

# Contents

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	<b>Summary</b>	<b>2</b>
	<b>Resolution letter: Leo Docherty MP</b>	<b>3</b>
	<b>Written evidence</b>	<b>4</b>
5	1. Letter from the Commissioner to Mr Leo Docherty MP, 10 May 2022	4
	2. Letter from Mr Leo Docherty MP to the Commissioner, 10 May 2022	8
	3. Letter from the Commissioner to Mr Leo Docherty MP, 24 May 2022	14

## Summary

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I investigated an allegation that, in sending out a mailing to constituents in March 2022, Mr Docherty had breached paragraph 16 of the Code of Conduct for Members of Parliament by misusing House-provided stationery.

- 5 The House's *Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis* sets out that Members are permitted to use House-provided stationery to contact constituents about a single issue but cannot use House-provided stationery to send "*general updates to constituents on a range of issues*". I opened my inquiry as I was concerned
- 10 that Mr Docherty's mailing dealt with a range of issues; namely, changes to the Aldershot garrison and the redevelopment of Aldershot town centre.

- However, in response to my inquiry Mr Docherty demonstrated he had sought and taken advice from the Clerk of Journals before sending his letter to constituents. That advice involved a review of the draft version of his letter and included an
- 15 endorsement from the Clerk that the final version of the draft "*did not obviously transgress the rules*". Therefore, I decided that it would not be fair or reasonable to take any further action on this matter and did not uphold the allegation.

## Resolution letter: Leo Docherty MP

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I wrote to you on 10 May 2022 to tell you that I had begun an inquiry into your allegation that Mr Leo Docherty MP had breached paragraph 16 of the Code of Conduct for Members by misusing House-provided stationery.

5 I opened the inquiry because under the House's rules, Members are permitted to use House-provided stationery to contact constituents about a single issue but cannot use the stationery to send "*general updates to constituents on a range of issues*". I was concerned that Mr Docherty's letter, as it dealt with both changes to the Aldershot garrison and the redevelopment of Aldershot town centre, could be  
10 considered to be a general update.

However, as Mr Docherty took advice from the Clerk of Journals (the House's internal authority on the use of House-provided stationery) before sending his letter, and as the advice involved a review of the draft, which included an endorsement from the Clerk that the letter "*did not obviously transgress the rules*", I  
15 have decided that it would not be fair or reasonable to take any further action on this matter. I have therefore closed my inquiry.

I will publish my decision and the written evidence pack shortly on my webpages and I will report the outcome to the Standards Committee in due course.

20 Thank you for bringing this matter to my attention. I confirm that the matter is now closed.

**6 June 2022**

## Written evidence

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### 1. Letter from the Commissioner to Mr Leo Docherty MP, 10 May 2022

5 Following receipt of an allegation I have received from [name redacted] about your compliance with paragraph 16 of the House of Commons Code of Conduct for Members, I have decided to open a formal inquiry. I enclose a copy of [name redacted]'s submission and the enclosures sent with it.

#### The scope of my inquiry

10 My inquiry will focus on whether your letter of March 2022 to Aldershot residents was an allowed use of House-provided stationery and was in line with paragraph 16 of the House of Commons' Code of Conduct for Members. If the scope of my inquiry changes, I will update you in writing.

#### The relevant rules of the House

The overarching rules are found in the House of Commons' Code of Conduct for Members (attached). Paragraph 16 of the Code states:

15 *Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is*  
20 *always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation*

The House's Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis (attached) states:

#### *Rules*

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

...

30 *iii) for newsletters (including annual reports or general updates to constituents on a range of issues);*

#### Next steps

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

Given the neutral language and content of the letter, and the absence of any references to political parties or policies, I have already decided that your letter could not be considered to constitute campaign literature and nor is it party-political in nature. However, I would welcome your comments on the allegation that your letter covered a range of issues and could be considered to be a general update. I would also be grateful for your answers to the following specific questions:

1. Did you take advice from the House authorities before sending out this letter? If you did, please provide me with a copy of the advice provided.
2. Please can you confirm how many copies of this letter were distributed and if a 2nd class House-provided postage paid envelope was used to post each copy.
3. Please can you confirm if you used your allocation of House-provided stationery to circulate your letter or whether you purchased the stationery from your own budget.

