

Mr Simon Danczuk MP: Resolution Letter

Letter to Mr C Faulkner from the Commissioner, 19 January 2011

I have now concluded my consideration of the complaint which you sent me on 10 November against Mr Simon Danczuk MP in respect of his use of House of Commons notepaper, taking account of your further letter of 3 December.

In essence, your complaint was that Mr Danczuk used House of Commons original stationery from his provided stationery account to send information about advice surgeries to his constituents, together with information relating to party political activity.

I have consulted Mr Danczuk and the House of Commons authorities about this matter.

Mr Danczuk has told me that he asked a member of his constituency staff to prepare an advice surgery leaflet to publicise his new office and contact details. He did not review a draft of the document. Some 450 leaflets were produced using notepaper from Mr Danczuk's House of Commons stationery account. No postage was used as the leaflets were handed out to members of the public. The member of his staff who prepared the leaflet assumed it was acceptable to include a local Councillor and community campaigner on the leaflet although neither contributed to its costs.

As soon as Mr Danczuk became aware that House of Commons notepaper was being used for this leaflet, I understand he instructed his staff to stop any further production and gave them instructions that House of Commons notepaper was not to be used again.

Mr Danczuk accepts that errors were made in the production of this leaflet. He also accepts that the quotes used by the member of staff who produced the leaflet could be construed as having a party political nature and that the leaflet could be construed as having been a political leaflet. He immediately offered to reimburse to the House authorities the full costs of the 450 sheets of House of Commons notepaper which were used.

The House authorities have advised me that since this surgery leaflet was unsolicited, it was not a proper use of House of Commons provided stationery. In addition, some of the quotations in the leaflet, together with the references only to local Labour party representatives, in their view made the leaflet party political in nature and, for this reason also, it was in their view not a proper use of House of Commons stationery.

I have concluded that Mr Danczuk was in breach of the rules of the House in respect of his use of House of Commons provided stationery for these advice surgery leaflets because stationery provided by the House must not be used for unsolicited correspondence and also because of the identification of the Labour party representatives and some of the quotations on the back of the leaflet. These had the effect of relating the leaflet to party political activity which could not be funded from parliamentary resources. This conclusion accords with Mr Danczuk's own assessment of the leaflet in the light of the rules of the House. He has apologised for the breach. He has taken action with his staff to avoid a recurrence. He has paid back to the House authorities the full cost of the notepaper, which was £17.37.

I consider this is a satisfactory response and now regard the matter as closed. I will report the outcome to the Committee on Standards and Privileges. This letter, together with the relevant evidence, will in due course be put on my parliamentary webpages.

I am copying this letter to Mr Simon Danczuk MP.

19 January 2011

Mr Simon Danczuk MP: Written evidence

1. Letter to the Commissioner from Mr C. Faulkner, 10 November 2010

Please find enclosed a sheet of Parliamentary letter-headed notepaper that I feel is being used inappropriately.

As far as is possible, I have checked the guidelines relating to usage of such notepaper. My understanding is that things such as a newsletter or surgery details are quite permissible but should indicate how the notepaper was funded.

However, it seems as though this document is only masquerading as a newsletter/surgery communication. On my reading, it gives tacit approval to the recently elected local councillor and his election agent, who are both members of the same party as the MP (Mr Danczuk).

It directly and indirectly supports a councillor of one party whilst undermining the relevance of the two other councillors in the same ward (Spotland & Falinge). Not surprisingly, they are members of a different party.

