



House of Commons
Members Estimate Committee

Review of past ACA payments

First Report of Session 2009–10

Report, together with formal minutes

*Ordered by the House of Commons
to be printed 2 February 2010*

HC 348

Published on 4 February 2010
by authority of the House of Commons
London: The Stationery Office Limited
£23.00

Members Estimate Committee

The Members Estimate Committee has the same Members as the House of Commons Commission:

Rt Hon John Bercow MP, Speaker
Sir Stuart Bell MP
Rt Hon Harriet Harman MP, Leader of the House
Nick Harvey MP
Rt Hon David Maclean MP
Rt Hon Sir George Young MP, Shadow Leader of the House

The Committee is appointed under Standing Order No 152D (*House of Commons Members Estimate Committee*):

152D.—(1) There shall be a committee of this House, called the House of Commons Members Estimate Committee.

(2) The members of the committee shall be those Members who are at any time members of the House of Commons Commission pursuant to section 1 of the House of Commons (Administration) Act 1978; the Speaker shall be chairman of committee; and three shall be the quorum of the committee.

(3) The functions of the committee shall be—

- (a) to codify and keep under review the provisions of the resolutions of this House and the Guide to Members' Allowances known as the Green Book relating to expenditure charged to the Estimate for House of Commons: Members;
- (b) to modify those provisions from time to time as the committee may think necessary or desirable in the interests of clarity, consistency, accountability and effective administration, and conformity with current circumstances;
- (c) to provide advice, when requested by the Speaker, on the application of those provisions in individual cases;
- (d) to carry out the responsibilities conferred on the Speaker by the resolution of the House of 5th July 2001 relating to Members' Allowances, Insurance, &c.;
- (e) to consider appeals against determinations made by the Committee on Members' Allowances under paragraph (1)(d) of Standing Order No. 152G.

(4) Paragraph (3)(b) above does not empower the committee—

- (a) to create a new form of charge on the Estimate for House of Commons: Members; or
- (b) to increase any rate of charge or payment determined by resolution of this House.

(5) The committee shall report to the House from time to time, and in any case not less than once a year, the provisions of the resolutions of this House relating to expenditure charged to the Estimate for House of Commons: Members, as codified and modified pursuant to paragraph (3) of this order.

(6) The committee shall have power to sit notwithstanding any adjournment of the House.

Committee staff

The staff of the Committee are Dorian Gerhold, Rob Cope and Louise Sargent.

Contents

Report	<i>Page</i>
Review of past ACA payments	1
Appendix 1: ACA Review: Report by Sir Thomas Legg	2
Annex: Individual conclusions and recommendations	27
Appendix 2: ACA repayment appeals	171
Annex: Individual decisions	178
Formal Minutes	237

Review of past ACA payments

1. On 19 May 2009, it was agreed at a meeting of the party leaders and the members of this Committee that there should be a review of past payments of Additional Costs Allowance (the “second home allowance”). The then Speaker announced the review that evening, and we made arrangements for setting up the review the following day. Sir Thomas Legg agreed to conduct the review. Terms of reference were agreed on 1 July, and are set out in Sir Thomas’s report.

2. On 23 November, we agreed that any sums recommended for repayment by Sir Thomas should be recovered from Members, preferably voluntarily, but if necessary by deduction from pay and allowances on the authority of a resolution of the House. This was, however, subject to Members having the opportunity to show in an independent appeal process any special reasons why it would not be fair or equitable to require them to make the repayments. The Rt Hon Sir Paul Kennedy agreed to conduct the appeal process.

3. Sir Thomas reported on 16 December, but has since carried out further work in cases where Members had not then supplied relevant mortgage or rent documents. That further work has been incorporated by him into a revised report, received today. Sir Paul completed the appeal process and reported the outcomes on 29 January. Where the decisions on appeals have resulted in changes to the recommended repayments these changes have been referred to by Sir Thomas in his report. We are grateful both to Sir Thomas and Sir Paul for their hard work, and also to the staff who assisted them.

4. We are publishing as appendices to this short report both Sir Thomas Legg’s report and Sir Paul Kennedy’s decisions on the appeals. Both are published in full.

