



House of Commons
Committee on
Standards and Privileges

David Tredinnick

First Report of Session 2009–10

Report and Appendices, together with formal minutes

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The Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/sandp.

Committee staff

The current staff of the Committee are Mr Steve Priestley (Clerk), Miss Rhiannon Hollis (Second Clerk) and Ms Jane Cooper (Committee Assistant).

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David Tredinnick

Introduction

1. We have received a memorandum from the Parliamentary Commissioner for Standards, reporting on the outcome of his inquiries into a complaint against David Tredinnick, the Member for Bosworth. The memorandum is appended to this Report.¹

2. The complaint against Mr Tredinnick was made by Mr Michael Mullaney, who has been selected to contest Mr Tredinnick's seat for the Liberal Democrats at the next General Election. Mr Mullaney complained that a four-page *Westminster Report* leaflet circulated by Mr Tredinnick funded from his Communications Allowance breached the rules for such publications, because it included photographs of named Conservative politicians, most of whom were standing for re-election at the time the leaflet was distributed.²

3. The rules that applied to Communications Allowance at the time stated that:

No party political or campaigning material is allowable in any part of a publication funded, in whole or in part, from the allowances.³

All Members had been informed in March 2009 that they should not distribute any material funded from their Communications Allowance between 6 May and 4 June inclusive.

4. The essence of Mr Mullaney's complaint was that Mr Tredinnick's *Westminster Report*, funded from his Communications Allowance, contained party political and campaigning material and that it may have been distributed during the "closed period" ahead of the June 2009 elections.⁴

The Commissioner's findings

5. The Commissioner notes that Mr Tredinnick made extensive use of photographs throughout his four-page newsletter:

Across the first three pages, there were a total of 21 captioned photographs of Mr Tredinnick, in all but one case accompanied by others, illustrating his activities as the local Member of Parliament. The back page carried two further pictures of Mr Tredinnick, one of which showed him with Rt Hon David Cameron MP, and six smaller, uncaptioned photographs of which all but one were repeats of photographs appearing in the first three pages of the publication.⁵

¹ Appendix 1

² Appendix 1, WE1

³ Appendix 1, paragraph 6

⁴ Appendix 1, paragraph 4

⁵ Appendix 1, paragraph 58

The photographs and accompanying captions took up about two thirds of the newsletter. The newsletter cost £2,211 to print and £1,680 to distribute.⁶ Mr Tredinnick claimed these sums from his Communications Allowance.

6. The Commissioner concludes:

Three of the four photographs Mr Tredinnick used on the first page of his newsletter showed four elected Conservative councillors and a Conservative MEP. Two out of four showed no one other than the Member and these Conservative politicians. I consider the use of these photographs on the front page gave undue prominence to other elected politicians from Mr Tredinnick's own party. I consider that Mr Tredinnick was also particularly unwise in including three photographs (plus a repeat in the back page montage) of a borough councillor whom he knew would shortly be standing for election to the county council and who was up against a sitting councillor from another party.⁷

He also concludes that, although the newsletter was distributed shortly before the beginning of the closed period leading up to the June elections, Mr Tredinnick should have been more aware of the political sensitivity of the photographs of local candidates at such a time.⁸

7. In the Commissioner's judgment,

given the centrality of the photographs and the high preponderance of identified Conservative elected politicians throughout the publication, ... the overall effect was to tip the whole document into a publication which promoted the interests of Mr Tredinnick's political party. It was, in that sense, a party political document.⁹

The Commissioner has upheld the complaint.¹⁰

Mr Tredinnick's evidence

8. Mr Tredinnick has accepted that he was in error and has apologised.¹¹ He has pointed out that the rules in force at the time his newsletter was produced did not make specific reference to use of photographs, and that the complaint against him was made by a political opponent.

Conclusion

9. We agree with the Commissioner that Mr Tredinnick's *Westminster Report* newsletter funded from his Parliamentary Communications Allowance was in breach

⁶ Appendix 1, paragraph 57

⁷ Appendix 1, paragraph 71

⁸ Appendix 1, paragraphs 72 and 73

⁹ Appendix 1, paragraph 76

¹⁰ Appendix 1, paragraph 78

¹¹ Appendix 2

of the rules, because in its use of photographs of local politicians who were shortly to stand for elective office it had the effect of promoting their interests and those of his party. We accept that this use of photographs was on such a scale as to taint the whole newsletter, although apart from the captions the written content of the newsletter was within the rules.

10. In our view, Mr Tredinnick was also unwise to include in the newsletter a photograph of himself with his party leader. Although the Commissioner has not commented on this photograph in his conclusions, we are of the view that a photograph of a Member with his or her party leader has, unavoidably, a party political context, which in many cases is likely to render it inappropriate for use in a publication which is funded by Parliament. We note that the photograph of Mr Tredinnick with Mr David Cameron was taken following an event in 2006 attended by business people from Mr Tredinnick's constituency. However, none of these local people was included in the photograph.

11. So far as Mr Tredinnick's two points made in mitigation are concerned, on the first we conclude that he should have sought full advice about his proposed use of photographs before distributing his newsletter, by submitting it to the Department of Resources for approval. On the second, we are of the view that so long as a complaint is neither frivolous nor vexatious, its origin is irrelevant to determining whether a breach has occurred and what penalty should be applied.

Recommendation

12. We welcome Mr Tredinnick's acceptance of the Commissioner's conclusions and his apology. We recommend that Mr Tredinnick repay £1,945, which is half the cost of printing and distributing the newsletter.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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Complaint against Mr David Tredinnick MP

Introduction

1. This memorandum reports on my investigation into a complaint that Mr David Tredinnick, Member for Bosworth, used Parliamentary allowances to print and distribute a newsletter for party political purposes.

The Complaint

2. On 7 May 2009 I received a letter¹ from Mr Michael Mullaney of Hinckley, Leicestershire, in which he complained about a leaflet—*David Tredinnick’s Westminster Report – News from the Member of Parliament for Bosworth*—which he said was funded from parliamentary allowances. Mr Mullaney forwarded a copy of this report² and commented that it included, on the front page, a photograph of a Member of the European Parliament (MEP) who was standing in the European Parliamentary election on 4 June, and also included named photographs of five Bosworth Conservative County Councillors, despite it being delivered during the nomination period for the county council elections on 4 June 2009. Mr Mullaney asked whether it was a breach of the rules for the Communications Allowance to feature so many candidates from one party who were standing for election so soon.

3. I replied to Mr Mullaney on 11 May, accepting his complaint.³ I noted that, in essence, his complaint against Mr Tredinnick was that he had used his parliamentary funded Westminster Report to promote a political party and people seeking election, contrary to the rules of the House, and might have done so during the closed period for such publications ahead of the June elections.

Relevant Rules of the House

4. 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 relevant rules at the time of publication are those set out in the booklet published in April 2007 entitled *The Communications Allowance and the use of House stationery*. These rules apply both to the Communications Allowance and the provision which replaced it in April 2009, Communications Expenditure. The scope and purpose of the allowance for

¹ WE 1

² WE 2

³ WE 3

Members' communications are set out in paragraph 6.1.1 of Appendix One to the April 2007 booklet as follows:

“The Communications Allowance (CA) is available to meet the cost of Members engaging proactively with their constituents through a variety of media. It can be used for the production of unsolicited communications within the parameters set out in this Section.

*“The CA may only be used to help Members inform their constituents about what they have been doing and to consult them on issues of importance to them locally. It cannot be used to meet personal costs or the costs of party political activities or campaigning. The main areas of expenditure available from the CA are outlined below. **It is each Member’s responsibility to ensure that all expenditure funded by the CA is wholly, exclusively and necessarily incurred on their Parliamentary duties.**”*

5. Paragraph 6.2.1 includes the following section:

“6.2.1. Principles and Propriety

...

The content of any communications paid from the allowances must not seek to compare the Member’s party favourably with another, promote one party at the expense of another or seek to undermine the reputation of political opponents.”

6. Paragraph 6.12.1. includes the following:

“No party political or campaigning material is allowable in any part of a publication funded, in whole or in part, from the allowances. Members wishing to produce a joint publication with an MSP, MEP or AM must ensure the entire content is free of such material. If you wish to include material which is not allowed under these rules, you must fund the whole cost from another source.”

7. Paragraph 6.12.4 provides as follows:

“You must not use your CA funded publications or websites:

...

- *to encourage people to join a particular political party*

...

- *to promote or campaign on behalf of any person seeking election*
- *to criticise or campaign against anyone seeking election or otherwise seek to undermine the reputation of political opponents*
- *for the purpose of advancing perspectives or arguments with the intention of promoting the interests of any political party or organisation you support, or damaging the interests of any other such party or organization...”*

8. Appendix Two to the April 2007 rules provides further guidance on producing newsletters and other publications. Paragraphs 19 and 20 provide as follows:

“The Department of Finance and Administration is responsible for interpreting and enforcing rules relating to Parliamentary allowances, as set out in the Green Book and in this publication. If you are satisfied that your publication conforms to the above rules, you may meet the costs from your Communications Allowance in the normal way. Members are not required to submit publications to DFA prior to printing. However, the Department does offer advice and guidance on the content of newsletters and Members are encouraged to make use of this service.

“If you want advice on the proposed content of any publication, you may approach DFA whose experienced staff will undertake a full review on your behalf. The Department will aim to complete this within 3 working days. Please allow time for this process before going to print. While the Department will always offer advice in good faith, responsibility for ensuring compliance with the rules remains unchanged. In the event of a complaint to the Parliamentary Commissioner for Standards, he will wish to know whether advice was sought.”

9. The question of the timing of the circulation of newsletters in advance of the June 2009 elections was dealt with in the letter of 2 March 2009 from the Director of Operations in the Department of Resources to all Members, in which he explained “...you may not distribute any material paid for from Communications Expenditure from 6 May 2009 to 4 June 2009 inclusive.”

My Inquiries

10. I wrote to Mr Tredinnick on 11 May to invite his comments on the allegation.⁴ I asked him why he had decided to include in his Westminster Report each of the seven photographs featuring local councillors and an MEP and why he considered (if he did so) that it was necessary to include each of those photographs and the captions identifying the status of the individual; to which political parties the MEP and each of the Councillors belonged; whether each was standing for election on 4 June and, if they were all from the same party as alleged; why he had not included photographs of elected representatives from any other party; whether he considered, on reflection, that the photographs and their captions were in accordance with the rules of the House; how many copies of his Westminster Report had been distributed; when the distribution began and ended, and whether any distributions occurred on or after 6 May 2009; the costs of the preparation, production and distribution of the report; and whether he had consulted the Department of Resources about the content of his report, including the photographs and captions.

11. Mr Tredinnick acknowledged my letter on 12 May⁵ and replied substantively on 29 May.⁶ He said he had opposed the Communications Allowance and had not intended to

⁴ WE 4

⁵ WE 5

use it at all, but had decided to produce a newsletter following media criticism, which in his view was “*a little unfair*”, that he did not have a high enough media profile. He had “*consulted carefully*” the rules set out in *The Communications Allowance and the use of House stationery*. It was his “firm intention” that the newsletter be within the rules.

12. In response to my specific questions, Mr Tredinnick commented that dealing with local matters “*almost always involves interaction with elected county, borough and parish councillors*”. When making visits in his constituency it was his “normal practice” to have with him one or more of the councillors representing the ward. In the newsletter the councillors had been named because that “*better illustrates the photograph and my work as an MP*”. Nowhere in the newsletter were the councillors illustrated who were standing for election described as candidates, nor were political affiliations given.

13. The MEP and the councillors illustrated were all Conservatives. Mr Tredinnick commented, “*I have almost never been associated in any way with councillors from other parties. Councillors from other parties would not expect to be included in any publication I produce and would object if I tried to include them.*”

14. Mr Tredinnick said that there was no party political or campaigning material in the publication. In his view, it did not encourage people to join a political party, or promote or campaign on behalf of anyone seeking election, nor did it criticise or campaign against anyone seeking election, or otherwise seek to undermine the reputation of political opponents. Mr Tredinnick also stated that the publication did not advance perspectives or arguments with the intention of promoting the interests of any party which he supported or to damage any other party or organisation. He commented, “*Simply it gives a factual account of my activities with other elected representatives.*”

15. 40,000 leaflets had been printed, at a cost of £2,211. Approximately three-quarters had been delivered by 6 May. Mr Tredinnick said that none had been distributed since then, and he intended to deliver the remainder after the 4 June elections. Distribution costs were £1,680.

16. On consultation with the Department of Resources about the content of the publication, Mr Tredinnick commented, “*I did consult the Department of Resources about what was allowed and specifically asked about whether or not I could produce photographs of myself with other elected representatives and refer to them in the captions. I was told that I could. Unfortunately I do not recall the individual I spoke to.*”

17. Mr Tredinnick added that his Westminster Report used no party logos, contained no links to party websites, and did not give his political affiliation. It had been “*a deliberate policy to use as many photographs as possible, illustrated with short captions, as experience and surveys show that most people will not read long articles*”. The leaflet contained his personal views, and not just statements of support or opposition for a particular policy. The main story, *Listen to the People*, asked the Borough Council to listen to constituents’ views on travellers’ sites and housing allocation which “*concern constituents of all political*

persuasions; I am articulating my views based on constituents' views. I could forward to you literature from the three main political parties in my constituency criticising these policies in one form or another."

18. Of the two main stories on the inside pages (*Success for Post Office Campaign* and *David's Backing for More Police*) the post office campaign "*required united action from elected politicians at national, county, borough and parish level. It would have been disingenuous and inaccurate to have portrayed it as my campaign only.*" The story behind *David's Backing for More Police* was "*my campaign and has nothing to do with councillors and they are not mentioned.*" Mr Tredinnick said that all the mini stories named the individuals concerned in captions under photographs, where he had names, whether or not they were councillors. Where councillors were mentioned "*their specific wards are mentioned too for greater accuracy.*"

19. The back page of the newsletter included two captioned photographs of Mr Tredinnick in the House, one of him speaking in the Chamber raising a constituency matter, and the other with Rt Hon David Cameron (the Member for Witney) following a meeting at the House with business people from Hinckley and Bosworth. It also included six small uncaptioned photographs⁷. Mr Tredinnick commented, "*the large photographs show me at work in the House and the copy describes the range of activities in which I engage. The small photographs illustrate that range of activities.*" He added, "*The box at the bottom right gives my contact details. It does not give my political affiliation.*"

20. I wrote to the Director of Operations at the Department of Resources on 1 June to ask for the Department's comments and advice on the complaint.⁸ In particular I sought guidance on whether the number of photographs identifying councillors and, often, their wards was within the rules. I also asked for any record of the discussion with the Department which Mr Tredinnick had reported, and for confirmation about whether his Westminster Report had been submitted to the Department in advance.

