



House of Commons
Committee on
Standards and Privileges

Jim Fitzpatrick

First Report of Session 2010–11

*Report and Appendices, together with formal
minutes and oral evidence*

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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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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).

Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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Jim Fitzpatrick

Introduction

1. We have received from the Parliamentary Commissioner for Standards the report of his investigation of a complaint made in September 2009 against Jim Fitzpatrick, the Member for Poplar and Canning Town. The complainant, Councillor Peter Golds, told the Commissioner that Mr Fitzpatrick appeared to have used House of Commons provided stationery and pre-paid envelopes when sending unsolicited correspondence to constituents in July 2009.¹

2. The Commissioner's memorandum is published with this Report as Appendix 1. At our first meeting, in July 2010, we agreed to follow the practice of our predecessors, by providing a Member who is the subject of a memorandum from the Commissioner with a copy of the memorandum, and inviting him or her to submit evidence. Mr Fitzpatrick chose to give both oral and written evidence to the Committee. This too is published in full, as Appendix 2.

The Commissioner's findings

3. The correspondence at the root of this complaint was in the form of an invitation to constituents of Mr Fitzpatrick to attend a coffee morning to be held at a primary school, at which constituents would be able to discuss crime and anti-social behaviour with the local police Safer Neighbourhood Team. The Commissioner accepts that it was within the rules for Mr Fitzpatrick to fund this correspondence from Parliamentary allowances.² However, he concludes that Mr Fitzpatrick broke the rules by using the wrong allowance.

4. The rules relating to use of House-provided stationery and pre-paid envelopes are set out in the Commissioner's memorandum.³ In outline, these provided that pre-paid envelopes could be used to send replies to individuals—including constituents—and to organisations about an issue on which they had already contacted the Member. A separate, cash-limited entitlement known as Communications Expenditure could at the time be used to pay for some categories of Members' unsolicited correspondence with constituents.

5. The Commissioner notes that some of the constituents contacted by Mr Fitzpatrick in July 2009 received hand-delivered letters inviting them to the meeting with police, which were funded from Mr Fitzpatrick's Communications Expenditure. He concludes that funding these letters from Communications Expenditure was "entirely acceptable", because informing constituents about such meetings was part of Mr Fitzpatrick's Parliamentary duties.⁴ About 200 further invitations were printed on House of Commons

¹ Appendix 1, paragraph 2

² Appendix 1, paragraphs 68 and 69

³ Appendix 1, paragraphs 3 to 14

⁴ Appendix 1, paragraph 70

stationery and sent in second-class pre-paid envelopes to constituents who, Mr Fitzpatrick believed, had contacted him previously about these issues. These were charged to his provided stationery account.

6. In the Commissioner's view, "The common format invitation which Mr Fitzpatrick sent to his constituents cannot ... reasonably be said to meet the requirements or the purpose of House of Commons provided stationery."⁵ Mr Fitzpatrick, in evidence to the Commissioner, maintained that this use of his provided stationery account was justified by the need for him to respond to his constituents' concerns about anti-social behaviour in their neighbourhood and that it was within the rules.⁶ The Commissioner, citing the view of the Department of Resources, disagrees.⁷ He continues:

It would require a wholly unnatural—and, I consider, unnecessary—application of the rules to the circumstances described by Mr Fitzpatrick to suggest that Mr Fitzpatrick's provided stationery account should have been used for these invitations. Unnatural, because the clear purpose of the rule is to confine the use of original House stationery for letters to constituents to personal communications between the Member and their constituent on specific matters raised by that constituent. Unnecessary, because unsolicited common format letters could, at the time, have been sent using the Communications Expenditure.⁸

7. The Commissioner concludes that Mr Fitzpatrick was "in clear breach of the rules of the House" and that the complaint is therefore upheld. He has also concluded—and Mr Fitzpatrick has accepted—that Mr Fitzpatrick breached the rules on other occasions in the two years to November 2009, by misusing provided House stationery.⁹ The Commissioner is of the view that, on their merits, these breaches are "well towards the less serious end of the spectrum."¹⁰

8. In February 2010, Mr Fitzpatrick agreed with the Commissioner that he would rectify the matter by apologising for breaching the rules and by transferring the relevant expenditure to his 2009–10 Communications Expenditure entitlement.¹¹ Under the rectification procedure, the Commissioner reports the outcome of his inquiry to this Committee, but he does not submit a memorandum and we make no Report to the House.

9. On 29 March, with the Dissolution of Parliament fast approaching, Mr Fitzpatrick informed the Commissioner that he would not, after all, accept rectification, and that he would be requesting a hearing before this Committee. Mr Fitzpatrick later wrote to the Commissioner informing him that, while he was willing to transfer the expenditure to his

⁵ Appendix 1, paragraph 74

⁶ Appendix 1, paragraphs 65 and 71

⁷ Appendix 1, paragraphs 63 and 72

⁸ Appendix 1, paragraph 75

⁹ Appendix 1, paragraphs 62 and 76

¹⁰ Appendix 1, paragraph 80

¹¹ Appendix 1, paragraph 65

Communications Expenditure account, he no longer accepted that he had been in breach of the rules of the House.¹² The Commissioner comments:

It is difficult to see the point of principle which Mr Fitzpatrick deemed required consideration by the Committee and the House. The question is not whether he could write to his constituents to invite them to a coffee morning. The only question is which parliamentary allowance can be used to meet the costs of sending that invitation. The Department's clear advice was that provided House stationery could not be used. That was also my own conclusion. It was a conclusion at one stage accepted by Mr Fitzpatrick.¹³

10. In the Commissioner's judgment, the failure of Mr Fitzpatrick to respond to his letter of 25 February for over a month makes the case more serious than it would otherwise have been. The Commissioner concludes, "This had the effect, as he must have known it would have, of preventing this matter being resolved before the General Election and delaying its resolution into the new Parliament."¹⁴

Mr Fitzpatrick's evidence

11. In his written evidence, Mr Fitzpatrick told us that he had asked for his case to be sent to the Committee for two reasons:

- He was concerned that accepting he had breached the rules would carry "potential stigma", notwithstanding the fact that he had not intended to misappropriate or misuse public funds.
- He believed his actions were consistent with his responsibility as a Member of Parliament to deal proactively with an issue (anti-social behaviour or ASB) which was of great importance to his constituents.

12. Mr Fitzpatrick pointed out that the Director of Operations in the Department of Resources had commented that his interpretation of the rules relating to use of envelopes was not unreasonable.¹⁵ He defended his actions as being "only in furtherance of constituents' concerns to get the ASB issue addressed" and denied there was a party political element.

13. Finally, Mr Fitzpatrick welcomed the Commissioner's general points about the need to review the rules relating to Members' use of provided stationery.¹⁶

14. When he appeared before us, Mr Fitzpatrick elaborated on these points. He said that being found "guilty in breach of the rules" without, as he saw it, an opportunity to explain

¹² Appendix 1, paragraph 65

¹³ Appendix 1, paragraph 78

¹⁴ Appendix 1, paragraph 80

¹⁵ Appendix 1, paragraph 42

¹⁶ Appendix 1, paragraph 82

his actions, would have made life very uncomfortable for him.¹⁷ Mr Fitzpatrick stressed that “this was not a matter of trying to get financial advantage” and that “I thought this was part of my responsibility and duties” as a Member of Parliament. He added that he did not contest the Commissioner’s finding that he had breached the rules, but he did believe that “the rules as they are defined at the moment may be far too narrow to allow MPs to be as effective as they might otherwise be.”

15. When asked why he had changed his mind about accepting rectification, Mr Fitzpatrick replied that, whereas he had told the Commissioner in May 2010 that the decision “was not influenced by the imminence of a general election” he would now say that the decision had not been “wholly influenced” by the imminence of the election.¹⁸ Mr Fitzpatrick told us about a meeting he had attended during the election campaign, at which the complaint about his use of expenses had been raised by a political opponent but he nonetheless felt he had won the support of the meeting. He gave us to believe that if he had by then been found to have breached the rules “that would have been a very different issue.”¹⁹

16. Mr Fitzpatrick accepted that he had been “completely guilty of ... sloppy handling” of his allowances and that if he had claimed the cost of the stationery and envelopes in question from Communications Expenditure “this situation wouldn’t have arisen.”²⁰

17. In reply to a question about whether the addressees of the 200 letters were people who had been logged on a database as having raised ASB with him, Mr Fitzpatrick said that predominantly the recipients would have been people who had been recorded as having raised the issue before but he accepted that he had not differentiated between categories of addressee “as clinically as I ought to have done”.²¹

Conclusions

18. Mr Fitzpatrick accepts that in July 2009 he sent about 200 communications printed on House of Commons provided stationery and mailed in pre-paid second-class envelopes, with the result that expenditure was charged to the wrong Parliamentary allowance. He also accepts that he may have sent up to 1,500 similar letters using provided stationery and pre-paid envelopes on other occasions in the two years up to November 2009. In our view, this was a minor breach of the rules. We agree with the Commissioner that it would have been perfectly in order for Mr Fitzpatrick to have used his Communications Expenditure entitlement to pay for these letters and indeed Mr Fitzpatrick agreed as long ago as February that the full cost of the envelopes and stationery—£557—should, so far as possible, be transferred to his Communications Expenditure for 2009–10. In fact, there was

¹⁷ Q1

¹⁸ Q2

¹⁹ Q4

²⁰ Q3

²¹ Qq 7 to 10

insufficient ‘headroom’ in Mr Fitzpatrick’s Communications Expenditure to accommodate the full sum, but Mr Fitzpatrick agreed that he would pay the balance of £24 from his own pocket.

19. This is exactly the sort of case that we would expect to be dealt with under the rectification procedure: the seriousness of the breach was well towards the lower end of the scale; the sums involved were small; and we accept that there was no intention on the part of Mr Fitzpatrick to deceive or to obtain a benefit to which he was not entitled. As the Commissioner has explained in his memorandum, rectification requires not only repayment (or in this case, largely reallocation) of expenditure but also acceptance that a breach of the rules has occurred and an apology. The complainant would have been informed by the Commissioner that this had happened and would have been free to make public use of the information.

20. It is clear from his oral evidence that Mr Fitzpatrick calculated that, if he accepted that he had breached the rules and apologised for that breach, the information could be used against him by his political opponents in the general election campaign which was then imminent. This, together with his view that the rules were unreasonably restrictive, caused him “discomfort” and led him to change his mind just two weeks before Parliament was dissolved—which was more than a month after the Commissioner had sent him a draft of the letter of rectification. Immediately after the election, Mr Fitzpatrick denied to the Commissioner that the imminence of the general election had had anything to do with his change of heart. However, he told us in oral evidence that this was not wholly true.

21. We recognise the genuineness of Mr Fitzpatrick’s concerns about the restrictive nature of the rules about the use of provided stationery and indeed we comment on this below. However, we are bound to conclude that Mr Fitzpatrick’s primary motivation in eventually rejecting rectification of this complaint, having previously agreed to it, was to avoid the fact that he had breached the rules becoming public knowledge at a politically sensitive time. This, rather than the minor breach of the rules, is the matter that causes us most concern.

Recommendation

22. We are disappointed that Jim Fitzpatrick chose in the run-up to the general election to rescind his acceptance of an offer by the Commissioner to rectify what was a minor breach of the rules—which would have required only an apology, his agreement to transfer the expenditure to the correct account, and the repayment of £24. We recommend that Mr Fitzpatrick apologise to the House in writing, through this Committee, not only for the breach but also for his conduct, which had the effect of postponing the resolution of the complaint against him until after the general election. We further recommend that Mr Fitzpatrick repay to the House from his own pocket the entire £557 cost of provided stationery and pre-paid envelopes misused by him in the period 2007–09.

General observations concerning the rules on use of stationery

23. The Commissioner has taken the opportunity to make some more general observations concerning the rules which govern Members' use of official stationery. These are set out in full in his memorandum.²² We will draw these observations and the comments made by Mr Fitzpatrick to the attention of the relevant authorities in the House and to the Independent Parliamentary Standards Authority.

²² Appendix 1, paragraphs 81 and 82

Appendix 1: Memorandum submitted by the Parliamentary Commissioner for Standards

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Complaint against Mr Jim Fitzpatrick MP

Introduction

1. This memorandum reports on my inquiries into a complaint that in July 2009 Mr Jim Fitzpatrick, the Member for Poplar and Limehouse, used pre-paid House of Commons envelopes to send unsolicited correspondence to some of his constituents, and may have drawn on his allowance of original House stationery for the paper.

The Complaint

2. On 29 September 2009 I received a letter sent to me on 3 September by Mr Peter Golds of Poplar, London E14, in which Mr Golds made a formal complaint against Mr Fitzpatrick.¹ The complainant enclosed a copy of what he said was “*an unsolicited letter*” on House of Commons official notepaper and using a House of Commons pre-paid envelope, inviting residents to meet Mr Fitzpatrick at a coffee morning on 18 July 2009.² The complainant said that “*It is less than a year from an election and a meeting event such as this should be organised by the Member concerned using his or her own money, or that of their political party. As a taxpayer I do not expect my local MP to be sending out large numbers of these letters at my expense. I can confirm that many were sent to residents in [the complainant’s street] and other residents have expressed surprise that they should be paying for this.*”

Relevant Rules of the House

3. Paragraph 14 of the Code of Conduct for Members provides 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.”

4. The principles underlying the parliamentary allowances are set out in the April and July 2009 Green Books. These include the following:

“Claims should be above reproach and must reflect actual usage of the resources being claimed.”

“Individual Members take personal responsibility for all expenses incurred, for making claims and for keeping records, even if the administration of claims is delegated by them to others.”

¹ WE 1

² WE 2

5. Paragraph 2.6.1 of the Green Book explains the purpose of the allowance for House stationery and postage:

“Purpose of the facility

A cash-limited provision of House stationery and pre-paid envelopes is made available to Members for their parliamentary duties.”

6. Paragraph 2.6.3.1 makes the following provision in respect of pre-paid envelopes:

“Pre-paid envelopes are designed to enable you to reply to letters or other contacts you receive, and to write to individuals and organisations in pursuit of your parliamentary duties. They should not be used to send mail to people on issues on which they have not previously contacted you. You can use stationery and pre-paid envelopes to respond to contacts you have received through any medium.”

