

Compliance Officer for IPSA

Summary of investigation and findings

Mr Bob Blackman MP
Member of Parliament for Harrow East
(IN/0032/080411)

11 October 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
London SW1P 9TZ

Investigation summary

1. The Compliance Officer for the Independent Parliamentary Standards Authority carried out an investigation into whether Bob Blackman MP was paid an amount under the MPs' Expenses Scheme (the Scheme) that should not have been allowed.
2. The investigation was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).
3. The investigation was initiated by the Compliance Officer, as he had reason to believe Mr Blackman may have received funding for claims relating to a website (www.bobblackmanmp.com) that did not comply with the rules of the Independent Parliamentary Standards Authority (IPSA) as set out in the Scheme.
4. On 11 April 2011 the Compliance Officer notified Mr Blackman that he was the subject of a preliminary investigation and on 26 June 2011 the Compliance Officer opened a substantive investigation into this matter.
5. On 22 August 2011, the Compliance Officer issued a Statement of Provisional Findings. This statement provides full details of the investigation. The findings are summarised below.

Findings

6. The Compliance Officer found:
 - a. that, in contravention of the rules of the MPs' Expenses Scheme, Mr Blackman received reimbursement for claims he submitted for costs relating to his website at a time when the website contained a party political logo;
 - b. that Mr Blackman acted swiftly to rectify the contravention, which in itself lasted only for a brief period; and
 - c. that seeking a repayment for this contravention would be neither proportionate nor reasonable.

Resolution

7. Mr Blackman made no further representations.

8. No further action was required either of Mr Blackman or of IPSA and on 22 September 2011 the investigation was closed.

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Martyn Taylor
Compliance Officer for IPSA

11 October 2011

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Statement of Provisional Findings

Mr Bob Blackman MP
Member of Parliament for Harrow East
(IN/0032/080411)

22 August 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
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A. Introduction

1. The Compliance Officer¹ for the Independent Parliamentary Standards Authority has carried out an investigation into whether Bob Blackman MP was paid an amount under the MPs' Expenses Scheme (the Scheme) that should not have been allowed. This investigation was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).
2. The investigation in respect of Mr Blackman was initiated by the Compliance Officer, as he had reason to believe Mr Blackman may have received funding for claims relating to a website (www.bobblackmanmp.com) that did not comply with the rules of the Independent Parliamentary Standards Authority (IPSA) as set out in the Scheme.
3. This statement sets out the Compliance Officer's provisional findings in respect of this investigation.
4. Mr Blackman and IPSA may make representations in writing to the Compliance Officer in respect of the provisional findings in this statement within fifteen working days of the date of this statement.
5. If representations are received, the Compliance Officer will consider these and may prepare a Statement of Findings.

B. Summary of the investigation

6. In December 2010 a member of the public made a complaint to the Compliance Officer about the use of party political logos on the website of an MP, the costs of which were claimed through the Scheme.
7. Sections 10.6 of the Second Edition of the Scheme, which was in effect at that time, stated that *"[expenditure] may not be claimed for (a) funding any material that contains a party political logo or emblem; or (b) publishing any material which could be construed as election campaign expenditure within the scope of the Political Parties, Elections and Referendums Act 2000"*. Both the First Edition and the current (Third) Edition of the Scheme stated the same under sections 10.6 and 6.6 (d) and (f) respectively. The Scheme, therefore, does not provide for reimbursements of the costs of material that contains a party logo, no matter the size, location or purpose of the logo.

¹ For the purposes of this statement, actions of the Compliance Officer may have been carried out by the members of his staff acting on his behalf.

8. Following this complaint, the Compliance Officer carried out an inspection of all the websites of MPs where the costs of the websites had been claimed through the Scheme.
9. When Mr Blackman's website was checked as part of this inspection, it was found to contain a party political logo for the Conservative Party. A snapshot was taken of the site and retained as evidence.
10. This inspection gave the Compliance Officer a reason to believe that Mr Blackman may have been reimbursed for claims under the Scheme that should not have been allowed, and on 11 April 2011 a Notice of Preliminary Investigation was issued to the MP and IPSA in respect of claims set out below.

Claim Number	Date	Category	Expense Type	Amount Paid
45267	12/10/10	General Admin	Website - Hosting	£117.50
45267	12/10/10	General Admin	Website - Design/Production	£23.50
45267	12/10/10	General Admin	Website - Design/Production	£411.25

11. Following a telephone conversation on 15 April, Mr Blackman wrote to the Compliance Officer on 26 April to advise him that he had asked the maintainers of his website to remove the Conservative Party "tree" logo. He enclosed copies of the email correspondence confirming this.
12. Upon request, IPSA supplied all original invoices and supporting documentation held on its files relating to the above claims.
13. On 26 June 2011, following an analysis of the documentation from IPSA and the correspondence with Mr Blackman, the Compliance Officer notified Mr Blackman of his decision to carry out a Substantive Investigation, on the grounds that he was satisfied that Mr Blackman may have been paid an amount under the Scheme that should not have been allowed. IPSA received a copy of the Notice of Substantive Investigation on 21 July 2011.
14. Section 9(4) of the PSA provides that the Compliance Officer give the MP and IPSA an opportunity to make representations in respect of the substantive investigation.
15. Mr Blackman submitted representations in writing on 11 July 2011. IPSA submitted representations in writing to the Compliance Officer on 28 July 2011.
16. During the investigation, the Compliance Officer considered, in addition to Mr Blackman's website, IPSA's validation practices and IPSA's policy position in respect of

the presence of party logos and emblems on MPs' websites. He also considered the representations submitted to him.

