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Summary

5 I opened an inquiry on my own initiative after reading a newspaper report, which alleged Mr Andrew Rosindell MP used House provided stationery and postage paid envelopes to send out birthday invitations. That report included a picture of the invitation, printed on House of Commons headed paper. Among other things, the invitation said donations could be made for a named animal charity.

When I asked Mr Rosindell about this matter, he said that the event was not a 'private' birthday party, but a constituency community event held on the weekend of his birthday and St Patrick's day and therefore "themed" around those two events,

10 Having seen the text of the invitation, the reply slip and photographs tweeted after the event, I did not agree that this was a community event connected with Mr Rosindell's parliamentary activity. In using House-provided stationery bearing the Crowned Portcullis and postage-paid envelopes, for sending out birthday invitations, I found Mr Rosindell breached paragraph 16 of the Code of Conduct for
15 Members. It was also a breach of the rules for Mr Rosindell to use House provided stationery and postage paid envelopes to seek donations to a charity. Members must not use House-provided resources in a way that could reasonably be considered "...to confer undue benefit on any third party", even when done with the best of intentions.

20 Mr Rosindell accepted my decision, apologised and refunded the House authorities the cost of the misused resources (£42.86). I concluded the matter using the rectification procedure which is available to me, under Standing Order No 150.

Mr Andrew Rosindell MP: Resolution letter

- 5 Thank you for your email of 18 May 2019, in which you apologised for your breach of the rules and agreed to refund the House authorities for the stationery you had misused. I can confirm that my office received your cheque for the sum of £42.86 on 31 May 2019. This has been forwarded to the finance team for processing. Thank you for your prompt action on this point. Although the sum involved is relatively small, I am sure you will agree that the principle that publicly-funded resources should be used only for the purpose for which they are provided is an important one.
- 10 I enclose a draft of the written evidence collated during my inquiry. You are invited to comment on the factual accuracy of the pack, which will be posted on my webpages on conclusion of my inquiry. I would be pleased to have any comments you wish to make on the evidence pack as soon as possible and no later than 10 June 2019.
- 15 On conclusion of this inquiry I will report the outcome to the Committee on Standards, at which point I will consider this matter closed.

03 June 2019

Written evidence

1. Letter from the Commissioner to Mr Andrew Rosindell MP, 1 April 2019

I am writing to tell you I have decided to begin a formal inquiry into your use of House provided stationery and pre-paid envelopes. I recently became aware of a newspaper article that claimed you had used House provided stationery for birthday invitations, and that these were sent out to “*friends, family and supporters*” using House provided pre-paid envelopes (a copy of the article is enclosed). I also note that you raised funds for a charitable organisation during your event.

I am writing to you now to seek your assistance with my investigation.

10 My inquiry

My inquiry will focus on whether you have acted in breach of paragraph 16 of the House of Commons’ Code of Conduct for Members.

The Code of Conduct

Paragraph 16 of the current Code states:

15 *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*
 20 *any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis

These rules are not expected to cover every eventuality. However,

25 *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 system for personal financial advantage, nor (by breaching the*
 30 *rules in paragraph 3 below) to confer an undue advantage on a political organisation.*

Paragraph 3 of the rules lists examples of uses for which House-provided stationery should not be used. Although not exhaustive, it does prohibit the use of stationery and pre-paid envelopes “for birthday or other greetings cards”.

5 **Paragraph 5** states; Modest use of stationery (but not pre-paid envelopes) for personal correspondence is permitted.

Paragraph 9 relates specifically to the use of the crowned portcullis. It begins with the following explanation:

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. It should not be used where its authentication of a connection with the House is inappropriate, or where there is a risk that its use might wrongly be regarded or represented as having the authority of the House....*

Next steps

15 I would appreciate your comments on the following questions:

1. Were you aware of the Rules regarding the use of House provided stationery and the limitations of its use for personal correspondence?

2. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out invitations?

20 a) If you did, please describe the advice given and provide copies of any correspondence you exchanged with House officials on that matter.

3. Please could you let me know how many invitations were distributed as part of this mailing and whether all invitations were sent using pre-paid envelopes.

25 4. It would also help to know whether the headed notepaper used was part of your House-provided allocation of stationery (I believe the postage pre-paid envelopes are clearly so);

a) If the paper was not, please can you provide supporting evidence of this.

