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Committee on Standards and
Privileges

John Healey

Eighteenth Report of Session 2010–12

*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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Report

Introduction

1. In this Report we consider a memorandum from the Parliamentary Commissioner for Standards, reporting on his consideration of a complaint made against Rt Hon John Healey, the Member for Wentworth and Dearne, that he had used House of Commons pre-paid envelopes and stationery to send unsolicited letters to Liberal Democrat councillors, and that the content of those letters constituted party political activity. The complaint was made by a recipient of the letter, Councillor David Watts.

2. Specific rules on the use of House of Commons pre-paid envelopes and stationery are set out in the Green Book. In addition, the Green Book also includes general principles governing Members' allowances provided by the House of Commons. Since the publication of the Green Book in July 2009, responsibility for the rules on and payments of many parliamentary expenses has transferred to the Independent Parliamentary Standards Authority (IPSA). However, the House has retained responsibility for rules on House stationery and postage, and so the rules in the Green Book relating to such matters continue to apply.¹

3. The Commissioner's memorandum is appended to this Report. In accordance with our established procedures, we supplied Mr Healey with a copy of the memorandum and asked if he wished to give evidence to the Committee, orally or in writing. Mr Healey gave oral evidence to us on 5 July 2011. After reviewing the Commissioner's findings, we consider Mr Healey's oral evidence.

The Commissioner's findings

4. On 10 March 2011, Mr Healey sent a letter, on House of Commons embossed notepaper bearing the crowned portcullis, to 295 leaders of Liberal Democrat council groups in connection with the Government's Health and Social Care Bill.² The letter was sent immediately before the Liberal Democrat Spring Conference, which took place on 11-13 March 2011, in Sheffield.

5. On 22 March 2011, Councillor David Watts, one of the recipients of Mr Healey's letter, wrote to the Commissioner to complain that "Mr Healey had written to him using House of Commons stationery and postage on a 'party political matter'".³

6. The Commissioner set out the relevant rules of the House: paragraph 14 of the Code of Conduct provides that Members' use of allowances should be "strictly in accordance with the rules laid down".

1 House of Commons, The Green Book: A guide to Members' allowances, Revised Edition July 2009, <http://www.parliament.uk/documents/commons-finance-office/greenbook0907.pdf>

2 Appendix 1, paras 3, 13 and 12

3 Appendix 1, para 2

7. The Green Book includes a set of fundamental principles, based on the Code of Conduct, which underpin the allowance regime. The Green Book states that “When making claims against parliamentary allowances, Members must adhere to these principles”. The list of principles includes: “Allowances are reimbursed for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide benefit to a party political organisation”.

8. The Green Book also sets out the detailed rules on Members’ use of House stationery. The Commissioner quoted the following extracts from the Green Book:

- *“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.*

...

Pre-paid envelopes must not be used:

...

- *in connection with fund raising for the benefit of a political party or supporting the return of any person to public office.*

...

You are encouraged to use second-class pre-paid envelopes. First-class envelopes should only be used for priority mail.”

Paragraph 2.6.3.2 sets out provisions for House stationery which includes the following:

“House stationery, however it is acquired, should not be used for the following purposes:

- ...
- *in connection with fund raising for the benefit of a political party, advocating membership of a political party, or supporting the return of any person to public office.*
- ...

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’. Any such use must also comply with the three requirements set out earlier in this section.”

Section 4 of the Green Book sets out the definition of “*parliamentary duties*” as follows:

“duties a Member may undertake properly to perform any of his or her functions as a Member of Parliament including work in connection with parliamentary proceedings or in a representational role ... It does not include activities a Member carries out for party political purposes or for personal reasons.”

In addition to the sections quoted by the Commissioner, section 2.6.3.5 of the Green Book states that:

“Party political references are allowed in officially provided stationery, or in correspondence sent in pre-paid envelopes”.

9. The Commissioner provided Mr Healey with a summary of the rules and asked him a number of questions about “the circumstances in which he had written to the complainant and whether he had sent the same letter to others, and if so, how many and how he had selected those recipients”. He asked about the use of House stationery and postage, the use of parliamentary resources, and whether Mr Healey had “sent similar dispatches at other times in the course of the current Parliament”.⁴

10. In his response to the Commissioner’s letter, Mr Healey argued that his parliamentary duties included his role as the Official Opposition’s shadow Health Secretary, and because his letter did not contravene the explicit prohibition in paragraph 2.6.3.2 of the Green Book on the use of stationery for “personal benefit, electioneering, fundraising or seeking support for a political party”,⁵ he did not believe that the letter contravened section one of the Green Book.

11. However, Mr Healey did accept that he had sent the letter to individuals who had not previously contacted him on the issue, and that “therefore he might have breached the terms of section two of the Green Book”, which forbid using pre-paid envelopes to send mail to people on issues which they have not previously contacted a Member.⁶ The Commissioner reported that:

... On that basis, Mr Healey said he had sent a remittance to IPSA of £11.80 to cover the cost of 295 sheets of overprinted headed paper and £130.08 to the House of Commons authorities to cover the cost of 295 pre-paid envelopes (all at first class rate). He enclosed an invoice detailing the costs of the pre-paid envelopes.⁷

12. Following this exchange of letters, the Commissioner wrote to the Director-General for Human Resources and Change. The Commissioner asked him whether he considered that Mr Healey’s letter breached the Green Book rules on the use of House stationery and whether he considered the terms of the letter “constituted party political activity as set out

4 Appendix 1, para 11

5 Appendix 1, paras 12–13

6 Appendix 1, para 14

7 *Ibid*

in the Green Book”. The Director-General was also asked to confirm the accuracy of the invoice provided by Mr Healey.⁸

13. The Commissioner asked Mr Healey to confirm that the House of Commons notepaper that he had used was funded by IPSA, and was not provided by the House authorities. In his response, Mr Healey noted he had paid an additional £8.85 to IPSA to cover the cost of overprinting the notepaper.⁹ He subsequently told the Commissioner that he was “very confident but cannot be completely certain” that the headed notepaper had been purchased with IPSA funding.¹⁰

14. In his response to the Commissioner’s questions the Director-General for Human Resources and Change said that, in his view, the letter breached Green Book rules because it was unsolicited. In addition, he said that “a letter sent to ‘*a number of members of a particular political party seeking to influence their behaviour in a party political context*’ seemed to him to be party political activity and therefore ‘*outside the definition of parliamentary duties as defined for this purpose.*’”¹¹

15. The Commissioner wrote again to Mr Healey, telling him that if he were to accept the Director-General of Human Resources and Change’s advice, the Commissioner would consider resolving the complaint through the rectification procedure. Mr Healey acknowledged that the letter he had sent to the 295 Liberal Democrat council leaders was unsolicited: he gave a “‘*firm commitment*’ that there would be no recurrence”. However, Mr Healey told the Commissioner that “he believed that there was ‘an important point about my role as the Official Opposition’s shadow Health Secretary being part of my parliamentary duties, rather than party political activity’, and he would therefore welcome [the Commissioner’s] views on the matter as he felt this was ‘a grey area’ as far as the Green Book Rules were concerned”.¹²

16. The Commissioner wrote again to Mr Healey, outlining two options to resolve the matter: either Mr Healey could accept the Director-General’s advice in respect of the use of stationery to send unsolicited letters and because the content constituted party political activity, and the matter could be rectified; or the Commissioner could prepare a memorandum for this Committee, if Mr Healey was not prepared to accept both parts of the Director-General’s advice.¹³

17. In reply Mr Healey confirmed that he accepted that his letter was unsolicited but he did not accept that it constituted party political activity.¹⁴ He maintained that sending such a letter formed part of his parliamentary duties. He believed that the Green Book took no account of activities which were appropriate for Members acting in a parliamentary

8 Appendix 1, para 15

9 Appendix 1, para 16

10 Appendix 1, para 20

11 Appendix 1, para 18

12 Appendix 1, para 20

13 Appendix 1, para 21

14 Appendix 1, para 22

capacity as shadow ministers.¹⁵ The Commissioner therefore was left with no alternative but to submit a memorandum to the Committee.

18. The Commissioner agreed with Mr Healey's conclusion that he had breached House rules by sending the unsolicited letter and welcomed Mr Healey's commitment to avoid any recurrence.¹⁶

19. However, the Commissioner was in no doubt that Mr Healey was mistaken in believing that the Green Book rules allowed him to send a letter in the terms he did to Liberal Democrat councillors. The Commissioner considered the content of the letter "incontrovertibly party political" and therefore, because parliamentary duties excluded activities which a Member carried out for party political purposes, under Green Book rules it could not constitute a parliamentary duty and so could not be funded from public resources. Although Mr Healey argued that the specific prohibitions in section 2.6.3.2 of the Green Book were not breached, the general prohibition on claims relating to party political activity could not be set aside.¹⁷

Oral evidence

20. After the Commissioner had submitted his memorandum to us, we provided a copy to Mr Healey and invited him to give evidence to the Committee. Mr Healey requested that he be able to give oral evidence to the Committee.

