 & reclaimed on C 1) budget. The total cost was £506.20. I also provided free tea and coffee at an approximate cost of £78.08 reclaimed on SA3 to employees.

I did not discuss these communications with the Department of Resources as they were not of a party political nature and arose out of my parliamentary roles.

30 April 2010

6. Letter to Ms Charlotte Atkins from the Commissioner, 18 May 2010

Thank you for your letter of 30 April responding to mine of 24 March about this complaint... Before I can consider this further, I would be grateful if you could clarify for me some of the questions which I asked in my original letter and which were not covered in your response. In particular:

1. How many invitations you sent out similar to your letter of 29 September for the event on 9 October; and similar to your letter of 19 February for the event on 26 February. You told me that there were about 540 such letters, but it is not clear whether that number covered each or both events.
2. How many letters were sent in House of Commons pre-paid envelopes to people who were then your constituents and to those who were not your constituents for each of the two events. You have said that about forty were sent to people who were not your constituents using House of Commons prepaid envelopes, but it is not clear whether that number covered both events, and whether any pre-paid

envelopes were used to send the invitation letters to those who were your constituents.

3. Who paid for the Freepost?
4. Were there any similar events for which you sent out invitations in 2009-10? If so, it would be helpful to have the details.

Finally, in the light of your response, it would be helpful to know how you selected those who were to receive your invitations. It would appear that you confined invitations to those constituents who had raised health and fire service issues with you. It is not clear to me, however, on what basis you identified those you invited who were outside your then constituency, given that I assume that many more than forty people lived outside your then constituency but within the area of the NHS North Staffordshire PCT.

If you could let me have a response to this letter within the next two weeks, I would be most grateful. Subject to your response I would then intend to seek advice from the Department of Resources. Thank you for your help.

18 May 2010

7. E-mail to the Commissioner from Ms Charlotte Atkins, 6 June 2010

Thank you for your letter of May 18. I apologise for the delay in replying. To clarify the questions you asked:

1. The figure of around 500 letters referred to the numbers for each event.
2. I understand that around 40 were sent to people in error outside my constituency in pre paid Commons envelopes for each event. Pre paid envelopes were used to send the invitation to those who were my constituents
3. The February event resulted in minimal use of the Freepost so this was covered by the Labour Party whose Freepost we used for administrative convenience and to minimise any additional administrative costs. But in November 2009 I claimed for £65.20 for the Freepost associated with two health MOT events in Leek and Biddulph.
4. Two similar MOT events were held in the Town Hall of Biddulph. But, as this was a more widely known venue, the invitations were mainly issued via word of mouth and hand delivered flyers.

Finally, we identified those who received written invitations from petitions they had signed, from phone calls or from letters or e-mails they had sent me. These included people from outside my constituency because they were either unaware that I was not their MP due to the confusion caused by being in the Staffordshire Moorlands District Council area and within the PCT serving Staffordshire Moorlands. Others will have written to me because they had picked up that I was to become their MP and were confused about when this was to happen. Others will have signed petitions which covered both my constituency and their area because they read the same newspapers and listen to the same radio stations as my constituents and do their shopping in my constituency. I am sure you will appreciate that having been a high profile MP for 13 years I received many letters, e-mails and phone calls from people outside my constituency as parliamentary rules about MPs only dealing with their own constituents are not widely understood by the general public.

6 June 2010

8. Letter to Ms Charlotte Atkins from the Commissioner, 7 June 2010

Thank you for your e-mail of 6 June responding to my letter of 18 May about this complaint.

It may be helpful if I clarify my understanding of the facts as you have given them to me in your responses of 30 April and 6 June. This is as follows:

1. You booked two MOT health events organised in Leek with the PCT and the Fire Service on 9 October

2009 and 26 February 2010. You booked the venues and publicised the event.