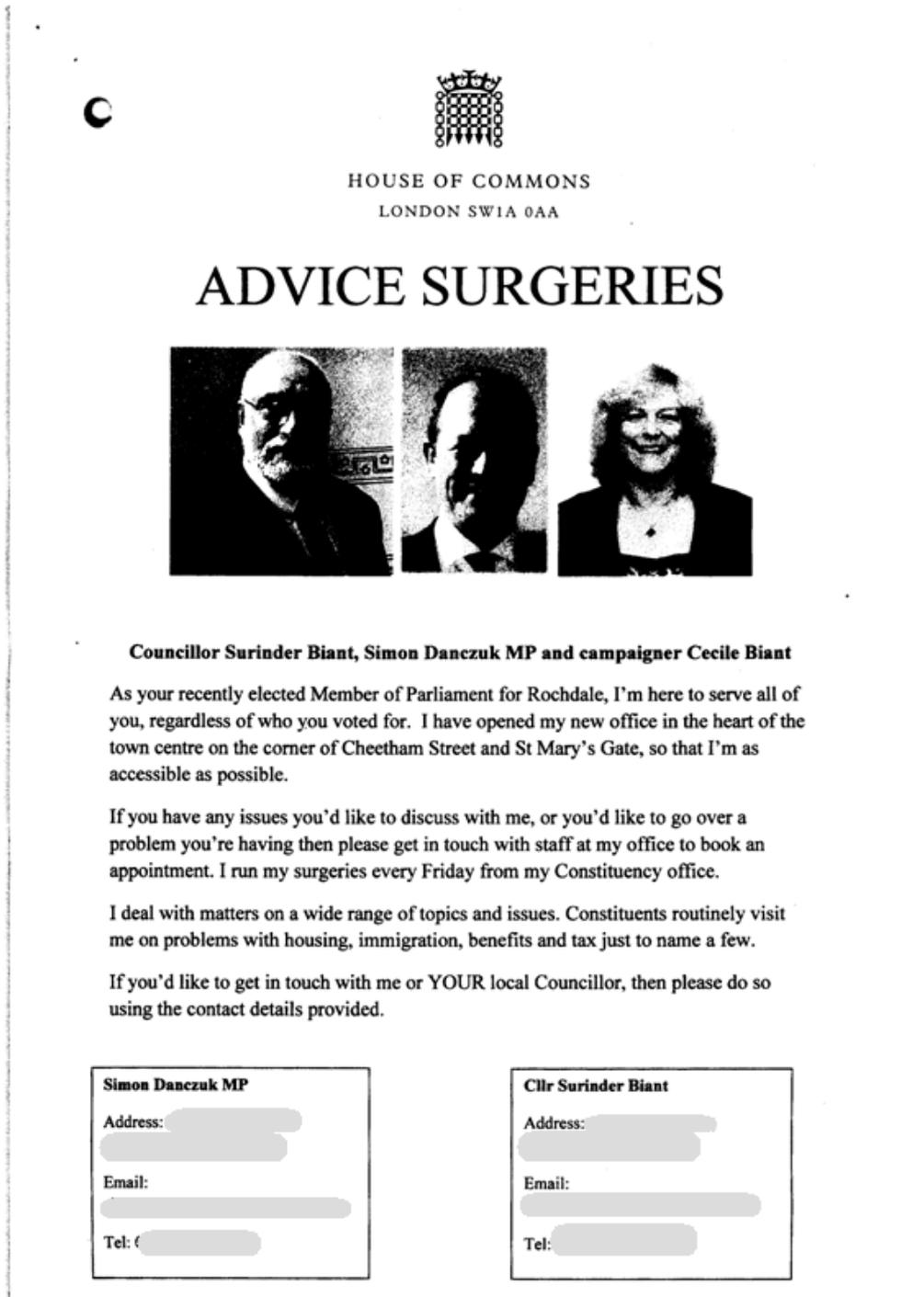
This is reinforced by the statements on the back of the notepaper.

For your information I am not a member of any of the parties represented in the above ward, although I did stand as an independent at the last local elections in May 2010.

Please advise.

10 November 2010

2. Undated letter to constituents from Mr Simon Danczuk MP



HOUSE OF COMMONS
LONDON SW1A 0AA

ADVICE SURGERIES



Councillor Surinder Biant, Simon Danczuk MP and campaigner Cecile Biant

As your recently elected Member of Parliament for Rochdale, I'm here to serve all of you, regardless of who you voted for. I have opened my new office in the heart of the town centre on the corner of Cheetham Street and St Mary's Gate, so that I'm as accessible as possible.

If you have any issues you'd like to discuss with me, or you'd like to go over a problem you're having then please get in touch with staff at my office to book an appointment. I run my surgeries every Friday from my Constituency office.

I deal with matters on a wide range of topics and issues. Constituents routinely visit me on problems with housing, immigration, benefits and tax just to name a few.

If you'd like to get in touch with me or YOUR local Councillor, then please do so using the contact details provided.