21. In his opening remarks, Mr Healey confirmed that he accepted that he had sent an unsolicited letter; that this breached the rules; that he had repaid the costs of the letterhead, the overprinting and the pre-paid envelopes; and that he had given a commitment that this would not recur.¹⁸

22. However, he argued that his action "was not party political activity and not a breach of the rules as exemplified in section 2.6.3.2 [of the Green Book]". He argued, firstly, that the rules were "framed without any recognition that official Opposition spokespeople have parliamentary duties as Front Benchers in this House and must act in that capacity". He argued secondly, that the letter was connected with his "parliamentary duties and was not party political activity".¹⁹

23. In support of his first argument, he noted that IPSA's rules recognised that "there are parliamentary duties of shadow Ministers that involve them in activities well beyond their constituencies". He also noted that the House of Commons Commission was in the process of considering the rules on House of Commons stationery and he thought that the Commission would "also look at the question of parliamentary duties and activities as they

15 Appendix 1, para 28

16 Appendix 1, para 30

17 Appendix 1, para 33

18 Q2

19 *Ibid*

relate to the Opposition and shadow Front Bench”.²⁰ But he recognised that he would be judged “according to the rules as they stand”.²¹

24. In support of his second argument, he explained that he judged sending the letter “to be part of a wider set of parliamentary—not political—activities, and that it was part of my duties for the official Opposition”.²² Later when distinguishing between parliamentary and party political activities, Mr Healey referred to “extended parliamentary duties”.²³

25. Mr Healey explained that he wrote to the Liberal Democrat councillors just before the Party’s Spring Conference for two reasons. First, “to alert a group with a significant interest in the legislation and with a potentially significant political influence as to the content of the Government’s legislation and plans”; and, secondly, “to encourage them to take a hard look, to take a view and to speak out in order to add to the challenge to the Government”. He told us that he saw these reasons as “very much as part of the parliamentary job as a shadow Secretary of State—in this case for Health—and as a shadow Minister as part of the official Opposition”.²⁴ He had already told us that he had written as the Shadow Health Secretary:

In summary, from my point of view this was an occasion on which I wrote as the official Opposition’s shadow Health Secretary to 295 Liberal Democrat leaders of council groups around the country on the matter of the Health and Social Care Bill currently before Parliament, and not only currently before Parliament, but at that time still in Public Bill Committee in the House of Commons. So very much a matter before the House, and very much a matter of wide public interest and public concern at the time. I did so on my House of Commons overprinted stationery and used pre-paid House of Commons envelopes.²⁵

And later he told us that “Quite simply, the leaders of Liberal Democrat groups on councils seemed to me to be the sensible and appropriate point of contact to alert them to the changes in the legislation, because of their interest as councillors in the content of the legislation”.²⁶

26. He accepted that he could not think of “anything more political than a party political conference” but he argued that “in a sense the Liberal Democrat spring conference was the moment that the Liberal Democrat party, including a lot of local councillors and local council leaders ... was getting together to discuss matters, including the prospect of a debate on health and social care and on the Bill”.²⁷

20 Q13

21 Q10

22 Q10

23 Q28

24 Q4

25 Q2

26 Q16

27 Q5

27. He told us that as well as having written to Liberal Democrat councillors, he had written to representative groups of health professionals,²⁸ and that all of this was part of a process “of trying to encourage a view that would accept arguments and help build—from my point of view, as part of the official Opposition—a broader alliance. From a democratic point of view, I was trying to help reinforce the proper scrutiny that this House must apply to plans and legislation from an elected Government”.²⁹

28. When it was suggested to Mr Healey that this activity was not parliamentary but political, he explained that he “judged” it to be part of his wider parliamentary activities:

... my argument to the Commission and to the Committee is that I judged this to be part of a wider set of parliamentary—not political—activities, and that it was part of my duties for the official Opposition.³⁰

29. He noted in both his correspondence with the Commissioner and in his oral evidence to us that the Health and Social Care Bill was before Parliament—in public bill committee—when he wrote his letter, and therefore he judged that his letter was connected to his parliamentary duties:

My second argument is on my actions. I believe that the letter I wrote was connected with my parliamentary duties and was not party political activity. In paragraph 10 of his memorandum, the Commissioner helpfully cites section 4 of the Green Book, which identifies the duties that Members may properly undertake as part of their parliamentary duties—the definition, if you like. Part of the definition is, “in connection with parliamentary proceedings”. I feel that an element of the definition of parliamentary duties was directly relevant to the activity that I undertook on this.³¹

30. However, during the oral evidence session, Mr Healey acknowledged that the rules as they were, not the rules as he wished they were, would be the basis on which he was judged.³² We also welcome Mr Healey’s implicit acceptance that there are not different rules for front and back benchers:

it seems to me that the rules in the Green Book are framed, rightly, with Members as constituency Members in mind, but they are framed exclusively with Members as constituency Members in mind, and therefore are framed without any recognition that official Opposition spokespeople have parliamentary duties as Front Benchers in this House and must act in that capacity.³³

28 Q4

29 Q8

30 Q10

31 Q2

32 Q10

33 Q2

Conclusions

31. Mr Healey has unequivocally accepted the conclusion that his letter was unsolicited, has paid back the costs of the postage and the notepaper and given a commitment that there will be no recurrence of such a breach of the rules.³⁴ We welcome this.

32. It is clear to us that in determining whether the letter was party political, it is necessary to consider the content of the letter, its timing and its recipients.

33. Mr Healey contended on two grounds that it was not party political. First, that the rules did not reflect a difference in role for shadow spokespeople and, secondly, that the letter was connected with his parliamentary duties because it related to proceedings before the House and because those he was writing to did have political influence over those proceedings. However, on this second point, the Director-General of Human Resources and Change took the view that “a letter sent to ‘*a number of members of a particular political party seeking to influence their behaviour in a party political context*’ seemed to him to be party political activity and therefore ‘*outside the definition of parliamentary duties as defined for this purpose.*’”³⁵.

34. Mr Healey’s own admission that not everything he does in his role as shadow Secretary of State for Health can be linked to parliamentary duties³⁶ suggests to us that the only substantive difference we now have with Mr Healey is where this line between parliamentary and “extended parliamentary” duties is drawn. We agree with the Commissioner that this letter was incontrovertibly political. We can understand why Mr Healey wanted to develop his argument but we do not believe that we are the appropriate Committee to recommend changes to the boundary between Parliamentary and political duties. We note the fact that the House of Commons Commission is examining the rules and that Mr Healey is sharing his views with the Commission. We hope that the revised rules will remove ambiguities and perceived ambiguities in the definition of parliamentary duties.

35. Mr Healey’s evidence set out clearly his reasons for considering his letter did not breach the rules relating to political activity. The Commissioner and the Director-General of Human Resources and Change considered that it did. We agree with them that although it did not fall foul of the explicit prohibitions in section 2.6.3.2 of the Green Book, it was on the wrong side of the line between Parliamentary and party political, according to the rules in force at the time.³⁷ Mr Healey swiftly repaid the cost of his materials and committed not to send unsolicited letters in future. His interpretation of the current rules was wrong. We recommend no further action in this case beyond a written apology to the House, through this Committee.

34 Q2

35 Appendix 1, para 18

36 Q28

37 The Green Book includes a set of fundamental principles, based on the Code of Conduct, which underpin the allowance regime. The Green Book states that “When making claims against parliamentary allowances, Members must adhere to these principles”. The list of principles includes: “Allowances are reimbursed for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide benefit to a party political organisation”.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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1 Complaint against Rt Hon John Healey MP

Introduction

1. This memorandum reports on my inquiry into a complaint that the Rt Hon John Healey, the Member for Wentworth and Dearne, used House of Commons pre-paid envelopes and stationery to send unsolicited letters to Liberal Democrat local councillors, and that the content of those letters constituted party political activity.