5. As Sir Thomas Legg says in his report (paragraph 37), “my conclusions and recommendations... imply no reflections on the conduct or motives of individual MPs.” There are many types of repayment, and among the repayments for mortgages, in particular, are a significant number of cases which do no more than reconcile the difference between the House of Commons financial year and the various 12-month periods used by mortgage providers. Such cases are unavoidable and are better understood as accounting adjustments.

6. The review of past ACA payments has been painful for many Members, for the House and for the public, whose trust in the House has been undermined. We believe that the review, alongside the establishment of the Independent Parliamentary Standards Authority, demonstrates the House’s determination to deal with the problems over Members’ allowances and to create a situation in which public confidence in Members of Parliament can begin to be restored.

Appendix 1: ACA Review: Report by Sir Thomas Legg

ACA REVIEW

Report by Sir Thomas Legg

1 FEBRUARY 2010

Report to the Members Estimate Committee of the Review by Sir Thomas Legg KCB QC of the validity of payments of the Additional Costs (or ‘Second Homes’) Allowance made to Members of Parliament during the years 2004-05 to 2008-09, with recommendations for repayment.

CONTENTS

	<i>Paras.</i>
REPORT	
Opening	
Executive Summary	
Introduction	
Remit	1–5
Personnel	6–7
Tributes	8–9
Background	
History of the ACA	10–22
Usage of the ACA	23–24
Flaws of the system	25–34
The task and the process	
Approach and scope	35–42
Other investigations	43–44
Scale	45–47
Process	48–50
Interpretation of the rules	
Nature of the task	51–53
Elements of the rules	54
Green Book	55–57
Practice of the Fees Office	58
Fundamental principles	59–68
The requirement of propriety	69–73
Application of the rules	
Insufficient evidence	74–78
Breach of specific rules	79–80
Breach of principles	81–88
Individual conclusions and recommendations	89–94
The broad result	95–100
Closing considerations	
Appeal	101–102
Cost of review	103
Envoi	104
ANNEX	
Individual Conclusions and Recommendations	
Members of Parliament	
Former Members of Parliament	

ACA REVIEW

Report by Sir Thomas Legg

To the Right Honourable the Speaker and the Members Estimate Committee of the House of Commons:-

You appointed me in June 2009 to determine the validity of payments of the Additional Costs Allowance (ACA) made to Members of Parliament during the period April 2004 to March 2009, and to recommend any repayments which MPs should make.

An earlier version of this report was submitted on 16 December 2009. However, following your decision to allow MPs to appeal against my recommendations, you asked me to complete certain outstanding work during the appeal process and update the report to coincide as far as possible with the completion of that process. This final report therefore speaks from 1 February 2010.

This main part of my report sets out the background to my review, my approach and reasoning, and general remarks and considerations. My individual conclusions and recommendations about the 752 MPs and former MPs concerned are set out in the Annex.

I submit this report in the hope that it will contribute to restoring full public confidence in Members of Parliament, thus enabling the House of Commons to move forward with confidence in its vital role as the democratically-elected and leading branch of our national legislature.