7. The same paragraph also identifies circumstances where pre-paid envelopes must not be used, including:

- *“for correspondence you instigate with constituents on issues on which they have not previously contacted you.”*

8. Paragraph 2.6.3.2 sets out provisions in relation to the use of House stationery. It includes the following paragraph:

“If you wish to use House of Commons stationery to write to people on issues on which they have not previously contacted you, you must purchase it from the suppliers, not as part of your cash-limited entitlement. Alternatively, you may photocopy stationery which includes the crowned portcullis and the words ‘House of Commons’...”

9. Members were, however, at that time able to pay for unsolicited communications to their constituents using money provided by the House. The rules in relation to Communications Expenditure are also set out in the Green Books. Section 2.5.1 sets out the purpose of the allowance as follows:

“Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.”

10. The same paragraph gives examples of appropriate expenditure, including:

- *“Regular reports and constituency newsletters; questionnaires, surveys and petitions*
- *Contact cards*
- *Distribution costs*
- *Advertising of surgery and constituency meetings”.*

11. The Green Book is supplemented by the booklet entitled *The Communications Allowance and the use of House Stationery* which was published in April 2007. This sets out

the rules on producing newsletters and other publications from the Communications Allowance, subsequently renamed the Communications Expenditure. Paragraph 18 of Appendix Two of the booklet, which sets out the rules and guidance on producing newsletters and other publications from the Communications Allowance, provides as follows:

“Your publication must include a short notice explaining that costs are to be met from the allowances, and giving the source of any other funding.”

12. Paragraph 11 of Appendix Four of the booklet provides as follows:

“Pre-paid envelopes may only be used in pursuit of your parliamentary duties. This includes ... correspondence with constituents in connection with an issue on which they have previously contacted you.”

13. Paragraph 13 of Appendix Four provides as follows:

“Pre-paid envelopes may only be used to send updates to constituents on an ongoing basis where the updates relate to specific cases which have been raised with you by those constituents (such as progress on asylum applications). Pre-paid envelopes may not be used to send updates of more general concern.”

14. From 1 January 2010 – that is, after the period covered by this complaint – restrictions were placed on the use of Communications Expenditure. These included a prohibition on its use for:

“The production and distribution of surgery leaflets and flyers (in other words a ban on anything that can be put through the letter box).”³

My Inquiries

15. On 1 October 2009 I wrote to Mr Fitzpatrick.⁴ I asked him to tell me the circumstances in which he had come to invite some of his constituents to his coffee morning, which constituents had been targeted for his letter and how many such letters had been sent out, the source of the notepaper used for his letter, and specifically whether it had been drawn from his stationery allowance, or funded by his Communications Expenditure or by himself. I asked if the notepaper used for the letter had not been drawn from his stationery allowance but funded from his Communications Expenditure, why it did not include a notice identifying the funding source.

16. I also asked about the distribution arrangements for this letter, including how many second class (or first class) House of Commons pre-paid envelopes Mr Fitzpatrick had

³ WE 3

⁴ WE 4

used for this dispatch, and whether he had at any time consulted the Department of Resources about any aspect of his letter or its dispatch.

17. Mr Fitzpatrick replied on 20 October.⁵ He said that he had not used pre-paid House of Commons envelopes to send unsolicited correspondence to his constituents. *“The envelopes that were paid for from the stationery allowance were posted to constituents who had previously written to me on the subject matter of the coffee morning, i.e. crime and anti-social behaviour.”*

18. Mr Fitzpatrick said that the coffee morning in question—at Seven Mills Primary School in London E14—had had as its focus crime and anti-social behaviour. His letter to constituents had informed them that *“the coffee morning is designed to give you an opportunity to voice your concerns, exchange ideas and plan our next steps alongside Millwall [police] Safer Neighbourhood Team...”* Mr Fitzpatrick said that the decision to organise such an event stemmed from the large amount of casework he received in respect of crime and anti-social behaviour in neighbourhoods. *“It is the number one issue of concern. Such casework comes to me during my weekly Saturday door-knocking sessions; incidental encounters in the streets; by email, letter and fax; and my Friday evening advice surgeries.”* Mr Fitzpatrick said that coupled with this was an allied concern communicated by constituents that they often found it difficult to make contact with the police, and/or obtain a swift response from them. As such, the attendance of the police Safer Neighbourhood Team was *“integral to ensuring the event met the needs of my constituents who had made clear to me their desire for the police to listen to, answer, and follow up concerns.”*

19. Mr Fitzpatrick said he would also like to emphasise the *“contemporary relevance and importance”* of such an event in terms of engendering social cohesion in a multicultural area. He said his constituency had a significant Muslim population, and the coffee morning format provided a valuable interface between them, their elected representative and the police. *“Thus, I concluded that a coffee morning would not only provide a timely and appropriate response to constituents’ concerns over crime and ASB [Anti-Social Behaviour], but would also facilitate the kind of access they sought to me and to their local police team, and encourage the social cohesion often debated but not always facilitated in such a tangible way.”*

20. Mr Fitzpatrick said that a coffee morning held on a Saturday provided an additional, more convenient and relaxed way for constituents to access him and the police than a busy Friday evening advice surgery, whilst retaining the kind of face-to-face aspect so valued by constituents. He had organised the coffee morning in the middle of an area from which a great deal of crime and ASB casework had stemmed. He said that constituents living in the environs of the school were invited—i.e. streets from which crime and anti-social behaviour casework had emanated. Mr Fitzpatrick said that he had followed up such

⁵ WE 5

casework from the very street from which the complaint had come, involving “youths on mini-motos and skateboards; drug use; prostitution; break-ins; theft; travellers living in an empty vehicle; the need for CCTV.” He also observed that this issue had been so important in that street that he had written to the Council about the residents who were in the process of installing gates on the estate, and who had paid for night-time security in the interim. Mr Fitzpatrick said that he had asked the Council if it might be able to assist in funding the gates. Mr Fitzpatrick said that on his casework computer system he had a great deal of additional casework logged from the surrounding area, and “*the people in these streets received my letter about the coffee morning. You will gather this amounted to hundreds.*”

21. Mr Fitzpatrick said that the letters posted used notepaper paid from his stationery allowance. Some of the letters had been posted second class, some had been hand-delivered; hand-delivery provided an opportunity for greater personal contact with constituents. Mr Fitzpatrick said that he had not consulted the Department of Resources about any aspect of his letter or its dispatch. He had spoken with others who had organised similar coffee mornings in other constituencies and who, he understood, had already clarified the situation with the Department. Mr Fitzpatrick said that the arrangements he had outlined accorded with Paragraph 2.6.3.1 of the Green Book, which stated that pre-paid envelopes must not be used, “*for correspondence you instigate with constituents on issues on which they have not previously contacted you.*” Mr Fitzpatrick said that any pre-paid envelopes bought from the stationery allowance for this purpose had been sent to constituents who had written to him on the issues of crime and anti-social behaviour.

22. Mr Fitzpatrick referred me to Section 2.5.1 of the Green Book, relating to Communications Expenditure. This said, “*Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.*” He said that in writing to local people whom he knew to be affected by crime and ASB, and in inviting them to an event designed to address and tackle those concerns, he believed that he had acted in furtherance of his parliamentary duties. “*At a time when MPs are being asked to be more available, accessible and transparent, I also feel my contact with constituents in this way responds to such demands.*” Mr Fitzpatrick observed that Section 2.5.1 of the Green Book also provided examples of the appropriate use of appropriate Communications Expenditure, and included, “*Advertising of...constituency meetings.*” The coffee morning had been such a constituency meeting: “*not political, not seeking to gain political advantage, but for constituency neighbourhoods with previously declared crime and ASB concerns. The fact that I included in my mail-out people who were of an opposite political persuasion (eg. the complainant’s household) does, I think, demonstrate there was nothing underhand or untoward in my efforts.*” He said that he hoped that this demonstrated the “*veracity*” of his coffee morning mail-out to constituents on the Isle of Dogs and the funding of the mail-out from the stationery allowance and Communications Expenditure, in accordance with the principles of the Green Book. Mr Fitzpatrick said that he believed his explanation of this matter “*refutes the complainant’s implication that such an activity was not an appropriate use of my stationery allowance or Communications Expenditure or against the interests of the residents of [the complainant’s street] and its vicinity.*”

23. Mr Fitzpatrick also said that he hoped I would be aware that his record on MPs' expenses had been "exemplary", and this made him "*ponder the political motives of the complainant—an active member of, and councillor for, an opposition party in the local borough—in attempting to sully my reputation.*" Mr Fitzpatrick said that he had encountered not a single other complaint regarding this or other coffee mornings—indeed, quite the reverse. He said that organising such an event was "*the action of a diligent MP, cognisant of his responsibilities to his constituents. It is worrying to me that a local opposition councillor would seek to waste taxpayers' money by pursuing such a complaint and attempting to dress it up as his own concern about inappropriate use of taxpayers' money.*"

24. I wrote to Mr Fitzpatrick on 21 October.⁶ I asked him to clarify that all the letters he had sent in House of Commons pre-paid envelopes were to constituents who had specifically raised with him the problem of anti-social behaviour. I said that I asked this because his letter suggested that he might have invited constituents who had not, on the face of it, raised this issue specifically with him, namely: "*Constituents living in the environs of the school were invited... I have a great deal of additional casework logged from the surrounding area, and the people in these streets received my letter about the coffee mornings.*" I also asked Mr Fitzpatrick to confirm that no part of the cost of his invitations had been met, or had been intended to be met, from the Communications Expenditure. I said I raised this with Mr Fitzpatrick because he had made a number of references to the Communications Expenditure, including stating that: "*the funding of the mail-out from the stationery allowance and Communications Expenditure [was] in accordance with the principles of the Green Book.*" I asked Mr Fitzpatrick to confirm that the cost of this mail-out had been met solely through his provided stationery allowance.

25. I also asked Mr Fitzpatrick how many pre-paid House of Commons envelopes he had used for this dispatch. Assuming that all these recipients were constituents who had specifically raised the problem of anti-social behaviour with Mr Fitzpatrick, I asked him for about 20 broadly representative examples of the initiating correspondence or communication from those constituents. I said that I took it that the complainant had not raised the question of anti-social behaviour with Mr Fitzpatrick. I asked Mr Fitzpatrick to explain, therefore, how the complainant or his household had come to receive Mr Fitzpatrick's letter in a House of Commons pre-paid envelope. I also asked Mr Fitzpatrick how confident he was that other similar mistakes—if it was a mistake—had not been made.

26. Mr Fitzpatrick replied to me on 28 October.⁷ He said that pre-paid envelopes were used for constituents who had contacted him previously, of their own accord. Other constituents had been invited by direct contact which involved distributing information about the coffee morning via door-knocking and canvassing sessions, and other meetings. Mr Fitzpatrick said that "*My team and I also leafleted the surrounding area, knowing it to suffer problems of crime and anti-social behaviour.*" The mail-out had been from the stationery allowance, and the Communications Expenditure was used for hand-delivered

⁶ WE 6

⁷ WE 7

material. Mr Fitzpatrick also told me that “*approximately 200*” pre-paid House of Commons envelopes had been used in the despatch. He attached examples of letters in which constituents had initiated correspondence with him about anti-social behaviour issues, as well as other casework material such as e-mails and evidence of contact via advice surgery attendance and street encounters.

27. The casework examples were in most cases dated between 2004 and 2009. The communications from constituents included for instance: a call in 2006 for Mr Fitzpatrick to urge the Metropolitan Police to provide more officers to patrol a park where ASB was allegedly increasing; a request in 2007 for Mr Fitzpatrick to press for financial assistance for security gates; a complaint, also from 2007, about damage done to a fence by people playing ball games; a 2008 complaint about anti-social behaviour on an estate, which was passed on to housing managers; a 2009 complaint about difficulties in contacting the police over an alleged case of excessive noise. Mr Fitzpatrick also provided undated records of claims about irregular cleaning of a square, children being intimidated by older children, lack of youth facilities and people throwing rubbish into a back garden.

28. Mr Fitzpatrick said that he could “*only apologise for the error*” of sending the letter to the complainant, who had not raised the issue of anti-social behaviour with him. The household in question was registered on his office’s computer system, and he assumed that the complainant’s name had somehow been transposed in error onto the list of those people interested in the issue of anti-social behaviour. In twelve and a half years, Mr Fitzpatrick said he could remember no other similar error.

29. I wrote to Mr Fitzpatrick on 4 November.⁸ I noted that he had sent me some 27 examples of casework, plus a casework reference list of nine further constituents. Of the 27 examples he had sent me, 10 appeared to date from 2009. The rest were casework from previous years, the earliest being 2004. The casework list did not identify the date when the constituent raised the issue with him. In the light of this, and before I sought the advice of the Department of Resources, I asked him to tell me whether this proportion of the latest cases to others was a fair reflection of the two hundred invitations he had sent out in pre-paid envelopes. I also asked Mr Fitzpatrick for his estimate of how many of the 200 people to whom he had sent his invitation in pre-paid envelopes were current cases, in that there were current and outstanding issues raised by them to which he still had to reply.

30. Mr Fitzpatrick replied to me on 12 November.⁹ He told me that the 27 cases he had sent me were representative of the hundreds (if not thousands) of ASB issues he had dealt with over the years, and were supposed to reflect that timeframe. By way of example of, and reinforcement of, the time period, he enclosed a canvass return from his constituency.¹⁰ He said that “*My team and I knocked on every one of those doors over a number of years,*

⁸ WE 8

⁹ WE 9

¹⁰ Not included in the written evidence

including seven of them in 2009. You will see they are not all my supporters, but reflect a spread of political opinion, and ‘undecideds’.

