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Resolution letter: Craig Whittaker MP

5 I wrote to you on 15 February 2022 to tell you that I had begun an inquiry into your allegation that Craig Whittaker MP had breached of paragraph 16 of the House of Commons' Code of Conduct for Members by using Parliament's official badge, the Crowned Portcullis, on several trophies awarded to winners of a local "*Calder Valley Pub and Restaurant of the Year*" competition. I have concluded that the available evidence did not demonstrate that a breach of the rules had occurred.

I will publish my full decision and the written evidence pack shortly on my webpages, and I will report the outcome to the Standards Committee in due course.

10 Thank you for bringing this matter to my attention.

I confirm that the matter is now closed.

9 March 2022

Written evidence

1. Letter from the Commissioner to Craig Whittaker MP, 15 February 2022

5 Following receipt of an allegation I have received from a member of the public, [name redacted], about your compliance with paragraph 16 of the House of Commons Code of Conduct for Members, I have decided to open a formal inquiry. I enclose a copy of [name redacted] submission, the enclosures sent with it, and further evidence that I have gathered.

The scope of my inquiry

10 My inquiry will focus on whether you have acted in breach of paragraph 16 of the House of Commons' Code of Conduct for Members through the misuse of Parliament's official badge, the Crowned Portcullis. If the scope of my inquiry changes, I will update you in writing.

The relevant rules of the House

15 The overarching rules are found in the House of Commons' Code of Conduct for Members. Paragraph 16 of the Code states:

20 *Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

The published guidance on the use of the Crowned Portcullis states:¹

25 *The principal emblem of the House is the Crowned Portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. The designs and symbols of the House should not be used for purposes to which such authentication is inappropriate, or where there is a risk that their use might wrongly be regarded, or represented, as having the authority of the House.*

30 *The House symbol is primarily used to authenticate communications from Members.*

¹ <https://www.parliament.uk/site-information/copyright-parliament/the-crowned-portcullis/>

Next steps

I would welcome your comments on the allegation that your alleged actions have amounted to a breach of paragraph 16 of the Code of Conduct for Members. It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome. I would also be grateful for your answers to the following specific questions:

1. Were the trophies in the pictures arranged through your office? If they were not arranged by your office, please let me know the details of how they were arranged.
2. If these trophies were arranged through your office, did you take advice from House authorities about the use of the Crowned Portcullis before the trophies were produced? If you did, please share with me a copy of that advice.
3. The evidence that I have enclosed suggests three trophies were presented (to The Honest John Bar & Coffee Tavern, Sun Inn at Rastrick, and The Fleece at Barkisland). Were any further trophies awarded? If so, please let me know how many and if they also featured the crowned portcullis?
4. Please can you confirm how the trophies were paid for and their total cost?

Important information

My inquiries are conducted in private. However, following the decision taken by the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. The same requirement extends to [name redacted].

The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [details redacted] for a range of issues, including support with handling the impact of media attention.

Procedure

I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries.

5 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

10 Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

Potential outcomes

15 Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may, in circumstances defined by Standing Order No. 150, uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the investigation material, including our correspondence,
20 will be published on the Parliament website.

If I uphold the allegation, and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My memorandum to the Committee will be published as an appendix to the Committee's own Report.

25 Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). Please tell me if you provide sensitive material that you think I should redact. I will consider carefully any such request.

30 Action

I would be grateful to have your response to this letter as soon as possible and no later than **22 February 2022** please.

If you would prefer me to communicate with you by email, or via a different postal address, please give the details when you reply to this letter. It would also be helpful

if you were willing to provide a telephone number through which I might contact you.

Thank you for your cooperation with this matter.

5 **Enclosure 1: Email from [name redacted] to the Commissioner, 6 February 2022**

Recently, Calderdale MP Craig Whittaker held a 'competition' to find out the best pub in Calderdale.

Yesterday, Whittaker visited the winning pub to give them their award.