The Complaint

2. On 22 March 2011 Councillor David Watts wrote to me to complain that Mr Healey had written to him using House of Commons stationery and postage on a “*party political matter*”.¹ Mr Watts said his understanding was that “*the provision of stationery and postage was to ensure that MPs were able to fulfil their role as MPs*”. In his view this letter had been written solely from the perspective of Mr Healey’s political party, seeking to advance the views of that party. He said “*this was a party political matter and not a letter written in his capacity as an MP, and it was therefore wholly inappropriate that Mr Healey used official stationery for the purpose.*” Mr Watts also said that he was aware that he was “*by no means the only recipient of a copy of this letter.*”

3. Mr Watts enclosed a letter of 10 March 2011 addressed to him from Mr Healey and signed off as “*Shadow Health Secretary*”, which was on House of Commons embossed notepaper bearing the crowned portcullis.² He also enclosed a House of Commons first class pre-paid envelope in which the letter had been sent. In his letter to Mr Watts, Mr Healey said he was “*writing to urge you to take a hard look at the Health and Social Care Bill before the debate you will have this weekend at your spring conference.*” Mr Healey went on to say in his letter that Mr Watts would “*see next to nothing of Lib Dem health policy in this huge top-down internal re-organisation that the Government is forcing on the NHS in England.*” Mr Healey added that it was “*also, of course, precisely what the Government promised NOT to do in the coalition agreement your party agreed with the Conservatives. This is Conservative not coalition health policy, and certainly not Lib Dem health policy.*” The letter then went on to contrast what Mr Healey said were the Liberal Democrat policy priorities on health before the election, with the Government’s proposals, arguing that the “*stronger voice for patients locally*”, which was “*the main evidence of any influence of Lib Dem ideas on health in the coalition agreement*”, had been “*swept aside*” just two months later when the NHS White Paper was published. The letter said that “*full market competition, as the Conservative ideology at the heart of this NHS reorganisation, directly conflicts with your party’s long and proud commitment to the ethos of essential public services.*” The letter ended by saying: “*As the Lib Dem leader on your local council you are in a better position than most to see that this reckless and ideological NHS reorganisation will lead to worse not better patient care. This is not your policy but it is being done in your name*”

1 WE 1 and 2

2 WE 2

and you will be held responsible by the public for the consequences to our NHS ... I hope you will join the debate at your spring conference”, which he suggested should send “a clear message to the Prime Minister that the Liberal Democrat partner in his coalition Government is committed to defending, not destroying the best of our NHS.”

Relevant Rules of the House

4. The Code of Conduct for Members of Parliament provides in paragraph 14 as follows:

“Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services.”

5. The rules in relation to Members’ use of House stationery are set out in the Green Book last revised in July 2009. Section 1 of that Green Book sets out the fundamental principles relating to those allowances, including the following:

- Claims must only be made for expenditure that it was necessary for a Member to incur to ensure that he or she could properly perform his or her parliamentary duties.
- Allowances are reimbursed only for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide a benefit to a party political organisation.

6. Section 1.4 provides guidance on applying these principles, and invites Members to ask the following question:

“Is this purchase supporting me in carrying out my parliamentary duties? ... Anything which is done for personal benefit or for electioneering or for the direct support of a political party will not be part of a Member’s parliamentary duties.”

7. The rules in relation to House stationery and postage are set out in section 2.6 of the Green Book. The purpose of the facility is set out in paragraph 2.6.1 as follows:

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

8. Paragraph 2.6.3.1 includes the following on the use 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.

...

Pre-paid envelopes must not be used:

...

- in connection with fund raising for the benefit of a political party or supporting the return of any person to public office.

...

You are encouraged to use second-class pre-paid envelopes. First-class envelopes should only be used for priority mail.”

9. Paragraph 2.6.3.2 sets out provisions for House stationery which includes the following:

“House stationery, however it is acquired, should not be used for the following purposes:

- ...
- in connection with fund raising for the benefit of a political party, advocating membership of a political party, or supporting the return of any person to public office.
- ...

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’. Any such use must also comply with the three requirements set out earlier in this section.”

10. Section 4 of the Green Book sets out the definition of “*parliamentary duties*” as follows:

“duties a Member may undertake properly to perform any of his or her functions as a Member of Parliament including work in connection with parliamentary proceedings or in a representational role ... It does not include activities a Member carries out for party political purposes or for personal reasons.”

My Inquiries

11. I replied to Mr Watts on 29 March accepting his complaint.³ I wrote to Mr Healey on the same day.⁴ Having summarised the relevant rules, I asked Mr Healey for the circumstances in which he had written to the complainant and whether he had sent the same letter to others, and if so, how many and how had he selected those recipients. I asked him how many of those letters were sent in House of Commons first class pre-paid envelopes, and how many by other means; why first class mail was used for the dispatch; whether the stationery he had used had been House of Commons provided stationery; and what, if any, parliamentary resources had been used for the drafting, preparation and printing of the letter. I also asked Mr Healey whether he had sent similar dispatches at other times in the course of the current Parliament to members of other political parties

3 Not included in the written evidence

4 WE 3

seeking their support for his party's policy and whether he considered that this dispatch (and any others) breached the rules for Member's use of provided stationery and pre-paid envelopes, in particular because of its content and because it was sent to people who had not previously contacted him on the issue.

12. Mr Healey sent me his response on 14 April.⁵ Mr Healey said that in addition to being the Member of Parliament for Wentworth and Dearne, his parliamentary duties included his role as the Official Opposition's shadow Health Secretary and that it was in this capacity that he had written to Mr Watts. He said that "*this dimension of parliamentary activity is recognised by the House procedures and now formally by IPSA in its new system for reimbursement of costs.*" Mr Healey believed that "*an important part of the parliamentary role of Official Opposition ministers is to scrutinise, challenge and hold the Government to account, especially on legislation before the House*". He said that he had written to Mr Watts and to the other leaders of Liberal Democrat council groups in England in connection with the Government's Health and Social Care Bill, then in the middle of Commons Public Bill scrutiny.

13. Mr Healey said that there was "*no part of my letter which has the purpose of pursuing personal benefit, electioneering, fundraising or seeking support for a political party*". He also pointed out that his letter had not mentioned his own political party. He did not believe, therefore, that the letter contravened section one of the Green Book.⁶ In Mr Healey's view his letter had "*reflected very serious concerns that Lib Dem Members of the House and members of the party held about the Government's legislation which were set to be debated at the national Lib Dem spring conference that weekend.*" He also pointed out that a number of Mr Watts' colleagues responded "*both by thanking him for the letter and confirming their own concerns.*" He added, "*Building alliances of this kind is an essential element of effective democratic scrutiny and Opposition.*"

14. Mr Healey accepted that he had sent these letters to individuals who had not previously contacted him on the issue, and that therefore he might have breached the terms of section two of the Green Book.⁷ On that basis, Mr Healey said he had sent a remittance to IPSA of £11.80 to cover the cost of 295 sheets of overprinted headed paper and £130.08 to the House of Commons authorities to cover the cost of 295 pre-paid envelopes (all at first class rate). He enclosed an invoice detailing the costs of the pre-paid envelopes.⁸ In an appendix to his letter Mr Healey said that the dispatch had comprised letters to the 295 Liberal Democrat leaders of council groups in England, the majority of which had been sent by first class pre-paid post in view of the short time before the "*significant debate at the spring conference*", although a number had been sent in second class envelopes as he had not had a sufficient stock to send them all first class. He also confirmed that the stationery he had used was House of Commons stationery and that the envelopes had been from the stock provided by the House of Commons, rather than specially purchased for the purpose. Mr Healey said that he had written the letter on his parliamentary computer and printed it himself. He said that he had stuffed the envelopes himself, with some assistance from a

5 WE 4

6 See paragraphs 5 and 6 above

7 See paragraphs 7 to 9 above

8 Not included in the written evidence

member of his staff who had been employed using Short Money which had been made available to him in his Official Opposition role.⁹ Mr Healey identified a similar previous dispatch, to “*Liberal Democrat parliamentary colleagues*” at the end of January, which had been sent using the parliamentary internal mail system.

15. On 18 April I wrote to the Director-General for Human Resources and Change.¹⁰ I asked the Director-General whether he considered that the letter was in breach of the Green Book rules relating to the use of House stationery and whether he considered that the terms of this unsolicited letter to the 295 councillors in advance of a debate on the Government’s health legislation at their spring party conference constituted party political activity as set out in the Green Book. I also asked him to confirm the accuracy of the invoice provided by Mr Healey and whether the House would normally seek reimbursement for the use of its equipment to print 295 letters, if those letters were not permitted under the Green Book rules.

16. On the same day I wrote to Mr Healey asking him to confirm that the House of Commons notepaper that he had used in this dispatch was funded from his IPSA stationery account and was not stationery provided by the House authorities.¹¹ Mr Healey responded on 21 April.¹² He said that having made further inquiries of his stationery supplier he had established that the figure he had already remitted to IPSA, £11.80, was the cost of the notepaper alone and had not included the cost of overprinting the stationery. Mr Healey said that he had paid both of these costs which had then been reimbursed by IPSA. He confirmed that he had therefore reimbursed IPSA for an additional £8.85 to meet the cost of the overprinting of the notepaper.

