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## Summary

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The allegation I investigated was that Mr Simon Hart MP had acted in breach of paragraph 15 of the Code of Conduct, by using House-provided resources to support the return of a named person to public office.

- 5 I do not uphold the allegation. Mr Hart provided evidence that the campaigning letter sent to me had not been distributed in a House-provided postage pre-paid envelope. I am satisfied that the envelope sent to me in support of the allegation had been used in connection with a separate unrelated mailing.

## Mr Simon Hart MP: Resolution letter

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### Letter from the Commissioner to Mr Jon Preston, 29 June 2017

5 When I wrote to you on 24 April 2017, I explained that I would suspend work on my inquiry into your allegation concerning Mr Simon Hart MP during the Dissolution period. I resumed work on my inquiry on 13 June.

10 I have today written to Mr Hart to tell him that I do not uphold the allegation that he misused House-provided resources to support the return to public office of [name redacted]. I am satisfied with Mr Hart's explanation of the two separate mailings, the resources used and how the mailings were distributed. I explain the reasons for my decision in more detail in my letter to Mr Hart of today's date, the text of which can be found in the written evidence pack enclosed with this letter. (This is the last item in the pack.)

## Written evidence received by the Parliamentary Commissioner for Standards

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### Letter from Mr Jon Preston to the Commissioner, 18 April 2017

5 Please find enclosed a copy of a letter Simon Hart MP for Carmarthen West and South Pembrokeshire has sent to the electorate of the Penally Ward in Pembrokeshire.

I wish to draw your attention to the fact these letters have arrived at homes in the ward during the period of Purdah in the pre-election period prior to the local authority elections on May 4th 2017.

10 The envelope (also enclosed) has been damaged due to the customer removing their address prior to disposal, however I feel there is clear evidence that the envelope bears the House of Commons pre-paid postage markings.<sup>1</sup>

15 The letter inside clearly supports the Conservative candidate (name redacted) standing in the Penally ward. It is my understanding that rules of Purdah are to ensure a fair and level competition for public office are observed.

I am also concerned that public money has been used to promote a candidate during an election due to use of House of Commons pre-paid envelopes.

I would be grateful if you could give this matter your immediate attention.

*18 April 2017*

20 **Enclosure with letter of 18 April: letter from Mr Simon Hart MP to a named constituent in Tenby - printed on plain A4 cream coloured paper and folded**

[Name & Address of constituent]

Date as postmark

25 Every time I am out and about - at my surgeries, public meetings or even out shopping - people raise their concerns about Pembrokeshire County Council.

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<sup>1</sup> A small (C6-size) House of Commons envelope, bearing a second-class pre-paid postage was enclosed. The envelope was torn, removing most of an address label fixed to the front of the envelope. This envelope is not reproduced as scanning it does not produce a clear image.

In fact I get as many comments about this as pretty well any other. They are not always negative either, as many people who work for the Council do a really good job often under difficult circumstances.

5 But I do get the impression that local people feel the Council could do with some fresh faces and new ideas - perhaps a break with the past, and less reliance on the so-called "independent" clique. After all, they spend over 100 million pounds of our money every year!

10 So this is why I have taken the unusual step of dropping you a line. Back in 2015 you kindly voted for me in for a second term as your MP. If everyone who voted then, could be persuaded to vote in the Council elections on May 4th, then we would see some really positive local changes.

That is why I am supporting [name] in this ward and why I hope you may be able to consider doing the same.

15 [Name] was born and bred in the Tenby area and many of her family are from Penally. She went to Greenhill, got a law degree and now works at the family insurance firm [named redacted].

20 She has also worked as a specialist in wills, as a veterinary assistant at [name redacted] and a senior parliamentary caseworker for me which gave her a sound understanding of local issues. She has a reputation for being a "doer" rather than a "talker".

If you would like to speak to me or [name] about any of this in greater detail, then please feel free to do so.

I enclose a Postal Vote form in case you don't already have a postal vote and would like to. They need to be returned to Electoral Services [address] by April 18.

25 *This letter was folded as follows; horizontally in three places with two sharp creases at right-angles to the vertical and a third less sharply folded horizontal crease; and vertically with another less sharp crease a little off 90 degrees from the horizontal edge.*

#### **Letter from the Commissioner to Mr Simon Hart MP, 24 April 2017**

30 I would welcome your help with an allegation I have received from Mr Jon Preston about your compliance with paragraph 15 of the House of Commons Code of Conduct for Members. I enclose a copy of Mr Preston's letter and the enclosures he sent with it.