10 I was surprised to see the parliamentary crowned portcullis on the award. This seems improper and would seem to foster an association between the award and the government. I would think there is very strict guidance on when such an image could be used.

Could you confirm whether or not Mr Whittaker is allowed to put parliamentary livery on such a 'local competition'?

15 If this is improper usage, could you confirm what the next step would be for the standards office?

Image 1 provided by the complainant



The Honest John Bar & Coffee Tavern

Mobile Uploads · 2 hours ago · Facebook for Android ·

[View Full Size](#) · [More Options](#)

20 **Image 2 provided by the complainant**

Not reproduced here (presentation of a trophy to The Honest John Bar & Coffee Tavern)

Image 3 sourced by the Commissioner from Mr Whittaker's social media

Not reproduced here (presentation of a trophy to the Sun Inn Rastrick)

5 **Image 4 sourced by the Commissioner from Mr Whittaker's social media**

Not reproduced here (presentation of a trophy to The Fleece at Barkisland)

15 February 2022

2. Letter from Mr Craig Whittaker MP to the Commissioner, 16 February 2022

Thank you for your letter and request for information.

- 10 I understand that the complainant alleges that the use of the Crowned Portcullis emblem *'seems to foster an association between the award and the government'*. I refute this allegation absolutely.

15 The awards to which you refer were communications from me, as a Member of Parliament (MP), to businesses who had either won or come runner-up in my Calder Valley (not Calderdale as the complainant suggests) Pub/Restaurant of the Year Competition 2021. The Competition was politically neutral, and the use of the Portcullis emblem was to authenticate the awards as a communication from myself as a Member, as per the published guidance. I will also point out that the guidance states that the emblem has been formally authorised by licence granted by HM the
20 Queen to be used by the House of Commons, of which I am a Member, not the government as the complainant refers.

I will make it very clear that at no point was the Competition promoted by or in association with any political party. In fact, I funded the awards personally.

25 For background, I decided prior to Christmas, and in light of the economic suffering our local pubs and restaurants have endured due to the pandemic of being closed, restricted trade and poor footfall, that we would run a competition for people to vote for their favourite local pub or restaurant. My Parliamentary office did this to try and encourage people to visit our local pubs and restaurants.

30 We promoted this Competition via my Parliamentary website (See Att. 1); Parliamentary emails (all emails sent from my office had the attached footer – See Att. 2); social media associated with me as MP (Official Parliamentary Facebook page; Official Instagram Page; Official Twitter Page; Parliamentary LinkedIn Page –

See Atts. 3, 4, 5 & 6). We also raised the profile for the sector from our local newspapers on the back of the Competition.

5 We ran the competition in two rounds. In the first, people voted for their favourite pub/restaurant. The data was captured by our IPSA-funded official Parliamentary website (Bluetree website data capture facility). This started on 30 November 2021 and ran until the 24 December 2021.

On the 24 December 2021, we announced the 'Top 5' from all those who received a vote and asked people (again, through my official Parliamentary website) to select a winner from those five. This second round ended on the 14 Jan 2022.

10 The final result from 1281 votes cast on my official parliamentary website was;

1) Honest John – Todmorden

2) The Fleece Inn – Ripponden

3) The Sun Inn – Rastrick

4) The Boothwood Inn – Rishworth

15 5) Café Thai – West Vale

I will reiterate that at no point have we used the emblem on any political literature for personal gain and have promoted the Competition via my Parliamentary office to highlight the hospitality sector which has suffered the greatest losses during restrictions and lockdown.

20 On your specific questions;

1. Were the trophies in the pictures arranged through your office? If they were not arranged by your office, please let me know the details of how they were arranged.

As above, this was completely through my Parliamentary office.