21. I replied to Mr Tredinnick on 2 June.⁹ I asked him to confirm whether the MEP and each of the councillors identified was standing for election on 4 June. Mr Tredinnick responded on 10 June. He told me, "*Of the County Councillors standing for election, only those candidates who were already elected councillors were shown in the newsletter. Other first time council candidates were not shown. The County Councillors mentioned in the newsletter were all standing again, as was Roger Helmer MEP... Councillor Janice Richards was standing for election to the County, but is pictured in the newsletter in her capacity as a Borough Councillor.*"¹⁰ I forwarded this letter to the Director of Operations.

⁷ Five of the six small photographs consisted of details from larger photographs on other pages. The sixth was a photograph of the Palace of Westminster.

⁸ WE 7

⁹ WE 8

¹⁰ WE 9

22. The Director of Operations replied by a letter dated 2 July.¹¹ The Department had not seen Mr Tredinnick's report prior to publication or distribution. Mr Tredinnick had, during April 2009, submitted claims dated 31 March for the printing costs of the report and 30 March for the distribution costs. These matched the figures he had quoted in his letter.

23. On Mr Tredinnick's discussions with his Department, the Director commented, "*We do not have a record of the conversation between Mr Tredinnick and a member of my staff about the use of photographs in his report. No member of staff recalls giving the advice mentioned by him and, whilst accepting Mr Tredinnick's account, I would be disappointed if any such advice had not been couched in rather more careful terms.*"

24. The Director went on to say that the Green Book stated that Members must take care when using photographs not to promote other elected office-holders or candidates for office. Captions had to be neutral and kept within the context of the publication.¹² The Department accepted that Members would often be accompanied by and photographed in the company of other elected representatives from their own party when they attended functions or made visits around their constituencies. He commented, "*Mr Tredinnick defends his report by pointing out that he was only reflecting the work undertaken by himself or with colleagues, and that this was not part of a campaign or attempt to make party political points. I would agree that the text of the report is carefully judged so as not to be party political.*"

25. The Director had asked the officials who reviewed all such reports to look at the report. They had confirmed that they were content with the text of the articles in the report. On the photographs and their accompanying captions, he commented, "*[the officials] are clear that they would have asked Mr Tredinnick to reduce the use of photographs and captions that included other elected representatives to avoid the publication appearing to be one in collaboration with local politicians of the same party and hence giving the appearance of a party publication*". He continued, "*I am in no doubt that Mr Tredinnick was unwise to include so many references to party colleagues in his publication not least because it leaves him vulnerable to a complaint of promoting the work of other elected representatives very close to a politically sensitive period.*"

26. The Director considered that "*on balance*" Mr Tredinnick's report did break House rules. However, he added, "*But, bearing in mind Mr Tredinnick's evidence to you and looking at the report in the round, I would take the view that on this occasion it would be harsh to require him to repay the costs... there will always be occasions where, say, the*

¹¹ WE 12

¹² The reference is to the Green Book published in April 2009 in respect of the Communications Expenditure which included in section 2.5.4.3 the following: "*You must take care when using photographs not to promote other elected office-holders or candidates for office. Captions must be neutral and kept within the context of the publication*". In commenting on the factual sections of this Memorandum, Mr Tredinnick pointed out that this reference was not in the Green Book which was in force at the time.

infringement is small or of a technical nature, or where the 'harm' caused is extremely limited. I think this is one such occasion."

27. I wrote to Mr Tredinnick on 14 July, inviting his comments on the response of the Director of Operations.¹³ I asked in particular whether he accepted the Director's conclusion that the inclusion of, in effect, seven photographs identifying colleagues from his own political party was a breach of the rules, and on the Director's view that the infringement was small. I also asked Mr Tredinnick to confirm that all 40,000 leaflets had been dispatched and that the full cost was therefore as stated in his letter of 29 May;¹⁴ how many leaflets had been distributed by 6 May; and how many had been distributed since the June elections, and when. I also set out the various ways in which I might proceed, in the light of his response, in relation to the complaint.

28. Mr Tredinnick replied on 22 July.¹⁵ He accepted both the Director's conclusion that the text of the report was carefully judged so as not to be party political, and his officials' conclusion that they were content with the text of the articles in the report. On my question about what he described as "*the seven photographs identifying colleagues from my political party*", Mr Tredinnick did not think he could accept, without further advice from me, that the inclusion of these photographs was a breach of the rules. He had consulted the Department of Resources as to whether he could produce photographs of himself with other elected representatives and refer to them in captions, and, as he had said in his letter of 29 May,¹⁶ the Department had told him that he could. He had sought this specific advice because the guidance in the published rules in force at the time, set out in *The Communications Allowance and the use of House Stationery*, issued in April 2007, gave no specific advice about the use of photographs, other than a paragraph advising on photographs of Members wearing party rosettes, which did not apply to any of his photographs.

29. Mr Tredinnick went on to note that the Director had based his arguments against the extent of his use of photographs with other elected representatives, and the references to them in the captions, on a provision of the 2009 Green Book. Mr Tredinnick considered that this "*new ruling*" could not be applied to his newsletter as it had been written and published before the 2009 Green Book (and consequently the advice cited by the Director) had been published. Mr Tredinnick also maintained that "*the number of photographs of councillors with me in the course of my parliamentary work...was not excessive*". As to the Director's overall assessment of the scale of his newsletter's infringement of the rules, Mr Tredinnick commented, "*In the light of [Mr Tredinnick's point that the April 2009 rules did not apply to his publication] I wonder whether [the Director] would still hold the view that 'on balance it [the newsletter] does break the rules'*".

¹³ WE 13

¹⁴ WE 6

¹⁵ WE 14

¹⁶ WE 6

30. Mr Tredinnick accepted the Director's view that it would be harsh to require him to repay the costs of the newsletter. As to the timing of the distribution of his publication, Mr Tredinnick commented, "*As the closed period when a publication cannot be distributed is clearly defined and specific, I have some difficulty with the suggestion that I should have taken account of the period before the closed period.*"

31. As Mr Tredinnick had raised questions about the views of the Director of Operations, and the Green Book rules on which these may have been based, I wrote again to the Director on 3 August.¹⁷ I sought his views in particular on Mr Tredinnick's argument that, since his newsletter was produced before the rules in the April 2009 Green Book entered into force, they did not apply. I asked whether, if this argument were accepted, the Director would still take the view that, on balance, Mr Tredinnick's newsletter broke the rules and, if so, which were the relevant rules.

32. Mr Tredinnick had been unable when he wrote in July to give me the information I had requested regarding the distribution arrangements for the newsletter as his agent, who had organised this, was on leave. He wrote again on 4 August¹⁸ confirming the printing and distribution costs he had already given,¹⁹ and saying that 30,000 of the 40,000 leaflets had been distributed prior to the 6 May deadline. Delivery of the remaining 10,000 leaflets had resumed on 6 July and he understood that the deliverers were down to the last few hundred.

33. The Director of Operations replied on 7 September.²⁰ He accepted that the published rules and guidance in force at the time Mr Tredinnick was preparing his newsletter did not contain specific references to the use of photographs of Members with other elected representatives, but he did not believe that this in itself meant that no breach of the rules had occurred. He commented, "*The pre-April 2009 Green book is very clear that party political content is not allowed and that Members should seek guidance from the Department.*"²¹ He added that, as with most books of rules, the published Green Book had tended to lag behind the most recent interpretations and advice. Thus "*although the rules and guidance were not updated until April 2009, the Department was required to modify its approach and advice over time, usually in line with the consideration of issues by Committees of the House.*"

¹⁷ WE 15

¹⁸ WE 16

¹⁹ WE 6

²⁰ WE17

²¹ In commenting on the factual sections of this Memorandum, Mr Tredinnick drew attention to paragraph 20 of Appendix Two of the April 2007 rules: "*Members are not required to submit publications to DFA prior to printing. However, the Department does offer advice and guidance on the content of newsletters and Members are encouraged to make use of this service*"; and to paragraph 21: "*If you want advice on the proposed content of any publication, you may approach DFA whose experienced staff will undertake a full review on your behalf. The Department will aim to complete this within 3 working days. Please allow time for this process before going to print. While the Department will always offer advice in good faith, responsibility for ensuring compliance with the rules remains unchanged. In the event of a complaint to the Parliamentary Commissioner for Standards, he will wish to know whether advice was sought.*"

34. The Director went on to say that the Department had for some time advised Members against the use of photographs and captions which could give the impression of promoting the work of other elected representatives of the same party, especially when elections were pending. He added, *“This latter point is important insofar as whilst Mr Tredinnick’s report was issued prior to the closed period, there is no doubt that even at such an early stage some members of the public are very sensitive to the possible use of public money for political purposes. This makes the likelihood of a complaint greater even though the interpretation of the rules might remain largely unaffected.”*

35. The Director said that his Department’s judgement remained that, *“had we seen the report prior to publication and allowing for the proximity to the County Council elections, we would have recommended not using photographs of sitting councillors as extensively as Mr Tredinnick did. Had Mr Tredinnick insisted on using these particular photographs we would have asked for some modifications to be made. For example, we might have suggested excluding the councillors’ names from the captions to avoid raising the profile of certain elected representatives; similarly, the inclusion of four photographs of Councillor Richards would seem to give her undue prominence and we would have asked Mr Tredinnick to reduce the number of times Ms Richards appeared”*. He noted my comment in a previous case that there is a fine and not always distinct line to be drawn when taking decisions on the content of Members’ publications, and that the judgement of which issues and which illustrations to include can be difficult.²² He commented, *“This complaint is a case in point.”*

36. I wrote to Mr Tredinnick on 9 September, inviting his comments on the Director’s letter.²³ Mr Tredinnick replied on 23 September.²⁴ He maintained that the rules in the then Green Book were *“quite clear and I believe I abided by them”* and that he took *“reasonable steps”* to follow them. He added, *“I do not feel that I have included political content as there is no mention of the political affiliation of anyone in the leaflet or any attempt to promote a political party.”* He had spoken to officials on the telephone:

“I remember saying, ‘Am I right in saying that there must be no mention of political parties or affiliation?’ Answer, ‘Yes’. ‘As long as I abide by that rule and publish before the pre-election period, will that be OK?’ Answer, ‘Yes’. No mention of photographs was made.”

Mr Tredinnick also said that no mention was made of any impending change in the rules.

37. On the Director’s comment about the high level of sensitivity on the part of some members of the public to the possible use of public money for political purposes, Mr Tredinnick commented that he had not himself received any complaints from constituents about his newsletter. The complaint I had received had come from his prospective Liberal Democrat opponent, *“which would indicate a political motivation”*.

²² Eleventh Report from the Committee on Standards and Privileges, Session 2007-08, HC 646, Appendix, para. 53.

²³ WE 18

²⁴ WE 19

38. Mr Tredinnick said he had prepared his leaflet in response to enquiries asking for details of his work in the constituency. A high proportion of the issues on which constituents contacted their Member of Parliament involved local government. He had wanted to show his involvement in a number of local issues and also to illustrate the fact that the most effective way to help constituents was to work closely with their elected local representatives. He commented, *“To have omitted Councillors or their names would not have put this point across.”* In this context, he did not feel that including councillors in seven out of twenty four photographs was disproportionate. He added, *“None of the photographs were taken for the purpose of inclusion in the leaflet, and they were taken before any county council candidates were adopted.”*

39. On the specific case of Councillor Richards, Mr Tredinnick commented that she was featured in three photographs in her capacity as an active elected member of Hinckley and Bosworth Borough Council, and the photographs *“illustrate issues that many constituents from her ward had raised with me”*. The fourth photograph was *“part of the printer’s art work on the back—there is no caption and those people featured in it are almost indistinguishable—so I do not feel this one counts”*.

40. Mr Tredinnick wrote to me again on 20 October,²⁵ shortly before we met for our interview, making clear that he regarded Mr Mullaney’s complaint as party political. He added, *“Furthermore, I think it was made as a tit for tat response to a complaint made by a former Conservative Councillor about the veracity or not of Lib Dem literature”*. In support of this assertion, he enclosed with his letter a copy of a Decision Notice relating to this complaint issued by the Assessment Sub-Committee of the Standards Committee of Hinckley and Bosworth Borough Council on 8 April 2009, and a memorandum prepared by his agent.

41. I met Mr Tredinnick on 22 October 2009.²⁶ He started by reiterating his contention that *“this whole complaint is party political”*. Having decided to produce a leaflet using the Communications Allowance as a response to criticisms of a lack of visibility in his constituency, he had left the writing to his agent, who was paid partly from House funds and was acting in his House capacity when producing the newsletter. The agent chose the stories, *“had all the photos”* and had *“put the leaflet together”*. Mr Tredinnick’s intention was *“always to use pictures otherwise nobody reads it. One picture is worth a thousand words”*. He had had doubts about one picture on quality grounds, that showing Councillor Richards and Roger Helmer MEP (taken at a protest meeting in Earl Shilton about plans for a travellers’ site there), but had decided to include it *“because it was a big issue at the time”*. Other pictures were of meetings to which he had been *“summoned”*. He had a big constituency *“so I rely on councillors for their knowledge on the ground”*.

42. Mr Tredinnick said that, looking back, politically there had always been an issue in his constituency over the allocation of traveller sites. The borough council had drawn up plans

²⁵ WE 20

²⁶ WE 21

which allocated almost half the travellers to Earl Shilton, and there was “uproar”. He described the allocation of traveller sites as “*the key issue at that point*”. He had told his agent to go ahead and get the newsletter out before the deadline (the closed period for the county council and European Parliament elections), and that he would check the rules.

43. Mr Tredinnick confirmed his original recollection, as set out in his letter of 29 May,²⁷ that he specifically asked the Department of Resources whether he could produce photographs of himself with other elected representatives and refer to them in the captions, and was told that he could. He believed that this was in March 2009. His statement in his letter of 23 September,²⁸ that no mention of photographs had been made, was “*a mistake*”, and I should rely on his “*factual recollection*” in the earlier letter. Mr Tredinnick knew that he “*couldn’t include party political material; there were issues with logos and so on*”, but believed “*it was all right to include details of [himself] and other elected representatives*”. The leaflet included “*no House of Commons portcullis, no party logo, there is no reference to party political material in the text*”. His agent and his other staff had worked for him for a long time, and “*we wouldn’t have let it out if we hadn’t felt it was right*”.

44. Mr Tredinnick had not considered it necessary to take up the Department’s standing offer of a full review of the contents of the newsletter as there was, at the time, no requirement to do so, and he “*didn’t think there was anything in the text to require it. It wasn’t required under the 2007 rules ... It was a relatively simple document: the pictures and about a thousand words of text. ... It wasn’t political or controversial. I deliberately kept it very simple. I didn’t think the photographs excessive.*”

45. The newsletter had been delivered by a local firm of professional distributors. While Mr Tredinnick had wanted it distributed as quickly as possible, the precise timetable had been left to the delivery firm. Mr Tredinnick had “*wanted to get it out ... while the issues were fresh. I instructed [the delivery company] to cut off distribution at midnight before the closed period. Distribution started again in rural areas later. By then some issues were out of date.*” He denied that he had rushed out as many copies as possible before the closed period, commenting “*We were not fighting to get under the wire. It is good practice to get a leaflet out while issues are topical. There was no mad panic and we didn’t hire thousands of people to distribute it.*” He considered that the risk of people misunderstanding his purpose in including the pictures of councillors would have arisen if he had gone past the cut-off date, which he did not do.