17. I wrote to Mr Healey on 28 April thanking him for this information and asking him again to confirm that the House of Commons notepaper he had used in this dispatch had come from purchased supplies and not out of the £7,000 worth of bespoke stationery provided by the House.¹³ I sent a copy of this letter, and Mr Healey’s to me of 21 April, to the Director-General.¹⁴

18. The Director-General sent me his response on 5 May.¹⁵ He said that, in his view, Mr Healey’s letter was in breach of the Green Book relating to the use of House stationery because it was unsolicited. In addition, he said that “*parliamentary duties*” were defined in

9 Short money is the common name given to the annual payment to Opposition parties in the House of Commons to help them with their costs incurred in carrying out their Parliamentary business. It was introduced in 1975. Parties claiming Short Money must provide an auditor’s certificate confirming that all expenses claimed are incurred exclusively in relation to the party’s Parliamentary business. Short Money is largely spent on research support for front-bench spokesmen, assistance in the Whips’ offices and staff for the Leader of the Opposition. In 1988 some other forms of assistance to the official Opposition were absorbed into the Short Money scheme, including the provision of certain office equipment, postal facilities and stationery. Since 1993 Short Money can be used towards travelling and associated expenses and in 1999 it was agreed to introduce a separately identified sum specifically for the Office of the Leader of the Opposition, in recognition of the constitutional role played by, and thus the specific demands on, the holder of that post. *Short Money*, Standard Note SN/PC/1663, House of Commons Library, July 2010

10 WE 5. I also enclosed a copy of my letter to Mr Healey of 29 March and his reply to me of 14 April (WE 3 and 4).

11 WE 6

12 WE 7

13 WE 8

14 WE 7

15 WE 9

the Green Book as excluding “*activities a Member carries out for party political purposes.*” He said that while party political references were permitted in a letter using House stationery, a letter sent to “*a number of members of a particular political party seeking to influence their behaviour in a party political context*” seemed to him to be party political activity and therefore “*outside the definition of parliamentary duties as defined for this purpose.*” The Director-General confirmed that the invoice provided by Mr Healey accurately represented the cost of the envelopes. He gave the cost of 295 sheets of House of Commons embossed paper as £10.66 and said that it would be disproportionate to seek to compute or collect the cost of printing the letters.¹⁶

19. I wrote to Mr Healey on 10 May and enclosed a copy of my letter to the Director-General of 18 April and his response to me of 5 May.¹⁷ I drew Mr Healey’s attention to the Director-General’s advice that his letter was in breach of the rules both because it had been unsolicited and because it had constituted party political activity. I said that I now needed to consider how best to resolve this matter. I said that if Mr Healey were to accept the Director-General’s advice then I would be ready to consider resolving this matter through the rectification procedure. I said that I did not think it proportionate to invite a separate investigation by IPSA into the use of the House of Commons notepaper and noted that Mr Healey had repaid a sum to them representing the cost of that paper.

20. Mr Healey responded to my letters of 28 April and 10 May on 15 May.¹⁸ He said that, although he did not keep the stationery he ordered from his purchased supplies separate from stationery ordered against his House account, he was “*very confident but cannot be completely certain*” that the headed notepaper he had used for this dispatch had been purchased with funding from IPSA. The reason he thought this was that the invoice of July 2010 from his supplier was the first significant stationery purchase after the election,¹⁹ and was part of setting up his Commons office: he had had no substantial requirement for further stocks since then.²⁰ He noted that the Director-General considered that his letter was in breach of the rules because it was unsolicited and because it fell outside parliamentary duties. Mr Healey acknowledged the first point and gave a “*firm commitment*” that there would be no recurrence. However, Mr Healey said that he believed there was “*an important point about my role as the Official Opposition’s shadow Health Secretary being part of my parliamentary duties, rather than party political activity*”, and he would therefore welcome my views on the matter as he felt this was “*a grey area*” as far as the Green Book rules were concerned.

21. I wrote to Mr Healey on 17 May.²¹ I said that there were two options for resolving this matter. First, as he had paid back the monies involved and the breach was not at the serious end of the spectrum, I could rectify the complaint in respect of the misuse of pre-paid

16 In fact Mr Healey paid back £20.65 to IPSA based on his estimate of the cost of the IPSA funded notepaper.

17 WE 5, 9 and 10

18 WE 8, 10 and 11

19 Invoice not included in the written evidence

20 Mr Healey noted in commenting on the factual sections of this memorandum on 19 June that this stationery was used to set up his Commons shadow ministerial office and was paid for separately from any stationery called off from his House of Commons supply account.

21 WE 12

envelopes without a submission to the Committee. I confirmed that this required Mr Healey to accept the Director-General's advice, both in respect of his using House of Commons pre-paid envelopes for unsolicited correspondence and because the content constituted party political activity. Second, I said that if Mr Healey were not to accept both parts of the Director-General's advice, then I would need to prepare a memorandum for the Committee setting out my conclusions and it would then be for the Committee to decide what action, if any, to take. I told Mr Healey that my own view was that it should not be necessary to trouble the Committee with a memorandum on this matter as, applying the current rules to the complaint, I would be minded to accept the Director-General's advice. But I said that I would only come to a final view once I had taken account of any further representations he might wish to make, if he decided that he wished to have the matter formally submitted to the Committee. I also said that if Mr Healey wished to see a change to the rules, then it would be open to him to raise this separately with the parliamentary authorities.

22. Mr Healey replied on 29 May.²² Mr Healey noted that rectification of the complaint without making a submission to the Committee would require him to accept the Director-General's view that his letter "*constituted both unsolicited correspondence and party political activity*". He accepted that his letter was unsolicited, but he did not accept that it constituted party political activity. He had written the letter as the Official Opposition's shadow Health Secretary, "*a role which is a part of my parliamentary duties.*" He did not believe that his letter "*constituted party political activity, as defined in the Green Book rules.*" As he had previously explained, he made no mention of the Labour Party, and no part of his letter was in pursuit of personal benefit, electioneering, fund raising, or support for a political party. He suggested that the Green Book rules were drawn up "*with the activity of constituency MPs in mind*" and that the questions arising from this case suggested that the rules "*do not account for activities which are appropriate for Members acting in a parliamentary capacity as shadow ministers.*" For these reasons, he could not accept the Director-General's view.

23. I wrote to Mr Healey on 2 June.²³ I noted that I had been minded to accept the Director-General's advice and did not believe that it should it have been necessary to trouble the Committee with this matter given the nature and the scale of the alleged breach. However, I said that I would now consider the matter afresh and prepare a memorandum to submit to the Committee.

Findings of Fact

24. On 10 March 2011 Mr Healey used House of Commons pre-paid envelopes to write to the 295 leaders of Liberal Democrat council groups in England asking them to "*take a hard look at the Health and Social Care Bill*" before the debate at their spring conference that weekend. Mr Healey said that they would see "*next to nothing of Lib Dem health policy in this huge top-down internal re-organisation that the Government is forcing on the NHS*" and that the policy was "*precisely what the Government promised NOT to do*" in the coalition agreement which had been agreed by the Conservative and Liberal Democrat parties. Mr

22 WE 13

23 WE 14

Healey said, *“This is Conservative not coalition health policy, and certainly not Lib Dem health policy.”* He said that the stronger voice for patients locally, which was the main evidence of any influence of Liberal Democrat ideas on health in the coalition agreement, had been *“swept aside”* and that full market competition, as the Conservative ideology at the heart of this health reform, directly conflicted with the Liberal Democrat’s *“long and proud commitment to the ethos of essential public services.”* Mr Healey said that Mr Watts, as the Liberal Democrat leader on his local council, was *“in a better position than most to see that this reckless and ideological NHS reorganisation will lead to worse not better patient care.”* Mr Healey concluded the letter by saying that he hoped Mr Watts would join the debate at the Liberal Democrat spring conference which he suggested would send *“a clear message to the Prime Minister”* that the Liberal Democrats were committed to *“defending, not destroying”* the best of the NHS.

25. The Director-General of Human Resources and Change considers that this letter was in breach of the Green Book rules relating to the use of House stationery. First because it was unsolicited and second because, while party political references are permitted in a letter using House stationery, a letter sent to *“a number of members of a particular political party seeking to influence their behaviour in a party political context”* seemed to him to be party political activity and therefore outside the definition of parliamentary duties given for this purpose in the Green Book rules.

26. Mr Healey has repaid the costs of the House stationery used in this dispatch, comprising £130.08 for 295 first class pre-paid envelopes to the House of Commons authorities (even though some letters were sent by second class pre-paid envelopes) and £20.65 for the headed notepaper to the IPSA.