The scope of my inquiry

The scope of my inquiry will be, in essence, to establish whether you have used parliamentary resources to confer an undue advantage on a political organisation.

The relevant rules and guidance

Paragraph 15 of the Code of Conduct (copy of Code enclosed) says that:

5                    *“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  
10                    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 Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis say, at paragraphs 2 and 3:

15                    *“2. The rules cannot be expected to cover every eventuality; Members  
should therefore always behave with probity and integrity when using  
House-provided stationery and postage. Members should regard  
themselves as personally responsible and accountable for the use of  
House-provided stationery and postage. They must not exploit the  
20                    system for personal financial advantage, nor (by breaching the rules in  
paragraph 3 below) to confer an undue advantage on a political  
organisation.*

*3. House-provided stationery and pre-paid envelopes are provided only  
for the performance of a Member’s parliamentary function. In  
particular, this excludes using stationery or postage:*

- 25                    • *In connection with work for or at the behest of a political party (including  
fund-raising for a political party, advocating membership of a political  
party or supporting the return of any person to public office;....”*

Next steps

30                    I would welcome your comments on the allegation that your letter amounts to a  
breach of the House’s rules and the Code of Conduct for Members. In particular it  
would be helpful to have the following information:

- 35                    • how the database for the distribution of this letter was populated;
- whether the paper used to print this (and any similarly worded letters)  
was part of your House-provided allocation of stationery (I believe the  
postage pre-paid envelopes are clearly so);

- how it came about that this letter was sent in a House-provided postage pre-paid envelope;
  - whether you consider this email to amount to party political campaigning and, if you do not, the reason(s) for that belief
- 5
- how many such letters were distributed as part of this mailing; and
  - whether you have used House-provided stationery and/or House-provided postage pre-paid envelopes to distribute communications containing similar messages since May 2015;
- 10
- If so, please provide details, including the number of such letters distributed and, if possible, copies of the communications.

I enclose a copy of the *Commissioner's Information Note*,<sup>2</sup> which sets out the procedure I follow. I am writing to Mr Preston to let him know that I have decided to begin an inquiry into this matter. I will shortly update my parliamentary web pages to show the fact that I am conducting an inquiry into an allegation into an  
15 alleged breach of paragraph 15 of the Code of Conduct. My office will not comment further on any aspect of the inquiry to third parties. (They will, however, confirm that I have begun an inquiry if asked before this information is posted on my webpages and they will answer factual questions about the processes I follow and the standards system more generally.)

20 As you will be aware, my inquiries are conducted in private. This letter and any subsequent correspondence between us is protected by parliamentary privilege until such time as a final report is published. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you respect that confidentiality.

25 As a matter of courtesy, I should say now that I may make enquiries of the relevant House authorities in due course. If I do so, I will share that correspondence with you. 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  
30 helpful.

I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon as possible. If you are not able to reply before Dissolution, I will suspend my work on that date and, if you are returned to Parliament on 8 June, I will resume my work  
35 then. In that event, I would expect a reply no later than 15 June 2017.

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<sup>2</sup> <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

24 April 2017

**Letter from Mr Simon Hart MP to the Commissioner, 12 June 2017**

Thank you for your letter regarding the allegation you have received from Jon Preston about my use of parliamentary envelopes during an election period.

5 I believe Mr Preston has confused two separate mailings sent out in March:

10 (1) An invitation sent out to constituents relating to a public meeting that I hosted legitimately in my capacity as Member of Parliament for Carmarthen West & South Pembrokeshire. These were stuffed on 9 March, posted on 11 March and were postcards sent in C6 Parliamentary envelopes, with labels affixed. These were stuffed outside the office and 660 were sent in total. A sample of the postcard and the envelope are enclosed.<sup>3</sup>

15 (2) A letter sent out relating to [candidate's name]'s election campaign, which was sent out via the Association and not on parliamentary paper. These were stuffed on 28 March and posted on 30 March via the Royal Mail On Line Business Account. The invoice is available on request. These were A4 letters sent out in plain white, window envelopes and were tri-folded using the CS&SP Association folding machine (a [name] model). These were stuffed in the Association office. A sample copy of the letter and  
20 envelopes used are enclosed and 279 were sent in total.<sup>4</sup>

If you compare the enclosures Mr Preston has sent, you will see that they do not correspond with the two very different types of mailing that were sent out. The letter relating to [the candidate] would not fit in the C6 envelope without folding it in a very impractical method, not as generated by a folding machine. Additionally, it  
25 used a window envelope, not a label.