46. On the specific choice of photographs, Mr Tredinnick commented, “*I hadn’t overloaded the leaflet with pictures of councillors: they amounted to about one third of the pictures. There were shots of me with farmers and cheesemakers as well*”. He maintained that

²⁷ WE 6

²⁸ WE 19

the photographs of councillors met criteria I had suggested in a previous case, namely, “*when the elected people are clearly and consistently jointly engaged on a local activity*”.²⁹

47. Mr Tredinnick had been aware that seven of the eight politicians he had pictured were standing for election in June. The county council had six wards in his constituency and “*the county councillors are the most senior representatives after me and they are involved in all these issues with me. It would have been inaccurate to leave them out.*” He was also aware that the five county councillors featured constituted all but one of the Conservative county councillors representing divisions covering his constituency. He maintained that the lack of photographs including councillors from other parties was a consequence of the political situation in his area, where there is “*a Liberal/Conservative dingdong*”. He continued, “*There is no love lost between us ... I don’t have pictures of me working with Lib Dem councillors. I don’t work with the Lib Dems. They don’t have pictures of themselves with me in their leaflets*”. He added, “*There is an irony in that the policing scheme I describe was agreed through the town centre partnership proposed by the Lib Dem council. So that article is a plug for them. Local people would know that*”.

48. Mr Tredinnick went on to explain that he had understood that he could be shown working with councillors, and commented, “*I did this in good faith. I thought I had got this about right.*” He had included pictures only of serving councillors, and not candidates standing for election for the first time, because “*it would have been party political. It is against the rules*”. He considered it “*perfectly reasonable*” to record his activities with councillors, but was “*uneasy*” about showing people with whom he had not worked. Except in a few instances, he “*normally worked with councillors*”.

49. Mr Tredinnick said that all the events shown in the newsletter had been attended by him in his capacity as the Member of Parliament. He commented, “*They were not party political events, any of them.*” The newsletter was “*an attempt to record what I have been doing. As for the details, it does not include so much as a political e-mail address, anything about the Conservatives, no links, no torch and no logo.*”

50. Mr Tredinnick did not accept that, on the issue of traveller sites which he had said involved criticism of the policy from all three main parties, the inclusion of so many photographs of Conservative councillors suggested that the campaigns referred to in the newsletter had been conducted on a party political basis. He commented, “*Public meetings were called and I was asked to attend. These meetings were set up by local people. The parish council got hold of me. I wasn’t really making a party political point and I didn’t accuse anybody.*” He subsequently said, “*There is a distinction. Everything I do is political. But this was not party political. I provided a safety valve for the community, who were very angry. I wasn’t directly critical of the council.*”

51. I asked whether the issues raised in his newsletter had also been issues at the county council elections in June. He commented, “*The post offices were all done and dusted. Anger*

²⁹ Eleventh Report from the Committee on Standards and Privileges, Session 2007-08, HC 646, Appendix, para. 49.

about the traveller sites had eased ... some sites had been withdrawn or reclassified as no longer preferred.” He added, *“It shows how quickly the main issues had gone off the boil by the end of the closed period.”* In the specific case of the photograph of County Councillor David Sprason at a protest meeting about the Borough Council’s plans for a traveller site in his area, Mr Tredinnick commented that Mr Sprason had been present at the meeting *“as a county councillor and to support me”*, and that in the event the site *“wasn’t much of an issue in that ward for the election.”*

52. The three pictures of Councillor Richards were all of her in her capacity as a borough councillor and reflected campaigns and issues in which she had been involved in that capacity. Mr Tredinnick accepted that she had indeed been elected to the county council, defeating a sitting member, but denied that the picture illustrating issues of vandalism and anti-social behaviour which showed her holding a broken paving stone could be seen as promoting party political interests and a person seeking election. He commented, *“let us come back to the rules. So long as you observe the closed period rules, being shown with someone in an elected capacity is fine.”*

53. Mr Tredinnick said that the councillors pictured were all involved with him in the issues featured, and it would have been *“inaccurate”* to have left out their names, and it would have made him *“look out of touch”* to have omitted where they represented. He added, *“And not everybody knows who represents them”*. The degree of accuracy in the captions *“informs readers that I am in touch with local representatives. It shows I am on the ball. If you took the pictures out it wouldn’t show me working with the local community.”* In areas of his constituency where there were no Conservative councillors, he took his local agent who *“would know what was going on”*.

54. Mr Tredinnick did not think that, from the newsletter, any reader would know he was a Conservative, and commented, *“It doesn’t say”*. On the inclusion of a photograph of himself with Mr David Cameron, Mr Tredinnick commented, *“The picture is there to show that I am in touch with people who are important, not to show that David Cameron thinks I am a wonderful MP.”*³⁰

55. To the suggestion that his choice of photographs and their captions had the effect of promoting the interests of fellow Conservatives whom he knew were shortly to stand for election, Mr Tredinnick commented, *“It was not my intention. That was to record my activities in the constituency. I assiduously avoided any reference to candidature in the coming elections. I did not include reference to political parties, nor any logos.”* He went on to say, *“On party political content, this was a political leaflet but not a party political one.”* He believed he had acted reasonably, commenting, *“With hindsight, in view of the speed at which we were working and the thousand other things we had to do, I think I acted reasonably. I could have checked the pictures, and I would have done it differently, but I*

³⁰ In commenting on the factual sections of this Memorandum, Mr Tredinnick said *“Although I did not mention it in the interview the photograph was taken at a lunch for constituency businessmen in June 2006. It was so captioned in the leaflet”*.

checked with the Department on the big issues and I thought these had been cleared. But the pictures were modest, and the complainant is trying to make mischief for me...I wanted to stay within the rules and I thought I had got it right.”

56. On 29 October, Mr Tredinnick wrote to me further about his thinking at the time he issued the newsletter.³¹ With his letter he forwarded statistics prepared by the House of Commons Library showing changes in the relevant share of the vote in 2005 and 2009.³² On the intended impact of the newsletter, he commented that it was “*broadly intended as a record of my activities in the constituency... If it is felt that I gained a political advantage through the newsletter I would suggest the opposite because in my constituency in the County elections the Conservatives were net losers ... We did win one seat in Earl Shilton but we lost two in Burbage Castle to the Liberal Democrats.*” He maintained that if he had intended the newsletter to be party political “*it would have had a quite different focus ... it would have pointless covering the safe Conservative divisions of Market Bosworth and Markfield, ...[and] unnecessary to cover Earl Shilton because ... it was inevitable that Labour would lose that ward. It would have made much more sense to focus the newsletter on the Burbage Castle ward which was the real battleground between the Conservatives and the Liberals.*” He concluded, “*If it is argued that the photographs of me with Janice Richards ... helped her, then it can equally be argued that my photos with Mary Sherwin and John Moore ... were counterproductive and contributed to their defeat.*”

Findings of Fact

57. In March 2009, Mr David Tredinnick decided to produce a newsletter for his constituents illustrating his work in the constituency. The newsletter was prepared in March 2009. It was entitled *David Tredinnick’s Westminster Report: News from the Member of Parliament for Bosworth*. 30,000 copies of the newsletter were distributed by a professional distribution company from April 2009 to midnight on 5 May 2009, by which time the distribution was halted because of the start of the closed period for communications funded from parliamentary allowances in advance of the County council and European elections on 4 June 2009. A further 10,000 copies were distributed from 6 July to mid-August. The cost of printing the 40,000 copies of Mr Tredinnick’s newsletter was £2,211. The distribution costs were £1,680. These costs were met from Mr Tredinnick’s Communications Allowance for 2008-09.

58. As a matter of deliberate policy, Mr Tredinnick had used as many photographs as possible, illustrated with short captions. The photographs and accompanying captions accounted for about two-thirds of the available space. The publication highlighted three main stories on the first three pages (*MP says Listen to the People, Success for Post Office Campaign, and David’s Backing for more Police*). The back page listed the ways Mr Tredinnick acted on behalf of his constituents, together with his contact details. Across the

³¹ WE 22

³² WE 23. With his comments on the factual section of this Memorandum, Mr Tredinnick forwarded further statistics prepared by the House of Commons Library, on elections in Earl Shilton [WE 24]

first three pages, there were a total of 21 captioned photographs of Mr Tredinnick, in all but one case accompanied by others, illustrating his activities as the local Member of Parliament. The back page carried two further pictures of Mr Tredinnick, one of which showed him with Rt Hon David Cameron MP, and six smaller, uncaptioned photographs of which all but one were repeats of photographs appearing in the first three pages of the publication.

59. Of the 21 photographs on the first three pages, seven showed Mr Tredinnick with other elected representatives. In total, eight elected representatives were shown, one of whom was pictured three times. All were Conservatives. Seven stood in the June elections.³³ Details of those pictured who stood, their description in the relevant captions in the newsletter, the election they were contesting, and the outcome of the election in each case, are given in the table below:

Name	Description in caption	Election contested	Outcome
Roger Helmer (pictured with Janice Richards)	MEP	European Parliament	Re-elected
Ruth Camamile	County Councillor	County Council	Re-elected
John Moore (pictured with Mary Sherwin)	Burbage Castle Division County Councillor	County Council	Defeated
Ivan Ould	County Councillor for Market Bosworth Division	County Council	Re-elected
Janice Richards (three photographs, one with Roger Helmer)	1) Earl Shilton Borough Councillor (two photographs) 2) Local councillor (one photograph)	County Council	Elected (defeated sitting Labour councillor in Earl Shilton Division)
Mary Sherwin (pictured with John Moore)	Burbage Castle Division County Councillor	County Council	Defeated
David Sprason	County Councillor	County Council	Re-elected

60. The Department of Resources is content with the text of the articles in the report. But they consider unwise the inclusion of so many references to Mr Tredinnick's party colleagues, particularly when the June elections were pending, when in their view there was a high level of sensitivity on the part of some members of the public to the possible use of public money for political purposes. The Department consider that the Green Book in

³³ The eighth, who appeared in the picture with David Sprason and who was described in the caption as 'Borough Councillor Ozzy O'Shea', did not contest any election in June 2009.

force at the time Mr Tredinnick produced his publication, although not containing specific references to the use of photographs with other elected representatives, nonetheless made clear that party political content was not allowed, and that Members should seek guidance from the Department. They have no record of any conversation Mr Tredinnick had with the Department and would be disappointed if any advice he had received had not been couched in more careful terms than Mr Tredinnick reported. Had Mr Tredinnick submitted his publication to them in advance, the Department would have asked him to reduce the use of photographs and captions that included other elected representatives to avoid the publication appearing to have been produced in collaboration with local politicians of the same party, and hence having the appearance of a party publication. Overall, the Department takes the view that, on balance, Mr Tredinnick's report did breach House rules, but the scale and nature of the infringement was small and the harm very limited.

61. Mr Tredinnick's evidence is that the Department of Resources had told him that it was permissible for him to include in his newsletter photographs of himself with other elected representatives. He did not submit the publication to the Department prior to publication because there was at that time no requirement to do so, and, given the content, he saw no need to do so. The number of photographs involving councillors was not in his view disproportionate given the high proportion of issues on which he was contacted that involved local government, and it illustrated the fact that the most effective way for him to help constituents on local issues as their Member of Parliament was to work closely with elected local representatives of like mind. Identifying the councillors in the ways he had done better illustrated both the photographs and his work as a Member of Parliament. The closed period for distribution was clearly defined and specific, and he had fully respected this. There was nothing about the publication which identified him as a Conservative, nor did it indicate whether any of those featured were to be candidates in the June elections. Had he intended the publication to be party political, it would have had a quite different focus. In his view, he took reasonable steps to follow the rules as set out in the Green Book in force at the time the publication was prepared, and in his opinion, the publication as a whole, including the photographs and captions, fully complied with the published rules of the House then in force.

Conclusions

62. The issue I am to resolve is whether Mr Tredinnick was within the rules for the funding of Parliamentary newsletters to include in his newsletter seven photographs showing him with local Conservative party councillors.

63. The first matter I need to address is to confirm which rules should be applied to this publication. The point is material because the April 2009 rules for the Communications Expenditure provide specifically that Members must take care when using photographs not to promote other elected office holders or candidates for office. There is no such specific provision in the previous rules.

64. Mr Tredinnick's newsletter is on the cusp of the two sets of rules. It was prepared before the new rules came into force: it was distributed after. I consider it is wholly reasonable however for the rules in relation to the Communications Allowance to apply to this case. This is both because the newsletter was drafted before the new rules came into force on 1 April 2009 and because its funding came from Mr Tredinnick's Communications Allowance for 2008-09.

65. The basic provisions of both the old and the new rules are, however, very similar since the detailed guidance given in April 2007 remained in force under the April 2009 rules. The April 2007 rules make clear that newsletters funded from parliamentary resources must not promote or campaign on behalf of a person seeking election, or have the intention of promoting the interests of any political party or organisation supported by the Member. No party political or campaigning material is allowable.

66. I need now consider whether Mr Tredinnick's use of the photographs of councillors and an MEP, with their captions, was in breach of those rules.

67. My conclusion is that they were. I accept the Department's judgement that, had they been asked to view the whole publication in advance, they would have advised reducing the use of photographs and captions including other elected representatives, so as to avoid the publication appearing to be one produced in collaboration with local politicians of the same party and hence giving the appearance of a party publication. I agree also with the Department's conclusion that Mr Tredinnick was unwise to include so many references to his party colleagues in his publication.

68. The Department was also correct in noting from one of my previous reports that there is a fine and not always distinct line to be drawn in deciding on whether the issues and illustrations included in newsletters promote the party political interests of the Member. As I said then, the judgement on which issues and which illustrations to include can be difficult. But, while there are difficult judgements always to be made, I do not consider that, taken overall, Mr Tredinnick's choice of photographs for his newsletter are particularly close to the border between party political material and acceptable presentation.

69. Mr Tredinnick has emphasised a paragraph in my previous report which, he has suggested, states that including photographs of elected representatives of the same party as the Member is acceptable when the elected people are clearly and consistently jointly engaged on a local activity. The full sentence reads: "*While care needs to be taken over including elected representatives from other institutions of the same party as the Member, it is in my view acceptable to do so when the elected people are clearly and consistently jointly engaged on a local activity.*"³⁴ The question which Mr Tredinnick's reference requires me to answer is whether, in the context of his publication, Mr Tredinnick took sufficient care in including elected councillors and an MEP in his photographs.