27. Mr Healey accepts that these letters were unsolicited, and that sending them in pre-paid House of Commons envelopes was therefore a breach of the rules of the House. For this reason he has repaid the costs involved. He does not accept, however, that his letter constituted party political activity. Mr Healey says that he wrote the letter as the Official Opposition’s shadow Health Secretary, a role which he argues forms part of his parliamentary duties. He believes that an important part of the parliamentary role of Official Opposition shadow ministers is to scrutinise, challenge and hold Government to account, especially on legislation before the House. He argues that the dispatch of his letter to the Liberal Democrat council leaders formed part of his parliamentary duties and so its costs were properly met from parliamentary resources in accordance with the Green Book rules.

28. Mr Healey’s evidence is that the letter made no mention of his own political party and no part of it was in pursuit of personal benefit, electioneering, fundraising or support for a political party. He also believes the Green Book rules have been drawn up with the activity of constituency MPs in mind, and that the questions arising in this case suggest that the rules do not account for activities which are appropriate for Members acting in a parliamentary capacity as shadow ministers. He does not, therefore, accept that the sending of this letter to the leaders of Liberal Democrat council groups in England shortly before their party’s spring conference constituted party political activity as defined for this purpose in the Green Book.

Conclusions

29. The question I am to resolve is whether Mr Healey was in breach of the rules of the House in using House of Commons pre-paid envelopes to send a common format letter to Liberal Democrat council group leaders about to attend their party's spring conference. The letter sought to persuade them that the coalition Government's health policy, which the conference was to debate, was not in accordance with Liberal Democrat party policy.

30. Mr Healey has accepted that, since his letter was not a response to an approach from any of these councillors—it was unsolicited—he should not have used House of Commons pre-paid envelopes for this communication under the rules in force at the time. For this reason, he accepts that he was in breach of the rules of the House. I agree. Mr Healey has paid back in full the cost of the 295 pre-paid envelopes he used for this dispatch on the assumption that all were sent first class—although his evidence is that some were not—and the cost of the House of Commons embossed letter paper which was provided from his IPSA expense account. The total sum was £151, comprising £130 for the pre-paid envelopes and £21 for the notepaper. I welcome also the commitment Mr Healey has given to avoid any recurrence.

31. I accept Mr Healey's evidence that for this dispatch he used letter paper funded from his IPSA account. I form no view on the separate question of whether IPSA would or should permit such correspondence or other activities by Members appointed to the Official Opposition Front Bench to be funded under its expenses scheme. That is a matter solely for IPSA.

32. In a previous memorandum to the Committee, I suggested that the House authorities and IPSA should liaise closely to ensure a consistent set of principles and policies in relation to the use of publicly funded stationery.²⁴ I welcome the fact that they have now done so. I was grateful to be informed on 21 June by the House authorities that the rules in relation to certain aspects of the use of House provided stationery are being revised to bring them into line with IPSA's provisions. I will, of course, assess any future stationery complaints arising from conduct occurring after this change on the basis of the new rules. But I must form a judgement on this current complaint on the basis of the rules as they were at the time.

33. I am in no doubt that Mr Healey is mistaken in believing that the Green Book rules, as they were when he sent his letter, allowed him to use parliamentary resources to send a letter in the terms he did to the Liberal Democrat councillors. A fundamental principle in those Green Book rules is that allowances are reimbursed only for the purpose of a Member carrying out his or her parliamentary duties. Parliamentary duties are specifically defined as excluding activities which a Member carries out for party political purposes. Since I consider that the content of the letter was incontrovertibly party political, it follows that, under the Green Book rules at the time, it cannot constitute a parliamentary duty, and so cannot be funded from public resources. I recognise Mr Healey's argument that the letter does not appear to contravene the prohibition on electioneering, fundraising and party support referred to in the section of the rules on House stationery. But that cannot mean that it would be right to set aside the general prohibition on claims which relate to

²⁴ Committee on Standards and Privileges, First Report of Session 2010-11, HC 433

party political activity of any sort or the specific exclusion of party political activity in the Green Book's definition of parliamentary duties. Those clear references in the rules apply in this case and, as a result, take Mr Healey's letter outside the requirements of the rules.

34. The Green Book rules apply to all Members in the conduct of their parliamentary duties. There is no separate rule or dispensation for the Opposition Front Bench. As Mr Healey has rightly said, the work of an Opposition Front-Bench spokesperson forms part of his or her parliamentary duties. But the relevant Green Book rules make clear that parliamentary resources can only be used in support of that duty if they are not being used to fund party political activity. Mr Healey has, in effect, sought to turn the definition on its head by suggesting that as long as a Member is undertaking a parliamentary duty, then it cannot be held to constitute party political activity, or if it does and it relates to that Member's work as an Opposition Front-Bench spokesperson, then it can still be funded. That, in my judgement, is directly contrary to the terms of the Green Book rules. The fact that a Member carries out work as a member of the Opposition Front Bench, including work in respect of legislation before the House (albeit indirectly) cannot mean that all such work, regardless of its nature, must be parliamentary in its character. The position for the Opposition Front Bench is little different in this respect from their Back-Bench colleagues. It is recognised in the Green Book rules that some of their work as Members of Parliament will constitute party political activity and, if it does, it cannot be funded as a parliamentary duty within the terms of the Green Book.

35. While the line between parliamentary duty and party political activity is not always clear and will sometimes require a delicate judgement, I do not believe that to be so in this case. I do not accept Mr Healey's contention that his letter was not party political because it did not specifically name his political party: that would make it too easy to avoid the purpose of the rule, which was to prevent public resources provided through Green Book allowances being spent on party political activity. It would also have been inconceivable that the politically experienced recipients of Mr Healey's letter would have been in any doubt that it was written by a leading member of the Labour Party.

36. Properly interpreted, I do not believe that it can credibly be argued that this letter had anything other than a party political purpose. It was sent unsolicited to a group of leading local councillors who were all from the same political party and not themselves Members of Parliament, arguing that the Government's policy—a Government of which their party was a part—was not consistent with their political party's policies or philosophy, and asking them to take this into account in the forthcoming debate at their party's imminent political conference and so send a clear message to the Prime Minister about the Liberal Democrat party's commitment to defending the NHS. In my judgement, in no sense can a letter drafted in these terms be held to be a part of a Member's parliamentary duties within the terms defined in the Green Book.

37. I conclude, therefore, that Mr Healey was in breach of the rules of the House as they were at the time by using House of Commons pre-paid envelopes to send out 295 common format letters to Liberal Democrat council group leaders criticising the coalition Government's health policy and suggesting that it was not consistent with Liberal Democrat policy and principles, because these letters were unsolicited and because they constituted party political activity and were not therefore part of Mr Healey's parliamentary duties. I therefore uphold the complaint.

38. Mr Healey has made some wider points—in effect arguing that the Official Opposition Front Bench should be able to use parliamentary resources for party political purposes, since this aspect of their work forms part of their parliamentary duties. I have not considered these arguments in any detail, since they are principally for others to determine. But in my view it would be clearer and more transparent if any debate about the extent of financial support to the Official Opposition Front Bench and the purposes to which it might be put were to be held in the context of the provision of Short Money. I am disappointed that, despite the advice of the House authorities, Mr Healey has not accepted that, while he may disagree with the rule in relation to party political activities, his letter was nevertheless dispatched in breach of that rule. Had he done so, the complaint could properly have been speedily resolved through the rectification procedure.

39. It follows that I do not regard this breach of the rules as at the serious end of the spectrum. Mr Healey has accepted part of the reasons for the breach. He has paid back in full the comparatively modest sum involved, £151. In my view he should have recognised the obvious party political nature of his letter, recognised that, under the relevant Green Book rules, party political activities cannot form a part of a Member's parliamentary duties, wherever he or she sits in the House, and apologised and agreed to rectification. His wish to see parliamentary and IPSA resources being used to support more widely the work of the Opposition Front Bench could be pursued more appropriately through other means.

22 June 2011

John Lyon CB

2 Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Cllr David Watts, 22 March 2011

I wish to make an official complaint to the Commissioner regarding the enclosed letter I received from John Healey MP. This letter is written on House of Commons paper and sent using a House of Commons pre-paid envelope. My understanding is that the provision of stationery and postage was to ensure that MPs were able to fulfil their role as MP's. However as the contents of this letter make clear, this was written from a solely Labour Party perspective seeking to advance the views of the Labour Party. This was a party political matter and not a letter written in his capacity as an MP, and it was therefore wholly inappropriate that Mr Healey used official stationery for the purpose. I am also aware that I was by no means the only recipient of a copy of this letter.

I look forward to hearing from you in due course.