31. Mr Fitzpatrick said that *“Virtually without exception, every resident raised ASB as an issue of the greatest concern and requested my support for their attempts to get their estate gated. They are plagued by yobs coming into their quiet residential cul-de-sac to peddle/use drugs, play loud music, and damage the cars of residents who ask them to move.”* He said that he had lobbied the council and the police for his constituents, and they were further examples of those to whom he would have written. He also enclosed canvass sheets for several streets, *“indicating our regular activity over recent years”*¹¹ Mr Fitzpatrick said that among them was a regular correspondent on a range of issues, including the visibility of the police: *“These three letters are from 2007, but he invariably raises the issue when I see him—which is regularly.”* Mr Fitzpatrick said that it was, therefore, difficult to be precise about *“the proportion of this year’s to other years, but my guess is that more of them than not would be recent, and most would be live cases.”* Mr Fitzpatrick said that some cases might not have outstanding issues, as a number would have been resolved; but the vast majority were repeating in any case, as *“yobs are displaced for a time and do return a lot later to their previous haunts. Anti-social behaviour is a non-stop issue, hence my enthusiasm to engage residents with their local police teams.”*

32. The complainant wrote to me again on 12 November.¹² He said he now had additional evidence as to the extent of Mr Fitzpatrick’s use of pre-paid House of Commons envelopes and unsolicited correspondence to constituents. The complainant told me that in July 2007 a neighbour had received an unsolicited invitation to a coffee event, in a pre-paid envelope, which was followed up by an unsolicited account of the coffee event. He attached a copy of the letter in which he had redacted the name and address but enclosed the actual envelope used. The complainant also attached a copy of another such letter which he said had been sent in November 2007. He said that the recipient was happy to reveal his name and address, but could not find the envelope. The complainant said that the recipient was prepared to confirm that the correspondence from Mr Fitzpatrick was unsolicited and in a pre-paid envelope, and concluded: *“I would suggest that this is evidence that this use of pre-paid mail is ongoing and extensive.”*

33. I wrote to the complainant on 17 November.¹³ I said that I had considered the further information he had provided in his letter of 12 November¹⁴ and noted that the information comprised a letter sent to an individual whose name the complainant had not disclosed, together with a copy of the pre-paid envelope in which he (the complainant) suggested that letter was sent. I also noted that the complainant had enclosed a copy of an undated letter, again to someone whose name he had not disclosed, following up the event. He had not enclosed a copy of the envelope in which that letter was sent. I noted that the complainant

¹¹ Not included in the written evidence

¹² WE 10

¹³ WE 11

¹⁴ WE 10

had also sent me a copy of a letter of 12 November to a named person, but the recipient could not now identify the envelope, although he believed it was in a pre-paid envelope.

34. I told the complainant that, on the basis of what he had provided, I did not think it would be proportionate for me to conduct separate inquiries into these three dispatches. I noted, for example, that the pre-paid envelope he had sent me, which he believed was used to send the invitation to the coffee morning planned for 18 July, was date-stamped 26 August. I told the complainant that I would, however, pass his letter and the attachments to Mr Fitzpatrick for any comments he might wish to make, and would reflect those further points as necessary in my inquiries into his original complaint.

35. I wrote to Mr Fitzpatrick on 17 November,¹⁵ attaching copies of the complainant's letter of 12 November¹⁶ and my reply of 17 November.¹⁷ I said that I did not propose to initiate a separate inquiry into the three dispatches identified by the complainant. I told Mr Fitzpatrick that I would, however, welcome any comments he might have on the complainant's allegations. In particular, in the context of my inquiries into the original complaint, I asked Mr Fitzpatrick how many occasions in the past three years (2007–08 to present), he estimated that he had sent out invitations to his constituents to attend constituency meetings using House of Commons pre-paid envelopes and notepaper, and how many letters he had sent in this way in each of the relevant financial years.

36. Mr Fitzpatrick replied on 2 December. He said that it was difficult to state precisely how many letters of invitation he had issued to constituents.¹⁸ He had arranged coffee mornings approximately every two to three months over the last two years and had had several other meetings, but not on the same scale. The latest letters were from wards separate from the original event held in Millwall.

37. I wrote to Mr Fitzpatrick on 7 December.¹⁹ I said that, unless he told me otherwise, I would assume that the examples he had sent me were broadly representative of the sort of matters raised in the other wards. I said I would assume also that he had started to use pre-paid envelopes for such events two years previously, but not before. I said I did not think I needed to ask Mr Fitzpatrick at that stage for a clearer idea of the number of pre-paid House of Commons envelopes he may have used in this way over the last two years. I said I considered that a reasonable estimate, based on the frequency of those events and the number of pre-paid envelopes used for the occasion which gave rise to the original complaint, might be that it was up to 1,500 such envelopes.

38. Meanwhile, on 17 November, I had sought the advice of the Director of Operations at the Department of Resources.²⁰ I asked him, in particular, whether, taking account of the

¹⁵ WE 12

¹⁶ WE 10

¹⁷ WE 11

¹⁸ WE 13

¹⁹ WE 14

²⁰ WE 15

content, he considered that it was within the rules for Mr Fitzpatrick to have used his provided stationery allowance to send an invitation letter to his constituents in the circumstances described in his letters, and for the paper and, I assumed, the envelopes for the rest of the dispatch to have been funded from the Communications Expenditure, although it did not appear to have carried a funding imprint. I also asked him if Mr Fitzpatrick had lodged a claim for this expenditure against his Communications Expenditure and if it had been met.

39. On 7 January 2010 the Director of Operations wrote to me.²¹ He noted that the rules governing the use of House stationery, as outlined in the booklet *The Communications Allowance and the use of House Stationery*, stated that “*Pre-paid envelopes may only be used in pursuit of your parliamentary duties. This includes ... correspondence with constituents in connection with an issue on which they have previously contacted you*” (Appendix Four, paragraph 11(d)). The Director said that the rules also stated that “*Pre-paid envelopes may only be used to send updates to constituents on an on-going basis where the updates relate to specific cases which have been raised with you by those constituents ... Pre-paid envelopes may not be used to send updates of more general concern.*” (Appendix Four, paragraph 13)

40. The Director said, “*In general, I would expect ‘Dear Resident’ letters to be funded from the Communications Allowance (now Communications Expenditure) because they are likely to be unsolicited. Mr Fitzpatrick’s letters from 2007 appear to have been addressed to individuals, although the letter has the characteristics of a circular, Mr Fitzpatrick indicates in his letter to you of 12 November that these would have been sent to people whose cases were according to his records ‘live’.*”

41. The Director said that the issue would therefore appear to be whether it was reasonable for Mr Fitzpatrick to treat a general invitation to an event, which was connected to an issue he was dealing with on behalf of the recipient, as if it were in connection with an individual constituency case. He noted Mr Fitzpatrick’s view that it was acceptable to use both pre-paid envelopes and House stationery in the circumstances he outlined. The Director said, “*However, on balance, I would suggest that a straightforward interpretation of the rules would indicate that the usage was in breach of the rules.*”

42. At the same time the Director confirmed that the use of the Communications Expenditure for the distribution of Mr Fitzpatrick’s letters “*would have been perfectly proper. The facility for Members to use House stationery and envelopes is a long-standing one, whereas the Communications Allowance was, in 2007, a very recent innovation. The boundary between the two can sometimes be opaque and Mr Fitzpatrick’s interpretation of the rules is not itself an unreasonable one.*”

43. The Director noted that Mr Fitzpatrick had claimed for envelopes and stationery overprinting from his Communications Expenditure but he said that he was unable to determine, from the claims submitted, if these claims were for the stationery used for the

²¹ WE 16

letters referred to by Mr Fitzpatrick in his letter of 28 October 2009.²² However, the Director said he had “*no reason to doubt Mr Fitzpatrick’s evidence to you on this point.*” He said that under the circumstances “*it would seem entirely appropriate*” for Mr Fitzpatrick to charge the cost of the relevant pre-paid envelopes to his Communications Expenditure.

44. On 2 February the Director of Operations wrote to me again.²³ He estimated that stationery and postage for the communications which were the subject of the complaint – 1,700 communications sent using House of Commons pre-paid envelopes and House of Commons original stationery - cost a total of £557 in the years 2007-08 to 2009-10. He said that if I were to decide that these costs could be offset against Mr Fitzpatrick’s current Communications Expenditure (previous years’ accounts having been closed) the Department would adjust its records accordingly.

45. On 4 February I wrote to Mr Fitzpatrick, attaching my correspondence with the Department of Resources.²⁴ I noted that, while the Department considered that Mr Fitzpatrick’s interpretation of the rules was not in itself unreasonable, on balance they suggested that a straightforward interpretation would indicate that his usage was in fact in breach of the rules.

46. Mr Fitzpatrick wrote to me on 9 February.²⁵ He observed that the Director of Operations referred to the rules stating that pre-paid envelopes and stationery not paid for out of the Communications Expenditure must only be used in relation to specific constituency casework, and that a “*general invitation*” (to a coffee morning) would normally be paid for out of the Communications Expenditure. Mr Fitzpatrick said: “*What I hope I have highlighted in previous replies to you is that the volume and nature of the contact from constituents in the area in question led me to conclude that an appropriate, commensurate and desirable way to pursue the casework brought to me would be to invite those residents to an event at which they could engage in face-to-face contact with the local Safer Neighbourhood Team. In this line of thinking, the coffee morning represented a response to casework that I felt would be appreciated by those who had contacted me.*”

47. Mr Fitzpatrick said that perhaps of even greater relevance was residents’ difficulty in making direct contact with the Safer Neighbourhood Team, or getting the Team “*to follow up issues as they would wish.*” He said that it had struck him that a coffee morning was, in fact, an “*apposite and innovative*” new way for him to act as mediator between resident and police. He often wrote to the police, or emailed them, or set up a meeting between him and a senior officer, to bring constituents’ concerns to the attention of the police, “*when in fact what people often want is to see and speak with local police officers themselves.*”

²² WE 7

²³ WE 17

²⁴ WE 18

²⁵ WE 19

48. Mr Fitzpatrick said that notwithstanding that, he was happy with what he said was my “prompt” to him that the cost of the relevant envelopes could be charged to his Communications Expenditure,²⁶ “*should the case I have made fall short of your benchmark*”.

49. Mr Fitzpatrick said that he had at no time tried to undermine or compromise the rules of the House, or misuse public money, or seek political advantage illegally. He had tried to perform his duties to the best of his ability and as conscientiously as he believed appropriate. “*In the climate of MPs being accused of all manner of transgressions and indulgences, I would appeal to you to judge me on my record over more than twelve years and accept my explanation as not being ‘unreasonable’. I fully accept the need to be absolutely scrupulous in record-keeping, and this experience has served to make me determined to focus to an even greater extent on doing so now and in the future.*”

50. Mr Fitzpatrick attached an email sent to him in January 2010 by a constituent, chair of the management company of an estate in the area, who had been invited to the coffee morning in question because her area had clearly been identified as one in which anti-social behaviour was a problem.²⁷ In the email the constituent noted that she had met Mr Fitzpatrick the previous summer on the problem of security on her street, “*because Tower Hamlets Council had refused our planning application to erect front entrance gates across the only public entrance to our estate. You kindly wrote letters on our behalf to the police and Tower Hamlets Planning advising of the vandalism and anti-social behaviour we were experiencing.*”

51. As a result, the constituent said, she had received a survey report from the police which “broadly supported our need for security and protection. We appealed against the planning refusal and I am delighted to say that we overturned the refusal, we have received formal planning permission to erect front entrance gates. So thank you Jim for helping your constituents on [the street]. We appreciate it.”

52. Mr Fitzpatrick said that the constituent’s email provided the strongest of evidence to support the points he had made, in that it demonstrated that, at the coffee morning “*local people reinforced the concerns they had expressed regarding anti-social behaviour by attending the coffee morning and using it to enlist my support. They used the forum to provide more detailed information on an existing problem, and I think this shows that the coffee morning invitation was not unsolicited and not something designed to ‘drum up new business’ or ‘gain political advantage’ to coin two phrases.*”

53. I wrote to Mr Fitzpatrick on 15 February.²⁸ I said that I had carefully noted the points he had made in respect of the advice given in the letter of 7 January from the Director of Operations. I said I recognized too the points he had made, but that I was currently

²⁶ This relates to a suggestion made by the Director of Operations in his letter to me of 7 January (WE 16)

²⁷ WE 20

²⁸ WE 21

minded to take the view that this communication was not sufficiently related to the saving in the rules that pre-paid envelopes may only be used to send updates to constituents if the updates related to specific cases which had been raised by those constituents. I noted that the rule also went on to say that pre-paid envelopes may not be used to send updates of more general concern. I said I believed I had established that Mr Fitzpatrick's invitation to his constituents—even if it could be interpreted as an update—had been related to matters of more general concern and not related to a specific case raised by each of the constituents to whom he had written using these envelopes. I said I was reinforced in this view by the fact that the Communications Allowance (now Communications Expenditure) was introduced specifically to enable a Member to communicate with groups of their constituents.

54. I told Mr Fitzpatrick that I needed now to consider with him how best to resolve this matter. I said I was, of course, open to further argument about my provisional conclusion. Equally, I told him that he was not bound to accept that provisional conclusion. If he were not to accept it, then I would prepare a memorandum for the Committee on Standards and Privileges and the Committee would need to consider this matter and reach its own conclusion on the basis of that memorandum.

55. I said that it was open to me under the Standing Orders of the House, however, to decide that I could myself resolve the matter through the rectification procedure. In order to do so, the Member would need to accept that he had been in breach of the rules of the House and to have taken appropriate action to rectify that breach. The Committee would also expect the Member to have apologised. I said I was able to use this procedure if I considered that the Member had taken satisfactory action and if I was satisfied that the breach did not fall within the serious end of the spectrum. I said that, after carefully considering the matter, I had decided that I would be ready to resolve this complaint through the rectification procedure, since I did not consider that the breach was at the serious end of the spectrum. I considered it would be acceptable, if Mr Fitzpatrick agreed to it, that the full cost of the stationery used for the invitations which had been the subject of the complaint and for similar letters which he said he had sent in the previous two years should be taken from his 2009–10 Communications Expenditure provision. I noted that the Department of Resources estimated that the total cost would be £557.²⁹

56. Mr Fitzpatrick replied to me on 23 February, saying that he had considered my conclusion that the cost of the despatches in question should have been met from his Communications Allowance (now Expenditure).³⁰ Given that “*we have covered all relevant issues*”, Mr Fitzpatrick said, “*I do not think it would alter the outcome if I were to proffer further evidence or explanation.*” He said, “*I accept your judgement and would like to make arrangements to repay the sum of £557 through the rectification procedure.*” Mr Fitzpatrick noted, however, that he only had £533 left in his Communications Expenditure, and he asked me to advise him of the best way forward.