³⁴ Committee on Standards and Privileges, Eleventh Report of Session 2007-08, HC 646, paragraph 49

70. On the basis of all the evidence I have seen, I do not consider that Mr Tredinnick took sufficient care in the choice of these photographs. The result was that the newsletter had the effect, if not the specific intention, of promoting the interests of the political party which Mr Tredinnick supported. Mr Tredinnick selected seven photographs of elected Members out of the 21 included in his newsletter (excluding the back page montage where three of the six photos showed some of those councillors again and the two main photographs are of himself, one with Mr David Cameron MP, the leader of his party). Mr Tredinnick's evidence to me was that the photographs were an essential part of the story he wanted to tell of his work in the constituency. They were central to the whole publication. In such circumstance, the choice of photograph is particularly important, since it was the photographs which were intended to carry the message.

71. Three of the four photographs Mr Tredinnick used on the first page of his newsletter showed four elected Conservative councillors and a Conservative MEP. Two out of four showed no one other than the Member and these Conservative politicians. I consider the use of these photographs on the front page gave undue prominence to other elected politicians from Mr Tredinnick's own party. I consider that Mr Tredinnick was also particularly unwise in including three photographs (plus a repeat in the back page montage) of a borough councillor whom he knew would shortly be standing for election to the county council and who was up against a sitting councillor from another party. I do not suggest that her victory in the June election was a consequence of Mr Tredinnick's newsletter, but it was an unwise choice which, in my judgement, had the effect of promoting the interests of Mr Tredinnick's political party and of promoting someone whom he knew would shortly be seeking election.

72. Mr Tredinnick has suggested that there should be no heightened sensitivity about the content of a newsletter even if it is distributed right up to the start of the closed period before an election. I do not agree. There is bound to be increasing political sensitivity in the run up to an election period. That sensitivity does not start at the beginning of the closed period. It starts some time before, depending often on the political climate and local circumstances. Members should be expected to be aware of such political sensitivities in preparing communications funded from parliamentary allowances. Not to do so is to risk falling foul of the rule against including party political material in parliamentary funded publications.

73. While the precise point after which party political sensitivity may increase is, as Mr Tredinnick has suggested, hard to define, there is no doubt in my view that by the time Mr Tredinnick's newsletter was being distributed in April and May 2009, such political sensitivities are likely to have already started, particularly on the sort of local issues identified in Mr Tredinnick's report. Mr Tredinnick knew that the politicians he had pictured intended to stand in the June election. It was that knowledge which should have alerted him to the danger of using so many captioned photographs of them in his publication.

74. I have not considered the hypothetical question of whether the publication would have been in breach of the rules had it been distributed further away from an election period. I

do not do so because the context of each publication is all important. But it should not be assumed that the newsletter would necessarily have been acceptable if it had been distributed at another time.

75. In summary, therefore, my judgement is that Mr Tredinnick was clearly in breach of the rules in his use of these photographs. This is because:

1. seven of the 21 captioned photographs of Mr Tredinnick in his constituency included photographs of him with seven local Conservative party councillors and one Conservative MEP: the proportion of photographs showing these elected members was too high;
2. six of the seven councillors and the MEP were to stand in the relevant June elections;
3. in four cases, and in four of the seven photographs, the ward of the councillor was identified. This was not in my judgement necessary in order to explain the involvement of the Member of Parliament. I note that Mr Tredinnick said in his oral evidence that “*not everyone knows who represents them.*” In a communication illustrating the work of the Member of Parliament, I do not think it is necessary for the reader to know which local councillor represents their area;
4. all the issues identified in the photographs related to local issues which could have been expected to have some relevance to the forthcoming local election campaign;
5. three quarters of the distribution for the newsletter (30,000 copies) was dispatched before, but not long before, the closed period for the June elections: it is right for Members to be especially sensitive to possible political promotion so near to an election.

76. I have considered also whether the inclusion of these photographs was sufficiently serious as to taint the whole publication. On this, I take a different view from the Department. Mr Tredinnick’s newsletter depended on the photographs for its impact. Taken together, they were central to his newsletter and to the message he wished to get across about the work he was doing as a Member of Parliament and the way he was undertaking that work. I accept that the newsletter overall did enable Mr Tredinnick to show his constituents what he had been doing and the particular causes and interests which he had been working on with his local authority colleagues. I accept also Mr Tredinnick’s evidence that it would have been possible for his newsletter to have been more politically focussed. And I accept that there is no proven correlation between the newsletter and the election results.

77. But, given the centrality of the photographs and the high preponderance of identified Conservative elected politicians throughout the publication, I believe that the overall effect was to tip the whole document into a publication which promoted the interests of Mr Tredinnick’s political party. It was, in that sense, a party political document. It demonstrated how the Member of Parliament worked with local Conservative councillors to campaign on local issues. That in my judgement was not the sort of presentation which should have been funded from parliamentary resources.

78. I make the following additional points:

1. I do not have sufficient evidence to demonstrate that Mr Tredinnick had the specific intention of promoting his political party in this publication, but I consider that he did not take sufficient care to ensure, in all the circumstances, that the publication did not have that effect. He was, therefore, in my judgement, in breach of the rule prohibiting publications which have the intention of promoting the Member's political party.

2. Mr Tredinnick has fairly argued that the depiction of so many councillors from his own party in these photographs simply reflected the way he works in his constituency. It is for the Member, of course, to conduct his constituency work in the way he or she thinks fit. But, where, as in this case, the Member's constituency work appears to be closely aligned with his or her local party, the Member needs to choose between presenting his or her work in a less party political manner, or funding the newsletter from other than parliamentary resources.

3. Mr Tredinnick relied on a telephone conversation with the Fees Office which neither he or the Department of Resources recorded. This is an uncertain way of securing authoritative guidance from the House authorities on a matter which, as events have shown, could risk the Member being subject to a substantiated complaint. It is helpful that, under the current rules for the Communications Expenditure, Members are required to get approval from the Department before committing to expenditure above £1,000 for their production and design costs. Had Mr Tredinnick more fully accepted the encouragement in the April 2007 rules to use the Department's advice service on the content of his publication and obtained a full review, it should have been possible to have avoided this breach of the rules.

79. I conclude, therefore, that Mr Tredinnick breached the rules of the House in distributing a newsletter which contained a substantial number of captioned photographs of local Conservative party councillors and an MEP in a way which had the effect of promoting the interests of his political party by promoting politicians who were shortly to stand for election. I therefore uphold this complaint.

John Lyon CB
Parliamentary Commissioner for Standards

19 November 2009

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr Michael Mullaney, 29 April 2009

I am writing to you about a Communications Allowance funded leaflet which is being delivered on behalf of Bosworth's Member of Parliament, David Tredinnick.

The leaflet includes a photo on the front page featuring an MEP who is standing for election on June 4th. The leaflet also has named photographs of five Bosworth Conservative County Councillors in Bosworth, despite it being during the nomination period for the County Council elections on June 4th.

Is it breaching the rules of the Communications Allowance to feature so many candidates from one party who are standing for election so soon?

I have enclosed a copy of the leaflet and hope you will be able to look into this matter.

Can I also put in a Freedom of Information request for how much public money it cost to produce and distribute this leaflet across Bosworth constituency?

29 April 2009

2. Mr David Tredinnick's Westminster Report

David Tredinnick's Westminster Report

News from the Member of Parliament for Bosworth



David Tredinnick at local beauty spot Thornton Reservoir with one of the residents who is campaigning against plans for a traveller site on a nearby green field.

David, with Borough Councillor Ozzy O'Shea and County Councillor David Sprason, at a packed meeting at Forest Hill Golf Club where local people made clear their objections to the Borough Council's proposal for a traveller site by Thornton Reservoir.



MP SAYS LISTEN TO THE PEOPLE

David Tredinnick has called on Hinckley & Bosworth Borough Council to listen to the views of local people and reconsider its controversial plans for traveller sites and new housing development in the area.

The Borough Council's proposals for new permanent travellers' sites throughout Hinckley and Bosworth have caused a great deal of anger and confusion.

David Tredinnick says, "Many residents have contacted me expressing serious concerns about the traveller sites the Borough Council is proposing, and this strength of feeling has been confirmed at the meetings I have attended to hear the views of local people.

"There have been suggestions about locating new traveller sites in places such as Cadeby, Market Bosworth, Burbage,

Bagworth, Thornton, Barlestone, Ratby, Newbold Verdon and Hinckley.

"Most of these sites are inappropriate for travellers, and are in areas that already have their fair share of pitches. This flawed and unfair allocation policy has deeply angered local residents and the Borough Council should revisit the whole process or risk alienating communities throughout Hinckley and Bosworth.

"In terms of housing, instead of large extensions to places like Market Bosworth, Barwell and Earl Shilton and other development on green fields, the Borough Council should look at limited building within the current settlement boundaries to address the specific problem of a lack of housing that would enable local young families to remain within their communities."



Picture by Jill Robinson

David Tredinnick, with Roger Helmer MEP (left) and Earl Shilton Borough Councillor Janice Richards, addressing a public meeting at the Plough Inn, Earl Shilton protesting at the Borough Council's plans for a large traveller site in Thurlaston Lane, Earl Shilton. The proposals were withdrawn shortly after this meeting.



David Tredinnick, with County Councillor Ruth Camamile, meeting local residents protesting against proposals for a traveller site in Newbold Verdon.

David Tredinnick MP...

David at an Age Concern event in Hinckley highlighting the need for old electric blankets to be tested and replaced if necessary.



David visiting Asda's Hinckley store to highlight its policy of promoting employment opportunities for older workers.



David helping to celebrate 60 years in business at Johnsons in Castle Street, Hinckley. David visits businesses of all types and sizes throughout the Bosworth constituency.



David, along with Burbage Castle Division County Councillors John Moore and Mary Sherwin, and local residents successfully campaigning for a new pedestrian crossing near the shops on Brookside.

SUCCESS FOR POST OFFICE CAMPAIGN

The postmasters at Burbage Post Office, Earl Shilton Post Office and the Three Pots Post Office were among those leading local campaigns to retain the Post Office Card Account and safeguard local branches.

David says, "I am glad that following representations the Government finally saw sense on this issue and Post Offices now have a fighting chance to stay in business and serve local communities.

"Post Offices are under threat like never before and we have lost far too many in the area in recent years."



David with local residents at the Three Pots Post Office campaigning to keep the Post Office Card Account and help keep local post offices viable.

David at Burbage Post Office with Postmistress Patricia Cox following the news that the Card Account would be retained by the Post Office.



David Tredinnick discussing local policing matters with Inspector Martyn Ba

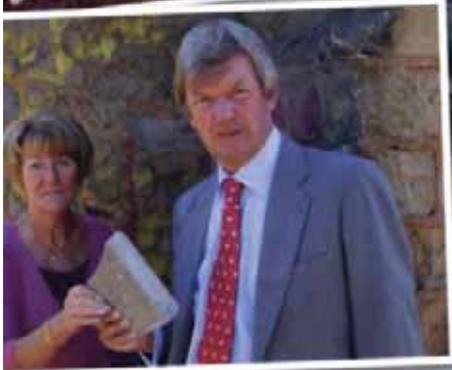
David with local councillor Janice Richards at Earl Shilton Post Office, which forwarded hundreds of postcards to Westminster calling on the Government to keep the Card Account at the Post Office.





David has been campaigning in Parliament for improved mobility benefits for blind people and the Government has now agreed to amend its welfare legislation to increase these payments.

David on the shop floor at Labelsco in Barwell. Successful local firms such as Labelsco are working hard to overcome the economic difficulties and reduce the impact of the recession.



David with Earl Shilton Borough Councillor Janice Richards at 'The Sund' in Church Street highlighting the need for a higher profile police presence to deal with issues such as vandalism and anti-social behaviour.



David Tredinnick meeting members of the Ashby Canal Association unhappy with funding cuts which put waterways projects in jeopardy.



David with David Clarke of Sparkenhoe Farm who has diversified successfully into cheese production.



Picture by Ted Cottrell

David with Ivan Ould, County Councillor for Market Bosworth Division, and local residents successfully calling for safety improvements at the dangerous Bull-in-the-Oak junction on A447.



David meeting with John Walker, Chair of the Trustees of Thornton Community Centre, to discuss ambitious plans to improve and extend the centre.



David Tredinnick taking part in Cancer Research UK's 'Reduce the Risk' campaign.

DAVID'S BACKING FOR MORE POLICE

David Tredinnick MP has welcomed the news that Hinckley Police have received a national award for their work in managing 'the night-time economy' in the town.

David says, "Local police officers have done a great job in dealing with the specific problems of night-time disorder in Hinckley town centre.

"However, there are still persistent pockets of anti-social behaviour in the area and local residents expect the police to tackle this issue.

"I still believe that we need more police officers deployed throughout the area as part of a highly visible presence to actively deter criminal and anti-social behaviour, for which there should be zero tolerance."



...working for Bosworth

David Tredinnick MP...



David Tredinnick in the House of Commons raising issues concerning a Barwell business with the Chief Secretary to the Treasury.



David Cameron with David Tredinnick following a meeting at the House of Commons with business people from Hinckley and Bosworth.

As your MP, David:



**Handles thousands of cases for local people each year.
Holds regular advice surgeries to help constituents with problems and concerns.**



Raises numerous local issues with Ministers at Westminster.

Actively supports local businesses and employers.



Visits local schools, colleges, health centres and hospitals

Campaigns to protect and improve quality of life and the environment locally.



Visit the Palace of Westminster



"I have welcomed many constituents, school parties, voluntary organisations and local businesses to Parliament."

"Why not get in touch and come too?"

David Tredinnick MP

Member of Parliament for Bosworth

"If you need help, advice or a surgery appointment, please contact me."

Email: davidtredinnickmp@parliament.uk

Constituency Office: 10A Priory Walk, Hinckley, LE10 1HU
TEL: 01455 635741

Westminster: House of Commons, London, SW1A 0AA
TEL: 0207 219 4514

...working for Bosworth

3. Letter to Mr Michael Mullaney from the Commissioner, 11 May 2009

Thank you for your letter of 29 April with your complaint against Mr David Tredinnick MP about his parliamentary funded Westminster report.

In essence, your complaint is that Mr Tredinnick used his parliamentary funded Westminster Report to promote a political party and people seeking election, contrary to the rules of the House, and may have done so during the closed period for the forthcoming June elections.

I enclose a note which sets out the procedure I follow. Having accepted your complaint, I have written to Mr Tredinnick to invite his comments. When I receive his response, I shall consider how best to proceed.

Finally, you asked under Freedom of Information provisions how much had been spent on the production and circulation of this Report. I have therefore forwarded your letter to the House of Commons FOI team for their attention.

11 May 2009

4. Letter to Mr David Tredinnick MP from the Commissioner, 11 May 2009

I would welcome your help on a complaint I have received from Mr Michael Mullaney in respect of your recent Westminster Report.