22 March 2011

2. Letter to Cllr David Watts from Rt Hon John Healey MP, 10 March 2011

I am writing to urge you to take a hard look at the Health and Social Care Bill before the debate you will have this weekend at your spring conference.

You will see next to nothing of Lib Dem health policy in this huge top-down internal reorganisation the Government is forcing on the NHS in England, despite increasing concern and criticism from patients' groups, professional bodies and NHS experts. It is also, of course, precisely what the Government promised NOT to do in the coalition agreement your party agreed with the Conservatives.

This is Conservative not coalition health policy, and certainly not Lib Dem health policy.

The main evidence of any influence of Lib Dem ideas on health in the coalition agreement was the commitment to "ensure that there is a stronger voice for patients locally through directly elected individuals on the boards of their local primary care trust (PCT)." This was swept aside just two months later when Andrew Lansley published his NHS White Paper, which included the abolition of PCTs.

Your policy priorities before the election were to ensure that local people have more control over their health services. The Government's plan for the NHS places sweeping powers with a new national QUANGO—the National Commissioning Board—and a national economic regulator charged with promoting and enforcing competition to open up all parts of the NHS to private health companies.

Your principled concern was to strengthen local and public accountability of health services. The legislation seriously restricts openness, scrutiny and accountability both to the public and to Parliament. It will lead to an NHS in which "commercial in confidence" will be stamped on many of the most important decisions.

Full market competition, as the Conservative ideology at the heart of this NHS reorganisation, directly conflicts with your Party's long and proud commitment to the ethos of essential public services. Doctors warn the Conservative's plans will be "the end of the NHS as we currently know it".

This internal reorganisation, which the NHS chief executive himself has described as "enormous—beyond anything that anybody from the public or private sector has witnessed", is a very serious risk to the NHS. It is piling extra unnecessary pressure on the NHS, and comes at a time when patients and staff in some areas are already starting to see waiting lists growing and services being cutback. Led by the BMA, organisations speaking for NHS staff say the scale, speed and cost of the changes are "extremely risky and potentially disastrous".

As the Lib Dem leader on your local council you are in a better position than most to see that this reckless and ideological NHS reorganisation will lead to worse not better patient care. This is not your policy but it is being done in your name and you will be held responsible by the public for the consequences to our NHS.

I hope you will join the debate at your spring conference a clear message to the Prime Minister that the Liberal Democrat partner in his coalition Government is committed to defending, not destroying the best of our NHS.

10 March 2011

3. Letter to Rt Hon John Healey MP from the Commissioner, 29 March 2011

I would welcome your help on a complaint which I have received from Cllr David Watts about your use of House stationery and a pre-paid envelope to write a letter to him on what he considers is a party political matter.

I enclose the complainant's letter to me of 22 March, together with a copy of your letter to him of 10 March and a copy of the House of Commons first class pre-paid envelope in which he received it.

In essence, the complaint is that you have used House of Commons provided stationery and House of Commons pre-paid envelopes to send out unsolicited letters whose content constituted party political activity, contrary to the rules of the House.

The Code of Conduct for Members of Parliament provides in paragraph 14 as follows:

"Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services."

The rules in relation to Members' use of House stationery are set out in the Green Book last revised in July 2009. Section 1 of that Green Book sets out the fundamental principles relating to those allowances, including the following:

- *"Claims should be above reproach and must reflect actual usage of the resources being claimed.*
- *Claims must only be made for expenditure that it was necessary for a Member to incur to ensure that he or she could properly perform his or her parliamentary duties.*
- *Allowances are reimbursed only for the purpose of a Member carrying out his or her parliamentary duties. Claims cannot relate to party political activity of any sort, nor must any claim provide a benefit to a party political organisation.*

...

- *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."*

Section 1.4 provides guidance on applying these principles, including the following question:

"Is this purchase supporting me in carrying out my parliamentary duties? ... Anything which is done for personal benefit or for electioneering or for the direct support of a political party will not be part of a Member's parliamentary duties."

The rules in relation to House stationery and postage are set out in section 2.6 of the Green Book. The purpose of the facility is set out in paragraph 2.6.1 as follows:

"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 includes the following on the use 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.*

...

Pre-paid envelopes must not be used:

...

- *in connection with fund raising for the benefit of a political party or supporting the return of any person to public office.*

...

You are encouraged to use second-class pre-paid envelopes. First-class envelopes should only be used for priority mail."

Paragraph 2.6.3.2 sets out provisions for House stationery which includes the following:

"House stationery, however it is acquired, should not be used for the following purposes:

...

- *in connection with fund raising for the benefit of a political party, advocating membership of a political party, or supporting the return of any person to public office.*

...

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'. Any such use must also comply with the three requirements set out earlier in this section."

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

1. the circumstances in which you came to write to the complainant with your letter of 10 March 2011;
2. whether you sent the same letter to others, and if so, how many and who they were (in other words, how did you select the recipients of your letter?);
3. how many of these letters were sent in House of Commons first class pre-paid envelopes and how many, if any, were dispatched or delivered by other means;
4. whether the stationery you used was House of Commons provided stationery, or whether you purchased it from the suppliers, and if so, the source of the funding for this purchase;
5. why you used first class mail for this dispatch;
6. what, if any, parliamentary resources were used for the drafting, preparation and printing of your letter;
7. whether you have sent similar dispatches at other times in the course of the current Parliament to members of other political parties seeking their support for your party's policy, and if so, how many and when;
8. whether you consider that this dispatch (and any others) breached the rules for Members' use of provided stationery and pre-paid envelopes, in particular because of its content and because it was sent to people who had not previously contacted you on the issue and, if so, how this error came about.

Any other points you wish to make to help me with this inquiry would, of course, be very welcome.

I enclose a note which sets out the procedure which I follow. I have written to the complainant to let him know that I have accepted his complaint and that I am writing to you about it. In accordance with the decision of the House, I will be publishing on my website in due course the fact that I am conducting this inquiry and the general category in which it comes. I will not be commenting further on its progress.

I would be very grateful if you could let me have a response to this letter within the next three weeks. If there is any difficulty about this, or you would like a word about the process, please contact me here at the House.

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

29 March 2011

4. Letter to the Commissioner from Rt Hon John Healey MP, 14 April 2011

Thank you for your letter and enclosures of 29 March 2011 relating to the above. I am happy to provide you with the information you request in order to assist your consideration of this complaint about my use of House stationery and pre-paid envelopes.

In addition to being the local MP for Wentworth & Dearne, my parliamentary duties include my role as the Official Opposition's shadow Health Secretary. This dimension of official parliamentary activity is recognised by the House procedures and now formally by IPSA in its new system for reimbursement of costs. It was in this capacity that I wrote the letter to Cllr Watts.

An important part of the parliamentary role of Official Opposition ministers is to scrutinise, challenge and hold Government to account, especially on legislation before the House. It was in connection with the Government's Health and Social Care Bill, then in the middle of Commons public bill committee scrutiny, that I wrote to Cllr Watts and other Lib Dem council group leaders in England.

There is no part of my letter which has the purpose of pursuing personal benefit, electioneering, fundraising or seeking support for a political party—indeed I do not mention the Labour Party. I do not believe therefore that my letter contravenes section one of the Green Book guidance. Rather, the letter reflected very serious concerns that Lib Dem Members of the House and members of the party held about the Government's legislation which were set to be debated at the national Lib Dem spring conference that weekend, and a number of Cllr Watts' colleagues responded both by thanking me for the letter and confirming their own concerns. Building alliances of this kind is an essential element of effective democratic scrutiny and Opposition.

I do however acknowledge and accept that those I wrote to had not previously contacted me on the issue of the NHS legislation and so I may have breached the terms of section two of the Green Book on use of pre-paid envelopes, irrespective of the case that I was writing in pursuit of my parliamentary duties as Shadow Health Secretary. On this basis I have sent a remittance to IPSA of £11.80 to cover the cost of 295 sheets of overprinted headed paper and £130.08 to the House of Commons Department of Resources to cover the cost of 295 pre-paid envelopes (all at first-class rate), as per the invoice attached.²⁵

In your letter you ask me for details on a number of specific points, which I have set out for you in the attached appendix.

I hope this information and action is helpful to you in coming to a swift conclusion on the complaint that CIIR Watts has made. Should you require any further information, then please do contact me directly. I look forward to hearing from you.

