

Mr Shahid Malik MP: Resolution letter

Letter to Ms Angela Ellam from the Commissioner, 7 April 2010

I have now completed my inquiries into the complaint you sent me with your letter of 16 February against Mr Shahid Malik MP in respect of his use of House of Commons pre-paid envelopes.

In essence, your complaint was that Mr Malik used House of Commons pre-paid envelopes to send out party political material, including to people who were apparently outside of his current constituency, contrary to the rules of the House.

I have consulted Mr Malik and the House authorities about this matter.

Mr Malik has immediately accepted that it was not appropriate to use House of Commons resources for this dispatch. He has told me that some volunteers, who had taken both political and office letters home to put into envelopes, had run out of stamps and did not realise that it was inappropriate to use House of Commons prepaid envelopes for the party political material. As a result, he has estimated that there could have been between 20 or 30 such pre-paid House of Commons envelopes which were wrongly used.

Mr Malik has told me that he was not aware of this matter until your complaint brought it to his attention. He readily accepts that he was in breach of the rules because his office used House of Commons pre-paid envelopes for sending out this party political material. He has apologised. He has taken steps to ensure that it is not repeated, and his office is preparing short written explanations of the rules in relation to House stationery so that his volunteers will be made fully aware of them. He has repaid the cost of 50 House of Commons pre-paid envelopes to the House authorities, a sum of £16.95.

I consider that Mr Malik has made a reasonable and prompt rectification to this matter and I have closed the complaint on that basis.

I should point out that, if the House of Commons approves a recommendation from the Committee on Standards and Privileges, this letter, and in due course the evidence which I have collected for this inquiry, will be published on my webpage.

I am copying this letter to Mr Shahid Malik MP.

7 April 2010

Mr Shahid Malik MP: Written Evidence

1. Letter to the Commissioner from Ms Angela Ellam, 16 February 2010

I wish to make a formal complaint against Shahid Malik MP for Dewsbury for breaching the Code of Conduct for Members of Parliament. I am a member of the Labour Party and received party political material from Mr Malik in a House of Commons pre-paid envelope. I understand that House stationery, including pre-paid envelopes cannot be used for party political activities or campaigning, therefore Mr Malik's actions breached this. I have enclosed the material and envelope for evidence.¹

16 February 2010

2. Undated letter to Ms Angela Ellam from Mr Shahid Malik MP

I am writing to request your time and your money (in that order) although in truth your time is much more valuable.

Many of you will have received literature from the Conservative party over the last few months. I'm sure you like me you will have been struck by its glossy appearance and complete lack of substance - quite appropriate for the Tories really.

However behind the material you may have received is a worrying fact. The Tories, bankrolled by the donations of a handful of billionaire's, will outspend us both nationally and in Dewsbury by a factor of up to ten.

You will all be aware of the donations of Lord Michael Ashcroft and his unclear tax status. But did you know that from that one donation alone Tories in Dewsbury will get some £60,000?

There are two reasons why I am writing to you with this information. The first is obvious, to ask for your help funding our campaign. With £500 we can print 7,500 newsletters, with £100 we can identify 100 more Labour pledges on the phones. Just £50 is enough for us to write to every single voter in a ward. We don't need millions, we can fight with pennies and pounds donated to us from ordinary people like you every day and any contributions will be gladly accepted.

However as stated, the second is far more important. It's to ask for your time. We all need to be fully aware of the battle we face and make sure we do everything we can to win it. We have to look at what we have achieved nationally and locally and make sure we fight to continue that work.

Today we have five councillors in the Dewsbury wards. In 2005 we had just two. I firmly believe we can win the Dewsbury constituency at the general election but only if we work hard and work together.

Since becoming MP I have won or saved nearly £900,000 for ordinary constituents, saved two post offices which I was told was impossible, got Yorkshire water to build a bridge in Earlsheaton - another mission impossible and of course helped save Castle Hall and prevent the unwanted expansion at MFG.

I want to continue this work and with your help I believe I will. Thank you in anticipation and believe me your country does desperately need you because a Tory government would be the government of our nightmares.

I have included a canvassing schedule that will remain unchanged in the run-up to the general election and I look forward to seeing you in the coming weeks.

¹ WE 2 and 3. The pre-paid envelope has not been included in the written evidence.