5. On reflection, do you consider it appropriate to have used stationery bearing the crowned portcullis to send invitations to a birthday party?

30 It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would be most welcome.

Important information

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation into an alleged breach of the Code of Conduct. My office
 5 will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

10 I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

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. All the relevant evidence, including
 15 our correspondence, will be published when I have concluded my work.

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.

20 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.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 15 April 2019.

25 *1 April 2019*

Enclosure; Image of Mr Rosindell's letter of invitation, associated reply slip, and postage pre-paid envelope, published 22 March 2019.



Published 22 March 2019

2. Letter from Mr Andrew Rosindell MP to the Commissioner, 10 April 2019

Thank you for your letter dated Monday 1st April 2019.

- 5 I'm grateful to you for informing me that you will be conducting a formal inquiry into my use of House provided stationery, following the report published in the Daily Mirror on 22nd March 2019.

As requested, I am more than happy to co-operate and assist you with this in order to bring a swift resolution to this matter.

- 10 I therefore respond to the five questions you have put to me below, as follows:

1. Were you aware of the Rules regarding the use of House provided stationery and the limitations of its use for personal correspondence?

Yes, I was aware of the Rules regarding the use of House provided stationery and the limitations of its use.

5 I have always understood that its use for party political purposes is not permitted.

The event on Saturday 16th March 2019 was a community event, which I hosted at my constituency office held on the weekend of my Birthday and St. Patricks Day, hence it was themed on those occasions.

10 This was not my private Birthday Party. That took place the next day with family and friends in London.

Those invited to the event in Romford were all representatives of the local community from churches and faith groups, charities and organisations, along with people from the wider community such as businesses, youth groups and others.

This was not a political event in any way.

15 However, it is certainly true that some of those who attended from these groups/categories/individuals are people whom I consider to be friends and supporters, as they work with me all year round in supporting the wider community.

20 There was only one member of my family in attendance at the event and this was [redacted] whose invitation was not sent via a pre-paid envelope, but handed to her personally by myself.

The organisation of the event and the send out of the invitations was conducted by my staff, under the supervision of my Office Manager. During this period my Mother had sadly passed away and therefore, I was unable to organise and manage the invitations myself. My office handled all of this in my absence.

25 As you will have seen from the invitation, there was no charge for the event and I personally paid for the costs of the occasion, but donations were collected for the People's Dispensary for Sick Animals charity, which has an Animal Hospital based in my constituency and do magnificent work throughout our community.

30 I feel that this kind of event is a nice thing for an M.P. to arrange in their constituency and I was surprised and disappointed that it has attracted criticism.

2. Did you take advice from the House authorities before using House-provided stationery for the purpose of sending out the invitations?

I did not personally take advice from the House authorities before using House-provided stationery and neither did my office. As this was a community event and not a political one, my staff felt that it was permissible to use the stationery.

- 5 **3. Please could you let me know how many invitations were distributed as part of this mailing and whether all invitations were sent using pre-paid envelopes.**

10 As explained, I was unable to organise and manage the mailing personally however, I have been informed by my Office Manager that approximately 250 invitations were sent out. Of these invitations, my Office Manager has estimated that approximately 25-30 of these were sent in pre-paid envelopes. The remaining invitations were sent using non pre-paid envelopes, delivered by hand or sent via e-mail/WhatsApp. Many people were also invited by telephone or word of mouth. As it was a constituency event it was also open to the public.

- 15 **4. It would also help to know whether the headed notepaper used was part of your House-provided allocation of stationery (I believe the postage pre-paid envelopes are clearly so);**

Yes, I am told by my Office Manager that the note paper and pre-paid House envelopes were part of my House-provided allocation of stationery.

- 20 **5. On reflection, do you consider it appropriate to have used stationery bearing the crowned portcullis to send invitations to a birthday party?**

Following the receipt of your letter, I understand how important it is to ensure that The Code of Conduct is interpreted in the most appropriate manner, so as to avoid any doubt.

25 For example, I know that Birthday Cards to 18 year olds should not be sent out using pre-paid envelopes, however as this was a community event, I feel that the stationery was used in the spirit of the rules.

Once you have concluded your investigation, if you feel there is some doubt over the use of the stationery, I would be happy to reimburse the House authorities, or make a donation myself to the P.D.S.A.