I attach a copy of Mr Mullaney's letter of 29 April. I have not enclosed a copy of the Report since I assume you will have one. In essence, the complaint is that you used your parliamentary funded Westminster Report to promote a political party and people seeking election, contrary to the rules of the House, and may have done so during the closed period for the forthcoming June elections.

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."

For the purpose of this complaint, I have assumed that this publication was intended to be funded from your Communications Allowance for 2008-09. In that case, the relevant rules are those set out in the booklet published in April 2007 entitled "The Communications Allowance and the use of House stationery". If, however, this communication was or is to be funded from your Communications Expenditure for 2009-10, the new Green Book which came into force on 1 April 2009 would apply and I would, of course, be happy to draw your attention to the relevant rules there.

The scope and purpose of the Communications Allowance is set out in paragraph 6.1.1 of Appendix One to the April 2007 rules as follows:

"The Communications Allowance (CA) is available to meet the cost of Members engaging proactively with their constituents through a variety of media. It can be used for the production of unsolicited communications within the parameters set out in this Section."

"The CA may only be used to help Members inform their constituents about what they have been doing and to consult them on issues of importance to them locally. It cannot be used to meet personal costs or the costs of party political activities or campaigning. The main areas of expenditure available from the CA are outlined below. It is each Member's responsibility to ensure that all expenditure funded by the CA is wholly, exclusively and necessarily incurred on their Parliamentary duties."

Paragraph 6.2.1 includes the following section:

"6.2.1. Principles and Propriety

...

The content of any communications paid from the allowances must not seek to compare the Member's party favourably with another, promote one party at the expense of another or seek to undermine the reputation of political opponents."

Paragraph 6.12.4 provides as follows:

"You must not use your CA funded publications or websites:

...

- *to encourage people to join a particular political party*

...

- *to promote or campaign on behalf of any person seeking election*

- *to criticise or campaign against anyone seeking election or otherwise seek to undermine the reputation of political opponents*

- *for the purpose of advancing perspectives or arguments with the intention of promoting the interests of any political party or organisation you support, or damaging the interests of any other such party or organization..."*

Appendix Two to the April 2007 rules provides further guidance on producing newsletters and other publications. Paragraph 20 provides as follows:

"If you want advice on the proposed content of any publication, you may approach DFA whose experienced staff will undertake a full review on your behalf. The Department will aim to complete this within 3 working days. Please allow time for this process before going to print. While the Department will always offer advice in good faith, responsibility for ensuring compliance with the rules remains unchanged. In the event of a complaint to the Parliamentary Commissioner for Standards, he will wish to know whether advice was sought."

In respect of the timing of this circulation, I refer you to the letter of 2 March 2009 from the Director of Operations in the Department of Resources to all Members, in which he explained "...you may not distribute any material paid for from Communications Expenditure from 6 May 2009 to 4 June 2009 inclusive."

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

1. why you decided to include in your Westminster Report each of the seven photographs featuring local Councillors and an MEP and why you consider (if you do so) that it was necessary to include each of these photographs and the captions identifying the status of the individuals;
2. the political parties to which the MEP and each of the Councillors belong, whether each was standing for election on 4 June and, if they are all from the same party as alleged, why you did not include photographs of elected representatives from any other party;
3. whether you consider, on reflection, that the photographs and their captions were in accordance with the rules of the House in relation to the content of publications funded from the Communications Allowance;
4. how many copies of your Westminster report were distributed, when the distribution began and ended, and whether any distributions occurred on or after 6 May 2009;
5. the costs of the preparation, production and distribution of this report;
6. whether you consulted the Department of Resources about the content of your report, including the photographs and captions.

Any other points you would wish to make to help me with my inquiry, 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 him know that I have accepted his complaint and am writing to you about it. I would welcome a response within the next three weeks. If there is any problem with this, or you would like to have a word about any other matter relating to the complaint, please contact me at the House.

I look forward to hearing from you.

11 May 2009

5. Letter to the Commissioner from Mr David Tredinnick MP, 12 May 2009

Thank you for your letter of 11th May concerning the complaint made by Mr Michael Mullaney, the Prospective Parliamentary Candidate for the Liberal Party in my Bosworth constituency about my recent Westminster Newsletter. This comes as no surprise to me and I will reply to you within three weeks as requested.

12 May 2009

6. Letter to the Commissioner from Mr David Tredinnick MP, 29 May 2009

Thank you for your letter of 11th May requesting information in respect of Mr Mullaney's complaint. As mentioned in my earlier letter of 12th May, Mr Mullaney is the Prospective Parliamentary Candidate for the Liberal Democrat Party. He is the only one of my 80,000 constituents who has complained.

The background to the publication may be slightly unusual in that I am an opponent of the Communications Allowance and had not intended to use it at all. However, earlier this year I had been attacked in the press for not having a high enough profile in the media. For example, one constituent wrote "We never ever hear about what Mr Tredinnick is up to". ... Whilst I do think this criticism is a little unfair, nevertheless I decided to act and produce a newsletter to inform constituents of my activities. It was my firm intention that the newsletter be within the scope of the rules as set out in *The Communications Allowance and the use of House Stationery* (2007) which I consulted carefully and I submit that the newsletter does meet the required criteria.

In answer to your specific questions

1) When making visits in my constituency it is my normal practice to have with me one or more councillors representing the ward in which I am paying a visit. In the newsletter the councillors are named because it better illustrates the photograph and my work as an MP. Dealing with local matters almost always involves interaction with elected County, Borough and Parish Councillors. Nowhere in the newsletter are the councillors described as candidates, if they are standing for election. Nowhere in the newsletter is their political affiliation given.

2) The MEP and Councillors are Conservatives. I have almost never been associated in any way with Councillors from other parties. Councillors from other parties would not expect to be included in any publication I produce and would object if I tried to include them.

3) Yes. There is "No party political or campaigning material in any part" of this publication (6.12.1.) It does not as required in 6.12.4 encourage people to join a political party "promote or campaign on behalf of anyone seeking election". It gives a factual account of meetings held about local issues when Councillors were present with me. It does not "criticise or campaign against anyone seeking election or otherwise seek to undermine the reputation of political opponents". It does not advance "perspectives or arguments with the intention of promoting the interests of any political party" which I "support" or "damage the interests of any other such party or organisation". Simply it gives a factual account of my activities with other elected representatives.

4) Approximately three quarters of the 40,000 leaflets printed were delivered by 6th May. No leaflets have been distributed since 6th May. I intend to deliver the remainder after the June 4th elections.

5) The costs of printing were £2,211.00 and distribution £1,680.

6) I did consult the Department of Resources about what was allowed and specifically asked about whether or not I could produce photographs of myself with other elected representatives and refer to them in the captions. I was told that I could. Unfortunately I do not recall the individual I spoke to.

I have the following additional points to make:-

No party logos have been used (para 16). The views conform to para 26 "You may state your opinions on a range of issues that affect your constituents." They are only my views. Secondly, it is "clear that they are personal views and not just statements of support/opposition for a particular policy."

There are no links to party websites.

On the style and content of the newsletter I would add the following:-

It was a deliberate policy to use as many photographs as possible, illustrated with short captions, as experience and surveys show that most people will not read long articles.

The main story on the front page "Listen to the People" might appear to promote aggressively but is actually pretty bland, merely asking the Council to listen. It does not criticise politicians and the issues — traveller sites and housing allocation — concern constituents of all political persuasions; I am articulating my views based on constituents' views. I could forward to you literature from the three main political parties in my constituency criticising these policies in one form or another.

Of the two main stories on the inside, "Post Office Campaign" and "More Police", the former required united action from elected politicians at National, County, Borough and Parish level. It would have been disingenuous and inaccurate to have portrayed it as my campaign only.

The second story "David's backing for more police" is my campaign and has nothing to do with Councillors and they are not mentioned.

All the mini-stories (the captions under the photographs on this page) name (where I have names), the other individuals regardless of whether they are Councillors or not. Where Councillors are mentioned their specific wards are mentioned too for greater accuracy.

On the back page the large photographs show me at work in the House and the copy describes the range of activities in which I engage. The small photographs illustrate that range of activities. The box at the bottom right gives my contact details. It does not give my political affiliation.

I hope that these answers are helpful to you and I look forward to hearing from you in due course.

29 May 2009

7. Letter to the Director of Operations, Department of Resources, from the Commissioner, 1 June 2009

I would welcome your comments and advice on a complaint I have received against Mr David Tredinnick MP about the content of his recent Westminster report funded from the Communications Allowance.

I attach a copy of the complainant's letter of 29 April, together with a copy of the report in question; my letter to Mr Tredinnick of 11 May and his response of 29 May. In essence, the complaint is that Mr Tredinnick used his parliamentary-funded Westminster report to promote a political party and people seeking election, contrary to the rules of the House, and may have done so during the closed period for the forthcoming June elections.

I would welcome your comments on this complaint and on Mr Tredinnick's response. In particular it would be helpful to have your guidance on whether you consider the number of photographs identifying councillors and, often, their wards is within the rules for the Communications Allowance. It would also be helpful if you had any record of the discussion which Mr Tredinnick reports he had with the Department of Resources and for confirmation about whether the report was submitted to the Department in advance. Any other points you would like to make which you think would be helpful to me in resolving this complaint would, of course, be very welcome.

Mr Tredinnick does not identify which of the councillors photographed are standing for the June elections, and I will ask him about this and let you have his response.

If you could let me have advice on this complaint within the next three weeks, I would be most grateful.

Thank you for your help with this.

1 June 2009

8. Letter to Mr David Tredinnick MP from the Commissioner, 2 June 2009

Thank you for your letter of 29 May responding to this complaint about the content of your parliamentary-funded Westminster report.

It was most helpful to have this. I am now writing to the Department of Resources for their comments and advice on your response.

There was one point, however, which you did not cover in your letter and on which I would be grateful for your help. My second question asked, among other things, whether the MEP and each of the councillors identified were standing for election on 4 June. You did not pick this up in your reply and it would be very helpful to have this information. If I could receive it within the next week, that would enable the Department of Resources to have that information while they are considering their advice to me.

Thank you again for your help with this.

2 June 2009

9. Letter to the Commissioner from Mr David Tredinnick MP, 10 June 2009

Thank you for your letter of 2nd June about whether or not the MEP and Councillors identified in my newsletter were standing for election on 4th June. I am sorry it has taken me a while to reply.

Of the County Councillors standing for election, only those candidates who were already elected councillors were shown in the newsletter. Other first time council candidates were not shown. The County Councillors mentioned in the newsletter were all standing again as was Roger Helmer MEP. I had worked extensively with all of them.

I should also add that Councillor Janice Richards was standing for election to the County, but is pictured in the newsletter in her capacity as a Borough Councillor. The other Borough Councillor, Councillor O'Shea was not standing for the County Council.

I would be interested to know if anyone else has complained about the newsletter other than the Liberal Candidate, Mr Mullaney. I have not received any complaints myself.

10 June 2009

10. Letter to Mr David Tredinnick MP from the Commissioner, 11 June 2009

Thank you for your letter of 10 June responding to mine of 2 June about whether the councillors and the MEP photographed in your recent newsletter were standing in the June elections.

I was most grateful to receive this response. I have passed it to the Department of Resources so that they can take account of it as necessary in the advice and comments I have invited them to give me. When I have their response, I will be back in touch.

In answer to your question about other complaints, this is the one complaint I have received about your newsletter.

11 June 2009

11. Letter to the Director of Operations, Department of Resources, from the Commissioner, 11 June 2009

This is to let you have the response Mr Tredinnick has given me about whether the councillors pictured in his recent newsletter were standing for the council elections in June.

I wrote to you on 1 June inviting your advice on this complaint about the content of Mr Tredinnick's recent Westminster report. I noted in that letter that I was asking Mr Tredinnick to identify which of the councillors photographed in his newsletter were standing for the June election. I now attach Mr Tredinnick's letter to me of 10 June which gives his response. All the county councillors mentioned in the newsletter were standing for election, as was the MEP, and one of the borough councillors was also standing for the county elections.

I would be grateful if you could take account of this information in your advice, which I look forward to receiving. Thank you for your help.

11 June 2009

12. Letter to the Commissioner from the Director of Operations, Department of Resources, 2 July 2009

Thank you for your letters of 1 and 11 June 2009 concerning the complaint against Mr Tredinnick.

The complaint centres on the content of a Parliamentary report paid for from the Communications Expenditure and circulated by Mr Tredinnick in a period just prior to 6 May 2009 when the 'closed period' began.³⁵

In the report there were a number of photographs and references to sitting County and Borough Councillors and a Conservative MEP, all but one of which were standing for re-election in June 2009.

This Department did not see Mr Tredinnick's report prior to publication or distribution. Nor have we seen any other publication of his before this one, no doubt for the reason he gives. Mr Tredinnick submitted a claim for the distribution costs, dated 30 March 2009, and for the 'Westminster Report', dated 31 March 2009, during April 2009. These match the figures quoted by Mr Tredinnick in his letter. The distribution area identified on the relevant invoice covers five postal districts although there is no indication of when delivery was due to take place.

We do not have a record of the conversation between Mr Tredinnick and a member of my staff about the use of photographs in his report. No member of staff recalls giving the advice mentioned by him and, whilst

³⁵ Mr Tredinnick in fact claimed from his 2008-09 Communications Allowance.

accepting Mr Tredinnick's account, I would be disappointed if any such advice had not been couched in rather more careful terms.

The Green Book, in reference to the content of publications, states, "*You must take care when using photographs not to promote other elected office-holders or candidates for office. Captions must be neutral and kept within the context of the publication.*" (Page 46, paragraph 2.5.4.3.)

The Department accepts that Members will often be accompanied by other elected representatives from their own Party when they attend functions or make visits around their constituencies, and that they will frequently be photographed in such company. Mr Tredinnick defends his report by pointing out that he was only reflecting the work undertaken by himself or with colleagues, and that this was not part of a campaign or attempt to make party political points. I would agree that the text of the report is carefully judged so as not to be party political.

I have asked the team who review all such reports to look at Mr Tredinnick's report. They have confirmed that they are content with the text of articles in the report. However, they are clear that they would have asked Mr Tredinnick to reduce the use of photographs and captions that included other elected representatives to avoid the publication appearing to be one in collaboration with local politicians of the same party and hence giving the appearance of a party publication.

I am in no doubt that Mr Tredinnick was unwise to include so many references to party colleagues in his publication not least because it leaves him vulnerable to a complaint of promoting the work of other elected representatives very close to a politically sensitive period.

Does it also breach the House rules? And should Mr Tredinnick repay the full cost? I would say on balance it does break the House rules. But, bearing in mind Mr Tredinnick's evidence to you and looking at the report in the round, I would take the view that on this occasion it would be harsh to require him to repay the costs.

These two statements are not incompatible in that there will always be occasions where, say, the infringement is small or of a technical nature, or where the 'harm' caused is extremely limited. I think this is one such occasion.

Now that similar publications have to be approved by the Department a reoccurrence is very unlikely.