C. Provisional Findings

17. Following an assessment of the evidence in this case and having given consideration to both Mr Blackman's and IPSA's representations, the Compliance Officer has made the provisional findings set out below.

- i. The rules of the Scheme are clear that reimbursement may not be sought for the costs of material that contains a party political logo or emblem. IPSA has clarified that websites are covered by "material".
- ii. Mr Blackman submitted claims and received reimbursement from IPSA for costs relating to his website. An inspection of his website on 30 March 2011 found that Mr Blackman's website contained a Conservative party logo.
- iii. There is no evidence that his website contained any party political logos at the time the claims were made. At the time of the submission and reimbursement of claims Mr Blackman's website was in all probability compliant. Subsequently, as set out in Mr Blackman's representations, a Conservative party logo was placed on the website where a photograph was to be placed. As a result of this, the Scheme-funded website came to be in contravention of the rules of the Scheme.

18. When considering whether a repayment or penalty is appropriate in the case of a contravention of the Scheme, the Compliance Officer must consider a range of factors in order to ensure he adopts a proportionate and fair approach. The nature of the contravention, Mr Blackman's response, and the nature of the claims that have been investigated are therefore relevant factors, and the Compliance Officer has provisionally found the following in respect of these:

- i. The contravention itself was minor in scale. With the exception of the presence for a brief period of a Conservative party logo, Mr Blackman's website was compliant with the Scheme. It is hard to envisage any personal financial, political or other particular advantage to Mr Blackman resulting from the presence of a party political logo on his website, particularly at this time in the electoral cycle. Were a similar contravention to occur in the run-up to a General Election, it is possible that a different finding would be made.
- ii. Following the notification that a Preliminary Investigation was underway, Mr Blackman took swift and welcome action to ensure the website complied with

the Scheme, and provided evidence of such. A recent inspection of the website confirmed that it remains compliant.

- iii. When the claims were submitted, in October 2010, the website was in all probability compliant and the claims were properly reimbursed. The contravention occurred only for a brief period. The Compliance Officer has therefore decided not to apportion a particular amount to this contravention on the grounds that it is not necessary in this case to disaggregate the costs of designing and hosting party logos from the other costs of designing and hosting Mr Anderson's website, nor to apportion a cost to the time period of the contravention.

Conclusion

- 19. Under section 9(8) of the Act, the Compliance Officer may determine what amount is reasonable to request an MP repay.
- 20. Taking all relevant factors, as set out above, into account, the Compliance Officer finds that in this case it would be neither proportionate nor reasonable to request a repayment from Mr Blackman. He finds the same in respect of any additional penalties.
- 21. Mr Blackman need take no further action.

D. Representations and case resolution

- 22. Mr Blackman and IPSA may make representations in writing to the Compliance Officer in respect of these provisional findings within fifteen working days of the date of this statement.
- 23. If representations are received, the Compliance Officer will consider these and prepare a Statement of Findings.
- 24. The Compliance Officer may determine not to prepare a Statement of Findings, as per paragraph 36 of the Procedures for Investigations of the Compliance Officer, if Mr Blackman accepts the Provisional Findings.

Martyn Taylor
Compliance Officer for IPSA
22 August 2011

Compliance Officer for IPSA

Investigation Closure Report

Mr Bob Blackman MP
Member of Parliament for Harrow East
(IN/0032/080411)

22 September 2011

Martyn Taylor
Compliance Officer for IPSA
PO Box 68209
London SW1P 9TZ

Investigation closure report

On 22 August 2011 the Compliance Officer sent Mr Bob Blackman MP a Statement of Provisional Findings in respect of the investigation that was conducted in accordance with section 9(1) of the Parliamentary Standards Act 2009 (as amended by the Constitutional Reform and Governance Act 2010) (PSA).

The investigation was into the presence of political party logos on a website that was funded through the MPs' Expenses Scheme. The Statement of Provisional Findings sets out the details of the investigation and the Compliance Officer's reasoning for his findings.

The Compliance Officer also sent a copy of the Statement to the Independent Parliamentary Standards Authority (IPSA).

Section 9(5) of the PSA provides that both the MP in question and IPSA are given the opportunity to make representations to the Compliance Officer about the provisional findings.

On 6 September 2011, IPSA's Chairman, Sir Ian Kennedy, wrote to the Compliance Officer to confirm that he would not be making any further representations in respect of this investigation.

No representations were received from Mr Blackman.

No further action is required of Mr Blackman or of IPSA, and the Compliance Officer will not be preparing a Statement of Findings further to the Statement of Provisional Findings.

This investigation is now closed.

A handwritten signature in black ink, appearing to read 'M. Taylor', followed by a period.

Martyn Taylor
Compliance Officer for IPSA

22 September 2011