²⁹ WE 17

³⁰ WE 22

57. I wrote to Mr Fitzpatrick on 25 February, suggesting that he should transfer an appropriate sum up to the ceiling on his Communications Expenditure for 2009-10, and meet the rest from his own resources.³¹ I attached a draft of a letter which I proposed to send to the complainant and asked him to check it for factual accuracy.

58. Despite sending him a number of reminders, I received no response from Mr Fitzpatrick until he emailed my office on 29 March, indicating that he did not wish to accept my decision in this matter and wished to request a hearing before the Standards and Privileges Committee.³² On 31 March Mr Fitzpatrick wrote to me. He said, *“I have further considered the matter and concluded that I am still unhappy about the inability of an MP to deal with the serious issue of anti-social behaviour on behalf of residents in the way that I did. I wish therefore to have the matter considered by the Standards and Privileges Committee.”*³³

59. I wrote to Mr Fitzpatrick on 6 April, noting his decision not to accept the rectification of this complaint.³⁴ I told him that I would, therefore, submit a memorandum to the Committee on Standards and Privileges when Parliament resumed, and once the Committee was appointed. I also asked Mr Fitzpatrick to let me know why he had accepted rectification in his letter of 23 February, but, despite reminders, did not respond further to the draft of the rectification letter, which I had sent him on 25 February to check its factual accuracy, until he emailed my office on 29 March to say that he did not wish to accept this decision.³⁵ I asked him, in particular, whether he had in any way been influenced in this decision by the imminence of the forthcoming general election. I also asked him to provide me with a statement of how he considered that his actions were within the rules of the House, contrary to the advice given in the Department of Resources’ letter of 7 January. I wrote to Mr Fitzpatrick on 18 May, confirming that, as the new Parliament had assembled, I was resuming my work on this complaint.³⁶

60. Mr Fitzpatrick responded to me on 24 May, saying that he had found that he could not ignore his feelings of unease at any suggestion that he had acted improperly or against his duties as an MP.³⁷ He said that whilst he understood that I recognised he was entitled to bring together constituents concerned about anti-social behaviour, but that it should have been funded from separate expenses, ultimately he had felt *“uncomfortable at having to accept the charge that I had been ‘in breach of the rules of the House’ . This was not influenced by the imminence of a general election. The general election happened to coincide with this matter.”*

³¹ WE 23

³² WE 24

³³ WE 25

³⁴ WE 26

³⁵ WE 24

³⁶ Not included in the written evidence

³⁷ WE 27

61. He had also felt that his willingness to repay the relevant amount from the correct account should have sufficed, *“without having it said of me that I had been ‘in breach of the rules of the House’. It is the spirit of this charge that upsets me. I would emerge from the episode as a wrong-doer, rather than as someone who had tried to do the right thing by my constituents.”* Mr Fitzpatrick said that he strongly believed that when constituents were raising with him real issues of anti-social behaviour, he would have been in breach of his duty or responsibility, as their local representative, had he done nothing.

Findings of Fact

62. In July 2009 Mr Fitzpatrick dispatched to constituents in the area invitations to a coffee morning to be held on 18 July at a primary school in his constituency. The coffee morning was said in the invitation to be an opportunity for constituents to voice their concerns about crime and anti-social behaviour issues in the area. The local police Safer Neighbourhood Team were invited to attend. Some constituents received hand-delivered letters and those invitations were funded from Mr Fitzpatrick’s Communications Expenditure. In addition some 200 House of Commons second-class pre-paid envelopes and sheets of notepaper were used for constituents who, Mr Fitzpatrick believed, had contacted him previously about these issues. The complainant appears to have been included accidentally in this group. It is common ground that in some cases constituents’ contacts with Mr Fitzpatrick’s office dated back to 2004. Mr Fitzpatrick has agreed that in addition to the 200 letters sent in respect of the 18 July 2009 coffee morning he may have sent up to a further 1,500 similar letters using House of Commons provided stationery and original envelopes in the two years up to November 2009.

63. The Department of Resources’ view is that in general they would expect invitations of the sort dispatched by Mr Fitzpatrick to have been funded from the Communications Allowance (subsequently Communications Expenditure) because they were likely to have been unsolicited. The Department says that the boundary between the stationery allowance and the Communications Expenditure can sometimes be opaque and Mr Fitzpatrick’s interpretation of the rules was not itself an unreasonable one. On balance, however, the Department believes that a straightforward interpretation of the rules would indicate that Mr Fitzpatrick was in breach of the rules when he used pre-paid envelopes in this way. At the same time the Department says that the use of the Communications Expenditure for the dispatch of Mr Fitzpatrick’s letters would have been perfectly proper.

64. Mr Fitzpatrick considers that his decision to organise the coffee morning on 18 July stemmed from the casework he had received from constituents concerned about crime and anti-social behaviour (ASB) in the neighbourhood of the school, and about the response of the police to that behaviour. He argues that, given the volume and nature of the contact on ASB from constituents in the area in question, it was appropriate, commensurate and desirable to invite those residents to an event at which they could have face-to-face contact with the local police Safer Neighbourhood Team. He believes that the majority of invitations sent using pre-paid House of Commons envelopes and provided stationery were sent to constituents who had contacted him previously, of their own accord.

65. Mr Fitzpatrick initially accepted that he was in breach of the rules of the House in using his provided stationery account for some of these dispatches, agreed to apologise and agreed that the costs of the 1,700 letters involved (£557) could be taken from his 2009-10 Communications Expenditure. On further reflection, however, he decided that while he was willing to repay the sum involved from the relevant parliamentary account, he was uncomfortable with accepting that he was in breach of the rules of the House. He considers that his use of his provided stationery account to send invitation letters to constituents on his casework database was justified by the need for him to respond to his constituents' concerns about anti-social behaviour in their neighbourhood.

Conclusions

66. The issue I am to resolve is whether Mr Fitzpatrick was within the rules in using House of Commons pre-paid envelopes and House of Commons original stationery to send to some of his constituents invitations to a meeting with him on anti-social behaviour.

67. The questions I have considered are:

- b) Was Mr Fitzpatrick permitted to use parliamentary resources to pay for the dispatch of invitations to a constituency meeting?
- c) Was Mr Fitzpatrick within the rules in using original House of Commons stationery and pre-paid House of Commons envelopes for some of this dispatch?

Was Mr Fitzpatrick permitted to use parliamentary resources to pay for the dispatch of invitations to a constituency meeting?

68. It is entirely reasonable, and within the rules, for Members to write to their constituents, including sending them, or groups of them, invitations to constituency meetings. The important rider is that these invitations should be for the purpose of performing the Member's parliamentary duties and should not be used for meetings of a party political nature.

69. There is, in my judgement, nothing party political in the letter which Mr Fitzpatrick sent to residents to meet him at a coffee morning to discuss crime and anti-social behaviour in a part of his constituency. I conclude, therefore, that at the time that these letters were sent in July 2009, the cost of the letters and of dispatching them could legitimately have been met from parliamentary resources.

Was Mr Fitzpatrick within the rules in using original House of Commons stationery and pre-paid House of Commons envelopes for this dispatch?

70. Not all of Mr Fitzpatrick's invitations were sent using his provided stationery. Some were hand-delivered to constituents and, in those cases, Mr Fitzpatrick's evidence is that these letters were funded from his Communications Expenditure. That was, in my view, entirely acceptable. The Communications Expenditure was intended to enable Members to communicate proactively with their constituents. In other words, the Communications Expenditure budget could be used by Members who wanted to invite groups of their

constituents to local meetings, as long as they were, as these were, in pursuit of the Member's parliamentary duties.

71. But Mr Fitzpatrick also sent some 200 letters using provided stationery—original House of Commons notepaper and pre-paid House of Commons envelopes. In the previous two years (to the beginning of December 2009, when I raised this matter with him), he accepted that he had used his provided stationery to send 1,500 further letters to constituents to invite them to similar meetings. Mr Fitzpatrick's argument was that these residents had raised anti-social behaviour issues with him and he was, therefore, permitted under the rules to use this stationery to write again to these constituents on anti-social behaviour issues.

72. I do not find Mr Fitzpatrick's arguments convincing. I consider that the advice of the Department of Resources, who considered the evidence in this case, is to be preferred. Their advice is that, "*a straightforward interpretation of the rules would indicate that the usage was in breach of the rules.*" I agree.

73. I consider that the purpose of provided House stationery and pre-paid House of Commons envelopes, set out in the April 2007 rules, was to ensure that this stationery was used to send individual replies to constituents who had raised a particular matter with the Member. Pre-paid envelopes could only be used to send further correspondence to constituents when that correspondence was an update relating to a specific case raised by the constituent. The rules state in terms that pre-paid envelopes must not be used to send updates of "*more general concern*". The Communications Expenditure (formerly the Communications Allowance) was specifically introduced to enable Members of Parliament to send unsolicited and common format letters to their constituents.

74. The common format invitation which Mr Fitzpatrick sent to his constituents cannot, in my judgement, reasonably be said to meet the requirements or the purpose of House of Commons provided stationery. The letters were not personally addressed (they were addressed to "*Dear Resident*"). There was no specific reference in the letters to any particular matter raised previously by the constituent. The letter was not an update on a particular case. It was self-evidently to allow constituents to raise matters of general concern. Some of the examples he showed me of the correspondence from constituents which led Mr Fitzpatrick to argue that he was sending updates on specific cases, date from 2004-05—more than four years before the invitation letter was sent. Mr Fitzpatrick accepts that one constituent (the complainant) received the invitation in a House of Commons pre-paid envelope even though he had never raised this concern with Mr Fitzpatrick.

75. It would require a wholly unnatural—and, I consider, unnecessary—application of the rules to the circumstances described by Mr Fitzpatrick to suggest that Mr Fitzpatrick's provided stationery account should have been used for these invitations. Unnatural, because the clear purpose of the rule is to confine the use of original House stationery for letters to constituents to personal communications between the Member and their constituent on specific matters raised by that constituent. Unnecessary, because unsolicited

common format letters could, at the time, have been sent using the Communications Expenditure.

76. My conclusion, therefore, is that Mr Fitzpatrick was in clear breach of the rules of the House in using House of Commons provided stationery and House of Commons pre-paid envelopes to send invitations to his coffee morning meeting to some 200 of his constituents in July 2009. I therefore uphold this complaint. I find also that Mr Fitzpatrick had been in breach of the rules in the previous two years in sending some 1,500 similar letters using provided House stationery.

77. I note that, on 23 February, Mr Fitzpatrick accepted that he was in breach of the rules in using House of Commons provided stationery rather than the Communications Expenditure for his invitation letters. He agreed also that the cost of these dispatches (some 1,700 letters and envelopes) should be met principally from his Communications Expenditure account for 2009–10, with the balance being met from his own resources. The total sum was £557: the balance was £24. Mr Fitzpatrick accepted that I should rectify the matter by writing to the complainant with my conclusions. It was not at that stage a matter which needed to be submitted to the Committee. I wrote to Mr Fitzpatrick on 25 February inviting him to confirm the factual accuracy of the letter which I proposed to send. Some five weeks later, and with the dissolution of Parliament fast approaching, Mr Fitzpatrick rescinded his decision and asked that I submit this memorandum to the Committee in the new Parliament.

78. It is difficult to see the point of principle which Mr Fitzpatrick deemed required consideration by the Committee and the House. The question is not whether he could write to his constituents to invite them to a coffee morning. The only question is which parliamentary allowance can be used to meet the costs of sending that invitation. The Department's clear advice was that provided House stationery could not be used. That was also my own conclusion. It was a conclusion at one stage accepted by Mr Fitzpatrick.

79. My responsibility is to decide, on the basis of the evidence I receive, whether I consider that a Member has breached the rules of the House. Where a breach is relatively minor, as I consider it to be in this case, I say so. But I cannot accept a repayment without coming formally to a conclusion on the matter. Mr Fitzpatrick was in my judgement mistaken in believing that it could have been acceptable to have made no finding on the basis of his making a repayment from his Communications Expenditure provision.

80. While I think it is right that any Member should be able to ask that a matter be put to the Committee, the effect of Mr Fitzpatrick changing his mind after such a length of time has been to introduce an unnecessary but unavoidably long delay in resolving what, on the merits, is a breach well towards the less serious end of the spectrum. What makes this matter more serious, in my judgement, is the length of time Mr Fitzpatrick took to respond to my letter after he had already agreed to the resolution of this complaint. This had the effect, as he must have known it would have, of preventing this matter being resolved before the General Election and delaying its resolution into the new Parliament.

General points

81. This complaint does, however, provide an opportunity to identify some matters in relation to House of Commons stationery which may be relevant for the new Parliament. The House will continue to be responsible for the provision to Members of original House stationery and House of Commons pre-paid envelopes. Other stationery may be eligible to be claimed on expenses under the expenses scheme introduced by the Independent Parliamentary Standards Authority (IPSA). Given that the funding for stationery may therefore come from two separate sources, I make the following observations:

- i) The House authorities and IPSA should liaise closely on the rules in relation to expenditure on stationery which each administer to ensure that there is a consistent set of principles and policies in relation to the use of publicly-funded stationery. These rules should ensure that these funds may properly be used by Members to communicate on parliamentary business with their constituents and others, but not in furtherance of their party political or personal interests.
- ii) House of Commons provided stationery and pre-paid envelopes should only be used when a Member writes specifically to a constituent in response to a particular issue which that constituent has raised, or where the Member is writing a specific letter to a person in another organisation or body in pursuit of their parliamentary duties. As a rule of thumb, provided House stationery and pre-paid envelopes should not be used for a common format letter, particularly if the letter does not relate to a specific identified matter and is not personally addressed or signed. That rule might need to be modified in respect of petitions addressed to but not instigated or encouraged by a Member: however such a saving would need careful definition.