Please fill in this slip and return to: Campaign Office, [address] or email me at [\[email address\]](#)

Campaigning - I'll be able to help out by: (please tick all that apply)

- Speaking to voters on
- Speaking to voters by phone
- Stuffing envelopes
- Delivering leaflets or letters
- I enclose a donation of to support the campaign. Please make cheques payable to 'Dewsbury Campaign Fund'
- I'd like to help in a different way

Please send us your email address then is it quicker, cheaper and easier to communicate with members.

Email:

3. Canvassing schedule enclosed with undated letter to Ms Angela Ellam

Voter ID sessions throughout February, March and April

If members could donate one hour once or twice a week it will make a huge difference to the general campaign campaign.

If each member would canvass 50 people either on the doorstep or over the phone that would equate to 15,000 contacts and would place us in an incredibly strong position.

The times will remain the same each week leading up to the general election, but please give [redacted] a call on [redacted] or [redacted] on [redacted] to confirm.

Phone Voter ID

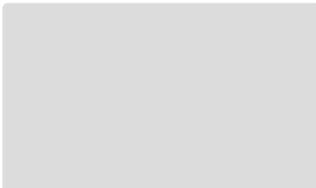
Tuesday - phone canvassing	6pm – 7.30pm
Wednesday - phone canvassing	6pm -7.30pm
Thursday - phone canvassing	6pm – 7.30pm

Doorstep Voter ID

Saturday - Doorstep canvassing	11am – 1pm & 2pm-4pm
Sunday – Doorstep canvassing	11am – 1pm

In addition, if any members have any spare time on weekday afternoons we can arrange for phone or doorstep voter ID to be ready.

Many thanks



4. Letter to Mr Shahid Malik MP from the Commissioner, 18 February 2010

I would welcome your help on a complaint I have received from Ms Angela Ellam about your use of a House of Commons pre-paid envelope to send her party political material.

I enclose a copy of the complainant's letter of 16 February and its attachments, including your letter with attachment and a copy of the House of Commons second class pre-paid envelope in which it was apparently sent.²

In essence, the complaint is that you used House of Commons pre-paid envelopes to send out party political material, including to people who are apparently 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 postage are set out in paragraph 2 of the Green Book published in July 2009, and are subject to the fundamental principles set out in section 1.3 of the Green Book. These fundamental principles include 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 pre-paid envelopes are set out in paragraph 2.6.3.1 of the Green Book 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 section also gives examples of when pre-paid envelopes should not be used, including:

“in connection with fund raising for the benefit of a political party or supporting the return of any person to public office”.

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. why House of Commons pre-paid envelopes appear to have been used for this party political dispatch;

² WE 1 to WE 3. The envelope is not included in the evidence.

2. if it was a mistake, how that mistake occurred;
3. how many House of Commons pre-paid envelopes were used for this dispatch;
4. whether you have used House of Commons pre-paid envelopes for similar party political dispatches in the current financial year, and if so, on how many occasions and how many House of Commons pre-paid envelopes were used.

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 have written to the complainant to let her know that I have accepted her complaint and I 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 two weeks. If there is any difficulty about that, or you would like to discuss any matter, please contact me at the House.

I look forward to hearing from you.

18 February 2010

5. E-mail to the Commissioner from Mr Shahid Malik MP, 18 March 2010

I knew nothing about this matter until you kindly brought it to my attention.

Having spoken to my staff they are very clear that it is not appropriate to use HoC resources in this manner. On investigation I have been made aware that some volunteers who had taken both political and office letters home to stuff ran out of stamps and did not realise that it was inappropriate to use HoC envelopes. As a consequence, the few dozen remaining letters were wrongly placed in HoC envelopes.

After speaking to volunteers and party members my office estimates that there could be between 20 or 30 such envelopes and I have asked for a re-charge from the House of Commons to be made for 50 envelopes just to be safe.

Naturally the office regrets the incident and it has given me an assurance that it will not be repeated as all volunteers will be made fully aware of the rules. I am confident that there will be no repeat and the office is drafting a simple few paragraphs explaining the rules in relation to stationery so that no volunteer has an opportunity to make any assumptions.

18 March 2010

6. Letter to Mr Shahid Malik MP from the Commissioner, 22 March 2010

Thank you for your email of 18 March responding to my letter to you of 18 February about this complaint in respect of your use of House of Commons pre-paid envelopes to send out party political material.

I was most grateful for this response. I am now consulting the Department of Resources. In the meantime, it would be very helpful if you could let me know whether any parliamentary resources were used in the preparation or production of your letter—this includes staff time paid for from parliamentary funding, printing costs and the cost of the paper.

If you could let me have a response to this by 25 March that would be very helpful to me in confirming the position with the Department of Resources before they let me have their considered advice.