It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

### **Important information**

My inquiries are conducted in private. However, following the decision taken by the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.

This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. The same requirement extends to [name redacted].

The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [details redacted] for a range of issues, including support with handling the impact of media attention.

### **Procedure**

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

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

- 5 I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records  
10 Disposal Policy.

### Potential outcomes

Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may, in circumstances defined by Standing Order No. 150,  
15 uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the investigation material, including our correspondence, will be published on the Parliament website.

If I uphold the allegation, and it is either unsuitable for the rectification procedure,  
20 or you do not accept my decision, I must make a referral to the Committee on Standards. My memorandum to the Committee will be published as an appendix to the Committee's own Report.

Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is  
25 concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). Please tell me if you provide sensitive material that you think I should redact. I will consider carefully any such request.

### Action

I would be grateful to have your response to this letter as soon as possible and no  
30 later than 17 May 2022.

If you would prefer me to communicate with you by email, or via a different postal address, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you.

35 Thank you for your cooperation with this matter.

**Enclosure 1: Email from the complainant, 29 April 2022**

On 23rd March I received this letter in the post from my local MP Leo Docherty.

I am a resident and I noticed that it was sent on House of Commons paper, in a pre-paid House envelope, see attached scans.

5 Presumably was sent to every resident in the constituency, and I am concerned as follows:

- how much did it cost, and who paid for it?
- it is this an appropriate use of the stationary?
- Paragraph four, in particular, could be an election strategy

10 • it is NOT a survey and this information did not need to be shared with the residents in this way, or at all

I am not a member of any political party, however, I believe that this use of the House of Commons stationary is against the rules of the use of it, under paragraph three because:


- 15
- it contains news and a general update to the residents
  - it could be construed as coming under campaign expenditure

I would be grateful if you would look into this matter as a complaint about improper use of funds etc as above.

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

### Enclosure 2: Mr Docherty's letter of March 2022

**LEO DOCHERTY MP**  
Member of Parliament for Aldershot



HOUSE OF COMMONS  
LONDON SW1A 0AA

March 2022

Dear Resident

**NEW ARMY UNITS COMING TO ALDERSHOT GARRISON –  
ALDERSHOT CONSTITUENCY SURVEY**

As your local Member of Parliament, I thought it important to let you know that, as part of the Ministry of Defence's Integrated Review last year, the British Army has outlined plans for its most radical transformation in 20 years, called Future Soldier – with a new thousand-strong 'Ranger Regiment' coming to Aldershot.

This new Ranger Regiment – one of the most significant announcements from the plans – will form part of a newly established Army Special Operations Brigade to be based in Aldershot. Routinely deployed alongside partner forces to counter extremist organisations and hostile state threats around the world, the Regiment will be formed of four "all-arms" battalions, three stationed here in Aldershot – 2 PWRR, 2 LANCS, and 4 RIFLES – which will mean hundreds more soldiers and their families on the Garrison over the coming years.

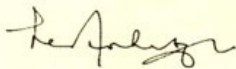
Aldershot Garrison remains home to thousands of Army personnel and forces families, as well as the headquarters for Home Command – the institutional backbone of the British Army – and Regional Command, responsible for Army operations here at home and HQ for personnel and their dependants in the UK, Nepal, and around the world.

\* I am also delighted that in addition to a strengthened Garrison, over £250 million of investment is already underway to transform Aldershot Town Centre – with regeneration schemes bringing new homes, shops, and public spaces over the next five years.