Appendix—information in response to the Commissioner's specific questions

1. The Liberal Democrat national spring conference was held on the weekend of 12/13 March. By the middle of the preceding week it became clear that on Saturday 12 the conference was set to debate the Government's NHS legislation. As influential figures in this Lib Dem debate I wrote to the leaders of Lib Dem council groups in England on 10 March on this subject.
2. I sent the same letter, personally addressed, by post to the 295 senior Lib Dem councillors on each of the English councils.
3. In view of the short time before the significant debate at the spring conference, the majority were sent by pre-paid first class post, although a number were sent in second class envelopes as I did not have a sufficient stock to send all first class. In view of the timing of the conference debate, I also sent the letter by email where I could.
4. The stationery was my overprinted Commons stationery, and I signed the letter as “Shadow Health Secretary”. The envelopes were from the stock I hold in the office, provided by the House of Commons rather than specially purchased for the purpose. However, some of the pre-paid envelopes I used were very old stock—including pre-paid brown envelopes which I have held from the days of my predecessor as MP prior to 1997.
5. See point 3 above.
6. I wrote the letter, on my parliamentary computer and printed it on my printer. I stuffed the letters myself, with some assistance from a member of my staff who is employed using Short money available to me in my Official Opposition role.
7. I sent a similar letter to Liberal Democrat parliamentary colleagues on 28 January immediately prior to the second reading of the Health and Social Care Bill; this was sent using the parliamentary internal mail system.
8. See letter above

Calculation of mailing costs

| | |
|---|---------|
| House of Commons pre-paid envelopes and postage—see invoice attached: ²⁶ | £130.08 |
| House of Commons overprinted letterhead 295 @ 0.04/sheet: | £ 11.80 |

14 April 2011

5. Letter to the Director-General of Human Resources and Change from the Commissioner, 18 April 2011

I would welcome your help on a complaint which I have received against Rt Hon John Healey MP about his use of House of Commons pre-paid envelopes and House of Commons stationery to write to senior Liberal Democrat councillors in advance of the Liberal Democrat spring conference.

In essence, the complaint is that Mr Healey used House of Commons-provided stationery and House of Commons pre-paid envelopes to send out unsolicited letters whose content constituted party political activity, contrary to the rules of the House.

I attach the relevant correspondence.

As you will see, Mr Healey has accepted that his letters may have breached the Green Book rules about the use of House-provided stationery for unsolicited correspondence, but he does not accept that its content

²⁵ Not included in the written evidence

²⁶ Not included in the written evidence

constituted party political activity, since he considers that the content properly formed a part of his parliamentary duties as the shadow health spokesman. Mr Healey has calculated the cost of sending out these 295 letters and apportioned the sums between IPSA (for the paper) and the House of Commons (for the pre-paid envelopes).

I would welcome your comments on this complaint. In particular:

1. Whether you consider that the letter was in breach of paragraph 2.6.3.1 of the Green Book rules in relation to the use of pre-paid envelopes, and 2.6.3.2, in relation to the use of House stationery;
2. Whether you consider that the terms of this unsolicited letter to the 295 senior Liberal Democrat councillors in advance of a debate on the Government's health legislation which they were to hold at their spring conference constituted party political activity as set out in section 1 of the Green Book, taking account of the general principles and of the guidance in section 1.4;
3. Whether you could confirm that both the House of Commons and IPSA enable Members to use House of Commons embossed notepaper. I am asking Mr Healey to confirm that the enclosed paper he used was not from his House-provided stationery provision;
4. Whether you could confirm the accuracy of the House's invoice to Mr Healey of £130.08 for the cost of 295 first-class pre-paid envelopes and if you could tell me the cost of 295 sheets of embossed notepaper if it had come from Mr Healey's provided allowance;
5. Whether the House would normally seek reimbursement for the use of House of Commons equipment to print 295 letters if those letters were not permitted under the Green Book rules, and if so, what might be a suitable sum.

I have not sought to address Mr Healey's use of the internal email system to email Liberal Democrat Members on 28 January, since I do not believe that this relates to Mr Healey's use of House stationery, which is the subject of this complaint, but if you wished to comment on this additional point, you would be welcome to do so.

It would be very helpful if you could let me have a response to this letter within the next two weeks. Thank you for your help.

18 April 2011

6. Letter to Rt Hon John Healey MP from the Commissioner, 18 April 2011

Thank you for your letter of 14 April with its enclosures responding to my letter of 29 March about this complaint.

I was most grateful for this response. I am now consulting the House authorities. I have assumed from your letter that the embossed House of Commons notepaper which you used to print your letter to the Liberal Democrat councillors was funded from your IPSA account and was not funded from stationery provided by the House of Commons authorities. If this assumption is wrong, please let me know at once. In any event, I will be back in touch when I have advice from the House authorities. Thank you for your help with this.

18 April 2011

7. Letter to the Commissioner from Rt Hon John Healey MP, 21 April 2011

Thank you for your letter of 18 April confirming receipt of my response to you about this complaint.

Thank you also for raising the matter of whether the stationery was funded via IPSA or provided by the House of Commons authorities. I had a useful conversation with [the Complaints Officer] in your office this morning, in which I said that I was looking further into this point with the Commons authorities. I have also been making further inquiries of [the supplier].

I have now established, and am able to confirm for you, the following:

1. the [supplier] invoice I used as the basis for calculating the sum for remittance to IPSA for my overprinted letterhead (copy A, attached)²⁷ is for the stationery only; the "OP" in the product description is an internal signifier for [the supplier's] own purposes, and not "overprinted". The £11.80 (including VAT) I have remitted to IPSA covers the cost of the stationery supplied by [the supplier], invoiced and paid by me, then reimbursed by IPSA.

27 Not included in the written evidence

2. the further [supplier] invoice (copy B, attached)²⁸ is for the overprinting of my green House of Commons stationery. The cost of which for 295 sheets @ 0.03/sheet is £8.85 (including VAT). I have today sent a further remittance of this amount to IPSA.

I trust that this is helpful, and covers the point you raised in your letter of 18 April to me.

21 April 2011

8. Letter to Rt Hon John Healey MP from the Commissioner, 28 April 2011

Thank you for your letter of 21 April—received here on 27 April—responding to mine of 18 April.

I am most grateful for this further information which is helpful in establishing the costs of the notepaper which you ordered from the suppliers. With apologies for coming back to you again on this point, could you confirm the assumption in my earlier letter that the notepaper you actually used came from your purchased supplies and not out of the £7,000 worth of bespoke House stationery which is available to all Members? If this is correct, it would be helpful if you could explain how you know that the notepaper came from your purchased supplies. Do you keep such stationery separate or do you make no use of bespoke House stationery drawn from the central allowance?

If you could let me have a response within the next week to what I hope will be my final question, I will let the House authorities know so that they can have the full information before letting me have their advice. Meanwhile, I am copying to them your letter of 21 April for information.

28 April 2011

9. Letter to the Commissioner from the Director-General of Human Resources and Change, 5 May 2011

Thank you for your letter of 18 April.

I deal first with your questions 1 and 2. In my view, the letter was in breach of paragraphs 2.6.3.1 and 2.6.3.2 of the Green Book because it was unsolicited. Mr Healey appears to accept this. But in addition, pre-paid envelopes and House stationery are provided for a Member to perform his or her parliamentary duties. “Parliamentary duties” are defined in the final section of the Green Book as excluding “activities a Member carries out for party political purposes”. This amplifies the fundamental principle in paragraph 1.4 of the Green Book that “claims cannot relate to party political activity of any sort, nor may any claim provide a benefit to a party political organisation”. Party political references are permitted in a letter using House stationery (Green Book paragraph 2.6.3.5); however, a letter sent to a number of members of a particular political party seeking to influence their behaviour in a party political context seems to me to be party political activity and therefore outside the definition of parliamentary duties as defined for this purpose.

On your question 3, I cannot answer on behalf of IPSA, but, as far as the House is concerned, Members may use embossed stationery.

On your question 4, the invoice issued by the House accurately represents the cost of the envelopes. The cost of 295 sheets of embossed paper is £10.66.

On your final question, there is clearly a cost (toner, electricity etc) involved in printing 295 letters; but the amount involved is likely to be very small, and—if House facilities were used for it—I would not propose incurring the expense of computing or collecting such a small amount.

Please let me know if I can help further.

5 May 2011

10. Letter to Rt Hon John Healey MP from the Commissioner, 10 May 2011

I last wrote to you on 28 April seeking your confirmation on one point arising from my inquiries into this complaint. In the meantime, I have had a response from the House authorities to my letter of 18 April. This letter is to show you that response and to move to consider the resolution of this complaint.

I enclose a copy of the letter of 5 May from the Director-General of Human Resources and Change responding to my letter to him of 18 April which I also enclose.

As you will see, the Director-General's advice is that your letter to the Liberal Democrat Councillors was in breach of the relevant Green Book rules because it was unsolicited. In addition, he considers that the letter constituted party political activity and therefore fell outside the Green Book definition of parliamentary duties. Finally, he considers that it would be disproportionate to seek to compute or collect the cost of printing the letter.