25 **2. If these trophies were arranged through your office, did you take advice from House authorities about the use of the Crowned Portcullis before the trophies were produced? If you did, please share with me a copy of that advice.**

30 No advice from individuals within the House; however, I did consult the published guidance, as you have highlighted, namely:

5 *"The principal emblem of the House is the Crowned Portcullis. It is a royal badge and its use by the House has been formally authorised by licence granted by Her Majesty the Queen. The designs and symbols of the House should not be used for purposes to which such authentication is inappropriate, or where there is a risk that their use might wrongly be regarded, or represented, as having the authority of the House. The House symbol is primarily used to authenticate communications from Members"*

10 As previously stated, the Competition was specifically communications from me as the Calder Valley MP. At no point did/do I consider this to be a breach of the rules as it was very clear that our intention was for me as the MP to highlight and promote a sector that has struggled during the pandemic through this format of communication.

15 I have treated this in exactly the same way as we have promoted our annual Careers Fairs for young people, selecting jobs and careers for their futures, and also my annual Pensioners' Fair where we gather over 70 stall holders from local services through to local hobbies and interests for those who are either retired or preparing to retire. I have held both events annually for many years and promote them in the same way that we have promoted the Pub/Restaurant Competition.

20 **3. The evidence that I have enclosed suggests three trophies were presented (to The Honest John Bar & Coffee Tavern, Sun Inn at Rastrick, and The Fleece at Barkisland). Were any further trophies awarded? If so, please let me know how many and if they also featured the crowned portcullis?**

25 Whilst we have ordered and paid for 5 x trophies (as in the photo you have provided), we have only presented the top 3 winners. The other two venues mentioned have not yet been presented with the same awards. For clarity, an award is a (identical) trophy for each pub, in addition to a bottle of HoC Whiskey for the winner and a bottle of HoC Wine for each of the others.

30 **4. Please can you confirm how the trophies were paid for and their total cost?**

35 As previously stated, I have personally paid for the trophies and wine and did not claim these back through IPSA. I also wanted to contribute back to the sector, hence the decision to pay for the awards personally (See Attachments 7 & 8).

The winner received a trophy and a bottle of HoC Whiskey (Note: also with the HoC Portcullis on – see Att. 9). The 2 x runners up received a trophy and bottle of HoC wine. (Note: also with the HoC Portcullis on – see Att. 10)

As pointed out above, it seems perfectly fine for me to buy a bottle of HoC whiskey or HoC Wine – both of which have the Portcullis emblem on and present those as prizes but not a trophy with the Portcullis on it. It seems nonsensical.

5 I think that answers your questions in full but please don't hesitate to contact me if you need further clarification. I can be reached on [details redacted].

I look forward to hearing from you.

Enclosure 1: Screenshots of Mr Whittaker's parliamentary website with competition and voting details

Not reproduced here

10 **Enclosure 2: Email footer used by Mr Whittaker's office during the competition voting period**

Not reproduced here

Enclosure 3: Screenshot of Mr Whittaker's Facebook post about the final round of the competition

15 Not reproduced here

Enclosure 4: Screenshot of Mr Whittaker's Instagram account promoting the competition

Not reproduced here

20 **Enclosure 5: Screenshot from Mr Whittaker's Twitter account highlighting the details of the competition winner**

Not reproduced here

Enclosure 6: Screenshot of Mr Whittaker's LinkedIn account promoting the competition

Not reproduced here

25 **Enclosure 7: Copy of the invoice for the competition trophies**

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Enclosure 8: Copy of the invoices for the purchase of House of Commons branded wine and whisky

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5 **Enclosures 9 and 10: Photos of House of Commons branded wine and whisky provided to competition winners**

Not reproduced here

16 February 2022

3. Letter from the Commissioner to Craig Whittaker MP, 21 February 2022

10 Thank you for your prompt reply to my letter of 15 February and for the information you have provided.

In my letter to you, I said that I may seek the advice of the House authorities as part of my investigation. Today I have written to the Clerk of the Journals for her advice on the use of the Crowned Portcullis and I have enclosed a copy of that letter for your information.

