

## **REIMBURSEMENT OF EXPENSES SCHEME – USE OF RESOURCES**

### **Executive summary**

1. The SPCB is invited to consider 3 separate complaints about a surgery advertisement. The costs of the advertisements have been met out of the Member's Office Costs Provision.

### **Issues and Options**

#### **Background**

2. We received 3 separate complaints from members of the public on 24, 25 and 26 March relating to a Member's surgery advertisement which appeared in two local newspapers on 9, 14 and 16 March. A copy of the advertisement which featured in the local press is attached at Annex A.

3. The substance of the complaints is that each of the advertisements includes photographs and names of individuals who work for the Member, two of whom have been announced as candidates at the forthcoming local government elections and that one of the individuals is a sitting councillor.

4. It is accepted by the complainers that the individuals work for the Member but they were concerned that parliamentary resources were being used to feature them as part of a community advertisement paid out of public funds, especially in the run up to the local government elections. It has also been pointed out that one of the local newspapers carried an article about the candidature for election of one of the members of staff on the same day as the advertisement.

5. A copy of the Member's response to the complaints is attached at Annex B. The Member states that none of the individuals in the advertisement had sought nomination for election to the local council at the point of publication and the advertisements appeared before the local council's self-imposed period of 'purdah' and before the 'universal short campaign period'.

6. In specific relation to the article about the candidature for election of one of the members of staff it is stated that the story was technically an announcement of an intention to seek nomination and placed on a particular page in the paper by the editor. It is argued that the article does not make any reference about the nomination being accepted or that nomination papers had been lodged.

7. The Member has advised that as soon as the members of staff had submitted nomination forms for election the Member had specifically asked that all parliamentary advertisements running the names and portraits of the

nominated staff were withdrawn and this was carried out. One of the members of staff subsequently commissioned an advertisement promoted and paid for out of party political funds which demonstrated a line between the party political activities and supporting constituency office role of the staff in the office.

### Consideration

8. The Guidance on the Use of Parliamentary Resources and External Communications which has been issued to all Members provides in section D8 that parliamentary resources should not be used for:

- Material that promotes, criticises or campaigns for or against anyone seeking election
- Perspectives, comments or arguments with the intention of promoting the interests of any person, political party or organisation you support, or damaging the interests of any other such person, party or organisation

9. The Allowances Office also issued a notice on 7 March 2012 to remind Members that with the local government elections coming up in May 2012 parliamentary resources should not be used for promoting anyone seeking election or references to local government councillors.

10. The SPCB is invited to consider if the surgery advertisements have breached the guidance on the promotion of candidates. While the guidance has been in place since 2009 the reminder to Members about the local government elections was only issued close to the publication dates of the surgery advertisements which are the subject of the complaint.

11. It can be argued that Members' support staff do play a vital role in supporting Members locally and the advertisements have highlighted to the electorate who the members of staff are that can be contacted.

12. It can be also argued that the advertisements do not mention the candidature of any of the members of staff or the fact that one is a local councillor, however, it is also possible that this may have been known more locally and the advertisements could therefore have been seen as promotion material.

13. **The SPCB is invited to consider the complaints and decide whether or not the guidance on the use of resources has been breached.** Should the SPCB consider it has we would propose that the costs of the advertisements are met by the member personally and not through parliamentary resources.

### Other Issues

14. On a separate, but related matter, the Member has raised in his letter some wider issues about how Members are able to communicate in sparse,

rural constituencies. The provisions of the Reimbursement of Members' Expenses Scheme for costs to be met from the surgery advertisement provision require surgery advertisements to specify the dates, times and places for the surgeries.

15. The Member considers it is more productive to advertise his availability in general rather than to commit to a physical location for a surgery. The Member's advertisements are therefore met from the office costs provision. To amend the requirements of the surgery provision would require a resolution of the Parliament. **The SPCB is invited to consider if it wishes to look at this issue and for a paper to be prepared.**

### **Resource Implications**

16. Should the SPCB consider that a misuse of resources has occurred we shall contact the Member for confirmation of the costs of the advertisements.

### **Governance issues**

17. The Reimbursement of the Members' Expenses Scheme provides the SPCB with the authority to consider any claim.

### **Publication Scheme**

18. Should the SPCB consider that there has not been a breach of the guidance we would suggest that the paper is not published. Should the SPCB consider a breach has occurred we recommend the paper is published but without the annexes which have been submitted confidentially.

### **Next steps**

19. To inform the complainants and the Member of the decision.

### **Decision**

20. The SPCB is invited to consider

20.1. The complaints and decide whether or not the guidance on the use of resources has been breached, and if so, whether the Member should meet the costs of the advertisements.

20.2. If it wishes to look at the surgery advertising provisions and for a paper to be prepared.