82. The purpose of these rules should be to retain the distinctiveness in a constituent's mailbox of a personal letter sent to them by a Member of Parliament. It is, in my judgement, a misuse of this stationery if, on opening the letter, the constituent finds that they are receiving a circular letter sent in like form to many others. It was to avoid such misuse that a cap on the amount of House of Commons provided stationery was introduced in April 2007. It may be right now for the House to reinforce that cap by reviewing and tightening the rules on the use of provided House of Commons stationery, taking account of the principles set out above.

10 June 2010

John Lyon CB

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr Peter Golds, 3 September 2009

I am a resident of the Poplar and Canning Town constituency represented by Jim Fitzpatrick.

I enclose a copy of an unsolicited letter on House of Commons official notepaper and using a House of Commons franked envelope inviting residents to meet Mr Fitzpatrick. I have retained the originals.

It is less than a year from an election and a meeting event such as this should be organised by the member concerned using his or her own money, or that of their political party.

As a taxpayer I do not expect my local MP to be sending out large numbers of these letters at my expense. I can confirm that many were sent to residents in [...] and other residents have expressed surprise that they should be paying for this.

I look forward to your investigating this case and Mr Fitzpatrick reimbursing the Commons authorities for using our money for such purposes.

I note that his colleague Ann Keen has had to reimburse money for doing this.

3 September 2009

2. Letter sent to constituents by Mr Jim Fitzpatrick MP, July 2009

Dear Resident,

Meet your MP at a coffee morning: Saturday 18th July from 10am to 12pm Seven Mills Primary School Malabar Street, Alpha Grove.

I am writing to invite you to a special coffee morning I am holding on crime and anti-social behaviour issues in your area, on Saturday 18th July at Seven Mills Primary School between 10am to 12pm. The coffee morning is designed to give you an opportunity to voice your concerns, exchange ideas and plan our next steps alongside Millwall Safer Neighbourhood Team and your fellow neighbours on an informal and confidential basis.

From talking to residents in the area I know only too well that many people have concerns about crime, drugs and anti-social behaviour. That is why I have invited the local police to attend. I recognise what the public has known for some time—when police patrol the street on foot you get less crime. The Safer Neighbourhood Teams are the eyes and the ears of the Metropolitan Police: any information you can provide them about crime and anti-social behaviour will be treated by them with complete confidentiality. If you can't attend the coffee morning but still want to contact the Millwall Team, they can be reached on [...].

I hope that you can attend, and I look forward to meeting you on Saturday 18th July from 10am to 12pm at Seven Mills Primary School. Refreshments and hot drinks will be provided on the day.

July 2009

3. Letter to all Members from the Director of Operations, Department of Resources, 15 December 2009

I wrote to you about the Members Estimate Committee decisions on 23 November in respect of the Communications Expenditure. You will recall the context was the forthcoming implementation of Section 21

of the Political Parties and Elections Act 2009. The MEC has now finalised important changes to the Communications Expenditure which have immediate consequences for your offices.

From the 1 January 2010 the Communications Expenditure will be suspended for the majority of costs normally incurred. No claims for expenditure incurred on or after 1 January 2010 will be paid from the Communications Expenditure except when used to pay for the following:

- Surgery posters or small advertisements in local and regional newspapers; these must not include party colours, logos or slogans and should not include other extraneous material.
- Contractual agreements associated with the maintenance or lease of equipment entered into on or before the 23 November 2009.
- Cancellation fees for any goods or services entered into on or before the 23 November 2009, if the goods or services cannot be provided by 31 December 2009.

You cannot therefore use the Communications Expenditure or utilise resources acquired from the Communications Expenditure from 1 January 2010 for:

- The production and distribution of newsletters, Parliamentary reports, targeted letters, petitions and surveys.
- The production and distribution of surgery leaflets and flyers (*in other words a ban on anything that can be put through the letter box*).
- The purchase of office and other equipment.
- Services associated with website maintenance, development or updating (this includes automatic feeds which update websites).

I attach a guidance note with Q and A which explains the position in more detail. You are strongly advised to take advice from the Department of Resources before committing to any expenditure from the Communications Expenditure.

If you would like further advice on this matter, or if you have any other questions about the Communications Expenditure, please phone the Department of Resources on 020 7219 4757.

15 December 2010

4. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 1 October 2009

I would welcome your help on a complaint I have received from Mr Peter Golds about your use of pre-paid envelopes and perhaps House of Commons stationery to invite some of your constituents to a coffee morning.

I enclose a copy of the complainant's letter of 3 September (which has only just reached me) with its enclosures, including a copy of your letter of July 2009 to a constituent and a copy of a second class pre-paid House of Commons envelope in which the complainant said it was sent.

I have not accepted that part of the complaint which relates to your use of any Parliamentary resources for this communication since the Communications Expenditure budget exists to enable Members to communicate proactively with their constituents as long as the communication does not include party political material. In essence, therefore, the complaint which I shall be inquiring into is that you have used pre-paid House of Commons envelopes to send unsolicited correspondence to some of your constituents, and may have drawn on your allowance of original House stationery for the paper.

Paragraph 14 of the Code of Conduct for Members provides 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 principles underlying the parliamentary allowances are set out in the July 2009 Green Book. These include the following:

“Claims should be above reproach and must reflect actual usage of the resources being claimed.

...

Individual Members take personal responsibility for all expenses incurred, for making claims and for keeping records, even if the administration of claims is delegated by them to others.”

Paragraph 2.6.1 of the Green Book explains the purpose of the allowance for House stationery and postage

“Purpose of the facility

A cash-limited provision of House stationery and pre-paid envelopes is made available to Members for their parliamentary duties.”

Paragraph 2.6.3.1 makes the following provision in respect of pre-paid envelopes:

“Pre-paid envelopes are designed to enable you to reply to letters or other contacts you receive, and to write to individuals and organisations in pursuit of your parliamentary duties. They should not be used to send mail to people on issues on which they have not previously contacted you. You can use stationery and pre-paid envelopes to respond to contacts you have received through any medium.”

The same paragraph also identifies circumstances where pre-paid envelopes must not be used, including:

- *“for correspondence you instigate with constituents on issues on which they have not previously contacted you.”*

Paragraph 2.6.3.2 sets out provisions in relation to the use of House stationery. It includes the following paragraph:

“If you wish to use House of Commons stationery to write to people on issues on which they have not previously contacted you, you must purchase it from the suppliers, not as part of your cash-limited entitlement. Alternatively, you may photocopy stationery which includes the crowned portcullis and the words ‘House of Commons’...”

The rules in relation to Communications Expenditure are also set out in the Green Book of July 2009. Section 2.5.1 sets out the purpose of the allowance as follows:

“Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.”

The same paragraph gives examples of appropriate expenditure, including:

- *“Regular reports and constituency newsletters; questionnaires, surveys and petitions*
- *Contact cards*
- *Distribution costs*
- *Advertising of surgery and constituency meetings”.*

The Green Book is supplemented by the booklet entitled *The Communications Allowance and the use of House stationery* which was published in April 2006. This sets out the rules on producing newsletters and other publications from the Communications Expenditure, formerly the Communications Allowance. Paragraph 18 provides as follows in relation to the Communications Expenditure:

“Your publication must include a short notice explaining that costs are to be met from the allowances, and giving the source of any other funding.”

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

1. The circumstances in which you came to invite some of your constituents to your coffee morning;
2. Which constituents were targeted for your letter and how many such letters you sent out;
3. The source of the notepaper used for your letter, and specifically whether it was it drawn from your stationery allowance, or funded by your Communications Expenditure or by yourself;
4. If the notepaper used for the letter was not drawn from your stationery allowance but funded from your Communications Expenditure, why it did not include a notice identifying the funding source;
5. The distribution arrangements for this letter including how many second class (or first class) House of Commons pre-paid envelopes you used for this dispatch;
6. Whether you at any time consulted the Department of Resources about any aspect of your letter or its dispatch.

Any other comments you may 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 be very grateful if it were possible to let me have a response to this letter within the next three weeks. If you would like a word about any of this, please contact me at the House.

I would be most grateful for your help on this matter.

1 October 2009

5. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 20 October 2009

Thank you for your letter of 1 October 2009 regarding the above. I understand the complaint into which you are inquiring is that I have used pre-paid House of Commons envelopes to send unsolicited correspondence to some of my constituents, and may have drawn on my allowance of original House stationery for the paper.

As a framework, I shall use the six points you outline on page three of your letter. Firstly, however, I would like to highlight my primary and substantive response to your line of inquiry thus:

I did not use pre-paid House of Commons envelopes to send unsolicited correspondence to some of my constituents. The envelopes that were paid for from the stationery allowance were posted to constituents who had previously written to me on the subject matter of the coffee morning, ie. crime and anti-social behaviour.

1. The circumstances in which I came to invite some of my constituents to my coffee morning.

The coffee morning in question—at Seven Mills Primary School, Malabar Street, Alpha Grove, London E14—had as its focus crime and anti-social behaviour. My letter to constituents informed them, *“the coffee morning is designed to give you an opportunity to voice your concerns, exchange ideas and plan our next steps alongside Millwall Safer Neighbourhood Team...”*

The decision to organise such an event stemmed from the large amount of casework I receive in respect of crime and anti-social behaviour in neighbourhoods. (It is the number one issue of concern. Such casework comes to me during my weekly Saturday door-knocking sessions; incidental encounters in the streets; by email, letter and fax; and my Friday evening advice surgeries.) Coupled with this is an allied concern communicated by constituents that they often find it difficult to make contact with the police, and/or obtain a swift response from the police service. As such, the SNT’s attendance was integral to ensuring the event met

the needs of my constituents who had made clear to me their desire for the police to listen to, answer, and follow up concerns.

I would also like to emphasise here the contemporary relevance and importance of such an event in terms of engendering social cohesion in a multicultural area. My constituency has a significant Muslim population, and the coffee morning format provides a valuable interface between them, their elected representative and the police.

Thus, I concluded that a coffee morning would not only provide a timely and appropriate response to constituents' concerns over crime and ASB, but would also facilitate the kind of access they sought to me and to their local police team, and encourage the social cohesion often debated but not always facilitated in such a tangible way.

Lastly, a coffee morning held on a Saturday provides an additional, more convenient and relaxed way for constituents to access me and the police than a busy Friday evening advice surgery, whilst retaining the kind of face-to-face aspect so valued by constituents.

2. Which constituents were targeted for my letter and how many such letters I sent out.

I organised the coffee morning in the middle of an area from which a great deal of crime and ASB casework had stemmed. Constituents living in the environs of the school were invited—ie. streets from which crime and anti-social behaviour casework had emanated. Indeed, I have followed up such casework from the very street from which the complaint comes, ie. [street name] involving youths on mini-motos and skateboards; drug use; prostitution; break-ins; theft; travellers living in an empty vehicle; the need for CCTV. It is worth pointing out that this issue has been so important in [street name] that I wrote to the Council about the residents who were in the process of installing gates on the estate, and who had paid for night-time security in the interim. I had asked the Council if it might be able to assist in funding the gates.

On my casework computer system I have a great deal of additional casework logged from the surrounding area, and the people in these streets received my letter about the coffee morning. You will gather this amounted to hundreds.

3. The source of the notepaper used for my letter, and specifically whether it was drawn from my stationery allowance, or funded by my Communications Expenditure or by myself.

The letters posted had notepaper paid from my stationery allowance.

4. If the notepaper used for the letter was not drawn from my stationery allowance but funded from my Communications Expenditure, why it did not include a notice identifying the funding source.

It was from my stationery allowance.

5. The distribution arrangements for this letter including how many second class (or first class) House of Commons pre-paid envelopes I used for this dispatch.

Some were posted, some were hand-delivered. Those that were posted were second-class. Hand-delivery provided an opportunity for greater personal contact with constituents. As I have outlined in response to point 2, the number posted was in the hundreds.

6. Whether I at any time consulted the Department of Resources about any aspect of my letter or its dispatch.

No. I had spoken with others who had organised similar coffee mornings in other constituencies and whom I understood had already clarified the situation with the Department.

The matters outlined above accord with Paragraph 2.6.3.1 of the Green Book, which states that pre-paid envelopes must not be used, "for correspondence you instigate with constituents on issues on which they have not previously contacted you." I hope I have explained that any pre-paid envelopes bought from the stationery allowance for this purpose were sent to constituents who had written to me on the issues of crime and anti-social behaviour.

Further to the above, I refer to Section 2.5.1 of the Green Book, relating to Communications Expenditure—ie. *“Communications Expenditure is designed to help Members communicate proactively with their constituents about their work in furtherance of their parliamentary duties.”* In writing to local people whom I knew to be affected by crime and ASB, and in inviting them to an event designed to address and tackle those concerns, I believe I acted in furtherance of my parliamentary duties. At a time when MPs are being asked to be more available, accessible and transparent, I also feel my contact with constituents in this way responds to such demands.

Thirdly, Section 2.5.1 also provides examples of appropriate Communications Expenditure, and includes, *“Advertising of...constituency meetings.”* The coffee morning was one such constituency meeting: not political, not seeking to gain political advantage, but for constituency neighbourhoods with previously declared crime and ASB concerns. The fact that I included in my mail-out people who were of an opposite political persuasion (eg. the complainant’s household) does, I think, demonstrate there was nothing underhand or untoward in my efforts.

I hope the above demonstrates the veracity of my coffee morning mail-out to constituents on the Isle of Dogs and the funding of the mail-out from the stationery allowance and Communications Expenditure, in accordance with the principles of the Green Book. I believe my explanation of this matter refutes the complainant’s implication that such an activity was not an appropriate use of my stationery allowance or Communications Expenditure or against the interests of the residents of [street name] and its vicinity.

Lastly, I hope you will be aware that my record on MPs’ expenses has been exemplary, and this makes me ponder the political motives of the complainant—an active member of, and councillor for, an opposition party in the local borough—in attempting to sully my reputation. (I have encountered not a single other complaint regarding this or other coffee mornings—indeed, quite the reverse.) Organising such an event was, I believe, the action of a diligent MP, cognisant of his responsibilities to his constituents. It is worrying to me that a local opposition councillor would seek to waste taxpayers’ money by pursuing such a complaint and attempting to dress it up as his own concern about inappropriate use of taxpayers’ money.