2. You sent invitations using House of Commons crested notepaper funded from your Administrative and Office Expenditure, and House of Commons prepaid envelopes funded from your House of Commons stationery allowance, to 500 of your then constituents for each event, and to an additional 40 to people who were not your constituents for each event. These were all people who were on your database who had at some stage contacted you, either through petitions, phone calls, e-mails or letters. I assume these contacts were not necessarily on personal health issues.
3. As well as the cost of the stationery and pre-paid envelopes, you claimed £178.50 from the Communications Expenditure for room hire for the event in October 2009; £327.70 for the cost associated with the February 2010 event, which you reclaimed from your Administrative and Office Expenditure; £78.08 for tea and coffee at both events claimed from your AOE allowance; and £65.20 for the Freepost for the two events in Leek and Biddulph, presumably claimed from your AOE allowance.
4. In addition to the two events in Leek, you had also held two MOT health checks in Biddulph in 2009. Most, but not all, invitations for these events were issued either by word of mouth or hand delivered.

Could you first confirm that this is an accurate summary of what you have told me? If not, could you kindly correct it?

Secondly, could you let me know what costs were covered by the £327.70 which you claimed for the February 2010 event?

Thirdly, you say that the invitations to the Biddulph events were issued via word of mouth and hand-delivered flyers. Could you let me know whether you used House of Commons crested notepaper bought for these events, the source of the funding for this paper, how many invitations using such notepaper were sent, whether any were delivered in House of Commons pre-paid envelopes and, if so, how many? It would also be helpful if you could confirm that you made no claim for the costs of a Freepost service for the other Biddulph event.

If you could let me have a response to this letter within the next week I would be most grateful. I will then seek advice and comment from the Department of Resources which I hope will help me bring this matter to a resolution.

I am grateful for your help.

7 June 2010

9. E-mail to the Commissioner from Ms Charlotte Atkins, 11 June 2010

Further to your letter of 7 June,

1. Correct.
2. The contacts were on a range of health issues.
3. I am assuming that this is correct but I no longer have any records to check these figures against.
4. The MOT events in Biddulph were in 2009 and 2010.

You ask what costs were covered by the £327.70 figure. I cannot now tell you but the Dept of Resources will have all the details. All my own records have now been shredded.

The invitations to the Biddulph events were risographed on to a stock of House of Commons paper printed by an outside supplier.

This paper was paid for out of the Office Costs Allowance March 2009.⁴ I do not know exactly how many went out as hand delivered flyers but probably around 500. A handful of letters would have gone out in pre paid envelopes. Any Freepost costs would have been included in the figures you already have.

11 June 2010

10. Letter to Ms Charlotte Atkins from the Commissioner, 14 June 2010

Thank you for your e-mail of 11 June responding to my letter of 7 June. I was most grateful for this prompt response. I am now writing to the Department of Resources seeking their advice and comments on the basis of the information you have given me. I would be very grateful, however, if you could help clarify the information you have given me about the two events in Biddulph:

1. Could you let me know the dates in 2009 and 2010 when these events were held? Your website suggests that one was October 2009, and the NHS North Staffordshire website suggest that one was in September 2009.
2. Did you invite people who were not your constituents (as happened for the Leek events)? If so, is your estimated number of 40 non-constituents, which you gave for each of the Leek events, accurate also for the Biddulph events?
3. I note that most of the Biddulph invitations were hand-delivered. You did not hand-deliver the invitations for the Leek event. Could you let me know why you used a different distribution system for the two locations?
4. You say that a "handful" of invitations to the Biddulph events were delivered in House of Commons pre-paid envelopes. I assume that a handful might be taken to be about 20 for each event. If that is not correct, could you let me know? And were these invitations to people who were then your constituents, or to others?

If you could let me have a response to this letter within the next week, that would be most helpful in ensuring that the Department of Resources have the full picture before they finalise their advice.

14 June 2010

11. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 14 June 2010

I would welcome your help on a complaint I have received against Ms Charlotte Atkins, when she was the Member for Staffordshire Moorlands, in respect of stationery claims she made for invitations to some of her constituents to attend NHS health checks which she had arranged.

I enclose [relevant material]. In essence, the complaint is that Ms Atkins used House of Commons pre-paid envelopes and stationery to send unsolicited letters to people living outside her then constituency, contrary to the rules of the House.