2 July 2009

13. Letter to Mr David Tredinnick MP from the Commissioner, 14 July 2009

I have now heard back from the Department of Resources commenting on this complaint about your newsletter funded from your 2008-09 Communications Allowance.

I attach a copy of a letter dated 2 July 2009 from the Director of Operations in the Department of Resources, together with a copy of my letters to him of 1 and 11 June 2009.

As you will see, the Director of Operations concludes that, on balance, including so many references to your party colleagues in this publication did break the rules of the House. But, in the Director's view, "*it would be harsh to require him to repay the costs.*"

I would welcome your comments on the Director's advice, in particular on whether you accept his conclusion that the inclusion of, in effect, seven photographs identifying colleagues from your political party was a breach of the rules. I would welcome also your comments on the Director's view that the infringement was small.

When I receive your response, I shall consider further how best to proceed. My options at that stage are either to dismiss the complaint (despite the advice from the Department); to seek to rectify the complaint on the basis that you accept a breach and have offered recompense for it; or to submit a memorandum to the Committee. If I were to prepare a memorandum, you should not draw any inferences about my likely conclusion. I should add, of course, that, unless offered by the Member as part of a rectification procedure, the question of any appropriate repayment of cost would be a matter for the Committee and not for me.

In the meantime, it would also be very helpful if you could confirm that the full 40,000 leaflets were dispatched and that the total cost was, therefore, £2,211 for printing and £1,680 for distribution, as stated in your letter of 29 May. Could you also let me know how many leaflets you had distributed by 6 May and how many, and when, you have had distributed since the June elections?

I appreciate that it has taken some time for me to receive the Department's response, but if you were able to let me have a reply within the next two weeks, I would aim to take this matter forward during the recess. Thank you for your help.

14 July 2009

14. Letter to the Commissioner from Mr David Tredinnick MP, 22 July 2009

Thank you for your letter of 14th July and the enclosed letter from the Director of Operations in the Department of Resources dated 2nd July.

My comments on the Director's advice is as follows:-

1) Text of the Report

I accept the finding ... that the text of the report is carefully judged so as not to be party political.

2) Text of articles in the Report

I accept the finding ... that [the Director's] team are content with the text of articles in the report.

3) The seven photographs identifying colleagues from my political party

I seek your further advice on this matter, please.

In my original submission I wrote in para 6 that

"I did consult the Department of Resources about whether or not I could produce photographs of myself with other elected representatives and refer to them in the captions. I was told that I could."

The reason I sought that specific advice was that in "*The Communications Allowance and the use of House stationery*", (DFA & Serjeant at Arms, April 2007) the set of rules in force at the time when I wrote the newsletter and when it was published, there was no specific advice about the use of photographs, other than para 16 which advises on photographs of Members wearing party rosettes which does not apply to any of my photographs.

In respect of the photographs, in his letter [the Director] cites the Green Book 2009 ruling on page 46, para 2.5.4.3

"You must take care when using photographs not to promote other elected office holders or candidates for office. Captions must be neutral and kept within the context of the publication."

As this Green Book and that advice had not been published when I wrote and published my newsletter I respectfully submit that this new ruling cannot be applied and, therefore, I do not think I can, at this stage, without your further guidance, accept that the inclusion of these photographs was a breach of the rules.

4) Photographs of Councillors relative to whole

I submit that the number of photographs of Councillors with me in the course of my Parliamentary work — approximately one third or 11 out of 31 in total — was not excessive.

5) The Director of Operations' conclusions

In the light of point 3 above (photographs) I wonder whether [the Director] would still hold the view that
"on balance it [the newsletter] does break the rules."

I seek your guidance in this matter please.

6) Repayment of costs

I accept [the Director's] view that on this occasion it would be harsh to require me to repay costs.

7) The closed period

As the closed period when a publication cannot be distributed is clearly defined and specific, I have some difficulty with the suggestion that I should have taken account of the period before the closed period ... and I seek your clarification on this matter please.

In respect of the distribution of the newsletters, my agent (who organised this) is currently on leave. As soon as he returns I will write to you again with the information you require.

I hope these points are helpful and look forward to your comments in due course.

22 July 2009

15. Letter to the Director of Operations, Department of Resources, from the Commissioner, 3 August 2009

I would welcome some further help on a complaint against Mr David Tredinnick MP about the photographs he used in his parliamentary-funded Westminster report.

You let me have your advice on this complaint in your letter to me of 2 July. As you will know from my letter to you of 14 July, I copied your letter to Mr Tredinnick and invited his comments. I have now received his comments in his letter of 22 July. I attach a copy.

I would welcome your comments on points 3 and 5 of Mr Tredinnick's letter. As you will see, he considers that the April 2009 Green Book, to which you referred in your letter, does not apply in this case since his newsletter was produced before those rules came into force. Assuming you accept that, he asks whether you still take the view that, on balance, the newsletter broke the rules. If so, it would be helpful if you could identify the relevant rules.

I would be grateful if you could let me have a response on these points by the end of the month. Any other comments you may wish to make on Mr Tredinnick's letter would, of course, be equally welcome. Thank you for your help.

3 August 2009

16. Letter to the Commissioner from Mr David Tredinnick MP, 4 August 2009

I refer to my letter of 22nd July in which I said I would let you have further information about the delivery of the leaflets. The full 40,000 leaflets were delivered to the distribution company. I confirm that the total cost was £2,211 for printing and £1,680 for distribution. 30,000 were delivered before the 6th May deadline and delivery of the remaining 10,000 to the remaining villages resumed on 6th July. I understand that the deliverers are down to the last few hundred leaflets, which are the most difficult to deliver as they will be going to remote farms in the rural areas.

I apologise for the delay in getting back to you. Both I and my agent were away last week.

4 August 2009

17. Letter to the Commissioner from the Director of Operations, Department of Resources, 7 September 2009

Thank you for your letters of 3 and 6 August concerning the above. You have asked for any further comments I might have about the use of photographs in Mr Tredinnick's Parliamentary report in the light of his reply to you.

Mr Tredinnick suggests that because the specific reference to the use or content of photographs included in the April 2009 new Green Book postdated his newsletter, then he did not breach the rules as they existed at the time. His general point is that he should be able to rely on the published rules at the time and his conversation with an unnamed member of staff.

Whilst I accept that the rules and guidance in the booklet *The Communications Allowance and the use of House stationery* did not contain specific references to the use of photographs with other elected representatives, I do not believe this in itself means that no breach of the rules has occurred. The pre-April 2009 Green Book is very clear that party political content is not allowed and that Members should seek guidance from the Department. This premise is made clear in Appendix 2 of the Communications Allowance booklet, specifically in paragraphs 2, 9 and 20.

As with most books of rules, the published Green Book has tended to lag behind the most recent interpretations and advice. Thus, although the rules and guidance were not updated until April 2009, the Department was required to modify its approach and its advice over time, usually in line with the consideration of issues by Committees of the House. The Department has for some time advised Members against the use of photographs and captions which could give the impression of promoting the work of other elected representatives of the same party, especially when elections were pending. This latter point is important insofar as whilst Mr Tredinnick's report was issued prior to the closed period, there is no doubt that even at such an early stage some members of the public are very sensitive to the possible use of public money for political purposes. This makes the likelihood of a complaint greater even though the interpretation of the rules might remain largely unaffected.

In this instance our judgement remains that had we seen the report prior to publication and allowing for the proximity to the County Council elections, we would have recommended not using photographs of sitting councillors as extensively as Mr Tredinnick did. Had Mr Tredinnick insisted on using these particular photographs we would have asked for some modifications to be made. For example, we might have suggested excluding the councillors' names from the captions to avoid raising the profile of certain elected representatives; similarly, the inclusion of four photographs of Councillor Richards would seem to give her undue prominence and we would have asked Mr Tredinnick to reduce the number of times Ms Richards appeared.

As you yourself observed in the report on the Conduct of Sir Robert Smith, when Members, and indeed this Department, are deciding on content, "*There is a fine and not always distinct line to be drawn and the judgement of which issues and which illustrations to include can be difficult.*" (Page 18, paragraph 53, HC 646). This complaint is a case in point.

I trust this covers the issues that you have raised.

7 September 2009

18. Letter to Mr David Tredinnick MP from the Commissioner, 9 September 2009

I have now heard back from the Department of Resources with their further comments on this complaint about the photographs which you included in the Westminster report which you distributed earlier this year.

As you will know from my letters to you of 3 and 6 August, I sought the Department's views on the letter you sent me on 22 July responding to their initial advice of 14 July. I enclose copies of my letters to the Department of 3 and 6 August and a copy of their response of 7 September.

As you will see, the Department's judgement remains that they would have recommended not using photographs of sitting councillors as extensively as you did, and that, while the April 2007 booklet on the Communications Allowance did not contain specific references to the use of photographs with other elected representatives, they do not believe that this in itself means that no breach of the rules has occurred.

I would welcome your comments on the Department's letter. Subject to those comments, I am considering submitting a memorandum to the Committee on Standards and Privileges about this complaint. In that case, I would show you the factual sections of my memorandum so that you can comment on their accuracy, and the Clerk to the Committee would subsequently give you an opportunity to comment on the whole memorandum, including my conclusions, before it is submitted to the Committee for their consideration.

It would be very helpful if you could let me have a response to this letter, with any comments you may wish to make on the Department's advice, by the end of this month. I do not at present think that there are any issues which I need to discuss with you at a meeting. But if you would like an interview before I conclude this matter, please let me know.

Thank you for your help on all this.

9 September 2009

19. Letter to the Commissioner from Mr David Tredinnick MP, 23 September 2009

Thank you for your letter of 9th September enclosing your correspondence with [the] Director of Operations at the Department of Resources, about the above complaint and asking for my comments.

Following his earlier comment that this was a borderline case, [the Director] quotes your report on Sir Robert Smith, saying "*There is a fine and not always distinct line to be drawn and the judgment of which issues and which illustrations to include can be difficult*". He believes this complaint is a case in point. I contend that I did take reasonable steps to follow the rules as they were at the time.

The rules in the then Green Book were quite clear and I believe I abided by them. I do not feel that I have included political content as there is no mention of the political affiliation of anyone in the leaflet or any attempt to promote a political party. When I telephoned the Fees Office I remember saying "*Am I right in saying that there must be no mention of political parties or affiliation?*" Answer "Yes". "*As long as I abide by that rule and publish before the pre election period will that be ok?*" Answer "Yes" No mention of photographs was made. The official did not say "*because the rules are about to change, you should take this action*" nor did the Fees Office send out an email on the lines of "Because of an impending change of rules will all Members please check their publications with us".

[The Director] says that whilst my report was issued prior to the closed period "*there is no doubt that even at such an early stage some members of the public are very sensitive to the possible use of public money for political purposes*." Although I entirely appreciate that you must investigate any complaint regardless of who submitted it, in view of [the Director's] reference to members of the public, I believe it is worth mentioning that the only complaint came from my Liberal-Democrat opponent at the next General Election, which would indicate a political motivation. I have not received any complaints from constituents myself.

At the time I prepared the leaflet in question I had received a number of inquiries from constituents, including letters in the local press, asking for details of my work in the constituency. The best way of providing the information requested was to produce a constituency wide leaflet.

A high proportion of the issues on which constituents contact their Members of Parliament involve local government. I wanted to show my involvement in a number of local issues and also to illustrate the fact that the most effective way to help constituents was to work closely with their elected local representatives. To have omitted Councillors or their names would not have put this point across.

I do not feel that including Councillors in seven out of twenty four photographs is disproportionate. None of the photographs were taken for the purpose of inclusion in the leaflet and they were taken before any County Council candidates were adopted.

With regard to Mrs Janice Richards, she features in her capacity as an elected member of Hinckley and Bosworth Borough Council. Her inclusion in three photographs is because she is an active Borough Councillor in an area suffering from a number of problems, in which I was involved. The photographs illustrate issues that many constituents from her ward had raised with me. The fourth photograph is part of the printer's art work on the back—there is no caption and those people featured in it are almost indistinguishable—so I do not feel this one counts.

I hope this is helpful

23 September 2009

20. Letter to the Commissioner from Mr David Tredinnick MP, 20 October 2009

Thank you for your letter of 14th October setting out your questions for Thursday. Further to my last letter reconsidering all the issues, I must make it clear that I regard this complaint as party political. Furthermore, I think it was made as a tit for tat response to a complaint made by a former Conservative Councillor about the veracity or not of Lib Dem literature.

I enclose a memorandum [not reproduced] which I asked my agent to prepare and also a letter from Hinckley & Bosworth Borough Council [not reproduced] for your consideration.

20 October 2009

21. Agreed Note of the Commissioner's interview with Mr David Tredinnick MP, 22 October 2009

Present

Mr John Lyon (JL)

Mr David Tredinnick (DT)

Notetaker

Introduction

Thank you for coming in.

JL This is [the notetaker]. She will take a note of our discussion and show it to you so you can be satisfied as to its accuracy. It will not be verbatim but it will be reasonably full.

The note would be included in the memorandum I will submit to the Committee on the complaint and you can expect it to be published with the Committee's Report.

You have my letter of 14 October about the procedure, suggesting the main areas I wanted us to cover. Other matters may arise during the course of the interview.

DT I have sent you a letter about the background: that the complaint came from a Councillor who is also prospective parliamentary candidate for the Liberal Democrats standing against me at the next General Election. His associate is in trouble over a complaint. My contention is that this whole complaint is party political.

JL Thank you, I have replied to your letter. Are you content for me to go ahead?

DT Yes.

Preparing the newsletter

JL Could I ask you first to describe the processes that you followed in preparing your newsletter? For example, how did you decide on the format?

DT The situation was that I had received a number of complaints that my visibility in my constituency was not high enough. I took exception to this, and said to my agent, "Let's put a leaflet out, using the Communications Allowance." I left writing it to him. He chose the stories.

My intention was always to use pictures, otherwise nobody reads it. One picture is worth a thousand words.

JL How did you decide what stories to feature?

DT I thought I had been fairly clear about this in my written responses. Even the Director of Operations raised no objections to my text.

Looking back, politically there has always been an issue over the allocation of traveller sites. It was the key issue at that point. The borough council drew up the local structural plan and the local development framework. The council had allocated almost half the travellers to Earl Shilton. There was uproar. In my constituency I have the largest traveller community in any constituency in the Midlands – perhaps in the country. I said to my agent "Go ahead, I will check the rules. Get the newsletter out before the deadline."

JL Specifically, how did you choose the photographs and draft the captions?

DT My agent had all the photos. He put the leaflet together.

There was only one I had some doubt about; that was the one showing me with Janice Richards and Roger Helmer, at the bottom left of the first page. My doubt arose from the quality of the photograph. But I said that on balance I thought we should put it in anyway, because it was a big issue at the time.

Other pictures were of meetings. I was summoned to these. Villages were in uproar. Normally I go accompanied by councillors. I have 100,000 people in my constituency – it is a big constituency, so I rely on councillors for their knowledge on the ground.