<p>Simon Danczuk MP</p> <p>Address: [REDACTED]</p> <p>Email: [REDACTED]</p> <p>Tel: [REDACTED]</p>

<p>Cllr Surinder Biant</p> <p>Address: [REDACTED]</p> <p>Email: [REDACTED]</p> <p>Tel: [REDACTED]</p>
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Simon Danczuk, MP For Rochdale Calls On Government To Defend Rights Of Local Private Tenants

MP Calls On Residents To Lobby Their GP Over Rochdale Infirmary

Reckless Budget Risks Rochdale's Job and Recovery

MP Meets Delegation From Sylhet

MP For Rochdale Condemns Israel Over Aid Ship Attack

MP Accuses David Cameron of Megaphone Diplomacy

Government Decision To Axe Business Grants Will Hurt Rochdale

Danczuk Presses Case For Keeping Magistrates Court

MP Warns Of Growing Humanitarian crisis in Kashmir

Danczuk Urges Transport Minister Not To Put Interchange At Risk

Con Dem Government Should Come Clean On Cuts To Local Services Says MP

Undated

3. Letter to Mr Simon Danczuk from the Commissioner, 17 November 2010

I would welcome your help on a complaint which I have received from Mr C Faulkner about your use of House of Commons notepaper to send information to your constituents about advice surgeries.

I enclose a copy of the complainant's letter of 10 November, together with the advice surgeries notice which he enclosed.¹

In essence, the complaint is that you have used House of Commons original stationery from your provided stationery account to send information about advice surgeries to your constituents, together with information relating to party political activity.

The Code of Conduct for Members of Parliament provides in section 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 Members’ provided House stationery are set out in the Green Book published in July 2009. Section 1.3 sets out the fundamental principles which apply to all claims, including:

- *“Claims should be above reproach and must reflect actual usage of the resources being claimed.*
- ...
- *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.*
- ...”

The rules in relation to the use of House stationery are set out in section 2.6 of the July 2009 Green Book. Paragraph 2.6.3.2 provides as follows:

“House stationery, however it is acquired, should not be used for the following purposes:

- *communications of a commercial nature*
- *in connection with fund raising for the benefit of a political party, advocating membership of a political party, or supporting the return of any person to public office*
- *for correspondence of All-Party Groups which include persons who are not Members of either House*

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.”

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

1. whether the original notepaper used for this dispatch was from your provided stationery account and, if not, where it came from and how it was funded;
2. how many sheets of this notepaper you have used for this and any similar dispatch since you were elected to Parliament;
3. how the notices were delivered—and in particular, whether you used House of Commons pre-paid envelopes to send out these notices;

¹ WE 1, WE 2

4. why you decided to join with Cllr Biant and Ms Cecile Biant (identified as a “campaigner”) in sending out this dispatch;
5. whether Cllr and Ms Biant contributed to the costs, and if so, how much;
6. and whether on reflection, you consider that some, at least, of the quotations on the back of the advice notice constituted party political activity, for example “MP accuses David Cameron of megaphone diplomacy;” “Con Dem government should come clean on cuts to local services says MP.”

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.

I would be very grateful if you could let me have a response to this letter within the next three weeks. Thank you for your help.

17 November 2010

4. Letter to the Commissioner from Mr Simon Danczuk MP, 9 December 2010

Thank you for your letter regarding the complaint made by Mr C Faulkner about the use of House of Commons notepaper.

The circumstances surrounding this issue are as follows:

I asked a member of my constituency office staff to construct an Advice Surgery leaflet to publicise my new office and contact details. I did not review a draft of the document. Approximately 450 leaflets were produced. As soon as I became aware that House of Commons notepaper was being used I instructed my staff to stop any further production. I gave instructions that House of Commons notepaper was not to be used again.

The notepaper used for this leaflet was from my House of Commons stationary account. No postage was used as the leaflets were handed out to members of the public. The member of my staff who constructed the leaflet assumed it was acceptable to include a local councillor and community campaigner on the leaflet. Neither the Councillor nor Community Campaigner contributed to the costs.

On reflection I would accept that errors were made in the production of this leaflet and I would like to assure you that all members of staff have received very clear guidelines on the acceptable use of House of Commons notepaper.

I would like to send a cheque for the amount of £17.76 for the cost of 2 boxes of House of Commons notepaper, each box contains 250 sheets and each box costs £8.88. I would be very grateful if you could let me know to whom I should make out the cheque and where it should be sent.

9 December 2010

5. Letter to Mr Simon Danczuk MP from the Commissioner, 9 December 2010

Thank you for your letter of 9 December responding to mine of 17 November about this complaint.