I need now to consider how best to resolve this matter. If you were to accept the Director-General's advice, including his advice on the interpretation of parliamentary duties and party political activity, then, with your agreement, I would be ready to consider resolving this matter through the rectification procedure. Under the Standing Order, I am able to rectify a complaint in these circumstances without submitting a full and formal memorandum to the Committee on Standards and Privileges. Once I have written to the complainant, the matter is closed. I inform the Committee of the outcome and my letter to the complainant and the relevant correspondence is in due course published on my webpages.

In order for me to implement the rectification procedure, it would be necessary for you to accept that you were in breach of the rules of the House for using pre-paid envelopes for this dispatch both because the letter was unsolicited and because it constituted party political activity. The House would expect you to apologise. It would be helpful also if you would make a commitment to avoid a recurrence. I would note that you had repaid in full the cost of the pre-paid envelopes used at the 1st class rate (although some may have been sent 2nd class); and that while I did not think it proportionate to invite a separate investigation by IPSA into the use of the notepaper, you have repaid a sum representing the cost of that paper. I would accept the Director-General's view that to attempt to compute or collect the cost of printing would be disproportionate.

If you were to agree to the resolution of the complaint on this basis, I would prepare a letter to send the complainant. While the content is, of course, a matter for me, I would show it to you so that you could comment if necessary on its factual accuracy. I would then write to the complainant closing the complaint.

It would be very helpful if, as well as responding to my letter of 28 April, you could let me know within the next two weeks whether you would like me to rectify the complaint on the basis I have suggested. I am most grateful for your help on this matter.

10 May 2011

11. Letter to the Commissioner from Rt Hon John Healey MP, 15 May 2011

Thank you for your letter of 28 April raising the question of whether the letterhead used came from my purchased supplies or bespoke House stationery. You asked for a response within the week. However, I asked for a breakdown of the items allocated against my House stationery account for 2010–11 from the House authorities and only received this information on 9 May. This has delayed my reply to you. I enclose a copy for your information.²⁹

I use both the green crested and addressed House stationery and the red crested but not addressed House stationery for overprinting. I do not keep separate stationery ordered and allocated against my purchased supplies and stationery ordered and allocated against my House stationery account. I am very confident but cannot be completely certain that the overprinted letterhead I used for the letter in question came from purchased supplies, hence the repayment I have made to my IPSA-managed claims account. The reason rests with the invoices for the stationery and overprinting that I copied to you with my letter of 21 April, which represented the first significant stationery purchase and overprinting for last year and was a part of setting up my Commons office operation after the election. Some of this stationery was also used from my constituency office but we have had no substantial requirement for further stocks of letterhead in my Commons office since the order in July.

Thank you also for your further letter of 10 May, enclosing a copy of the letter from the Commons Director-General of Human Resources and Change. I note that the Director-General considers it would be disproportionate to attempt to calculate and collect the cost of printing the letters. I also note that [he] views my letter as in breach of the rules because it was unsolicited and fell outside parliamentary duties. I have acknowledged the first point in my letter to you of 14 April, and can give a firm commitment that there will be no recurrence of such a mailing. However, I believe there is an important point about my role as the Official

29 Not included in the written evidence

Opposition's shadow Health Secretary being part of my parliamentary duties rather than party political activity, as I also set out in my letter of 14 April, and a grey area on such matters as far as the Green Book rules are concerned.

This is a matter on which I look forward to your considered view.

15 May 2011

12. Letter to Rt Hon John Healey MP from the Commissioner, 17 May 2011

Thank you for your letter of 15 May responding to my letters to you of 28 April and 10 May. I was grateful for the further information you have provided and note your evidence that the letter paper you used was drawn from an IPSA account.

I am sorry if my letter of 10 May was not sufficiently clear about the options for resolving this matter. One option is that I rectify the complaint without a submission to the Committee on the lines set out in my letter of 10 May. That would require you to accept the Director-General's advice, both in respect of your using House of Commons pre-paid envelopes for unsolicited correspondence and because the content constituted party political activity. If you were to accept that advice, given that you have paid back the monies involved and that the breach is not, in my judgement, at the serious end of the spectrum, I would be ready to accept the Director-General's advice and conclude the complaint by writing to the complainant as described in my previous letter.

If, however, you were not to accept both parts of the Director-General's advice, then I would need to prepare a memorandum for the Committee on Standards and Privileges setting out my conclusions. It would then be for the Committee to decide what action, if any, to take. My memorandum and the Committee's report would be published as a formal House of Commons paper.

My own view is that it should not be necessary to trouble the Committee with a memorandum on this matter. The Director-General makes clear that the rules exclude from the definition of parliamentary duties activities carried out for party political purposes. If you wished to see a change to the rules, then it would be open to you to raise this separately with the parliamentary authorities. In the meantime, applying the current rules to this complaint, I would be minded at the moment to accept the Director-General's advice. But I would, of course, only come to a final view once I had taken account of any further representations you might wish to make if you were to decide that you wished not to accept that advice and to have the matter formally submitted to the Committee.

I would like to bring this matter to a resolution as soon as possible and would be grateful, therefore, if you could let me have a response to this letter within the next week. If you were to accept rectification, the matter could be concluded very quickly after that. A memorandum would inevitably take longer. If you would like a word about any of this, please contact me at the House.

I look forward to hearing from you.

17 May 2011

13. Letter to the Commissioner from Rt Hon John Healey MP, 29 May 2011

Thank you for your further letter of 17 May explaining the options you have available at this stage, and how you are minded to proceed. I am grateful to you for this information. I am also grateful for your desire to bring this matter to a resolution as soon as possible, though I apologise for being unable to reply within the week of your letter as you requested; it is simply that today over the bank holiday weekend is the first opportunity I have had to do so.

You explain in your letter that rectification of the complaint without you making a submission to the Committee would require me to accept the Director-General's view that my letter constituted both unsolicited correspondence and party political activity.

As I originally set out in my letter to you of 14 April, I accept the first but not the second point of view. I wrote the letter as the Official Opposition's shadow Health Secretary, a role which is a part of my parliamentary duties.

The matter of the Health and Social Care Bill was directly before the House at the time I wrote—the bill was in public bill committee—and the subject of wider debate, as the Liberal Democrat spring conference and subsequent developments have underlined.

I do not believe my letter constituted party political activity, as defined in the Green Book rules. As I explained in my letter of 14 April, I made no mention of the Labour Party and no part of my letter was in pursuit of personal benefit, electioneering, fundraising or support for a political party.

The Green Book rules are drawn up with the activity of constituency MPs in mind, and the questions arising from this case suggest the rules do not account for activities which are appropriate for Members acting in a parliamentary capacity as shadow ministers. Indeed this same issue has recently been recognised by IPSA in changes to reimbursement rules for travel when MPs do so as frontbench members of the Official Opposition. It is for these reasons that I cannot accept the Director-General's view, and I look forward to the judgement you will make yourself on the matter.

[Material not relevant to this inquiry]

I look forward to your reply on these points.

29 May 2011

14. Letter to Rt Hon John Healey MP from the Commissioner, 2 June 2011

Thank you for your letter of 29 May responding to mine of 17 May about this complaint on your use of parliamentary resources to write to Liberal Democrat Councillors in advance of their spring conference.

I have noted that you do not accept the Director-General's interpretation of the Green Book rules in respect of its definition of parliamentary duties. While, as you know, I was minded to accept the Director-General's advice, and do not myself believe that it should have been necessary to trouble the Committee with this matter given the nature and scale of the alleged breach, I will now consider this matter afresh and prepare a memorandum to submit to the Committee. I will show you the draft factual sections of the memorandum so that you can comment, if necessary, on their factual accuracy. I will then add my own conclusions and submit the full memorandum to the Committee. I will let you and the complainant know when I have done so. The Clerk to the Committee will let you have a copy of the full memorandum so that you may comment on it in advance of the Committee's consideration of this matter.

[Material not relevant to this inquiry]

I will write to you again when I have prepared the draft factual sections of my memorandum.

2 June 2011

Formal Minutes

Tuesday 12 July 2011

Members present:

Mr Kevin Barron in the Chair

Sir Paul Beresford
Tom Blenkinsop
Annette Brooke
Mr Tom Clarke

Mr Geoffrey Cox
Matthew Hancock
Oliver Heald

Annette Brooke declared a non-pecuniary interest and withdrew accordingly.

Draft Report (John Healey), 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 33 read and agreed to.

Paragraphs 34 and 35 read, amended and agreed to.

A Paper was appended to the Report.

Resolved, That the Report, as amended, be the Eighteenth 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 5 July be reported to the House.

[Adjourned till Tuesday 13 September at 9.30 am