

REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME – USE OF PARLIAMENTARY RESOURCES

Executive Summary

1. The SPCB is invited to consider a complaint regarding the content of a letter issued by James Kelly, the cost of which has been met from parliamentary resources.

Issues and Options

2. The SPCB's policy on Members' Publications specifies that:-

“Parliamentary funded publications must not include:

Any material that promotes, criticises or campaigns for or against anyone seeking election” (paragraph 6); and

“..... surveys or any other publication paid for from parliamentary resources must not be used for party political or campaigning purposes” (paragraph 8)

3. Mr Kelly's member of staff contacted the Allowances Office on 1 March 2016 seeking advice on the content of a letter Mr Kelly proposed to issue. A copy of the original letter is attached as Annex A together with the Allowances Office response.

4. Subsequent to a revised letter (which had not been copied to the Allowances Office) being issued on 18 March, a complaint was received. A copy of the complaint and the letter that was issued by Mr Kelly is attached at Annex B. It would appear that while the advice given by the Allowances Office regarding making reference to “Scottish Labour” was adhered to, the reference to the action Mr Kelly would take if re-elected was not.

5. The complaint received raised concerns regarding the content of Mr Kelly's letter in terms of the use of parliamentary resources for campaigning activity. The Allowances Office contacted Mr Kelly regarding the complaint requesting his comments in relation to the content of his letter in terms of the guidance provided by the Allowances Office together with details of the number of letters issued. Mr Kelly subsequently advised that he did not consider that he had breached the Code of Conduct and that 105 letters had been issued. A copy of the exchange is attached as Annex C.

6. The Allowances Office wrote again to Mr Kelly on 6 April, seeking his comments on the content of his letter in terms of the guidance provided and the SPCB's policy, and in particular the inclusion of the final sentence of paragraph 3 of

his letter in relation to paragraph 8 of the policy. In the absence of a response, we have advised Mr Kelly that the matter will be put to the SPCB to determine whether the content of the letter is a breach of its policy.

Resource Implications

7. The direct costs in relation to the use of parliamentary resources for this mailing have been assessed at £67.81, representing the cost of the postage and stationery.

Governance

8. The SPCB's policy on the use of parliamentary resources specifically prohibits the use of parliamentary resources for electioneering/campaigning purposes.

Publication

9. This paper can be published in line with the SPCB's publication scheme.

Next steps

10. To inform the Member and the complainant of the decision.

Decision

11. The SPCB is invited to consider the complaint and determine whether the content of Mr Kelly's letter is a breach of its policy on Members' Publications. If the SPCB decides that a breach of the policy has occurred, it is further invited to determine the appropriate remedy.

Allowances Office
May 2016