15 Once I have received the Clerk's reply, I will write to you again regarding the next steps in my inquiry and to provide you with an opportunity to comment on the advice received. In the meantime, this matter remains protected by parliamentary privilege and should continue to be kept confidential.

20 **Enclosure 1: Letter from the Commissioner to the Clerk of the Journals, 21 February 2022**

I would like to ask your advice on a complaint I have recently received about Craig Whittaker MP. In essence, the complaint is that Mr Whittaker has misused the Crowned Portcullis by adding it to some local competition trophies.

25 For your reference, I enclose a copy of my initial letter to the Member, which contains the complaint materials, and their reply of 16 February 2022.

Please can you let me know what advice you would provide to a Member who asks about using the Crowned Portcullis in this way. It would also be helpful to understand the factors you would take into account when giving that advice please.

30 It would be very helpful to have your reply by **1 March 2022** please.

Thank you for your assistance.

21 February 2022

4. Letter from the Commissioner to Mr Craig Whittaker MP, 2 March 2022

5 In my letter of 21 February 2022 I explained that I would be seeking assistance from the Clerk of the Journals. I received her advice yesterday and I enclose a copy of her response for your information. Please could you send any comments that you would like to make on her advice by 9 March 2022. I think that I will then be able to bring my inquiry to a close.

In the meantime, our correspondence remains protected by parliamentary privilege, and I must ask that you continue to maintain the strict confidentiality of the inquiry.

10 **Enclosure: Email from the Clerk of the Journals to the Commissioner, 1 March 2022**

A complaint has been made about Mr Whittaker's use of the Crowned Portcullis on awards to local restaurants. You have asked:

15 *Please can you let me know what advice you would provide to a Member who asks about using the Crowned Portcullis in this way. It would also be helpful to understand the factors you would take into account when giving that advice please.*

20 The rules about the Crowned Portcullis and the Governing Statement on the website are very high level. There are more specific rules about its use in certain contexts, eg on clothing intended for Members, or on invitations, but these are not engaged here.

25 The Governing Statement says of the Portcullis "*The House symbol is primarily used to authenticate communications from Members.*" Mr Speaker, who has overall control of use of the symbol in relation to House of Commons functions, permits its use on such things as certificates given by Members to local individuals or groups, or souvenirs such as bookmarks given out in connection with school visits, providing it is clear that the item originates from the Member, not from the House itself. It goes without saying that no party-political content is permitted.

30 In this case, the trophies are more substantial than the usual paper certificates etc but I think it is an understandable assumption if certificates of appreciation were allowed more solid tokens would also be acceptable. No public money was involved in producing the trophies. Mr Whittaker has explained the motivation behind his competition. While MPs' role as "*place shapers*" for their constituency, as well as their representatives in Westminster has developed fully only recently, it appears
35 to be in line with that new constituency role. The information on his website etc was very clear about how the competition would be run and in communications Mr

Whittaker referred to “my Calder Valley Pub/Restaurant of the Year” competition, so the status of the competition was clear.

5 If I had been asked about such awards, I would probably have consulted Mr Speaker before giving a firm reply, but I would have considered them likely to be considered as an extension of what was already permitted, subject to the same conditions.

I hope this is helpful.

2 March 2022

5. Email from Mr Craig Whittaker MP to the Commissioner, 2 March 2022

10 Many thanks for the enclosed advice and I can confirm that I have nothing further to add to the enquiry

I look forward to hearing from the Commissioner with a conclusion shortly.

2 March 2022

6. Letter from the Commissioner to Mr Craig Whittaker MP, 7 March 2022

15 Thank you for your email of 2 March 2022. I now have sufficient evidence to reach a decision and I have decided not to uphold the complaint.

Decision

20 You will recall that my inquiry considered whether you acted in breach of paragraph 16 of the House of Commons’ Code of Conduct for Members by using Parliament’s official badge, the Crowned Portcullis, on several trophies awarded to winners of a local “Calder Valley Pub and Restaurant of the Year” competition.