I'm looking forward to welcoming these new families, and working with the Garrison and our local councils to embrace the opportunities this presents for our area. I'm also keen to hear your views on what more we can do. You can write to me at **6 Union Street, Aldershot, GU11 1EG**, or by email at **leo.docherty.mp@parliament.uk**, to share your ideas.

There is a bright future ahead for our town. I hope, like me, you will welcome this further vote of confidence in Aldershot as 'Home of the British Army'.

With very best wishes



**Leo Docherty MP**

Your name(s) and address were obtained from the Register of Electors, provided to me as Member of Parliament for the Aldershot Constituency, for the purposes of democratic engagement.  
If you do not wish to receive future messages, please let me know using the contact details enclosed.

[www.leodocherty.org.uk](http://www.leodocherty.org.uk)  
[leo.docherty.mp@parliament.uk](mailto:leo.docherty.mp@parliament.uk)

### 5 Enclosure 3: House-provided postage paid 2nd class envelope (not reproduced here)

10 May 2022

### 2. Letter from Mr Leo Docherty MP to the Commissioner, 10 May 2022

Thank you for your letter of 10 May 2022. In response to your three questions:



PARLIAMENTARY COMMISSIONER FOR STANDARDS

1. **Did you take advice from the House authorities before sending out this letter? If you did, please provide me with a copy of the advice provided.**

5 I did seek advice. My office contacted Members' Services who suggested that we contact [name redacted], Clerk of Journals at the Chamber and Participation Team. My Senior Parliamentary Assistant, [name redacted], did so and I have enclosed a copy of this correspondence (beginning on 20 January 2022 and ending on 8 February 2022). This advice was heeded and amendments to the letter were made to address points made by [name redacted].

- 10 2. **Please can you confirm how many copies of this letter were distributed and if a 2nd class House-provided postage paid envelope was used to post each copy.**

10,000 copies of the letter were distributed. Each was sent using a 2nd class House- provided postage paid envelope.

- 15 3. **Please can you confirm if you used your allocation of House-provided stationery to circulate your letter or whether you purchased the stationery from your own budget.**

20 The letters were printed on House-provided headed paper via the Bespoke Stationery Budget. The over-printing with my name and contact details is separately paid for through my IPSA Office Costs budget.

25 My understanding of the rules is that House-provided stationery and pre-paid envelopes can be used to facilitate contact by Members about a specific issue with constituents who have not previously contacted them, as well as for the purpose of sending surveys. My letter both intended to inform the recipients of a specific issue - the basing of the new Ranger Regiment in Aldershot - and to canvass opinion from constituents in the form of a survey, as indicated by the letter's title: 'NEW ARMY UNITS COMING TO ALDERSHOT GARRISON -ALDERSHOT CONSTITUENCY SURVEY'

30 In response to the survey letter, I have received replies from constituents offering varying opinions and comments, such as expressing concerns about additional pressure the change will put on local schools. Some constituents were not aware that such a change was due to happen at all.

35 In addition to the letter helping inform constituents of this specific issue, the responses to this survey have been helpful to me to better understand constituents' opinions, which in turn means I can better and more accurately represent their views and concerns in Parliament, thereby supporting me in my parliamentary duties.

Please do let me know if you require any further information.

**Enclosure 1: Emails between the office of Mr Docherty and the Clerk of the Journals**

**1. From the office of Mr Docherty to the Clerk of the Journals, 20 January 2022**

5 I very much hope you're well.

I've been advised by Member Services that you may be able to assist. Mr Docherty is planning a mailout, on House of Commons letterhead, to constituents in Aldershot for the purposes of democratic engagement.

10 I understand you may be able to review the letter, and ensure its content is compliant with House standards. Is this correct? If so, I'll endeavour to send you a draft shortly.

Thank you in advance.

**2. From the Clerk of the Journals to the office of Mr Docherty, 20 January 2022**

15 I have oversight of the rules on Members stationery, and can certainly advise, but ultimately, if a complaint is made, the Parliamentary Commissioner for Standards and, if necessary, the Committee on Standards will consider the complaint.