I was most grateful for your response. I note that you have not provided a specific response to the last of the questions on which I needed your help: whether on reflection you consider that some at least of the quotations on the back of the advice notices constituted party political activity. Since this was the kernel of the complaint, I would be grateful if you could let me have your response to this.

Once I hear back from you, I will consult the Department of Resources and seek their confirmation of the costs involved and how repayments should be made.

It would be very helpful if you could help me on this final point within the next week so I can, I hope, move to the early resolution of this matter.

Thank you for your help.

9 December 2010

6. Letter to the Commissioner from Mr C Faulkner, 3 December 2010

Further to my letter of the 10th of November 2010.

I enclose a page from a local newspaper,² announcing that the person described in my previous correspondence as a “*campaigner*” has been announced as a candidate for next year’s local elections. This appeared subsequent to my original complaint to you.

It is my belief that this reinforces my assertion that Parliamentary notepaper is being used to promote a particular party under the guise of it being an MP’s newsletter or surgery times announcement.

3 December 2010

7. Article from Rochdale Observer, 1 December 2010

Cecile Biant will be standing as Labour's candidate for Spotland and Falinge in the next local elections.

She has lived in the ward for the past 39 years where she raised her two children and taught electronics.

She is also a member of the Ding Quarry Action Group, the Secretary of Rochdale Friends of East Africa and the Treasurer of Spotland Women’s Association.

Mrs Biant said: *“I am concerned about the Con-Dem government's cuts to child services.*

“These ideologically motivated cuts are a massive gamble with the futures of Rochdale's children.

“Like many local people I was outraged by the massive council-tax hike—one of the largest in the country—that we suffered under the Liberal-Conservative council.

“Despite this increase, the Council simply wasted our money.

“If elected, I will campaign to ensure that services for children and the elderly are prioritised over the Liberals' publicity machine.”

1 December 2010

8. Letter to Mr Simon Danczuk MP from the Commissioner, 13 December 2010

I last wrote to you about this complaint on 9 December in response to the letter which you had helpfully sent me of the same date.

I now enclose a further letter from the complainant,³ which notes that one of those pictured on your surgery leaflet has recently been announced as a Labour candidate for next year’s local elections.

As you will see, the complainant considers that this reinforces his view that the advice notice promoted a political party. It is, therefore, relevant to the question which I initially put to you in my letter of 17 November and to which I ask for a specific response in my letter of 9 December.

² The relevant article is at WE 7.

³ WE 6

I would, therefore, be grateful if you could also take account of the complainant's additional point—that the person described as a campaigner now being a local election candidate demonstrates that the advice surgery notice related to party political activity. It would be still helpful if you could respond to this letter by 17 December, if at all possible. I look forward to hearing from you.

13 December 2010

9. Letter to the Commissioner from Mr Simon Danczuk MP, 13 December 2010

Thank you for your letter of the 9 December 2010.

Looking at the quotes used by the member of my team who produced the surgery leaflet I would consider some of them to be able to be construed as having a party political nature.

13 December 2010

10. Letter to the Commissioner from Mr Simon Danczuk MP, 14 December 2010

Thank you for your letter of the 13 December 2010.

As stated in my previous replies the production of the surgery leaflet by my staff in Rochdale was made in error and I stopped production. Only 450 copies were printed.

I do accept this leaflet should not have been put together as it was by the member of my staff and that it could be construed as a political leaflet but it was a mistake, my staff have been briefed on the correct guidelines and I am very happy to reimburse any and all costs relating to the use of House of Commons notepaper.

14 December 2010

11. Letter to the Director-General of Resources from the Commissioner, 15 December 2010

I would welcome your help on a complaint I have received against Mr Simon Danczuk MP in respect of his use of House of Commons stationery from his provided stationery account to send information to constituents about advice surgeries.

I enclose the relevant correspondence. In essence, the complaint is that Mr Danczuk used House of Commons original stationery from his provided stationery account to send information about advice surgeries to his constituents, together with information relating to party political activity.

As you will see, Mr Danczuk has fully accepted that he should not have used House of Commons provided stationery for this leaflet because he accepts that it could be construed as a political leaflet, including some of the quotes. It would appear also that the leaflet was not a response to issues on which the recipients had previously contacted the Member.

Mr Danczuk has noted that 450 copies of the leaflet were printed and has offered to pay the cost of two boxes of House of Commons notepaper, which he calculates as being £17.76.