I would be very grateful for your help and advice on this matter. In particular, it would be helpful to know whether it was in the Department's view acceptable for the Member to use for this purpose House of Commons notepaper paid for from the Administrative and Office Expenditure; whether it was acceptable for the Member to have used House of Commons pre-paid envelopes to send these invitations to some 500 of her constituents (for each of the four events identified) on the basis that they had written to her at some stage about a range of health issues; and whether it was acceptable also to send these invitations to some 40 people for at least 2 of the events who had written to her but who were not her constituents (you will see that Ms

⁴ Administration and Office Expenditure

Atkins has accepted that she believes she should have used stamped and not pre-paid envelopes for this part of the dispatch). Could you also let me know whether you consider that in view of the Director of Operations' letter to all Members of 15 December last, it was permissible to draw on parliamentary allowances for correspondence related to the event held on 26 February 2010?

It would also be helpful to have your advice on whether the other claims made by Ms Atkins for this event were acceptable, namely the claims drawn from her Communications Expenditure for room hire, and from her Administrative and Office Expenditure for associated costs, tea and coffee, and Freepost.

Finally, it would be helpful if you could let me have any information that the Department may hold, including claim forms or associated documentation, relating to these events, including the £327.70 claimed for the February 2010 event in Leek. Any other points you may wish to make would, of course, be most welcome.

I would be very grateful if you could let me have a response to this letter within the next two weeks. I am writing to Ms Atkins for some further detailed information about the events she held in Biddulph, and when I hear back from her I will let you know.

14 June 2010

12. E-mail to the Commissioner from Ms Charlotte Atkins, 16 June 2010

Further to your letter of 14 June:

1. The dates were 11 September 2009 and 12 February 2010.
2. No.
3. Because we used the Biddulph Town Hall which is a regular public venue where most Biddulph people will have seen the publicity for the event.
4. probably around 20.

Should you have any other queries could you ring my mobile phone on [...] as I will not be at home to receive your letters

16 June 2010

13. Letter to Ms Charlotte Atkins from the Commissioner, 16 June 2010

Thank you for your e-mail of 16 June responding to my letter of 14 June about this complaint.

I was most grateful for this prompt response. I shall take it therefore that the October 2009 event pictured on your own website was in fact held in September 2009 and that the October reference was intended to be a reference to that event.

I am copying your e-mail and this letter to the Department of Resources so that they can take it into account when considering the advice I have asked of them.

When I have their response I will be back in touch. Thank you again for your help.

16 June 2010

14. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 30 June 2010

Thank you for your letters of 14th and 16th June.⁵ I apologise for the delay in replying.

In our view it was acceptable for a Member to use the Administration and Office Expenditure (AOE) to purchase stationery to be used to publicise an event to promote preventative health held in her constituency, but also open to non-constituents who lived within the local Primary Care Trust area. This is particularly the case for a Member who was a member of the Health Select Committee.

It was not permissible for AOE to be used to replace Communication Expenditure following the then Director of Operations's letter to Members of 15th December 2009. However, the purpose of Ms Atkins's letter in relation to the event on 26th February 2010 could be said to have been to publicise the event rather than to inform constituents about her work. If that is the case, it would not have been within the ambit of the Communication Expenditure.

The legitimacy of the use of pre-paid envelopes for such purposes depends on the extent to which the persons to whom the envelopes were sent had contacted the Member on the issue of preventative health. It is not relevant whether the recipient was or was not a constituent. However, it seems to us that the invitation was in the name of a general update, which is not a permitted use of pre-paid envelopes.

You ask about the other claims made by Ms Atkins.

The claims for room hire in October 2009 made under Communications Expenditure should more properly have been made under AOE.

Claims for tea and coffee under AOE were acceptable for surgeries. I believe that Ms Atkins may have regarded the health check events as surgeries, though they were not surgeries since non-constituents were involved. Strictly these claims were therefore outside the purposes of AOE.

Claims for Freepost were permissible under AOE.

You ask for copies of documents we hold in respect of these two events. I enclose copies of the following⁶:

- a. A claim for £45.20 for transport to the February event
- b. A claim for £31.72 which appears to relate to the February event and another event
- c. A claim for £69.20 for transport to the October event, together with an internal note to say that this was an appropriate charge under AOE, rather than Communications Expenditure⁷
- d. A claim for £327.70 for room hire for the February event and another event to be held in January 2010
- e. A claim for £17.69 for refreshments for the October event, and
- f. A claim for £178.50 for room hire for the October event

It is not possible to disaggregate the Freepost claims in respect of these events from other Freepost claims.