EXECUTIVE SUMMARY

1. I have carried out this review in accordance with my terms of reference, and as fairly as I can to the public purse on the one hand and to the 752 MPs and former MPs concerned on the other (paragraphs 35-36).
2. The ACA system was deeply flawed. In particular, the rules were vague, and MPs were themselves self-certifying as to the propriety of their use of the allowance. Taken with the prevailing lack of transparency and the ‘culture of deference’, this meant that the Fees Office’s decisions lacked legitimacy; and many of them were in fact mistaken (paragraphs 25-34, 52).
3. My remit calls for objective decisions on the validity of ACA payments. My conclusions and recommendations imply no reflection on the conduct or motives of individual MPs (paragraph 37).
4. By the same token, where I have judged ACA payments invalid, I have recommended that the MPs who received them should repay them in full. In his separate review, Sir Paul Kennedy has decided appeals from MPs claiming special reasons why repayments recommended by me should be remitted (paragraph 38).
5. An MP’s overall expenditure of the ACA was irrelevant to the validity or otherwise of the individual payments that he or she actually received. If invalid, such payments could not be legitimated by the fact that the MP receiving them did not claim up to the limit of the whole annual allowance (paragraph 39).
6. The ACA was and is an annual allowance based on financial years. There was no scope for carry-over, and under-claims in one year could not off-set over-claims in another. Nor could the ACA be used for expenditure only payable under other Parliamentary allowances (paragraph 40).
7. My remit requires me to apply the rules and standards governing the ACA during the review period. It is not open to me to question the main structure of the ACA, however questionable some aspects of it may now appear. Examples were the MP’s option to designate and re-designate his or her second home, the size of mortgages, and whether a second home was needed at all. These aspects will fall for decision by the Independent Parliamentary Standards Authority as part of the future system, in light of the report of the Committee on Standards in Public Life. During my review period, they were plainly permitted (paragraphs 41-42).
8. My review was excluded from dealing with issues under investigation before 20 July 2009 by the Parliamentary Commissioner for Standards or at any stage by the Police; nor has it dealt with tax aspects, which fall to HM Customs and Revenue (paragraphs 43-44).
9. A particular challenge has proved to be the widespread lack of proper evidence on the record from MPs to support substantial payments, especially of mortgage interest, even though this was expressly required by the rules (paragraph 46-47).

10. The interpretation of the rules and standards in force at the time is not straightforward. However, it is clear that, as well as the specific provisions of the Green Book, the rules and standards included fundamental principles which were also laid down and published by the House and its authorities at the time (paragraphs 51-53, 59-68).
11. These principles, taken together, amounted to the same general requirement of propriety in the use of public money which the House of Commons itself requires across government and the public sector (paragraph 69).
12. It followed, among other things, that the ACA could never be properly used as a supplementary source of income. It could only be used as reimbursement for specific and proportionate expenditure on accommodation needed for the performance of Parliamentary duties (paragraph 70).
13. Payments by the Fees Office which contravened these requirements breached the published rules and standards in force at the time. To hold such payments invalid is not to impose new rules retrospectively, but to apply *now* the rules that were properly in force *then*, but were overlooked or misunderstood at the time (paragraph 71).
14. For this reason, the fact that in some cases the Fees Office and MPs acted in apparent ignorance of the rules and standards then in force cannot cure the invalidity of the payments. Suggestions that MPs necessarily acted ‘in accordance with the rules’ simply because the Fees Office made payments to them, and even encouraged and endorsed their claims, are therefore misconceived (paragraphs 72-73).
15. Against this background, while most ACA payments appear to have been valid, a considerable number of them (a) could not initially be judged valid or invalid, in the absence of the necessary supporting evidence; or (b) were invalid because they breached specific Green Book rules; or (c) were invalid because they breached the essential requirement of propriety (paragraph 74).
16. Where essential evidence to support significant payments was lacking, MPs were requested to provide it. Most of those concerned have done so (paragraph 75).
17. In the few cases where they failed to do so on reasonable notice, and in the absence of special reasons to the contrary, the ACA payments involved have been determined to be invalid, and the whole allowance recommended to be repaid (paragraph 76).
18. However, MPs have not been requested to provide evidence which was not required at the time, or which it would be unreasonably disproportionate to request now (paragraphs 77-78).
19. Where ACA payments were clearly in breach of specific Green Book requirements, those payments have been judged invalid and the MPs who received them have been recommended to repay them. Many have already done so (paragraph 79).
20. Certain *de minimis* exceptions have been made for relatively insignificant payments (paragraph 80).