30 Whatever the outcome, I strongly feel that the rules need to be clarified in this area, so as to avoid issues like this happening in the future, but ultimately I stress again that this was a community event that raised a considerable sum for a local charity and was not party political whatsoever.

35 I trust this information will provide you with a clearer understanding of the circumstances relating to the use of the House provided stationery by my office.

If you require any further information or clarification, please do not hesitate to contact me at any time.

10 April 2019

3. Letter from the Commissioner to Mr Andrew Rosindell MP, 16 April 2019

5 Thank you for your letter dated 9 April 2019, and for the information that it provided.

10 In my initiation letter, I explained that I might seek the advice of the House authorities as part of my inquiry. Today I have written to the Director of Customer Service, to ask how he would have advised you, had you sought advice about using House provided stationery and postage-paid envelopes for invitations to your event. I enclose a copy of that letter for information.

Once I have received his reply I will give you an opportunity to comment on it.

I will write to you again as soon as I am able to do so.

16 April 2019

15 **4. Letter from the Commissioner to the Director of Customer Service, 16 April 2019**

20 I would like to ask for your advice regarding recent allegations published about Mr Andrew Rosindell MP, into which I have begun a formal inquiry. In essence an article in the Daily Mirror, on 22 March 2019, alleges that Mr Rosindell misused House of Commons stationery for what appear to be personal reasons.

I enclose a copy of the newspaper article that led me to open the inquiry. Please would you let me know what advice you would have given at the time, had you been asked, regarding the use of stationery and postage-paid envelopes for these invitations.

25 I appreciate that the published guidance regarding the use of stationery cannot cover every eventuality, and it would be helpful to have your observations on the factors you have taken into account in reaching a view in this instance.

It would be very helpful to have your response to this letter as soon as possible and no later than 30 April 2019.

30

16 April 2019

5. Letter from the Commissioner to Mr Andrew Rosindell MP, 30 April 2019

When I wrote to you on 16 April 2019 I said that I was seeking the advice of the House Authorities and that I would give you the opportunity to comment on that advice before I reach any decision.

5

I have now received a response from the Director of Customer Experience and Service Delivery. He said:

10

"You asked me to let you know what advice I would have given at the time, had I been asked, regarding the use of House stationery and postage-paid envelopes for invitations sent by Mr Andrew Rosindell MP. You also asked for my observations on the factors I would have taken into account in reaching a view in this instance.

15

I can confirm that my team and I were not consulted by Mr Rosindell, though I would note there is no requirement for Members to do so.

20

The House provides the stationery budget to assist Members in performing their parliamentary duties but, as you noted in your email, the rules cannot be expected to cover every eventuality. You will be aware that while my team and I can provide guidance on usage, ultimately Members should always behave with probity and integrity when using this provision, and should regard themselves as personally responsible and accountable for the use of it. If a complaint is made, whatever guidance we might have provided cannot bind your ability to come to a different conclusion.

25

If I had been asked, I would have advised that in my opinion the invitation falls outside the rules, on two counts. First, Members may not use House stationery or postage for *'birthday or other greetings cards'*, and while this is not a card, it is nonetheless a birthday invitation. Second, *'House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions'* and not, therefore, to invite people to a birthday party, which is a personal and not a parliamentary use of the provision.

30

I would be grateful to receive any comments you wish to make in the light of the above advice by 14 May 2019.

35 *30 April 2019***6. Letter from Mr Andrew Rosindell MP to the Commissioner, 8 May 2019**

Thank you for your letter dated Tuesday 30th April 2019.

I am most grateful to you for sending me a copy of the advice you have received from the Director of Customer Experience and Service Delivery.

I read the comments of the Director with surprise and concern. I am sorry that the Director felt that the invitation was outside the rules.

- 5 May I say that it seems to me that the Director did not take into account my response to you of the 9th April, in which I made clear that this was not a private birthday party, but a community event.

If there had been an event themed as a “Christmas Coffee Morning”, a “Diwali Party” or a “St. George’s Day Afternoon Tea”, would that have been different?

- 10 If this were to be ruled against, the implications would be that MP’s cannot host any community events using House of Commons stationery. This would severely restrict all MPs in any community engagement activities they might choose to host.

As I have already made clear, this was not a “greeting card”. I do send birthday cards to 18 year olds and stamps are used to post them out.