I shall of course be happy to provide further information or clarification, and I await your response in due course.

20 October 2009

6. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 21 October 2009

Thank you for your letter of 20 October responding to mine of 1 October about this complaint.

I was most grateful to have this response. You kindly offered to provide further information or clarification if I needed it, and it would indeed be helpful if you could clarify the following points:

1. That all the letters you sent in House of Commons pre-paid envelopes were to constituents who had specifically raised with you the problem of anti-social behaviour. I ask this because your letter suggests that you may have invited constituents who had not, on the face of it, raised this issue specifically with you, namely: *“Constituents living in the environs of the school were invited... I have a great deal of additional casework logged from the surrounding area, and the people in these streets received my letter about the coffee mornings.”*

2. That no part of your communication, neither the paper nor the cost of dispatch, for the invitations posted out or those hand delivered, was met or intended to be met from the Communications Expenditure. I raise this because you make a number of references to the Communications Expenditure, including stating that: *“the funding of the mail-out from the stationery allowance and Communications Expenditure [was] in accordance with the principles of the Green Book.”* If I understand the rest of your letter, the cost of this mail-out was met solely through your provided stationery allowance.

It would be helpful also to have the following further information:

1. How many pre-paid House of Commons envelopes you used for this dispatch. You say that the number was “*in the hundreds*”, but it would be very helpful if you could check your database and give me the best estimate you can of how many such envelopes were used.

2. Assuming that all these recipients were constituents who had specifically raised the problem of anti-social behaviour with you, could you give me some examples of the initiating correspondence or communication from those constituents—20 broadly representative examples would be most helpful?

3. I take it that the complainant had not raised the question of anti-social behaviour with you. Could you, therefore, explain how he or his household came to receive your letter in a House of Commons pre-paid envelope? And could you let me know how confident you are that other similar mistakes—if it was a mistake—have not been made?

If it were possible to let me have a response to these additional points within the next two weeks, I would be most grateful. Subject to your responses, I would hope then to consult the Department of Resources.

Thank you again for your help.

21 October 2009

7. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 28 October 2009

Thank you for your letter of 21 October. I hereby set out my response to the five points you need clarifying:

1. Pre-paid envelopes were used for constituents who had contacted me previously, of their own accord.

Other constituents were invited by direct contact which involved distributing information about the coffee morning via door-knocking and canvassing sessions, and other meetings. My team and I also leafleted the surrounding area, knowing it to suffer problems of crime and anti-social behaviour.

2. The mail-out was from the stationery allowance, and the Communications Expenditure was used for hand-delivered material, as outlined above.

The second part of your correspondence:

1. Approximately 200.

2. Of those contacted by letter, please find enclosed, as requested, examples of initiating correspondence, including e-mails; or evidence of contact via advice surgery attendance, street encounters, and similar in which constituents sought to enlist my help and support.

3. I can only apologise for the error. The household in question is registered on my office’s computer system. As I explained when we met, the address is the home of Councillor Golds and [...] ... As a local Councillor, Mr Golds would be on several fields, and I can only assume this was somehow transposed in error onto the ‘anti-social behaviour’ list. In twelve and a half years, I remember no other similar error concerning [...], nor any other constituent. Again, I can only apologise.

I hope this provides the clarification you seek. Please let me know if I can assist further.

28 October 2009

8. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 4 November 2009

Thank you very much for your letter of 28 October responding to mine of 21 October asking for some further information to help me in considering this complaint about your use of House of Commons stationery.

I was very grateful for such a prompt and full response. You have sent me some 27 examples of casework, plus a casework reference list of 9 further constituents. Of the 27 examples you have sent me, 10 appear to date from 2009. The rest relate to casework from previous years, the earliest being 2004. The casework list does not identify the date when the constituent raised the issue with you.

In the light of this, and before I seek the advice of the Department of Resources, it would be very helpful to know whether this proportion of this year's cases to others is a fair reflection of the two hundred invitations you sent out in pre-paid envelopes. It would also be helpful if you could give me your estimate of how many of the 200 people to whom you sent your invitation in pre-paid envelopes were current cases, namely there were current and outstanding issues raised by them to which you still had to reply.

Once I have your response, I would hope then to seek the advice of the Department of Resources. If you can do that within the next two weeks, that would be most helpful.

Thank you again.

4 November 2009

9. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 12 November 2009

Thank you for your letter of 4 November. Further to your correspondence, please find my responses to the questions you raised.

The 27 cases we sent you were representative of the hundreds (if not thousands) of anti-social behaviour (ASB) issues I have dealt with over the years, and were supposed to reflect that timeframe.

By way of example of, and reinforcement of, the time period, I am enclosing a canvass return (which I ask you to treat with the utmost confidentiality) from [...].³⁸ My team and I knocked on every one of those doors over a number of years, including seven of them in 2009. You will see they are not all my supporters, but reflect a spread of political opinion, and “undecideds”.

Virtually without exception, every resident raised ASB as an issue of the greatest concern and requested my support for their attempts to get their estate gated. They are plagued by yobs coming into their quiet residential cul-de-sac to peddle/use drugs, play loud music, and damage the cars of residents who ask them to move.

I have lobbied the council and the police for my constituents, and they are further examples of those to whom I would have written.

I noticed we sent you one name from [...] as an example. The whole [street] wants CCTV because of problems, and we have been lobbying for all of them since last year.

I have also enclosed canvass sheets for several streets, indicating our regular activity over recent years.³⁹ Among them is [...] [who] is a regular correspondent on a range of issues, including the visibility of the police. These three letters are from 2007, but he invariably raises the issue when I see him—which is regularly.

It is, therefore, difficult to be precise about the proportion of this year's to other years, but my guess is that more of them than not would be recent, and most would be live cases.

Finally, as you allude to in your letter, some cases may not have outstanding issues, as a number would have been resolved; but the vast majority are repeating in any case, as yobs are displaced for a time and do return a

³⁸ Not included in the written evidence

³⁹ Not included in the written evidence

lot later to their previous haunts. Anti-social behaviour is a non-stop issue, hence my enthusiasm to engage residents with their local police teams.

I hope this clarifies the points you highlighted. Thank you for your assistance.

12 November 2009

10. Letter to the Commissioner from Mr Peter Golds, 12 November 2009

I am following up on my letter of September and your response which confirms that you are inquiring into Mr Fitzpatrick using pre-paid House of Commons envelopes and unsolicited correspondence to constituents.

I now have additional evidence as to how extensive this actually is.

In July 2007 a neighbour received an unsolicited invitation to a coffee event, in a pre-paid envelope, which was followed up by an unsolicited account of the coffee event. I attach a copy of the letter in which I have redacted the name and address (I retain the originals) but enclose the actual envelope used.⁴⁰

I also attach a copy of another such letter sent in November 2007.⁴¹The recipient is happy to reveal his name and address, but he cannot find the envelope. He is prepared to confirm that it was unsolicited and in a pre-paid envelope.

I would suggest that this is evidence that this use of pre-paid mail is ongoing and extensive.

12 November 2009

11. Letter to Mr Peter Golds from the Commissioner, 17 November 2009

Thank you for your letter of 12 November following up your letter of 3 September against Mr Jim Fitzpatrick MP with your complaint about his use of House of Commons pre-paid envelopes to send certain communications to his constituents.

I have considered the further information you have provided. It comprises a letter sent to an individual whose name you have not disclosed, together with a copy of the pre-paid envelope in which you suggest that letter was sent. You enclose also a copy of an undated letter, again to someone whose name you have not disclosed, following up the event. You have not enclosed a copy of the envelope in which that letter was sent. You have also sent me a copy of a letter of 12 November to a named person, but the recipient cannot now identify the envelope, although he believes it was in a pre-paid envelope.

On the basis of what you have provided, I do not think it would be proportionate for me to conduct separate inquiries into these three dispatches. I note, for example, that the pre-paid envelope you sent me, which you believe was used to send the invitation to the coffee morning planned for 19 July, is date-stamped 26 August. I will, however, pass your letter and the attachments to Mr Fitzpatrick for any comments he may wish to make, and reflect these further points as necessary in my inquiries into your original complaint.

Thank you for writing to me.

17 November 2009

⁴⁰ Not included in the written evidence

⁴¹ Not included in the written evidence

12. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 17 November 2009

I attach a copy of a further letter I have received from Mr Peter Golds in respect of his complaint about your use of pre-paid House of Commons envelopes to send what he considers to be unsolicited correspondence to some of your constituents.

I attach a copy of his letter to me of 12 November, with his enclosures, and copy of my response of 17 November.

As you will see, I do not propose to initiate a separate inquiry into the three dispatches identified by the complainant. I would, however, welcome any comments you may have on the complainant's allegations. In particular, in the context of my inquiries into the original complaint, it would be helpful to know how many occasions in the past three years (2007–08 to present), you estimate that you have sent out invitations to your constituents to attend constituency meetings using House of Commons pre-paid envelopes and notepaper, and how many letters you have sent in this way in each of the relevant financial years.

As you will know from a separate letter I am writing to you, I am consulting the Department of Resources about this complaint. If you could let me have a response to this letter within the next two weeks, I will pass it to the Department so that they take it into account in preparing their advice.

Thank you for your further help on this.

17 November 2009

13. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 2 December 2009

Thank you for your letter of 17 November. My apologies for the slow response. Needless to say, I am disappointed at further correspondence from Councillor Golds, and also a little surprised.

It is difficult to state precisely how many letters of invitation I have issued to constituents. It is fair to say I have arranged coffee mornings approximately every two to three months over the last two years and had several other meetings, but not on the same scale.

The latest letters are from wards separate from the original event held in Millwall. If you would like me to, I can supply lists of anti-social behaviour complaints from those wards, too, and lists of a number of complainants. Please let me know if this would be helpful.

2 December 2009

14. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 7 December 2009

Thank you for your letter of 2 December responding to mine of 17 November about this complaint in respect of your use of House of Commons pre-paid envelopes.

I was most grateful for this further information. I do not think I need trouble you at this stage to let me have lists of anti social behaviour complaints from the other wards to which you have written in the last two years. Unless you tell me otherwise, I shall assume that the Millwall examples are broadly representative of the sort of matters raised in the other wards. I shall assume also that you started to use pre-paid envelopes for such events two years ago (but not before).

I also do not think I need ask you at this stage for a clearer idea of the number of pre-paid House of Commons envelopes you may have used in this way over the last two years. Unless you tell me otherwise, I consider that a reasonable estimate, based on the frequency of those events and the number of pre-paid envelopes used for the occasion which gave rise to the original complaint, may be that it was up to 1,500 such envelopes.

I am copying your letter, and mine, to the Department of Resources so that they can take it into account in preparing their advice. If you would like to modify any of the broad assumptions I have made in this letter, please let me know. Otherwise, I would be back in touch when I hear from the Department of Resources.

Thank you for your help with this.

7 December 2009

15. Letter to the Director of Operations, Department of Resources from the Commissioner, 17 November 2009

I would welcome your help and advice on a complaint I have received against Mr Jim Fitzpatrick MP in respect of his use of House of Commons prepaid envelopes and notepaper to invite some of his constituents to a coffee morning on crime and anti social behaviour.

I enclose a copy of the complainant's letter of 3 September which I received on 29 September, together with the invitation letter and the pre-paid House of Commons envelope in which it was sent; a copy of my letter to Mr Fitzpatrick of 1 October; a copy of his response of 20 October; my letter to him of 21 October; his letter to me of 28 October together with its attachments; my letter to him of 4 November and his response of 12 November. I am not including appendices A to E of that letter since I consider that this information is not necessary for my inquiry, but I do enclose the letters included in appendix F.

In essence, the complaint is that Mr Fitzpatrick used prepaid House of Commons envelopes to send unsolicited correspondence to some of his constituents and may have drawn on his allowance of original House stationery for the paper.

I have had a further letter from the complainant about alleged previous dispatches. I enclose a copy of the complainant's letter of 12 November, together with its attachments. I also attach a copy of my responses of 17 November to the complainant and to Mr Fitzpatrick. I will let you have a copy of Mr Fitzpatrick's reply when I receive it so that you can take it into account in your advice.

I would therefore welcome your comments and advice on this matter. It would be helpful, in particular, to know whether, taking account of the content, you consider that it was within the rules for Mr Fitzpatrick to use his provided stationery allowance to send an invitation letter to his constituents in the circumstances described in his letters, and for the paper and, I assume, the envelopes for the rest of the dispatch to have been funded from the Communications Expenditure, although it does not appear to have carried a funding imprint. It would also be helpful to know if Mr Fitzpatrick has lodged a claim for this expenditure against his Communications Expenditure and if it has been met. Any other points you would wish to make to help me with this inquiry would be appreciated.

I would welcome a response within the next three weeks. Thank you for your help.

17 November 2009

16. Letter to the Commissioner from the Director of Operations, Department of Resources, 7 January 2010

Thank you for your letter of 17 November 2009 about the complaint against Mr Fitzpatrick. The complaint is that Mr Fitzpatrick has used pre-paid envelopes and House stationery to publish and distribute unsolicited letters and circulars.

As you are aware, the rules governing the use of House stationery, as outlined in the booklet *The Communications Allowance and the use of House stationery*, state that "Pre-paid envelopes may only be used in pursuit of your parliamentary duties. This includes ... correspondence with constituents in connection with an issue on which they have previously contacted you" (page 33, paragraph 11(d)). However, the rules also state that "Pre-paid envelopes may only be used to send updates to constituents on an on-going basis where the

updates relate to specific cases which have been raised with you by those constituents ... Pre-paid envelopes may not be used to send updates of more general concerns.” (Page 34, paragraph 13)

In general, I would expect “*Dear Resident*” letters to be funded from the Communications Allowance (now Communications Expenditure) because they are likely to be unsolicited. Mr Fitzpatrick’s letters from 2007 appear to have been addressed to individuals, although the letter has the characteristics of a circular, Mr Fitzpatrick indicates in his letter to you of 12 November that these would have been sent to people whose cases were according to his records “*live*”.