Please let me know if I can help further.

30 June 2010

⁵ With his letter of 16 June, which has not been included in the evidence, the Commissioner forwarded Ms Atkins' e-mail of 16 June.

⁶ Summary information about these claims is available on the parliamentary webpages.

⁷ The note said, "We agreed this expense should be coded [...] (AOE) since it refers to transport of constituents to surgery. Agreed w/ [name of official] 30/11/09."

15. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 5 July 2010

Thank you for your letter of 30 June responding to my letters of 14 and 16 June⁸ about this complaint.

I was grateful for your comments and advice. To help me come to my own view on whether it is right to interpret the Administrative and Office Expenditure as covering the costs of Ms Atkins' Health MOTs, I would be grateful for if you could explain a little more about how, at the time, the Department applied the rules in the Green Book to events such as these and their associated costs. In particular:

1. I take it from your response that the Department considered that it was outside the rules for Ms Atkins to use pre-paid envelopes to invite people to her healthchecks, and that it would not have been in order for her to use the Communications Expenditure to fund the postage for these letters as they did not meet the criteria for this allowance. I assume that you had in mind paragraph 2.5.1 of the July 2009 Green Book which sets out the purpose of the Communications Expenditure as

“to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.”

Could you let me know whether you consider that the first paragraph of Ms Atkins' letter, which refers more widely to her healthcare work, could at the time have qualified it for funding under the Communications Expenditure (recognising that such funding for the February event would not have been permissible)?

It would be helpful if you could identify for me each of the Green Book rules which you believe permitted expenditure on Ms Atkins' Health MOTs under the Administrative and Office Expenditure (AOE). In particular:

- a. Assuming that the Department considers that it would have been acceptable to draw on the AOE to fund the stamps and Freepost as well as the stationery used for this correspondence to constituents and others, could you let me know which rules you rely on?
- b. Could you let me know why the Department would have considered it permissible to use parliamentary resources to invite people who were not Ms Atkins' constituents to this event as part of her parliamentary duties, particularly given Mr Speaker Martin's injunction of 6 November 2007 against Members involving themselves with other Members' constituencies?
- c. You say that Ms Atkins' claim for room hire costs should properly have been made under the AOE. It would be helpful if you would let me know why the Department considers that such a charge was acceptable, and which rules you rely on. I note that Ms Atkins' claim of 23 November 2009 and the accompanying documentation prepared by the Department suggested that the Department viewed these meetings as surgeries. But you say that you believe that Ms Atkins' claims for refreshments were outside the purposes of the AOE as these events "*were not surgeries since non-constituents were involved.*" Alternatively, if the Department would have considered these events were the equivalent of a Member's surgery, it would be helpful to know why.
- d. It would be helpful to know whether the Department considers that the costs of minibuses to transport constituents and others to these events could have been charged to Ms Atkins' AOE, and if so in what circumstances. Again, it would be helpful if you could identify for me the relevant rules in the Green Book, given your statement that these events were not surgeries.

⁸ WE 14, WE 11. The letter of 16 June, with which the Commissioner forwarded Ms Atkins' e-mail of 16 June, is not included in the evidence

- e. You say that the Department considers that AOE was a proper source of funding for the stationery for Ms Atkins' letters, particularly as the Member was a member of the Health Select Committee. Does this mean that the Department accepted as a general principle that Members who sat on select committees had a greater latitude in the use of AOE in areas relevant to their select committee membership, and, if so, what was the basis for this in the Green Book?

Finally, it would be useful to know, particularly in view of the file note of 30 November 2009 which records that it was agreed that the transport costs Ms Atkins had claimed on should be charged against her AOE, whether the Department had any discussions with Ms Atkins about the ancillary costs of these events. (She has already said that she did not discuss the stationery costs with the Department). And could you let me know of any recent precedents for the funding of such events, including transport, room hire and refreshments, from parliamentary resources?

It would be helpful if you could let me have a response to this letter within the next week. I will then copy our correspondence to Ms Atkins for any comments she may wish to make, before I decide how best to resolve this matter.

5 July 2010

16. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 12 July 2010

Thank you for your letter of 5th July.