I would welcome your comments and advice on this complaint. In particular, it would be helpful to have your confirmation of Mr Danczuk's response, both in relation to the use of House of Commons notepaper for an unsolicited leaflet, and his acceptance that the leaflet, including the quotes, could be construed as comprising party political activity. It would be helpful also if you could confirm Mr Danczuk's estimate of the cost of the notepaper involved. Once confirmed, I will ask him to make the offered payment to the appropriate House of Commons account.

I appreciate that we are now near the Christmas recess, but if you could let me have a response by 21 December, I would be most grateful. Thank you for your help.

15 December 2010

12. Letter to the Commissioner from the Director-General of Resources, 21 December 2010

Thank you for your letter of 15 December.

The communication which was the subject of the complaint was unsolicited, and is not therefore regarded by the Department as a proper use of House of Commons provided stationery. In addition, some of the quotations in the leaflet, together with the references only to local Labour Party representatives, render the leaflet party political in nature and, for this reason also, our view is that it was not a proper use of House of Commons provided stationery.

We calculate £17.37 to be the cost of 450 sheets of regular headed paper at £3.86 per 100.

Please let me know if we can help further.

21 December 2010

13. Letter to Mr Simon Danczuk MP from the Commissioner, 22 December 2010

When I wrote to you on 15 December, I said that I was consulting the Department of Resources about this complaint. I have now heard back from them.

I enclose a copy of their letter of 21 December. As you will see, they agree that your use of House of Commons provided notepaper for your advice leaflets was against the rules for provided stationery because it was unsolicited and because some of the content rendered the leaflet party political in nature. They calculate the cost of the 450 sheets of notepaper as £17.37. I would welcome any comments you may wish to make on this advice.

Subject to any further comments, I will need then to consider how best to resolve this complaint. As I understand it, you have already accepted that you were in breach of the rules of the House in using this notepaper. You have offered to repay the full costs involved, and have taken action with your staff to avoid a recurrence. On this basis, it would be open to me to resolve this complaint myself using the rectification procedure. The alternative would be for me to submit a formal memorandum to the Committee on Standards and Privileges which I do not believe to be necessary in this case.

I would be grateful to know if you agree to me using the rectification procedure to resolve this matter. If so, the Committee would expect you also to have apologised. Once I have your response, my office will let you know the arrangements for paying the £17.37 involved, and I will prepare a letter to send to the complainant. While the content is of course entirely a matter for me, I would show it to you in advance so that you can comment, if necessary, on its factual accuracy. I would then write to the complainant and close the complaint. In due course, my letter to the complainant and the evidence on which it is based would be published on my parliamentary webpages.

I would be very grateful for any comments you may wish to make on the Department's advice and to know whether you would be content for me to resolve the matter through the rectification procedure, and to record your apology. Taking account of the recess, it would be very helpful if you could let me have a response by 5 January. I look forward to hearing from you.

22 December 2010

14. Letter to the Commissioner from Mr Simon Danczuk MP, 12 January 2011

Thank you for your letter enclosing the copy of a letter from the Director-General of Resources.

I am happy to accept your use of the rectification procedure to resolve this matter and I am happy to pay the £17.37 which is the cost of the notepaper as stated in the letter from the Director-General.

Please also accept this letter as a record of my apology.

12 January 2011

15. Letter to Mr Simon Danczuk MP from the Commissioner, 17 January 2011

Thank you for your letter of 12 January which I received here today in response to my letter to you of 22 December about the resolution of this complaint.

I was grateful to receive your letter and will, of course, report your apology to the Committee.

I now enclose an extract from the rectification letter which I propose to send to the complainant.⁴ While the content is, of course, a matter entirely for me, I would welcome any immediate comments you may wish to make on its factual accuracy. Once I hear back from you, I will write to the complainant and so close the complaint. I will report the outcome to the Committee and, in due course, the letter to the complainant and the relevant evidence will be posted on my parliamentary webpages. Your cheque to the House authorities for £17.37 should be made payable to [...].

I would be very grateful if you could let me have a response within the next week with any comments on the factual accuracy of the attached draft, and confirming that you have sent your cheque to the House authorities. I look forward to hearing from you.

17 January 2011

16. Letter to the Commissioner from Mr Simon Danczuk MP, 18 January 2011

Thank you for your letter of the 22 December 2011.

I am happy to accept the wording of the letter you propose to send to the complainant. I have today sent off the cheque to the House authorities.

I would also like to thank you for your assistance in this matter.

18 January 2011

⁴ Not included in the evidence.