The issue would therefore appear to be whether it was reasonable for Mr Fitzpatrick to treat a general invitation to an event, which was connected to an issue he was dealing with on behalf of the recipient, as if it were in connection with an individual constituency case. Mr Fitzpatrick’s view is that it was acceptable to use both pre-paid envelopes and House stationery in the circumstances he outlines. However, on balance, I would suggest that a straightforward interpretation of the rules would indicate that the usage was in breach of the rules.

At the same time I can confirm that the use of the Communications Allowance for the distribution of the Mr Fitzpatrick’s letters would have been perfectly proper. The facility for Members to use House stationery and envelopes is a long-standing one, whereas the Communications Allowance was, in 2007, a very recent innovation. The boundary between the two can sometimes be opaque and Mr Fitzpatrick’s interpretation of the rules is not itself an unreasonable one.

Mr Fitzpatrick has claimed for envelopes and stationery overprinting from his Communications Expenditure but I am unable to determine, from the claims submitted, if these claims are for the stationery used for the letters referred to by Mr Fitzpatrick in his letter of 28 October 2009. However, I have no reason to doubt Mr Fitzpatrick’s evidence to you on this point.

Under the circumstances it would seem entirely appropriate for Mr Fitzpatrick to charge the cost of the relevant pre-paid envelopes to his Communications Expenditure. I understand that 200 second class pre-paid envelopes and sheets of paper would be charged at £68.53 and £4.92 respectively. Of course, this is a matter for you and Mr Fitzpatrick to determine and I await further instructions from you.

I hope this covers the points you have raised.

7 January 2010

17. Letter to the Commissioner from the Director of Operations, Department of Resources, 2 February 2010

[Material not relevant to this inquiry]

Turning to the use of stationery and postage which is the subject to the complaint, I can confirm that the costs are estimated as follows:

2007/08	£127
2008/09	£255
2009/10	£175
TOTAL	£557

If you were to decide that these costs could be offset against his current Communications Allowance (previous years accounts are now closed) we would adjust our records accordingly.

2 February 2010

18. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 4 February 2010

I have now heard back from the Department of Resources about their advice on this complaint about your use of House of Commons pre-paid envelopes and House stationery to send invitations to some of your constituents for a coffee morning meeting last July.

I enclose a copy of my letters to the Department of 17 November and 7 December and their response of 7 January. As you will see, while the Department consider that your interpretation of the rules is not in itself unreasonable, on balance they suggest that a straightforward interpretation would indicate that your usage was in fact in breach of the rules.

[...]

I would welcome your comments on the Department's advice of 7 January.

It would be very helpful if you could let me have a response to this letter within the next week, so that subject to your comments, I might be able to bring this matter to an early resolution.

Thank you again for your help with this matter.

4 February 2010

19. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 9 February 2010

Thank you for your letter of 4 February. I am happy to respond, as requested, by return.

[Material not relevant to this inquiry]

[The Director of Operations] refers to the rules stating that pre-paid envelopes and stationery not paid for out of the Communications Allowance must only be used in relation to specific constituency casework, and that a "general invitation" (to a coffee morning) would normally be paid for out of the Communications Allowance. What I hope I have highlighted in previous replies you is that the volume and nature of the contact from constituents in the area in question led me to conclude that an appropriate, commensurate and desirable way to pursue the casework brought to me would be to invite those residents to an event at which they could engage in face-to-face contact with the local Safer Neighbourhood Team. In this line of thinking, the coffee morning represented a response to casework that I felt would be appreciated by those who had contacted me.* (see end of letter)

Further to this, and perhaps of even greater relevance, is that one of the ongoing concerns articulated by residents to me was their difficulty making direct contact with the SNT, or getting the SNT to follow up issues as they would wish. It struck me that a coffee morning was, in fact, an apposite and innovative new way for me to act as mediator between resident and police. After all, I often write to the police, or email them, or set up a meeting between me and a senior officer, to bring constituents' concerns to the attention of the police, when in fact what people often want is to see and speak with local police officers themselves.

Notwithstanding the above, I am happy with your prompt to me that the cost of the relevant envelopes could be charged to my Communications Expenditure, should the case I have made fall short of your benchmark. However, I do of course hope my explanations as above, and over recent months, allow you to conclude in my favour.

I have at no time tried to undermine or compromise the rules of the House, or misuse public money, or seek political advantage illegally. I have tried to perform my duties to the best of my ability and as conscientiously as I believe appropriate.

In the climate of MPs being accused of all manner of transgressions and indulgences, I would appeal to you to judge me on my record over more than twelve years and accept my explanation as not being "unreasonable". I

fully accept the need to be absolutely scrupulous in record-keeping, and this experience has served to make me determined to focus to an even greater extent on doing so now and in the future.

Thank you for your assistance.

** I received the attached email last month from constituent, [...], who lives in [...] on the Isle of Dogs. [This constituent] was invited to the coffee morning in question, as her area had clearly been identified as one in which anti-social behaviour was a problem.*

I feel the e-mail from [this constituent] provides the strongest of evidence to support the points I have made:

- Anti-social behaviour had been highlighted a problem by local people, so my letter to them was a response to an issue of concern that had been raised with me.*
- Local people reinforced the concerns they had expressed regarding anti-social behaviour by attending the coffee morning and using it to enlist my support. They used the forum to provide more detailed information on an existing problem, and I think this shows that the coffee morning invitation was not unsolicited and not something designed to “drum up new business” or “gain political advantage” to coin two phrases.*
- [The constituent’s] email shows that my interaction with her and others, and my subsequent representations, evinced a positive and much-sought after outcome. Her email finishes with a warm endorsement of my actions to help constituents, which she concludes is appreciated by them.*

9 February 2010

20. Email to Mr Jim Fitzpatrick MP from constituent, 4 January 2010

Firstly may I wish you a very happy New Year and success in 2010.

Thank you, I have received your parliamentary report 2010 which I have read with interest. I write to update you. You and I met last summer on the problem of security on [street], because Tower Hamlets Council had refused our planning application to erect front entrance gates across the only public entrance to our estate. You kindly wrote letters on our behalf to the police and Tower Hamlets Planning advising of the vandalism and anti-social behaviour we were experiencing.

As a result we received a survey report from the police which broadly supported our need for security and protection. We appealed against the planning refusal and I am delighted to say that we overturned the refusal, we have received formal planning permission to erect front entrance gates.

So thank you Jim for helping your constituents on [street]. We appreciate it.

4 January 2010

21. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 15 February 2010

Thank you for your letter of 9 February responding to mine of 4 February about this complaint. I was most grateful for such a full and prompt response.

[Material not relevant to this inquiry]

I have carefully noted the points you have made in respect of the advice given in the letter of 7 January from the Director of Operations. I recognize too the points you have made. But I am currently minded to take the view that this communication was not sufficiently related to the saving in the rules that pre-paid envelopes may only be used to send updates to constituents if the updates relate to specific cases which have been raised

by those constituents. I note that the rule also goes on to say that pre-paid envelopes may not be used to send updates of more general concern. I think you have established that your invitation to your constituents—even if it could be interpreted as an update—was related to matters of more general concern and not related to a specific case raised by each of the constituents to whom you wrote using these envelopes. I am reinforced in this view by the fact that the Communications Allowance (now Communications Expenditure) was introduced specifically to enable a Member to communicate with groups of their constituents.

I need now to consider with you how best to resolve this matter. I am, of course, open to further argument about my provisional conclusion. Equally, you are not bound to accept that provisional conclusion. If you were not to accept it, then I would prepare a memorandum for the Committee on Standards and Privileges and the Committee would need to consider this matter and reach its own conclusion on the basis of that memorandum. Their report, and my memorandum would be published along with all the evidence I have received.

It is open to me under the Standing Orders of the House, however, to decide that I can myself resolve the matter through the rectification procedure. In order to do so, the Member would need to accept that he was in breach of the rules of the House and to have taken appropriate action to rectify that breach. The Committee would also expect the Member to have apologised. I am able to use this procedure if I consider that the Member has taken satisfactory action and if I am satisfied that the breach did not fall within the serious end of the spectrum.

After carefully considering the matter, I have decided that I would be ready to resolve this complaint through the rectification procedure since I do not consider that the breach is at the serious end of the spectrum. I consider it would be acceptable, if you agreed to it, that the full cost of the stationery used for the invitations which were the subject of the complaint and for similar letters which you say you sent in the last two years should be taken from your 2009–10 Communications Expenditure provision. The Department of Resources estimate that the total cost would be £557.

I would be very grateful to know whether you would wish me to resolve this matter through the rectification procedure, or whether you would wish to pursue one of the other options set out in this letter. If you were to agree to rectification, then I would show you the draft letter I would propose to send the complainant so that you could check on its factual accuracy. Once I have sent the letter, I would regard the matter as closed. I would also report the outcome to the Committee on Standards and Privileges. Under proposals agreed by the Committee, but not yet implemented by the House, the rectification letter and in due course the evidence related to that decision would be published on my website.

If you would like a word about any of this, please contact me at the House. Otherwise I look forward to hearing from you again—I would hope in the next week so that the matter can if you agree, be quickly resolved.

10 February 2010

22. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 23 February 2010

Thank you for your letter of 15 February.

I have considered the matters to which you refer, and your conclusion that the cost of the despatches in question should have been met from my Communications Allowance (now Expenditure). Given that we have covered all relevant issues in this matter, I do not think it would alter the outcome if I were to proffer further evidence or explanation.

I accept your judgement and would like to make arrangements to repay the sum of £557 through the rectification procedure. Please note, however, that I only have £533 left in my Communications Expenditure, so perhaps you could advise me of the best way forward.

Thank you for your assistance.

[Material not relevant to this inquiry]

23 February 2010

23. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 25 February 2010

Thank you for your letter of 23 February responding to mine of 15 February about the resolution of this complaint.

I was grateful to see your response. In terms of the costs, I suggest, if you agree, that you transfer an appropriate sum up to the ceiling on your Communications Expenditure for this year, and meet the rest from your own resources. I hope this is acceptable.

[Material not relevant to this inquiry]

25 February 2010

24. Email to the Office of the Commissioner from Jim Fitzpatrick MP, 29 March 2010

Thank you for the email and I am sorry for the delay. The reason is that I have been thinking hard about this and I have decided that I do not wish to accept the decision of the PCS and wish to request a hearing before the Committee.

29 March 2010

25. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 31 March 2010

[Material not relevant to this inquiry]

I have further considered the matter and concluded that I am still unhappy about the inability of an MP to deal with the serious issue of anti-social behaviour on behalf of residents in the way that I did. I wish therefore to have the matter considered by the Standards and Privileges Committee.

I am grateful for your assistance and courtesy, and that of your colleagues, in trying to resolve this complaint from Mr Golds.

31 March 2010

26. Letter to Mr Jim Fitzpatrick MP from the Commissioner, 6 April 2010

Thank you for your letter of 31 March, in which you decide not to accept the rectification of this complaint against you.

I will, therefore, submit a memorandum to the Committee on Standards and Privileges when Parliament resumes, and once the Committee is appointed.

There are two points, however, on which I would welcome your help:

1. Could you let me know why you accepted rectification in your letter of 23 February, but, despite reminders, did not respond to the draft of the rectification letter, which I sent you on 25 February to check its factual accuracy, until you emailed my office on 29 March to say that you did not wish to accept this decision? In particular, could you let me know whether you were in any way influenced in this decision by the imminence of the forthcoming general election?

2. Could you let me have a statement of how you consider that your actions were within the rules of the House, contrary to the advice given in the Department of Resources' letter of 7 January?

I will resume this inquiry as soon as Parliament has itself resumed. It would be very helpful, therefore, if you could let me have a response to this letter by the end of the first week after Parliament has resumed. I look forward to hearing from you.

6 April 2010

27. Letter to the Commissioner from Mr Jim Fitzpatrick MP, 24 May 2010

Thank you for your letter of 18 May,⁴² further to your earlier letter dated 6 April.

In respect of point one in your letter of 6 April, I found I could not ignore my feelings of unease at any suggestion that I had acted improperly or against my duties as an MP. Whilst I understood that you recognised I was entitled to bring together constituents concerned about anti-social behaviour, but that it should have been funded from separate expenses, ultimately I felt uncomfortable at having to accept the charge that I had been 'in breach of the rules of the House'. This was not influenced by the imminence of a general election. The general election happened to coincide with this matter.

In respect of point two of your letter, I felt that my willingness to repay the relevant amount from the correct account should have sufficed, without having it said of me that I had been 'in breach of the rules of the House'. It is the spirit of this charge that upsets me. I would emerge from the episode as a wrong-doer, rather than as someone who had tried to do the right thing by my constituents.

In conclusion, I strongly believe that when constituents were raising with me real issues of anti-social behaviour, I would have been in breach of my duty or responsibility, as their local representative, had I done nothing.

I hope this explains my point of view.

24 May 2010

⁴² Not included in the written evidence

Appendix 2: Written submission to the Committee from Jim Fitzpatrick, 2 September 2010

1. I appreciate the courtesy and professionalism of the Parliamentary Commissioner for Standards and his staff throughout this process and these proceedings.
2. My request for a hearing is based on two points:
 - a) An acceptance of being 'guilty' of a breach of rules (para 55, page 19) in the immediate aftermath of the expenses scandal carries potential stigma. The Commissioner acknowledges there was money available in the Communications Allowance to cover costs (para 57, page 19), and there was no attempt to misappropriate or misuse public funds.
 - b) More importantly, at a time when we are under the closest scrutiny and criticised by many (sometimes unfairly), I believe it part of my duty to be proactive, rather than just reactive. In terms of dealing with anti-social behaviour, I regard trying to connect the local police Safer Neighbourhoods Team with residents affected as part of my responsibilities (para 49, page 17).
3. Paras 41 and 42 on page 15 highlight that the issue is one of interpretation, where the Director of Resources confirms this to be the case.
4. Anything an elected politician does will be perceived by some to be 'party political'. I contend the Police would not be associated with any such activity. Para 81 (1), page 27, raises the key point for me: '...not in furtherance of their party political or personal interests.' There was no 'Labour' branding of or at these events. However, it was not only in furtherance of constituents' concerns to get the ASB issue addressed, there was personal interest, a) to reduce the pressure of casework on my office; b) to be seen to be effective, efficient and in touch.
5. Para 82, page 27, invites the Committee to 'review and tighten' the rules. I believe this the key issue. In the twenty-first century, should MPs be proactive or just reactive. In Poplar and Limehouse, I believe my constituents expect more from me, not less.