20 It might help to consider the current rules, which are a mix of high and low level, when considering your communication. They can be found here [intranet link not included].

Those rules say:

**Rules**

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

i) in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office);

30 ii) for business purposes;

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

- iii) for newsletters (including annual reports or general updates to constituents on a range of issues);
- iv) for birthday or other greetings cards;
- 5 v) in a way that can be construed as campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000.

The extent to which mail outs in support of democratic engagement would fall within the definition of Parliamentary business has not been tested.

The following are permitted uses:

- 10 • administrative correspondence enabling Members to run their offices, such as current working documents sent between Westminster and the constituency;
- correspondence with Members or staff of either House (but using pre-paid envelopes only where correspondence cannot be sent using the internal mail system);
- 15 • correspondence with public bodies such as Government Departments, Agencies and NDPBs, devolved legislatures, local authorities and international organisations (but using pre-paid envelopes only where correspondence cannot be sent using the IDS, and only for UK bodies);
- 20 • correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues);
- correspondence with bodies or individuals outside the constituency in pursuance of parliamentary activities;
- 25 • correspondence by a Member or on behalf of a Member in connection with All Party Groups and delegations to international parliamentary assemblies.

I hope you find this helpful in drafting any proposed communication. I have copied in colleagues who also assist on this.

- 30 **3. From the office of Mr Docherty to the Clerk of the Journals, 24 January 2022**

As discussed, I attach a draft of the letter Mr Docherty proposes to send.

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

Thanks in advance.

### 4. From the Clerk of the Journals to the office of Mr Docherty, 26 January 2022

5 Thank you for sight of this. As I said in my earlier email, use of the stationery provided through the allowance is ultimately a matter for the Member's judgment and, if a complaint is made, to the PCS and the Committee on Standards.

10 The rules are high level, and say that the allowance is provided "*only for the performance of a Member's parliamentary functions*". The term "*parliamentary functions*" is undefined, and an MP's job has changed over the years. While "*correspondence with constituents, including contact by Members about a specific issue with people who have not previously contacted them and questionnaires and surveys (but not newsletters, annual reports or general updates on a range of issues)*" is explicitly permitted, it may be felt that this letter not within the "*performance of a Member's parliamentary functions*" as, in effect, it simply sets out a particular  
15 Government policy.

My view would be that this is not clearly a letter for the performance of parliamentary functions, and parliamentary provided stationery should not be used, but I would accept that it is a judgement call and the letter is about a specific issue, albeit a broad one. Ultimately, Mr Docherty will have to decide whether he considers  
20 this is part of his Parliamentary functions, and, if he does, be prepared to explain why that is so if a complaint is made.

### 5. From the office of Mr Docherty to the Clerk of the Journals, 1 February 2022

Thanks again for your assistance.

25 I've worked with Mr Docherty to amend the letter to include, effectively, a 'call for action' for residents to share their views. I wonder if you could review the attached again, and advise whether in your view justification of use of stationery is strengthened by it?

#### **Attachment: Draft "Future Solider" letter**

30 *Dear Resident*

*NEW ARMY UNITS COMING TO ALDERSHOT GARRISON – TELL ME WHAT YOU THINK*

*As your local Member of Parliament, I thought it important to let you know that, as part of the Ministry of Defence's Integrated Review last year, the British Army has*

## PARLIAMENTARY COMMISSIONER FOR STANDARDS

*outlined plans for its most radical transformation in 20 years, called Future Soldier – with a new thousand-strong ‘Ranger Regiment’ coming to Aldershot.*

5 *This new Ranger Regiment – one of the most significant announcements from the plans – will form part of a newly established Army Special Operations Brigade to be based in Aldershot. Routinely deployed alongside partner forces to counter extremist organisations and hostile state threats around the world, the Regiment will be formed of four “all-arms” battalions, three stationed here in Aldershot – 2 PWRR, 2 LANCS, and 4 RIFLES – which will mean hundreds more soldiers and their families on the Garrison over the coming years.*