Before dealing with your detailed questions, I should like to make a general point about the Green Book, as revised in 2009. This Green Book was founded on principles which Members were enjoined to apply. But in doing so, they were to exercise individual judgement. This was because it was accepted that individual Members had different needs, priorities and ways of doing their duties. While there were specific rules in some areas, these did not cover the whole ground and were not intended to do so. This Green Book thus provided guidelines rather than tramlines. On your specific questions:

1. The Communications Expenditure was intended to help Members communicate proactively with their constituents but not with others. For this reason, Ms Atkins would not have been able to use this allowance to communicate with non-constituents.

Please see my comments above on the absence of detailed rules. More specifically:

- a. Stationery and postage are examples of appropriate expenditure under paragraph 2.2.3.2 of the July 2009 Green Book.
- b. Parliamentary duties may involve contact with persons who are not constituents. It would have been for Ms Atkins first of all to judge whether the events were duties undertaken properly to perform any of her functions as a Member. The promotion of preventative health events held in her constituency, but open to those who lived within the PCT area, was clearly so regarded by her. Mr Speaker Martin's injunction of 6th November 2007 against Members involving themselves with other Members' constituencies was, as I understand it, primarily directed against Members who sought to offer the services they offer to constituents to people living outside their then constituencies but in areas due to become part of the new constituencies where those Members might be standing at the next election. I do not have enough information to determine whether the events Ms Atkins arranged purported to be for constituents or not.
- c. Hiring facilities for meetings is an example of appropriate expenditure under paragraph 2.2.3.1 of the July 2009 Green Book. I would not rely on too precise a use of the term "surgeries" in Ms Atkins' claim of 23 November 2009 and the accompanying documentation prepared by the Department. The distinction between a surgery and another qualifying meeting is easier to make in a retrospective forensic analysis. I suspect that the term may originally have been used rather loosely.

- d. Under paragraph 2.2.1 of the July 2009 Green Book, certain travel costs not met out of Travel Expenditure were a permitted use of AOE. Again Ms Atkins would have been expected to judge whether the transport costs for which she claimed fell within the Green Book principles.
- e. The Green Book made it clear that different Members had different ways of performing their duties. Membership of a select committee can be a very important part of a Member's parliamentary duties, and the allowances were intended to help a Member discharge those duties as well as others.

In response to your final questions:

- there is no evidence that Ms Atkins discussed the ancillary costs of these events with the Department. However, it is not at present possible to access the Enquiry and Advice Team log where any advice which might have been given would probably have been recorded. When access to the log is again possible (if indeed access again becomes possible), I will ensure that a check is made, if you would like me to do this.⁹
- I cannot cite any recent precedents for the funding of such events, including transport, room hire and refreshments, from parliamentary resources. However, staff with experience of dealing with claims do not find Ms Atkins's claims unusual.

Please let me know if I can help further.

12 July 2010

17. Letter to Ms Charlotte Atkins from the Commissioner, 13 July 2010

When I wrote to you on 14 June I said that I was seeking the advice of the Department of Resources about this complaint. I subsequently forwarded to the Department your e-mail of 16 June responding to the questions I had asked in my letter to you of 14 June. I have now heard back from the Department of Resources. I enclose a copy of my letters to them of 14¹⁰ and 16 June, and their response of 30 June¹¹, together with their enclosures.

Having considered the Department's response I thought it might be helpful for me to have some clarification of their advice. I therefore wrote to them again on 5 July and received a response on 12 July. I attach also copies of these letters.¹²

I would welcome any comments you may wish to make on the Department's responses. As you will see, their advice is that you should not have used pre-paid envelopes to send any of your invitations to these health check events, but it was open to you to use your Administrative and Office Expenditure to purchase the stationery, to send the letters and to meet the costs of Freepost. They say that the rules also permitted the use of this allowance to pay for refreshments for surgeries, room hire for meetings and certain travel costs.

I will need to come to my own view on the Department's advice, taking into account its interpretation of the Green Book rules and noting that, while the Department's staff did not find your claims unusual, they had no precedents for the funding of such events. I will also need to come to a view on the nature of these events recognising the Department's view that, while you may have regarded these as surgeries and Departmental staff at the time appear to have noted this, the Department now considers that the rules which are most relevant are those which applied to meetings.