Paragraph 16 of the Code states:

25 *Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

30 This paragraph requires me to consider several questions in determining whether a breach has occurred on this occasion:

- Has the relevant rule for the use of the Crowned Portcullis been followed?
 - Was the use of the Crowned Portcullis in pursuit of a parliamentary duty?
 - Did the use of the Crowned Portcullis provide an undue personal or financial benefit to the Member?
- 5
- Did the use of the Crowned Portcullis provide an undue personal or financial benefit to a third party?
 - Did the use of the Crowned Portcullis provide an undue advantage on a political party?

The published guidance on the use of the Crowned Portcullis states:²

10 *The principal emblem of the House is the Crowned Portcullis. It is a*
 royal badge and its use by the House has been formally authorised by
 licence granted by Her Majesty the Queen. The designs and symbols of
 the House should not be used for purposes to which such authentication
 15 *is inappropriate, or where there is a risk that their use might wrongly*
 be regarded, or represented, as having the authority of the House.

The House symbol is primarily used to authenticate communications from Members.

20 You have told me that in total five trophies were produced, and three awarded, which all featured the Crowned Portcullis. All trophies were produced for a public competition designed to highlight the best pubs and restaurants in your constituency of Calder Valley. You have told me that the competition was intended to help support local businesses in a sector that had been particularly harmed by the recent pandemic. You have also evidenced that all the trophies were personally paid for by you and that the competition was managed and promoted online via your personal social media accounts and your parliamentary website.

25

30 I note and agree with the advice from the Clerk of the Journals that the use of the Crowned Portcullis in this way is in line with the rules “*providing it is clear that it is clear the item originates from the Member, not from the House itself. It goes without saying that no party-political content is permitted*”. I also note and agree with the comments from the Clerk that “*(t)he information on (your) website etc was very clear about how the competition would be run and in communications Mr Whittaker referred to “my Calder Valley Pub/Restaurant of the Year” competition, so the status of the competition was clear*”.

² <https://www.parliament.uk/site-information/copyright-parliament/the-crowned-portcullis/>

5 It is my conclusion that when considering the full evidence, no-one could reasonably infer that either the trophies or the competition carried the authority of the House or that the trophies were being presented on behalf of the House itself. I accept your point that the primary purpose in using the Crowned Portcullis on the trophies was to authenticate that they were genuine awards from you. I am therefore satisfied that the rule for the use of the Crowned Portcullis has been followed.

10 I am also satisfied that supporting local business, in a non-partisan way, especially following the economic impact of the pandemic lockdowns, can reasonably be said to form part of a Member's parliamentary duties. Although the running of the competition, and being a trophy recipient, may have conferred a benefit on yourself and the competition winners respectively, I must only consider the benefit connected to the use of the Crowned Portcullis. In my view, any benefit gained from the use of this badge on the trophies was negligible (the real benefit having been provided by the local publicity generated by the competition) and did not cross the
15 threshold of "*undue*". Finally, from the evidence that I have considered, I cannot see that a political party received any advantage from this use of the Crowned Portcullis.

Next steps

20 I enclose a draft copy of the written evidence pack, which includes the correspondence exchanged during the investigation. In this pack you will find at page 2 a draft copy of the letter I plan to send to the complainant. While the content of the letter is a matter for me alone, I would welcome any comments on the factual accuracy of this and the rest of the written evidence pack. The complainant's name will be redacted from the published pack; please let me know if there are any further redactions you think should be made, and I will consider your request.

25 I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than **14 March 2022**.

30 Once I have any comments you wish to make, I will finalise the pack, which will then be published on my webpages. I will then send you a final letter to notify you of the publication of the pack, which also marks the formal closure of my inquiry. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and the complainant letters concluding the inquiry, this matter should remain confidential.

I would also like to thank you for your prompt and full co-operation with my inquiry.

35 *7 March 2022*