10 *Aldershot Garrison remains home to thousands of Army personnel and forces families, as well as the headquarters for Home Command – the institutional backbone of the British Army – and Regional Command, responsible for Army operations here at home and HQ for personnel and their dependants in the UK, Nepal, and around the world.*

15 *I am also delighted that in addition to a strengthened Garrison, over £250 million of investment is already underway to transform Aldershot Town Centre – with regeneration schemes bringing new homes, shops, and public spaces over the next five years.*

20 *I’m looking forward to welcoming these new families, and working with the Garrison and our local councils to embrace the opportunities this presents for our area. I’m also keen to hear your views on what more we can do. You can write to me at 6 Union Street, Aldershot, GU11 1EG, or by email at [leo.docherty.mp@parliament.uk](mailto:leo.docherty.mp@parliament.uk).*

*There is a bright future ahead for our town. I hope, like me, you will welcome this further vote of confidence in Aldershot as ‘Home of the British Army’.*

25 **6. From the Clerk of the Journals to the office of Mr Docherty, 8 February 2022**

I am so sorry - this was on my list. This is a difficult area, and one the Committee on Standards is likely to look at soon.

30 Asking for views does indeed bring it closer to the rules, and it could be argued the letter is now a survey. I shall be frank, and say even so, it seems to me the purpose of the letter is to raise awareness of a government policy which Mr Doherty considers benefits the constituency rather than to seek opinions. But it is not overtly party political. That for me puts it in the area where Mr Doherty will have to exercise his judgement as to whether, if a complaint is made, he can justify it as being part of his Parliamentary functions, which is the basis for use of House provided stationery,  
35 and also referenced in the guide to the use of the Crowned Portcullis: *“It may be used by Members on their stationery provided by the House or used for their parliamentary functions”* [intranet link not included].

If a complaint was to be made, I would have to say that my advice was that this was borderline, but did not obviously transgress the rules.

10 May 2022

### 3. Letter from the Commissioner to Mr Leo Docherty MP, 24 May 2022

- 5 Thank you for your prompt reply of 10 May 2022 and the further materials that your office submitted on 17 May 2022. I now have sufficient evidence to reach a decision on the allegation that your letter of March 2022 to Aldershot residents was a misuse of House-provided stationery.

#### Decision

- 10 Having reviewed all of the evidence available, I have decided not to uphold the allegation.

As you know, under the House's rules, Members are permitted to use House-provided stationery to contact constituents about a single issue but cannot use the stationery to send "*general updates to constituents on a range of issues*". I was  
15 concerned that your letter, as it dealt with both changes to the Aldershot garrison and the redevelopment of Aldershot town centre, could be considered to be a general update.

However, as you took advice from the Clerk of Journals before sending your letter, and as the advice involved a review of the draft of your letter, which included an  
20 endorsement from the Clerk that your letter "*did not obviously transgress the rules*", I have decided that it would not be fair or reasonable to take any further action on this matter.

#### Next steps

I enclose a copy of the written evidence pack, which includes the correspondence  
25 exchanged during the investigation. In this pack you will find a draft copy of the letter I plan to send to the complainant; it is the first item in the pack, after the summary. While the content of the letter is a matter for me alone, I would welcome any comments on the factual accuracy of this and the written evidence pack. The complainant's name will be redacted from the published pack; please let me know if  
30 there are any further redactions you think should be made, and I will consider your request.

I would be pleased to receive any comments you wish to make on these items as soon as possible, and no later than 31 May 2022.

**PARLIAMENTARY COMMISSIONER FOR STANDARDS**

Once I have any comments you wish to make, I will finalise the pack, which will then be published on my webpages. I will notify you of the publication of the pack. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

5 In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and the complainant letters concluding the inquiry, this matter should remain confidential.

Thank you for your co-operation.

*24 May 2022*