Furthermore, the databases used to generate the names and addresses for these mailings are different, often producing slight variations in address spellings, so had the recipient not "removed their address prior to disposal" as Mr Preston states, it clearly not being him that actually received the letter, it may have been possible to  
30 see that they were not in the same format. The invitation was created via Cross Reference and the letter via VoteSource.

Additionally, there is no way that the mailings could have been mixed as they were stuffed at different locations and those involved can vouch for this.

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<sup>3</sup> Sample envelope and postcard enclosed. Not reproduced here as the text of that postcard is not relevant to the allegation made

<sup>4</sup> Text of sample letter as per enclosure with item 1 above. The sample letter was folded with two sharp creases at right angles to the vertical edge of the letter, enabling the address on the letter to be seen through a "window envelope". The enclosed envelope was as described.



Finally, you will see from the enclosed advert carried by a local paper, the Tenby Observer, during his re-election campaign, Mr Preston tried to use this allegation to his own political advantage. I hope you will also take this into account when considering the basis for his accusations. It should also be noted that he attended the public meeting.

I am extremely rigorous in ensuring that there is no potential for cross over between parliamentary and Association correspondence of this nature, and am fully aware of the rules of the use of stationery and postage-paid envelopes provided by the House of Commons. I take this allegation very seriously and hope that you will see from the evidence provided that it is totally without foundation and may be a mischievous attempt to generate negative publicity for Conservative candidates in the local elections.

**Enclosure with letter of 12 June 2017: Copy of an advertisement "Penally, New Hedges & Gumfreston", promoted by JS Preston**

In seeking re-election I have not canvassed with a Member of Parliament, had a colleague at Westminster invite you to a buffet reception or had letters sent to you from the House of Commons promoting my campaign. I wish to be judged solely on the evidence of my commitment to the communities in which I have served and to each and every individual who has sought my support. I respectfully ask for your vote on May 4th.

**Letter from the Commissioner to Mr Simon Hart MP, 29 June 2017**

Thank you for your letter of 16 June 2017. The detailed information you provided is extremely helpful and, in light of your explanations and the supporting evidence, I do not uphold the allegation of a breach of paragraph 15 of the Code of Conduct.

In light of your comments about the arrangements for folding the letters concerning [name]'s candidacy in the council elections, I have examined closely the physical characteristics of the A4 letter sent to me as evidence by Mr Preston.

- Two of the horizontal creases in the letter are very sharp and precise, and are consistent with your description of machine-folded letters. A third horizontal crease is less sharply made. The vertical fold is less sharp and is slightly off "square", suggesting it has been hand-folded in order to fit inside a C6-size envelope. I think the most likely explanation for this is that the letter was folded to fit inside a C6 envelope after it had been delivered in a larger window envelope. As you point out it would have been an impractical methodology for preparing a relatively large mail shot for despatch.
- As you know, I obscured the name and address of the recipient on the copy of the letter which I sent to you on 24 April, but the fact that the letter was individually addressed also suggests that it would have been despatched

in a “window-envelope” of an appropriate size, rather than in a labelled C6 envelope.

- It seems more likely that the envelopes for, and contents of, two separate mailings have, as you suggested, been confused.

5 I have noted your comments about the motive for making this allegation. As I hope  
you will appreciate, it is not appropriate for me to comment on such matters. In  
deciding whether to investigate an allegation, I consider just two criteria: whether  
the allegation concerns one or more of the rules of conduct; and whether there is  
sufficient evidence to justify beginning an inquiry. Having started an inquiry, your  
10 explanations and supporting evidence gave me a better understanding of the  
significance of the evidence I had at the outset.

You also mention specifically the publicity given to the matter during the local  
election campaign. I do not know when the advertisement you provided was  
published but, in accordance with my usual practice of drawing the attention of all  
15 parties to the confidential nature of my inquiries, when I initiated my inquiry I  
explained to Mr Preston that it was protected by parliamentary privilege. I said then  
that “this matter and all correspondence related to it” should not be discussed with  
third parties in the interim.

I am writing to Mr Preston today to inform him of my decision. I enclose a copy of  
20 the written evidence (which will be posted on my website tomorrow). My letter to  
Mr Preston is the first item of evidence. While I would routinely give the Member  
concerned an opportunity to review and comment on the evidence to be published,  
I decided that would cause an unnecessary delay on this occasion.

Finally, I would like to thank you for your prompt and full co-operation with my  
25 inquiry. The Dissolution of Parliament unavoidably delayed its conclusion and I am  
sorry that the volume of work in my office since the General Election has added a  
further slight delay.

*29 June 2017*