The issues I may need to consider are:

⁹ The Director later confirmed that this log held no record of relevant advice to Ms Atkins

¹⁰ WE 11. The letter to the Department of 16 June, with which the Commissioner forwarded Ms Atkins' e-mail of 16 June, is not included in the evidence

¹¹ WE 14

¹² WE 15, WE 16

1. Whether it was permissible under the rules as they were at the time for Members to use parliamentary allowances to fund the provision of healthcare events for their constituents and others, when the costs might otherwise have fallen to be met by other agencies, in this case the National Health Service;
2. Whether the use of pre-paid envelopes to invite your constituents and others to these events was permissible under the rules;
3. Whether it was permissible under the rules to use the Administrative and Office Expenditure to fund the stationery and Freepost costs which you used to invite your constituents and others to these events;
4. Whether it was permissible for you to use your Administrative and Office Expenditure intended to provide facilities, equipment, supplies and services for you and your staff to meet the costs of room hire and transporting some of your constituents to the events;
5. Whether it was permissible for you to use your Administrative and Office Expenditure to pay for refreshments for constituents and others at these events.

You have not suggested that your membership of the Health Select Committee was a reason for deciding to fund this event for your constituents. I do not, therefore, propose to address the Department's arguments on this matter unless you would wish now to suggest that it was a material consideration at the time.

I would welcome your views on the Department's responses and my identification of the main issues.

I would be grateful also for a little more information on the arrangements for the events, namely:

1. Whether you and/or your staff were present throughout all these events and, if so, whether you used the occasions to provide, for example, information or advice to your constituents;
2. Whether those people who received invitations to the event from outside the constituency were to come within the boundary of the constituency for which you stood in the last election;
3. What criteria you used to offer free transport to some of those identified, and whether all those using the transport service were your constituents, or whether some came from outside the constituency.

Finally I note that the Department have no record of any discussions with you about the costs of these events, but I have asked them to let me know if they regain access to their enquiry and advice team log.¹³

I would be most grateful if you could let me have a response to this letter within the next two weeks.

Thank you for your help.

13 July 2010

18. Letter to the Parliamentary Commissioner for Standards, from the Director of Strategic Projects, Department of Resources, 14 July 2010

Thank you for your letter of 12 July.

I am pleased to say that access to the Enquiry and Advice Team log is again possible. There is no record there of any discussion with Ms Atkins on any matter related to these health events.

Please let me know if I can help further.

14 July 2010

¹³ The Director later confirmed that this log held no record of relevant advice to Ms Atkins. See WE 18.

19. E-mail to the Commissioner from Ms Charlotte Atkins, 21 July 2010

Thank you for your letter of 13 July 2010.

I welcome the Department of Resources' comments. It appreciates that individual Members have different needs and ways of doing their duties.

I decided to organise my Health MOTs because, according to the Association of Public Health Observatories, Staffordshire Moorlands has one of the worst rates of adult obesity in the country. I did this in partnership with the local Primary Care Trust because its initiatives to boost people's fitness and reduce smoking had ended due to lack of interest.

You state in your letter (page 2 line 18) that I have not suggested that my membership of the Health Select Committee was a reason for deciding to fund this event. Yet in my letter to you dated 30 April 2010 I wrote in paragraph two:

"These Health MOTs came about as a result of my work on the Health Select Committee and with NHS North Staffordshire. It became increasingly clear to me that the NHS focuses primarily on treating illness rather than trying to promote good health."

So my membership of the Health Select Committee was a material consideration at the time and I have already made that clear.

On the specific questions you ask:

Q1: My staff and I were present for the whole of the events and I conducted surgery style appointments throughout the proceedings. My staff plus staff from the local health services and from the fire service provided information and advice to my constituents throughout the events.

Q2: The people who received the invitations to the event from outside my constituency were to come within the constituency boundaries at the last election but they were already within the Primary Care Trust area.

Q3: I offered free transport to any constituent who needed it as I wanted to ensure that everyone could attend irrespective of disability or access to their own transport, particularly as the Health MOTs were focussed on my most deprived constituents. Public transport is poor within rural areas such as Staffordshire Moorlands.

21 July 2010

20. Letter to Ms Charlotte Atkins, from the Parliamentary Commissioner for Standards, 29 July 2010

Thank you very much for your e-mail of 21 July responding to my letter to you of 13 July about this complaint. I was most grateful to have this response and to you for having corrected my misapprehension in relation to the relevance of your membership of the Health Committee, for which I do apologise.