- 15 There is a clear difference between an MP hosting a community event in the MP’s constituency and the sending out of greeting cards.

I would suggest that MPs should be left to judge these things for themselves. Surely MPs should be permitted to use their own postage allocation on anything that benefits the community, provided that this is on a non-political basis?

- 20 Once again, may I suggest that whatever the outcome, the rules need to be clarified in this area, as many MPs host community engagement events and I really do not see why this is not an appropriate use of our resources.

- 25 For example, I also held a St. David’s Day tea and cake event on the 1st March this year, combined with a meeting attended by two hundred local residents. As it happens, my volunteers delivered all the invitations by hand for this one, but had the invitations been posted, would you consider them to be outside the rules too?

I hope this matter can be resolved speedily, so that me an all MPs may continue engage with their communities, without fear of being told they are acting outside the rules.

- 30 That would be a sad day for us all.

8 May 2019

7. Letter from the Commissioner to Mr Andrew Rosindell MP, 16 May 2019

Thank you for your email of 8 May 2019. I now have sufficient information to be able to make a decision on the allegation I have been investigating.

5 I have given very careful consideration to all the points you have raised during our correspondence, including your comments on the Director of Customer Experience and Service Delivery's advice of 29 April 2019.

My Decision

Taking all the relevant facts into account, I have decided that you have acted in breach of paragraph 16 of the Code of Conduct for Members.

10 The rationale for my decision

The Director of Customer Experience and Service Delivery said, *"If I had been asked, I would have advised that in my opinion the invitation falls outside the rules"*. I believe that would have been sound advice.

15 In your email you say that *"...MPs should be permitted to use their own postal allocation on anything that benefits the community..."*. While Members must use their own discretion on a day-to-day basis, they must make their decisions in light of the rules that the House has agreed. Once an allegation is received it is for me to determine if a breach has occurred.

20 The over-arching rule is found in paragraph 16 of the Code of Conduct, which prohibits the use of resources provided from the public purse *"to confer any undue personal or financial benefit on themselves or anyone else...."* And paragraph 3 of 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 (the stationery rules) states that,

25 *House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions.*

30 Although you describe the function held on 16 March 2019 as a "community event", I am not persuaded that the event was in connection with the performance of your parliamentary functions. In reaching that conclusion, I have taken into account the following;

- The format of the invitation – which explicitly presents it as a *"birthday party"* invitation rather than an invitation to a community event.
- The wording of the reply slip, which states, *"...you are being invited as a personal guest of Andrew..."*

- The tweet you sent the day after the event, which included a picture of a birthday cake and a thank you message, “...to all those who came to my birthday party at Margaret Thatcher House yesterday” [my emphasis].

5 Your argument that this invitation was not a “greeting card” is, I think, in light of the above, a moot point.

10 The suggestion that guests might consider making a donation to the [redacted] in memory of your late mother breached the rule against using public resources to confer a financial advantage on a third party. I appreciate that the beneficiary is a respected charitable organisation. However, the rules do not allow House-provided stationery to be used to confer undue benefit on **any** third party. Public resources are not provided to parliamentarians in order to solicit charitable giving for good causes, even when done with the best of intentions. I accept that you did not personally benefit, and that the suggestion was motivated by a wish to help this charity. However, the rules are clear that a Member’s use of public resources should
15 always be in support of their parliamentary duties.

Other issues

20 In your reply you ask my opinion about the use of House-provided stationery in various scenarios. I do not think it is helpful at this time to attempt to give advice about hypothetical situations. It is not possible to advise on the basis of broad categories of events; I would need to know all the relevant facts about the specific events before I could adjudicate.

25 If, in the future, you need advice about the use of House-provided stationery, you might approach the Members’ Accommodation Manager on [telephone number redacted], who can give advice tailored to the specific circumstances and the text of any proposed letter.

During my investigation I have kept to the facts as they appear, and my decision is based on these facts alone.

Next steps

30 While this should not have happened, I consider this breach to be at the less serious end of the spectrum. With your agreement this matter could be concluded through the rectification procedure available to me through Standing Order No 150. This makes provision for me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances. The Committee would generally expect the Member to have acknowledged and apologised for their breach of the
35 rules, and to have taken any steps necessary to rectify their breach.