In conclusion, I wish to apologise for feeling I needed to bring this matter in front of the Committee, and I will fully accept the judgement that it will make.

Appendix 3: Oral evidence taken from Jim Fitzpatrick, 7 September 2010

Taken before the Standards and Privileges Committee on Tuesday 7 September 2010

Members present

Mr Kevin Barron (Chair)

Annette Brook
Mr Tom Clarke
Mr Geoffrey Cox
Mr Jim Cunningham

Mr Oliver Heald
Heather Wheeler
Dr Alan Whitehead

Witness: Mr Jim Fitzpatrick MP.

Q1 Chair: Good morning, Mr Fitzpatrick. Welcome to the Committee. As you know, obviously, you have come along to make a personal representation in relation to the Commissioner's report and, potentially, any findings that we give following from it. This is normally just on a question-and-answer basis, but I understand that you want to make a short statement, and I am very happy that the Committee should let you do so before we ask questions of you.

Jim Fitzpatrick: Thank you very much. I supplied a page, and half a second page by way of additional information. If I can just go through that briefly, Chairman, that would cover it from my point of view.

Obviously, I express appreciation to the Commissioner and all his staff for their courtesy and understanding throughout the course of these proceedings, which have been running for over a year now.

My submission is based on two simple points: one, the interpretation of being guilty in breach of rules, in the immediate aftermath of the expenses scandal, and without the opportunity to give explanation, creates its own stigma, and that made life very uncomfortable for me, particularly when the Commissioner generously interpreted that the money that ought to have been paid from the communications allowance was predominantly there—£530 of the £550—and this was not a matter of trying to get financial advantage, and the difference between what was in the account that was interpreted as ought to have been used was only £20 less than the amount that was estimated as having been spent.

But more important was the question, particularly in these times, when we are all under the severest scrutiny, and more is expected of us than perhaps at any time, by virtue of the activity that I was involved in, which was trying to bring the Safer Neighbourhood police teams together with residents in East London, where we have, as I'm sure is replicated in many parts of the country, serious antisocial behaviour, and creating the opportunity for the police to directly meet with residents, to listen to their concerns. It was not branded as a party political activity; but, obviously, anything that we do as politicians will be interpreted as being political. Certainly, the police would never associate

themselves with any activity which was going to give rise to party political advantage. I thought that this was part of my responsibility and duties and not something that was outside them.

Paragraph 3 is about paragraphs 41 and 42 on page 15 on the interpretation from the Director of Resources, which, on balance, by the Commissioner was determined to be in breach of rule; but in terms of the Director of the Fees Office, he says at the bottom of page 15: "The boundary between the two can sometimes be opaque and Mr Fitzpatrick's interpretation of the rules is not itself an unreasonable one." Which created doubts in my mind.

The final point I make on the second page is the conclusion of the Commissioner that the Committee ought to "review and tighten" the rules in regard of contact with constituents. I take issue with that because I do believe that, in the 21st century, we ought to be more proactive as parliamentarians and not just responding to the concerns of a number of individuals. When I knock on doors on Saturday mornings, as I'm sure we all do—I have been doing that for many years; last year, or the year before, on 39 of the 51 Saturdays, I was out myself with my team—and one gets reports of all manner of things that people do not put in writing. When one does get representations—e-mails or letters—from constituents, I feel a more general approach is an appropriate one.

I do not contest the interpretation of the Standards Commissioner, but I do believe that the rules themselves are too strict in terms of preventing MPs from being proactive and only expecting us to be reactive. I know that the arguments about the communications allowance raged for seven years, and the House decided that it was an inappropriate allowance to continue, and it was stopped, and that would have covered these contingencies. I do believe, in future, the rules as they are defined at the moment may be far too narrow to allow MPs to be as effective as they might otherwise be. Thank you, Chairman.

Q2 Chair: Thank you for that. That latter point may be the case, but, as you know, the Commissioner deals on the basis of what the rules currently say and what the rules said at the time. One of the issues looking at the Commissioner's report,

7 September 2010 Mr Jim Fitzpatrick MP

Mr Fitzpatrick, that intrigues me is that, earlier this year, you accepted that you had breached the rules of the House, as they were at that particular time, and were moving towards rectification of this case. You then changed your mind, and as a consequence of changing your mind, of course, it meant that we've managed this for many, many more months than what some people would say, looking at the Commissioner's memorandum, we needed to be. I wonder if you could tell the Committee why you did that.

Jim Fitzpatrick: For two reasons: there was one error in the documentation which I supplied to the Standards Commissioner. It is in paragraph 60 at page 21, where I say in response to his inquiry as to whether or not the decision not to accept the judgment, which I initially said that I would, was because of the impending general election. The final sentence in paragraph 60 says: "This was not influenced by the imminence of a general election." I would need to qualify that on reflection and reading it, in that it was not influenced wholly by the imminence of a general election, but, obviously, there was a degree of political impact. As I said at the beginning, for anybody who would be found guilty of a breach of rule and in the climate at that time in respect of the media interpretation, I don't think there would have been a fair assessment as to exactly the nature of that breach of rule. But more importantly, the question for me was, and is, as I've outlined—I hear what you say about the Committee's role, which is to interpret the rules as they stand—that I didn't believe that the rules were fair in allowing MPs to do the job that I believe we ought to be doing. I found that difficult to accept, and it did take me some considerable time to weigh that up in my mind, and that discomfort led me to change my mind and to ask to come before the Committee to explain that change of heart.

Q3 Chair: I'm going to offer questions to the rest of the Committee. But, clearly, you have been a long-standing Member of Parliament. You recognise that prior to the communications allowance there were always issues about using pre-paid envelopes for communications with constituents, and the communications allowance that came in changed that quite dramatically. Did it in your case? You recognise the fact that the communications allowance was the one that you could use for general "Dear Residents" letters, as opposed to individual letters.

Jim Fitzpatrick: Indeed, and if there is certainly one thing that I am completely guilty of it's sloppy handling, because the interpretation from the Commissioner and from the Fees Office was that the cost of the stationery that I used was £550 and there was £530 in the communications allowance, and this correspondence would easily fit within the criteria laid down as to communications allowance usage. So if I had billed that stationery to the communications allowance this situation wouldn't have arisen. But as a result of the communications allowance being withdrawn, the situation still pertains. I had a situation this week: I've had two

different constituents from a particular block of flats who've e-mailed me pictures of rats and cockroaches that are now infesting a relatively new block of flats and said, "What lobbying can I do for it?" I have written to the housing association and the council, and the matter, I know, is being dealt with. I have obviously written back to those two constituents and said, "I'm on top of this. I've got a good response from the housing association and the council. Help is at hand, and there is an action plan to deal with it." But, instinctively, my reaction would be that I should write to the other 12 people within the block who also must be seeing the rats and cockroaches and say, "This has been raised by neighbours. I'm acting on your behalf, and I've been told that matters will be dealt with." But, obviously, within rules, I am not allowed to do that, and I think that it's a job of enhancing the reputation of politicians to be seen to be dealing with issues which are of concern to residents who may not directly raise them themselves but who would benefit from the fact, and we would benefit from the fact, that we are acting positively and proactively.

Chair: That may be an issue that the House authorities may want to look at at some stage in the future. Who has any questions to Mr Fitzpatrick?

Q4 Mr Clarke: Who paid for the coffee?

Jim Fitzpatrick: Of the eight coffee mornings, I paid for seven, and one came out of the allowance, and that's been billed.

Mr Clarke: And the police indulged in the coffee as well. They had a cup of coffee.

Jim Fitzpatrick: They didn't eat most of the biscuits; it was the constituents who did for those.

Q5 Mr Clarke: Could I just underline what the Chairman said? I'm certainly speaking for myself, but I think that the feeling is shared by some people that, firstly, this is not at the heavy end of the scale in terms of the issues that the Committee deals with, and secondly, would it not have been better to have reached an agreement way back in February? Having failed to do that, what do you think is the answer now?

Jim Fitzpatrick: As I outlined in my apology for the absence of the word "wholly" in respect of the imminence of the general election, I think the issue mostly concerns the authority of MPs to be proactive, rather than reactive, and starting that discussion was very important to me. This issue came up during the course of the general election; it was not invisible. The fact that there was an inquiry was a matter of public record. It had been reported in the local press. I was tackled by my Conservative opponent during the course of one of our various hustings meetings, when he accused George Galloway of fraud for having to repay £3,000 because of an anomalous telephone bill. And at a packed meeting at the Limehouse Marina yacht club, which I would think, from the description of it, you would imagine is not rock-solid Labour territory, he accused me of being under investigation for expenses fraud. I explained to the 200 people who were attending that hustings meeting the

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background, and concluded by saying that I would have hoped that Conservative councillors would have been assisting me and commending me for trying to deal with antisocial behaviour, rather than attacking me and making complaints, and the room burst into applause. So this was running during the course of the general election. I couldn't hide from this because the matter had been reported in the press, but I had the opportunity in the course of a hustings meeting to explain all of the background. On a simple headline of "MP guilty of breach of rules, owes Parliament money", that would have been a very different issue entirely in my view and one, my contention is, that ought not to be an offence under the rules of the House on the basis that I believe MPs ought to be able to be proactive within common-sense guidelines and without abusing the privilege of the ability to use House of Commons stationery, and I know that's a very big proposition to put forward. **Chair:** Okay. Does anybody have any further questions?

Q6 Dr Whitehead: Could I ask about the terms of the letter that actually went out? It has been suggested and, I'm sure, practised in some instances that if a specific reference to the fact that you, the resident, have been interested in this case or you have expressed concern, had been included in the letter, not only would the communication allowance have been available, but you would probably have been within the terms of the Commons rules on stationery. Were the letters drafted by you personally, or were they drafted in general on your instructions, on the basis of "Here's a coffee morning; send a letter out."?

Jim Fitzpatrick: I think it would have been a pretty routine matter for me to do a draft and give it to a member of staff, who would polish it, give it to me and I would look at it and sign it, so it would have been my initial and my signature confirming the language that was used. So I wouldn't want to place that responsibility at the door of a member of staff; it's my letter.

Q7 Mr Cox: Can I ask this: at paragraph 26 of the Commissioner's memorandum, Mr Fitzpatrick, he summarises a letter from you dated 28 October in which you had said that "pre-paid envelopes were used for constituents who had contacted him previously, of their own accord. Other constituents had been invited by direct contact which involved . . . information . . . canvassing" etc? Do I take it from your letter of October that these 200 were sent because these people were logged on your database as having raised the issue with you?

Jim Fitzpatrick: Certainly, that would have been my interpretation of the vast majority, but as I explained and acknowledged to the Commissioner—

Mr Cox: There were some mistakes.

Jim Fitzpatrick: In any database, there may very well have been people transposed from one list to another and, therefore, there may have been errors.

Q8 Mr Cox: Let me come to it: I am not myself concerned about the errors; the question is the intention. In relation to these 200, do it take it that you thought it was all right to use the pre-paid envelopes and stationery because these were recorded by you and your staff as having raised the specific issue of antisocial behaviour in that area with you?

Jim Fitzpatrick: Predominantly, that would have been the case, but I suspect that there would have been some who had been written to on the basis of one or two of the addresses being in gated areas, or we couldn't get access, or we couldn't see the resident, but the majority would have been in response to concerns that had been raised with us either on the doorstep—I supplied our canvass returns, going back some time and demonstrating that antisocial behaviour had come up quite a lot and that this was from people who were not Labour supporters, some not even voters, but it was a general thing and has been for years.

Q9 Mr Cox: I am not concerned about the issue of whether it was political or not. It seems to me that you have been acquitted, so to speak, of that. I am solely concerned about whether this group of 200 was in some way different from the others whom you addressed because these 200 were logged, allowing for database errors, as having raised the specific issue of antisocial behaviour in an area.

Jim Fitzpatrick: That would have been the basis of the letters drafted, yes.

Q10 Mr Cox: Right. So, in that instance, I don't know, did you go through the mental process—you probably can't answer whether your staff did—of saying, "Well, I can use the pre-paid for these; I can't use them for others"? You did, or you didn't.

Jim Fitzpatrick: I didn't. I think it's quite clear from the fact that I just used the envelopes and did not bill the communications allowance that I did not make a differential as clinically as I ought to have done, either in terms of the language used, or in terms of being absolutely clinical in determining the addresses.

Mr Cox: Thank you.

Q11 Mr Heald: One of the problems with doing politics in an area like yours is that there are some places that it's quite difficult to get into to actually physically deliver, and that it is convenient—isn't it?—to use the post.

Jim Fitzpatrick: Indeed. In some places on the Isle of Dogs, the only way you can reach people is by direct mail.

Chair: Okay. I think that completes the session, Mr Fitzpatrick.

Jim Fitzpatrick: Chairman, thank you very much.

Chair: Thank you.

Formal minutes

Tuesday 14 September 2010

Members present:

Mr Kevin Barron, in the Chair

Annette Brooke	Mr Oliver Heald
Mr Tom Clarke	Eric Ollerenshaw
Mr Geoffrey Cox	Heather Wheeler
Mr Jim Cunningham	Dr Alan Whitehead

Eric Ollerenshaw declared a non-pecuniary interest and accordingly withdrew.

Draft Report [Jim Fitzpatrick], proposed by the Chair, brought up and read.

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

Paragraphs 1 to 19 read and agreed to.

Paragraph 20 read, amended and agreed to.

Paragraph 21 read and agreed to.

Paragraph 22 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 the Chair make the Report to the House.

Ordered, That the oral evidence taken by the Committee on 7 September be reported to the House.

[Adjourned till Tuesday 12 October at 9.30 am]