I need now to consider how best to resolve this complaint, taking account of your evidence and the advice from the Department of Resources. In the light of your evidence, and in particular that you and your staff were present for the whole of each event and conducted surgery style appointments throughout the proceedings, I think it may be reasonable for me to conclude that these events were a form of constituency surgery, albeit enhanced by the presence of the NHS staff and the fire service. I have extended this conclusion to the Biddulph events on the assumption that they followed the same pattern as the Leek events: with you and your staff present throughout for surgery style appointments. If this is not so, please let me know. On that basis, I am minded to conclude that it was reasonable for you to use House of Commons notepaper paid for from your Administrative and Office Expenditure for the invitation letters. In doing so, I accept on balance the Department's advice that the purpose of the letters was to inform recipients of those events, and not of your work as an MP. While the events were surgery style events, your letter was not a form of surgery flyer. I am also minded to conclude that it was reasonable for you to claim in November 2009 from your parliamentary allowances for Freepost costs for the first of the Leek and Biddulph events.

But I am minded to conclude that you were in breach of the rules in using House of Commons pre-paid envelopes to send these invitations to some 540 people, including 40 who were not your constituents at the time, for each of the Leek events, because these were common format letters which could not be held to be an update relating to each recipient's specific case. For similar reasons, I am also minded to conclude that you were in breach of the rules in using such envelopes to send invitations to 20 people for the Biddulph events.

While this was not part of the complaint, I am minded also to conclude that, as a surgery event, it was permissible for you to pay from your parliamentary allowances for the hire of the rooms, and for refreshments. I do not, however, accept the Department's view that it was permissible to use parliamentary resources to transport some of your constituents to the event since, according to the Green Book, the provision for meeting travel expenditure from Administrative and Office Expenditure appears to be specifically for the use of the Member and their staff.

I have considered carefully the question of the invitations you sent to people who were not your constituents, including the complainant. On the evidence you have given me, I could not be satisfied that it was not possible to confine your invitation only to your constituents, but I would be prepared to consider further evidence from you on this. Given that you were providing surgery services at these events, I do not think it was right for you also to have invited non constituents, particularly as they were to come from within the constituency you were planning to contest, because Members should not hold surgeries for those who are the constituents of other Members.

I am currently minded, therefore, to find that you were in breach of the rules of the House of Commons in using pre-paid envelopes for sending out the 540 invitations to each of the Leek events, for the paper costs of the 40 invitations for each such occasion that you sent to people who were not your constituents, and in respect of the Biddulph events, for using 20 pre-paid House of Commons envelopes for sending out invitations. I am also minded to find that you were in breach of the rules in using your Administrative and Office Expenditure Provision to meet the costs of transporting some of your constituents to the Leek events. But it was permissible for you to use House of Commons paper funded from your Administrative and Office Expenditure to invite your constituents to the Leek (and Biddulph) events, each of which was a form of constituency surgery, and on that account, to meet the costs of the room hire, refreshments and Freepost.

If you were to accept these conclusions, then it would be open to me to bring this complaint to a conclusion through use of the rectification procedure ...I look forward to hearing from you.

29 July 2010

21. E-mail to the Parliamentary Commissioner for Standards, from Ms Charlotte Atkins, 5 August 2010

In response to your letter of 29 July 2010, I am content to accept your conclusions and the use of the rectification procedure.

5 August 2010

Letter to Ms Charlotte Atkins, from the Parliamentary Commissioner for Standards, 10 August 2010

Thank you for your e-mail of 5 August responding to my letter of 29 July about the resolution of this complaint.

I was grateful for this response. I enclose an extract from the draft of the letter which I would propose to send to the complainant. While the substance is clearly a matter for me, I would be grateful if you could check and confirm its factual accuracy.

I enclose a schedule of the costs involved so that you can see how the figures have been arrived at. I draw on this in the letter to the complainant. You will see that I have put in a sum of £178.50 for the hire of the rooms

in Leek in February 2010 (the same as for the October hire) leaving the remainder for the second hire in January

2010 which I assume was for a different purpose unrelated to this complaint. You will also see that I have included in the calculation of the repayment the cost of 20 prepaid envelopes for the second Biddulph event which I regret I omitted from my previous calculation — please accept my apologies for that. The total repayment now comes to £501.26.