22 March 2010

7. Letter to the Director of Operations, Department of Resources, from the Commissioner, 22 March 2010

I would welcome your comments on a complaint I have received against Mr Shahid Malik MP in respect of his use of House of Commons pre-paid envelopes to send party political material.

In essence, the complaint is that Mr Malik used House of Commons pre-paid envelopes to send out party political material, including to people who are apparently outside his current constituency, contrary to the rules of the House.

I enclose [relevant material].

As you will see, Mr Malik accepts that he should not have used pre-paid House of Commons envelopes for this dispatch and that he intends to repay the House of Commons for 50 pre-paid envelopes.

I am writing to Mr Malik asking him to confirm that no parliamentary resources were used in the preparation or production of his letters, and will let you have his response. Subject to that, I would be grateful for any information you may have on this complaint, and for your advice on Mr Malik's proposals for resolving the matter. It would be particularly helpful if you could let me know whether Mr Malik has made the offered payment.

It would be helpful if you could let me have a response to this letter within the next two weeks. Thank you for your help.

22 March 2010

8. E-mail to office of the Commissioner from Mr Shahid Malik MP, 26 March 2010

After checking with my office I write in response to your letter dated 22nd March 2010 to confirm that no parliamentary resources were used in the preparation or production of the letter.

If you require any further information please do not hesitate to contact me.

26 March 2010

9. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 29 March 2010

I wrote to the Director of Operations on 22 March to invite his comments on a complaint I had received against Mr Shahid Malik MP in respect of his use of House of Commons pre-paid envelopes to send party political material.

I said then that I was writing to Mr Malik asking him to confirm that no parliamentary resources were used in the preparation of his letters. I have now heard back from him. I enclose a copy of my letter of 22 March to Mr Malik and his email response of 26 March.

You may wish to take this further response into account in preparing your advice on this complaint.

29 March 2010

10. Letter to the Commissioner from the Assistant Director of Operations, Department of Resources, 31 March 2010

You asked for our advice on the case. I believe it is clear that Mr Malik has used pre-paid envelopes in a way which is not appropriate within the rules, as you discuss in your letter to him dated 18 February. Mr Malik has accepted this position, and has agreed to repay the relevant amount to his allowances. This would appear to be an acceptable outcome.

I can confirm that Mr Malik has been in touch with the Department and has been invoiced for the correct total, namely £16.95. Although this has not yet been received, I would expect it shortly.

I hope this is helpful.

31 March 2010

11. Letter to Mr Shahid Malik from the Commissioner, 31 March 2010

I last wrote to you on 29 March following my letter to you of 22 March where I said that I would be copying this complaint and your response to it to the Department of Resources for their advice.

I have now heard back from them. I attach a copy of my letters to the Department of 22 and 29 March, and a copy of their response of 31 March.

As you will see, the Department confirms that the use of House of Commons pre-paid envelopes was not appropriate within the rules, and they have invoiced you for £16.95 to meet the cost of the 50 pre-paid House of Commons envelopes which you offered to repay.

I need now to consider how best to resolve this complaint. If you agree, I consider that this complaint could be resolved through the rectification procedure. You would need to accept that you were in breach of the rules (as you know, under the rules, responsibility for any breach falls to the Member and not to their staff) and pay the £16.95 involved as soon as possible. I would need to accept—as I do—that you have taken the appropriate action to avoid a recurrence.

If you agree to this course of action, I attach a draft extract of the letter which I would propose to send the complainant.

I would be very grateful to know if you are content for me to rectify this complaint on this basis, and I would, of course, welcome any comments on the factual accuracy of my draft.

I would hope that this matter could be resolved before the dissolution of Parliament. It would be very helpful, therefore, if you could let me have a response to this letter by 7 April.

I would be very grateful for your help with this.

31 March 2010

12. Letter to Mr Shahid Malik from the Commissioner, 7 April 2010

Thank you for telephoning me on 7 April to confirm the letter which I understand you have sent me agreeing to the rectification of this complaint on the lines set out in my letter and attachment of 31 March.

As I explained when we spoke, I have retained the “*in essence*” paragraph as drafted since it was the basis on which I accepted the original complaint.

Thank you too for confirming that you had repaid the cost of the House of Commons pre-paid envelopes to the House authorities (£16.95). I have reflected this in my letter to the complainant.

I enclose now a copy of my letter of 7 April to the complainant which, as you will see, closes the complaint through the rectification procedure.

I am grateful for your help on this matter.

7 April 2010