In this matter rectification would include refunding the House authority for the cost of the invitations, envelopes and prepaid postage. To do so it would be helpful if your office could let me know the following;

- The number and size of the sheets of paper used for all of the invitations and reply slips.
 - The number of prepaid envelopes used and if they were all 2nd class.
 - The number of envelopes used but not prepaid.
- 5 My office will liaise with the House authorities to calculate the final amount required for repayment.

If you agree to this proposal, I would share the evidence pack with you to check its factual accuracy, before publishing that material on my webpages, here; ¹

I would also report the outcome to the Committee on Standards in due course.

- 10 Please let me have a response to this letter by 24 May 2019. 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.

16 May 2019

8. Email from Mr Andrew Rosindell MP to the Commissioner, 18 May 2019

- 15 Thank you for your letter dated Thursday 16th May 2019.

I am grateful to you for concluding this matter swiftly.

My apologies to the Committee for any breach of the rules that may have occurred.

Please contact my staff member [name redacted], who will be happy to discuss the amount you would like me to repay.

- 20 Once this has been agreed, I will send a cheque to the appropriate body.

Again, thanks for your time and consideration.

18 May 2019

¹ <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/rectifications-2018-191/>

9. Email from the Commissioner's office to office of Mr Andrew Rosindell MP, 20 May 2019

5 Mr Rosindell has recommended contacting you, to arrange repayment for the stationery that was used for invitations to an event held on Saturday 16 March 2019. Before I can let you know the exact amount that is required for repayment I do need to confirm a few points with you regarding the quantity of stationery used.

Please could you let me know the following;

- Whether the invitations were printed on A5 or A4 headed paper?
- 10 • Could you confirm the number of invitations printed and envelopes used; Mr Rosindell has previously suggested it was approximately 250.
- Whether each invitation was accompanied by a reply slip and if so whether it was on the same size paper as the invitation. (If not please could you tell me the size of the replies)
- 15 • Could you also confirm how many invitations were sent using 2nd class pre-paid envelopes; Mr Rosindell has previously suggested that it was between 25 – 30.

If you have any questions or if there are any points you would like to clarify, please get in touch with me directly.

20 May 2019

20 **10. Email from the office of Mr Andrew Rosindell MP to the office of the Commissioner, 14:42pm, 24 May 2019**

Thank you for your e-mail regarding Mr Rosindell's use of House provided stationery.

In response to the points below:

- 25 1. Invitations were printed on A5 House of Commons headed paper.
2. Approximately 250 invitations were printed in total.
3. Approximately 150 invitations were accompanied by A5 reply forms which were printed on House of Commons paper (100/250 invitations were sent without reply forms).
- 30 4. Approximately 30 invitations were sent using in 2nd class pre-paid envelopes.

Please let me know if you require any further information or clarification on the points above.

24 May 2019

5 **11. Email from the Commissioner's office to the office of Mr Andrew Rosindell MP, 14:03pm, 30 May 2019**

Please find below the details of the sum Mr Rosindell needs to repay, for the use of stationery for the event held on Saturday 16 March 2019.

Based on the use of 400 single sheets of A5 crest headed paper, 250 envelopes and 2nd class postage for 30 invitation, the total sum for repayment is £42.86.

10 Payment can be made using one of the following methods; [details redacted]

I would be grateful if he would send me a copy of the confirmation of the transaction.

I expect the Commissioner will write to Mr Rosindell shortly, with a final letter and a copy of the evidence pack, ahead of publication of her decision on her website.

15 If you have any further questions please do get in touch.

30 May 2019

12. Letter from the Commissioner to Mr Andrew Rosindell MP, 3 June 2019

20 Thank you for your email of 18 May 2019, in which you apologised for your breach of the rules and agreed to refund the House authorities for the stationery you had misused. I can confirm that my office received your cheque for the sum of £42.86 on 31 May 2019. This has been forwarded to the finance team for processing. Thank you for your prompt action on this point. Although the sum involved is relatively small, I am sure you will agree that the principle that publicly-funded resources should be used only for the purpose for which they are provided
25 is an important one.

30 I enclose a draft of the written evidence collated during my inquiry. You are invited to comment on the factual accuracy of the pack, which will be posted on my webpages on conclusion of my inquiry. I would be pleased to have any comments you wish to make on the evidence pack as soon as possible and no later than 10 June 2019.

On conclusion of this inquiry I will report the outcome to the Committee on Standards, at which point I will consider this matter closed.

3 June 2019