JL I note that you talked to someone at the Department of Resources about this. The Department have no record of this contact and you do not recollect who you spoke to. Can you help me on when this telephone conversation took place?

DT It was after an email that I received asking "Why don't we see more of our MP?" That was dated 4 March. So it would have been March when I spoke to my agent and rang the Department.

JL Your letter of 29 May says you specifically asked the Department whether or not you could produce photographs of yourself with other elected representatives and caption them. Your letter says that you were told that you could. Your letter of 23 September, however, says that: "no mention of photographs was made". Can you help me to reconcile these two statements?

DT I picked up the inconsistency myself. I clearly made a mistake. You should rely on my earlier letter. That was my factual recollection.

I said I would ring the Fees Office and check it out. I knew I couldn't include party political material; there were issues with logos and so on, but I believed it was all right to include details of myself and other elected representatives.

Forgive me any mistakes in my recollection: this happened in May and it is now October.

DT You say in your letter of 23 September that you asked specifically whether it was right that there must be no mention of political parties or affiliations, and that the Department confirmed this. Would this suggest that the political implications of your photographs were in your mind at that time?

DT If you look at the leaflet there is no House of Commons portcullis, no party logo, there is no reference to party political matter in the text. My agent has worked for me for over ten years; my secretary has worked for me the whole time I have been in the House; my other staff have worked in the House for me for 13 and 15 years each. We have a lot of experience and we wouldn't have let it out if we hadn't felt it was right.

JL Is your agent employed solely in a party political capacity?

DT He is paid partly from House funds. It was in this capacity that he was producing the leaflet for me. His working arrangements have been agreed with the Fees Office and his time accounted for. The arrangement goes back fifteen years.

JL Did you consider taking up the standing offer by the Department of a full review of your newsletter as set out in the rules, particularly as it was your first time?

DT I didn't think there was anything in the text to require it. It wasn't required under the 2007 rules. The Director of Operations was looking at the wrong rules.

JL You are encouraged to seek advice in paragraphs 19 and 20 of Appendix 2 of the 2007 booklet³⁶ 'The Communications Allowance and the Use of House Stationery'. The rules say "*In the event of a complaint to the Parliamentary Commissioner for Standards, he will wish to know whether advice was sought.*"

Did you think of showing the whole thing to the Department?

DT No. It was a relatively simple document: the pictures and about a thousand words of text. And there was a timetable issue.

JL So you didn't show it to them?

DT No. It wasn't necessary. It wasn't political or controversial. I deliberately kept it very simple. I didn't think the photographs excessive.

Distributing the newsletter

JL How was the newsletter distributed?

DT We used professional distributors. I don't have the troops to do otherwise.

JL Who decided on the distribution dates?

DT I told them to get it out as soon as possible.

JL Why?

DT We would normally get leaflets out as soon as possible. I left the distribution at the discretion of the delivery firm, with a general instruction to do it as soon as possible but not at breakneck speed.

We wanted to get it out while it was fresh, while the issues were fresh. I instructed them to cut off the distribution at midnight before the closed period. Distribution started again in rural areas later. By then some issues were out of date.

³⁶ Paragraphs 20 and 21 of the online version

JL Was that in September?

DT I believe I gave you the dates in correspondence. I can't remember them at this point.

JL What would you say to anyone who suggested that you put out as many copies of your newsletter as you could shortly before the closed period, that there was a rush to get them in under the wire, to draw people's attention to your party and particularly some of those standing in the election?

DT There was not a rush. We produced it as quickly as we could. We were not fighting to get under the wire. It is good practice to get a leaflet out while issues are topical. There was no mad panic and we didn't hire thousands of people to distribute it. I used a local distributor but said "Don't go beyond the start of the closed period."

JL Your leaflet shows a lot of pictures of councillors and you distributed it in the period coming up to the June elections. Did you consider that people might misunderstand this, that there was a risk here?

DT Yes, there was a risk if we had gone past the start of the closed period which we did not do. But this was before then. You are trying to apply a new rule retrospectively - talking about some vague period which has been suggested afterwards. I hadn't overloaded the leaflet with pictures of councillors: they amounted to about one third of the pictures. There were shots of me with farmers and cheesemakers as well. In your report on Sir Robert Smith you say that this was acceptable "... when the elected people are clearly and consistently jointly engaged on a local activity."³⁷ I submit that these photographs meet those criteria.

Photographs

JL Let me ask now about the photographs in a little more detail. Out of 21 photographs on the first three pages of your newsletter, seven showed elected politicians other than yourself. All but one of these eight politicians were apparently to stand in the June election. Were you aware of that at the time?

DT I was aware they were all councillors and standing. The borough council has 34 councillors and the county council has six wards in my constituency. The county councillors are the most senior representatives after me and they are involved in all these issues with me. It would have been inaccurate to leave them out.

JL Of the nine sitting councillors in the Hinckley and Bosworth area, six were Conservative and five were featured in your newsletter. All were standing for re-election. Does not this suggest that you were giving undue prominence to Conservative councillors and promoting their interests?

DT You are right that one was not featured. I don't do much work with him.

There is a Liberal/Conservative dingdong in the area. There is no love lost between us. This is a party political complaint.

JL Did you not run the risk that when you produced pictures of you with almost all the Conservative councillors but none from the other side, this could appear to be party political campaigning?

DT I don't have pictures of me working with Lib Dem councillors. I don't work with the Lib Dems. They don't have pictures of themselves with me in their leaflets.

JL But this is a leaflet funded from the Communications Allowance.

³⁷ Committee on Standards and Privileges, Eleventh Report of Session 2007-08, HC 646. Mr Tredinnick was referring to my words in paragraph 49: "*While care needs to be taken over including elected representatives from other institutions of the same Party as the Member, it is in my view acceptable to do so when the elected people are clearly and consistently jointly engaged on a local activity.*"

DT Yes, and it shows me backing the call for more police. There is an irony in that the policing scheme I describe was agreed through the town centre partnership proposed by the Lib Dem council. So that article is a plug for them. Local people would know that.

I remind you of your words about Sir Robert Smith.³⁸

JL But set against this are all the pictures showing you with Conservative councillors.

DT I have explained that I work with councillors. My understanding was that I could be shown working with councillors, working with my colleagues. I did this in good faith. I thought I had got this about right.

JL You say that only those candidates who were already elected councillors were shown in the newsletter, and not candidates standing for election for the first time. Why did you decide not to select them?

DT I couldn't have shown them. It would have been party political. It is against the rules. The point is, the pictures showed elected councillors.

JL Where in the rules does it say that you can include elected but not unelected colleagues in the photographs?

DT I refer you to your report on Sir Robert Smith.³⁹

JL That was, of course, my advice. It is not itself part of the rules.

DT It is clear you can put yourself in the photograph with other colleagues of the same party. I would not have included a candidate who was coming in for the first time; I would not promote someone entering politics for the first time.

JL Were you not then promoting the councillors?

DT It was perfectly reasonable to record my activities with councillors. I was uneasy about showing people with whom I had not worked. Except in a few instances, I normally work with councillors.

JL But did you in fact work with first time candidates? Did you have pictures of yourself with them?

DT I do campaign with candidates, wearing a blue [Conservative] hat. But what we are talking about is a "green hat" [i.e. Parliamentary] issue. Most of these people were shown as sitting county councillors or borough councillors.

JL Were these were all "green hat" events?

³⁸ See previous reference.

³⁹ Committee on Standards and Privileges, Eleventh Report of Session 2007-08, HC 646. Mr Tredinnick in an email of 30 October said that he was referring to paragraph 47, in which I said "*I believe it appropriate that the people in the photograph [of the opening of Laurencekirk Railway Station, in Sir Robert Smith's Parliamentary Report] should be identified in their elected and not party political capacity.*"

DT Yes, I attended them as an MP. [Looking through the pictures] They were not party political events, any of them. The picture of Barwell does not show me with a councillor. That is because at the time there was no elected Conservative councillor in Barwell, which is coterminous with Earl Shilton. When visiting there I would not take with me a candidate or a councillor from another party.

The last page contains little cameo shots. The printer chose these pictures and most of them appear on other pages too.

The newsletter is an attempt to record what I have been doing. As for the details, it does not include so much as a political email address, anything about the Conservatives, no links, no torch and no logo.

JL You say in your letter of 29 May that you have almost never been associated with councillors of other parties. Yet, as you say, local issues like travellers' sites involves critics of the policy from all three main parties. Does not the inclusion of so many photographs of Conservative councillors suggest that these campaigns were being conducted on a party political basis?

DT Public meetings were called and I was asked to attend. These meetings were set up by local people. The parish council got hold of me. I wasn't really making a party political point, and I didn't accuse anybody. In fact I don't like getting involved in planning issues.

JL I see from your letter of 20 October that in March a former Conservative Councillor complained about a Lib Dem leaflet referring to the Borough Council's alleged views on traveller sites. It is subject to an inquiry and I do not wish to discuss that matter further. But does not this suggest that you well knew the sensitivity of policies on traveller sites before you used the photos of you and the County Councillors?

DT I remind you that another standards body has found the complainant's flatmate and Area Liberal Democrat organiser guilty of "dishonest behaviour" and supplying misleading information. This is a politically motivated complaint.

JL But were you not aware that traveller sites were a sensitive issue, and you would need to be careful?

DT There is a distinction. Everything I do is political. But this was not party political. I provided a safety valve for the community, who were very angry. I wasn't directly critical of the Council. The article merely says 'MP says "Listen to the people."'

JL But we are talking about the photos, not the text. As you have said, a picture is worth a thousand words.

DT I am doing this from memory. I have already given you detailed responses. I don't recall the exact circumstances. If you pick me up it is because I am hazy.

The gist of it is that these were the issues that bugged people. The lack of policing was not really a local council matter but we were shown with a good copper, supporting a council initiative. Post offices: everyone was nuts about post office closures. Traveller sites were another big story but the response was not party political.

JL Were these all issues in the county council elections?

DT The post offices were all done and dusted. Anger about the traveller sites had eased by the time of the County Council election. Some sites had been withdrawn or reclassified as no longer preferred. It shows how quickly the main issues had gone off the boil by the end of the closed period. The proposals had been readjusted.

JL I see you included in one photograph Mr David Sprason, who was to be the Conservative candidate standing for the county council in the division with the Thornton Reservoir site. Why is that not a party political statement or in effect support for someone seeking re-election?

DT It wasn't an issue in his election.

He was there as a county councillor and to support me. I wrote to the County Council and to Hinckley & Bosworth Borough Council. It wasn't much of an issue in that ward for the election.

Half my job is to be a lightning conductor. On Sunday I'm going to a meeting about new wind turbines. People want me to be there to show solidarity, even if in the end I can't do anything.

My constituency is an island of blue in a sea of red. But I do not carry out my job in a very political way. I don't spend my life attacking councillors or leaders by name. In some wards the vote is split: for the county council the vote goes to a Lib Dem and the parliamentary vote goes to me.

JL In your letter of 29 May you refer to the post office campaign and say it would have been disingenuous and inaccurate to have portrayed it as your campaign only. Do you think that including the three photographs of Janice Richards as the only other elected representative helped her campaign? As I understand it, she was elected.

DT Yes, she was. The three pictures were of her in her capacity as borough councillor. One was at a meeting about vandalism on the Mound. She was involved in the post office campaign as borough councillor, perhaps parish councillor. The picture at the bottom left shows her dealing with what people were most concerned about: traveller sites. The copy for that story I wrote myself: it is pretty bland stuff.

JL Am I right that she defeated the sitting Labour councillor?

DT Yes.

JL You say in your letter of 29 May that the story on more police has nothing to do with councillors and they are not mentioned. You do however include another picture of Councillor Richards with you highlighting the need for a higher profile police presence on issues such as vandalism and antisocial behaviour. Why did you include that picture of you with a Conservative councillor?

DT The second story on police issues shows me and Janice Richards, identified as a local councillor, complaining about a lack of response from the police. She takes an interest. There was a lot of concern boiling up about policing, and allegations that the police didn't do their job, culminating in the tragedy in the summer in a neighbouring ward. I went there as the local MP alerted to the problems. She was there as the local councillor.

JL Here was someone who would shortly be standing in the county council elections. She is shown holding a broken paving stone and standing next to you. Could not the picture be seen as promoting party political interests and a person seeking election?

DT Let us come back to the rules. So long as you observe the closed period rules, being shown with someone in an elected capacity is fine.

JL Why did you caption the councillors so fully in the photographs – their name, the fact that they were councillors, and in many cases their ward or division?

DT It would have been inaccurate otherwise. If I didn't say where they represented, then it would make me look out of touch. And not everyone knows who represents them.

JL Why was it necessary to provide that degree of accuracy in these captions?

DT It informs readers that I am in touch with local representatives. It shows I am on the ball. If you took the pictures out it wouldn't show me working with the local community.

I work very closely with our local representative in Barwell. I ring her up, asking what is the situation, what is happening. There can be trouble if you are not doing that. I need to be in touch with the county council and borough council. Sometimes you need your hand held.

JL What about areas where there was no Conservative councillor? Do you not visit those?

DT Yes. I would take someone else like my agent. There are little pockets of this sort: Castle and Clarendon, but they don't amount to much of my constituency. I would be in touch with the Council chief executive. If there wasn't a councillor, I would take my local agent. He would know what was going on.

I would prefer to work with councillors of like mind, but if not I can get by.

JL You say in your letter that you have not identified yourself as a Conservative Member of Parliament in your newsletter. I am not sure what weight you suggest I should give this, but do you not think that any reader would know that you were a Conservative?

DT I don't think so. It doesn't say.

JL But the picture of you with David Cameron?

DT The picture is there to show that I am in touch with people who are important, not to show that David Cameron thinks I am a wonderful MP.⁴⁰

⁴⁰ In his comments on the factual sections of this Memorandum, Mr Tredinnick said "Although I did not mention it in the interview the photograph was taken at a lunch for constituency businessmen in June 2006. It was so captioned in the leaflet".

Conclusion

JL What would you say to the suggestion that your choice of these photographs, and their captions had the effect of promoting the interests of another person you supported, namely Conservative councillors and an MEP, when you knew these people were shortly to stand for election?

DT It was not my intention. That was to record my activities in the constituency. I assiduously avoided any reference to candidature in the coming elections. I did not include reference to political parties, nor any logos.

JL Did you know these individuals were standing?

DT Yes.

JL Are there any final points you would wish to make to help me in concluding this inquiry?

DT Yes. The closed period was absolutely clearly defined. I could distribute my newsletter until 23.59 hours on the night before it began and then after it ended.

The issues I have quoted are all mainstream.

I remind you of your words in paragraph 49 of the report on Sir Robert Smith.⁴¹

On party political content, this was a political leaflet but not a party political one.

The Director of Operations says that on balance it would be harsh to ask me to repay. He said that the harm caused is very limited. And that was under the tighter rules which he thought applied.