If you could let me have a response to this letter by 31 August (taking account of the holiday period), I will then write to the complainant and close the complaint. It would be most helpful if, during that period, you could also make the appropriate repayment to the Department of Resources to whom I am copying this letter.

I should point out that, if the House of Commons agrees to recommendations which I made to the previous Committee on Standards and Privileges, and which that Committee supported, my letter to the complainant and the evidence on which it is based would, in due course, be made available on my webpages.

I will inform the Committee on Standards and Privileges of the outcome of this inquiry at its next meeting.

10 August 2010

Costs of Health Events

All costs identified:

Event	pre-paid envelopes			paper (IEP)			room hire (AOE)	refresh-ment (AOE)
	unit cost	number used	total cost	unit cost	number used	total cost		
Leek 9.10.09	£0.3426	540	£185.00	£0.0394	540	£21.28	£178.50	£17.69
Leek 26.2.10	£0.3426	540	£185.00	£0.0394	540	£21.28	£178.50	£31.72
Biddulph 11.09.09	£0.3426	20	£6.85	£0.0394	520	£20.49	£0.00	
Biddulph 12.2.10	£0.3426	20	£6.85	£0.0394	520	£20.49	£0.00	
		1120	£383.71		2120	£83.53	£357.00	£49.41

Notes

1. Freepost was claimed in November 2009 for the two autumn 2009 events.
2. £31.72 was claimed for refreshments in February 2010 for the two events in that month. Ms Atkins said in her letter of 30 April that she claimed a total of £78.08 on refreshments but not all of this has been identified.
3. The £178.50 listed for room hire for the February 2010 event was included in a claim of £327.70 for this and an unrelated constituency event in January 2010.

To repay:

Item:	unit cost	number used	total cost
540 pre-paid envelopes for each of 2 Leek events (total 1080)	£0.3426	1080	£370.01
20 pre-paid envelopes for invitations to each of 2 Biddulph events (total 40)	£0.3426	40	£13.70

40 sheets of paper for invitations to non-constituents for each Leek event (total 80)	£0.0394	80	£3.15
Transport costs			£114.40
Total			£501.26

stationery used for non-constituents	unit cost	number used	total cost
80 pre-paid envelopes	£0.3426	80	£27.41
80 sheets crested paper	£0.0394	80	£3.15
Total			£30.56

10 August 2010

22. E-mail to the Parliamentary Commissioner for Standards, from Ms Charlotte Atkins, 14 August 2010

I see from your letter of August 10 that you are charging me for the transport costs for my constituents to my health MOTs.

Could you explain why you are doing this when I have a note dated 30.11. 2009 and initialled [...] from the Department of Resources which says : "*We agreed this expense should be coded [...] (AOE) since it refers to transport of constituents to surgery. Agreed ... 30/11/09.*"¹⁴

Surely this explicitly approves the expenditure in question?

I would be grateful for your response.

14 August 2010

23. E-mail to Ms Charlotte Atkins from the office of the Parliamentary Commissioner for Standards, 16 August 2010

Thank you for your e-mail to the Commissioner, in which you ask why he has asked you to repay the costs of transporting constituents to your health events. The Commissioner has asked me to draw your attention to the fourth paragraph of his letter of 29 July in which he says:

"...I do not, however, accept the Department's view that it was permissible to use parliamentary resources to transport some of your constituents to the event since, according to the Green Book, the provision for meeting travel expenditure from Administrative and Office Expenditure appears to be specifically for the use of the Member and their staff."

This explains why the Commissioner reached the view he did. While the Commissioner takes account of the Department's views, it is for him to form his own view on whether a Member has breached the rules of the House.

16 August 2010

¹⁴ See also footnote to WE 14.

24. E-mail to the Commissioner's office from Ms Charlotte Atkins, 1 October 2010

I have already instructed the Department of Resources to settle the outstanding amount.¹⁵ I am happy to agree the terms of the settlement as laid out in the letter of August 10.

1 October 2010

¹⁵ This email was sent in response to reminders from the Commissioner's office.