The references in his letter to the Appendix [of the Communications Allowance booklet] are wrong.⁴²

With hindsight, in view of the speed at which we were working and the thousand other things we had to do, I think I acted reasonably. I could have checked the pictures and I would have done it differently, but I checked with the Department on the big issues and I thought these had been cleared. But the pictures were modest, and the complainant is trying to make mischief for me. There is only one complainant.

I wanted to stay within the rules and I thought I had got it right.

Conclusion

JL [The notetaker] will now prepare a note of our discussion and show it to you so you can comment on its accuracy. As you know you can expect the note to be included with the memorandum I will prepare for the Committee and it will be subsequently published with the report.

Once I have the note of the meeting I shall prepare the factual sections of my memorandum which

⁴¹ Committee on Standards and Privileges, Eleventh Report of Session 2007-08, HC 646

⁴² The Communications Allowance and the use of House stationery, April 2007

again I would show you to check its accuracy. I will then add my conclusions and submit the full memorandum to the Committee. The Clerk will show you it and invite any comments you want to make about it and any comments will be submitted to the Committee with my memorandum.

Thank you again for coming in.

22 October 2009

22. Letter to the Commissioner from Mr David Tredinnick MP, 29 October 2009

Thank you for sending the transcript of my interview last Thursday. At the end you asked if there were any final points that I wished to make to help to conclude your enquiries. After one and a half hours' interview nothing immediately came to mind, however I have now reviewed what I said and the questions, and I would like offer further insights into my thinking at the time.

Impact of the Newsletter

The newsletter was broadly intended as a record of my activities in the constituency. In your line of questioning there is a suggestion that it helped candidates in the election and that it was political. In addition to the points I made to you I would say the following. If it is felt that I gained a political advantage through the newsletter I would suggest the opposite because in my constituency in the County elections the Conservatives were net losers — something which has not been addressed in our exchanges before. We did win one seat in Earl Shilton but we lost two in Burbage Castle to the Liberal Democrats. One of the successful Liberal candidates is the local organiser of the Liberal Democrats, Stuart Bray, and flatmate of the complainant to whom I have referred in earlier correspondence in respect of complaints against him.

The leaflet illustrates the activities that I had undertaken across the constituency covering most wards. If I had intended it to be party political it would have had a quite different focus. For a political pamphlet, it would have been pointless covering the safe Conservative divisions of Market Bosworth and Markfield, the latter being David Sprason's ward. It would also have been unnecessary to cover Earl Shilton because with the national swing against Labour and the addition of a BNP candidate, it was inevitable that Labour would lose that ward. It would have made much more sense to focus the newsletter on the Burbage Castle ward which was the real battleground between the Conservatives and the Liberals. If it is argued that the photographs of me with Janice Richards, a former hairdresser in Earl Shilton and sitting Borough Councillor, and someone who has lived there all her life helped her then, it can equally be argued that my photos with Mary Sherwin and John Moore, the Conservative Burbage Division County Councillors who were defeated in May, outside the Post Office and by a pedestrian crossing were counterproductive and contributed to their defeat.

I enclose an email from the Library [WE 23] with the relevant statistics.⁴³

I hope this is helpful.

29 October 2009

23. Email to Mr David Tredinnick MP from House of Commons Library, 26 October 2009

The table below shows the national equivalent share of the vote in County Council elections in 2005 and 2009 and the percentage point change between these dates.

⁴³ With comments on the factual sections of this Memorandum, Mr Tredinnick forwarded further statistics, prepared by the House of Commons Library, on elections in Earl Shilton [WE 24].

National equivalent share of vote in county elections

Party	2005	2009	% point change
Con	33.0	35.0	2.0
Lab	36.0	22.0	-14.0
Lib Dem	23.0	25.0	2.0
Other	8.0	18.0	10.0

The percentage point change in the share of the vote between 2005 and 2009 for individual wards in the Bosworth Constituency are shown below. For this purpose I have assumed that the Bosworth Parliamentary Constituency is equivalent to the borough of Hinckley and Bosworth. Please note that in some areas the data is distorted due to the BNP standing in 2009 and not in 2005.

Percentage point change in County Council election vote share in wards of Hinkley and Bosworth between 2005 and 2009

	Conservative	Labour	Lib Dem	Other
Burbage Castle	-2.5	-15.2	12.8	4.9
Earl Shilton	9.1	-16.5	-4.7	12.0
Groby & Ratby	2.6	-16.1	-4.5	18.0
Hinckley	10.5	-15.6	-2.1	7.1
Mallory	-5.0	-20.6	-0.8	24.4
Market Bosworth	1.2	-14.5	9.3	4.0
Markfield Desford and Thornton	5.5	-12.1	-8.8	15.3

The decline in the Labour vote share is more pronounced than the national average in most areas, with the exception of Markfield, Desford and Thornton. The Conservative improvements shown nationally are more pronounced in five wards, but a decline in the percentage share was observed in Burbage Castle and Mallory wards. The Liberal Democrats show above average improvements in Burbage Castle and Market Bosworth, but pooled less than the expected share of votes in all other wards. The improvements found in the "Other" category is predominantly due to the BNP fielding candidates in 2009.

I hope this is helpful. Please let me know if you need anything else.

26 Oct 2009

Attachment to email to Mr David Tredinnick MP from House of Commons Library, 26 Oct 2009

Burbage Castle

Elected: Stuart Lee BRAY

Keith William LYNCH

Result: Liberal Democrat Gain Liberal Democrat Gain

Registered Electorate: 16,594

Actual Turnout: 36.2%

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)
Stuart Lee BRAY	Liberal Democrats	2943	24.5%
Keith William Phillip LYNCH	Liberal Democrats	2925	24.3%
John Spencer MOORE	Conservatives	2274	18.9%
Mary Louise SHERWIN	Conservatives	2212	18.4%
Philip John KAVANAGH	The Labour Party Candidate	725	6.0%
Steve BARBER	British National Party	591	4.9%
Eamonn Sean GABRIEL	The Labour Party Candidate	360	3.0%

Earl Shilton

Elected: Janice RICHARDS

Result: Conservative Gain

Registered Electorate: 8988

Actual Turnout: 36.9%

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)	Party Votes (2005)	Party Share (2005)
Janice RICHARDS	Conservatives	1288	38.8%	1574	29.7%
Denis Robert BOWN	The Labour Party Candidate	894	26.9%	2297	43.4%
Mike SHORE	British National Party	638	19.2%	379	7.2%
Richard Bernard NEALE- GARDNER	Liberal Democrats	499	15.0%	1044	19.7%

Hinckley**Elected:** David Christopher BILL Donald Owen WRIGHT**Result:** Liberal Democrat Hold Liberal Democrat Hold**Registered Electorate:** 19141**Actual Turnout:** 30.3%

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)
David Christopher BILL	Liberal Democrats	3106	26.8%
Donald Owen WRIGHT	Liberal Democrats	2757	23.7%
David THORPE	Conservatives	2175	18.7%
Jack WEAVER	Conservatives	1894	16.3%
Glyn PENNELL	British National Party	825	7.1%
Peter MUSCUTT	The Labour Candidate	497	4.3%
Qamar BHATTI	The Labour Candidate	356	3.1%

Mallory**Elected:** Ruth CAMAMILE**Result:** Conservative Hold**Registered Electorate:** 8611**Actual Turnout:** 35.9%

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)	Party Votes (2005)	Party Share (2005)
Ruth CAMAMILE	Conservatives	1022	33.1%	2039	38.1%
Michael John GOULD	Liberal Democrats	984	31.8%	1746	32.6%
John Edward RYDE	British National Party	541	17.5%	0	0.0%
John Philip Joseph CULLINANE	Independent	276	8.9%	0	0.0%
Andre WHEELER	The Labour Candidate	269	8.7%	1570	29.3%

Markfield Desford & Thornton**Elected:** David SPRASON**Result:** Conservative Hold**Registered Electorate:** 9755**Actual Turnout:** 2.5%

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)	Party Votes (2005)	Party Share (2005)
David SPRASON	Conservatives	2311	55.7%	3339	50.2%
Robin WEBBER-JONES	Liberal Democrats	660	15.9%	1640	24.7%
Julie HAMILTON	British National Party	633	15.3%	0	0.0%
Jeannie HERD	The Labour Party Candidate	545	13.1%	1674	25.2%

Market Bosworth**Elected:** Ivan OULD**Result:** Conservative Hold**Registered Electorate:** 10625**Actual Turnout:** 47.9%

Candidate	Party	Candidate Vote (2009)	Candidate Share (2009)	Party Votes (2005)	Party Share (2005)
Ivan OULD	Conservatives	2824	55.5%	4092	54.3%
Bill CROOKS	Liberal Democrats	1456	28.6%	1454	19.3%
Ken JACKSON	British National Party	474	9.3%	0	0.0%
Tony SIMHANI	The Labour Party Candidate	335	6.6%	1594	21.1%

26 Oct 2009

24. Email to Mr David Tredinnick MP from House of Commons Library, 18 November 2009

You asked about recent elections in Earl Shilton and how these compare with the national standing of parties.

The most recent elections were in 2009 in the Leicestershire County Division and 2007 Hinckley and Bosworth Borough elections. These are set out below; in each case I have shown the parties' vote shares in the previous elections.

In the case of multi-member borough seats, vote share has been calculated on the basis of the highest number of votes for a candidate for each party.

2009 Leicestershire County Council Elections: Earl Shilton Division

Candidate	Party	Candidate Votes (2009)	Candidate Share (2009)	Party Votes (2005)	Party Share (2005)
Janice RICHARDS	Conservative	1288	38.80%	1,574	29.7%
Denis Robert BOWN	Labour	894	26.90%	2,297	43.4%
Mike SHORE	British National Party	638	19.20%	379	7.2%
Richard Bernard NEALE-GARDNER	Liberal Democrat	499	15.00%	1,044	19.7%

<http://www.leics.gov.uk>

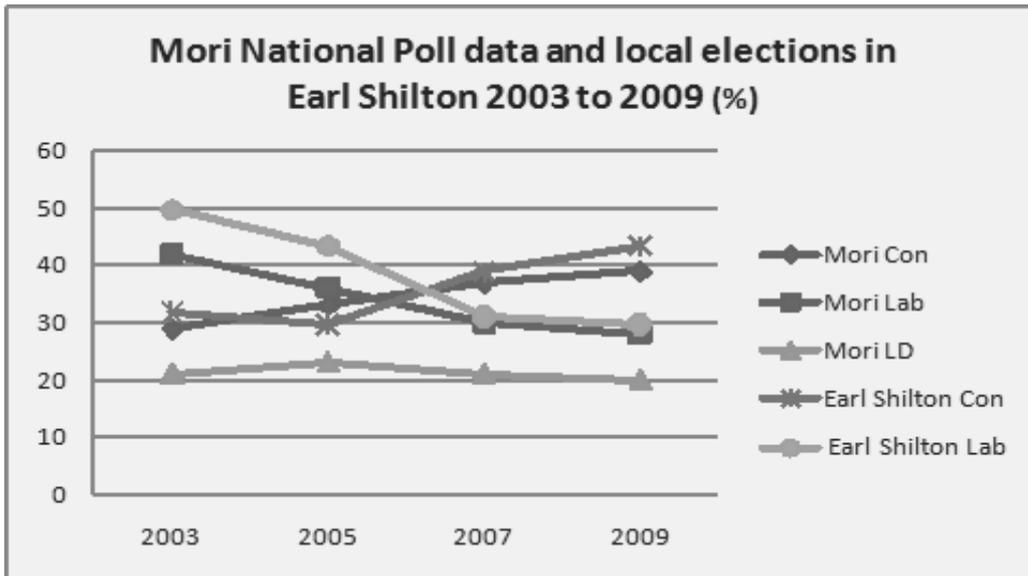
2007 Hinckley & Bosworth Borough Elections: Earl Shilton Ward

		Candidate Votes (2007)	Candidate Share (2007)	Party Votes (2003)	Party Share (2003)
Janice RICHARDS	Conservative	1078	38.9%	847	31.7%
Chris LADKIN	Conservative	953			
Andrew PRIESTNALL	Conservative	802			
Cyril BOWN	Labour	859	31.0%	1,330	49.7%
John BROWN	Labour	840			
David ELLIS	Labour	772			
Sheila ALMEY	Liberal Democrat	485	17.5%	-	-
Leanne BANNISTER	Liberal Democrat	468			
Gary FRANCKS	Liberal Democrat	349			
George ALLEN	UKIP	346	12.5%	-	-

<http://www.hinckley-bosworth.gov.uk>

In both cases, the Conservatives turned around a previously labour seat. In the borough elections they won two of the three ward seats.

It is interesting to compare these data with the national party standings. The following chart shows the percentage vote share for the 3 main parties from the monthly MORI poll and the percentage achieved in local elections in Earl Shilton Division/Ward in 2003, 2005, 2007 and 2009.



As you can see, the decline in the labour vote share in Earl Shilton and rise the Conservative is pretty much in line with the national trend. You could argue that the decline in the labour share is slightly steeper than the national trend but the Conservative share is more or less in line with national opinion.

The % share data underpinning the chart are as follows:

May	MORI			Earl Shilton	
	Mori Con	Mori Lab	Mori LD	Earl Shilton Con	Earl Shilton Lab
2003	29.0	42.0	21.0	31.7	49.7
2005	33.0	36.0	23.0	29.7	43.4
2007	37.0	30.0	21.0	38.9	31.0
2009	39.0	28.0	20.0	43.4	29.7

I hope this is useful

18 November 2009

Appendix 2: Letter to the Clerk of the Committee from David Tredinnick, 20 November 2009

COMPLAINT FROM MR MICHAEL MULLANEY

Having just read the Commissioner's conclusion to his investigation into this complaint that I had taken insufficient care in the use of photographs and captions in my newsletter, I accept that this was an error on my part and I tender my apologies to the Committee.

In mitigation I would like to make two points.

- 1) Nowhere in the rules in force at the time is there any mention of photographs.
- 2) The only complaint about my newsletter was from the Liberal Democrat PPC standing against me at the next General Election.

I hope this is helpful.

Formal minutes

Tuesday 24 November 2009

Members present:

Mr Kevin Barron
Mr Andrew Dismore
Nick Harvey
Mr Greg Knight

Mr Chris Mullin
The Hon Nicholas Soames
Dr Alan Whitehead

In the absence of the Chairman, Mr Chris Mullin was called to the Chair.

Draft Report [David Tredinnick], proposed by Mr Mullin, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 8 read and agreed to.

Paragraph 9 read, amended and agreed to.

Paragraphs 10 and 11 read and agreed to.

Paragraph 12 read, amended and agreed to.

Two Papers were appended to the Report.

Resolved, That the Report, as amended, be the First Report of the Committee to the House.

Ordered, That Mr Mullin make the Report to the House.

[Adjourned till Tuesday 1 December at 9.30 am]