21. Where ACA payments were clearly in breach of the requirement of propriety, those payments have also been judged invalid, and the MPs who received them have been recommended to repay them. Many have already done so (paragraph 81).
22. Payments of disproportionate amounts for purposes secondary to the defined scope and purpose of the allowance thereby breached the requirement of propriety. Although the Fees Office applied acceptable limits in some such cases, such as the costs of furniture and household equipment, it failed to do so consistently in others, notably the costs of cleaning and garden maintenance (paragraph 82-83).
23. Proportionate limits on such expenditure must be taken to have been in force. Accordingly, payments in excess of £2,000 and £1,000 a year for cleaning and garden maintenance respectively in MPs' second homes have been judged disproportionate and therefore invalid (paragraphs 84-85).
24. A small number of cases involved conflicted transactions, where MPs used the ACA to buy or rent a second home from, or have works to it done by, a relative, business associate or employee. The use of the ACA in such circumstances also breached the requirement of propriety, and the view has been taken that in such cases the whole allowance ought to be repaid (paragraphs 86-88).
25. The broad picture that emerges from the review is that, out of the £55.5m. spent on the ACA during the review period, just over £1.3m. has been recommended for repayment and almost £800,000 has already been repaid, although this includes some excess repayments (paragraph 96-97).
26. 48% of the 752 MPs and former MPs concerned have no issues arising from the review and 52% have been recommended to make repayments (paragraph 99).
27. Three MPs have been recommended to repay sums over £40,000, the highest being just under £65,000; 56 MPs have been recommended to repay sums between £40,000 and £5,000; 182 MPs have been recommended to repay sums between £5,000 and £1,000; and 149 MPs have been recommended to repay sums between £1,000 and £100 (paragraph 100).
28. The overall effect of Sir Paul Kennedy's decisions to remit repayments will be to reduce the total amount repayable under my recommendations by just under £185,000 (14%) to £1.12m., and will bring the highest single recommended repayment down to £42,458 (paragraph 102).

INTRODUCTION

Remit

1. On 23 June 2009, the Leader of the House, Ms Harriet Harman MP, referring back to earlier statements about Parliamentary expenses and allowances, said that “On payback, work has begun by Sir Thomas Legg, who has been contracted by the House authorities to lead a reassessment of all claims over the over the last four years and, having reconsidered each claim and the evidence submitted to support it, to report back whether it was within the rules as they obtained at the time, with a view to ensuring that where there has been overpayment, it is paid back. The public expect that over-claims will be paid back, and that will happen, together with any necessary disciplinary action” (Official Report, Col. 678).
2. On 30 June, the Members Estimate Committee (MEC) confirmed that the terms of reference of my review would be:-

‘To conduct an independent review of all claims made by Members of Parliament (except those who have since died) for the Additional Costs Allowance during the financial years 2004-05 to 2007-08;

To examine all payments made on such claims, against the rules and standards in force at the time, and identify any which should not have been made, and any claims which otherwise call for comment;

To allow Members who received such payments or made such claims a fair opportunity to make representations about them;

Subject to any such representations, to recommend where necessary any repayments which Members should make and otherwise to comment as seems appropriate; and

To report as soon as possible to the Members Estimate Committee.’
3. The following day, 1 July 2009, the establishment of the review was announced to all Members of Parliament by letters and to the public by a press release.
4. On 20 July 2009, the Members Estimate Committee amended my terms of reference to include in the review the financial year 2008-09, and to exclude from it any payments under investigation by the Parliamentary Commissioner for Standards before 20 July 2009, or at any stage by the Police. This too was announced to MPs.
5. It is important to notice that my review only covered the ACA. It did not cover any of the other Parliamentary allowances, namely those for staff, offices, communications, travel and redundancy.

Personnel

6. My own background has been as a government lawyer in the Lord Chancellor’s Department (now the Ministry of Justice). I served as its Permanent Secretary, and

therefore as its Accounting Officer, from 1989 to 1998. During most of my 36 years in the Department, I worked in the Palace of Westminster. As Permanent Secretary, I was also Clerk of the Crown in Chancery and, as such, an officer of both Houses of Parliament. After that, I served for nearly ten years on the House of Commons Audit Committees. In that capacity, my concern about the system of MPs' expenses, dating from 2004, the first year the Committee had jurisdiction in the field, is on the public record.

7. My supporting team for this review ranged in number from 54 down to 10 over the successive phases of the task. It was widely based, and included colleagues drawn from PricewaterhouseCoopers, various branches of the House service, including the Department of Resources and the Internal Audit team, and former members of the Office of National Statistics. The discussions leading to the development of my approach to the system and rules included observers from the National Audit Office, and in determining individual cases I received critical challenge from a representative of the Audit Commission.

Tributes

8. While taking full personal responsibility for the review and for this report, I received invaluable assistance from the review team, and I am very grateful to them all. I pay especial tribute to Edward Wood (Project Director), Paul Dillon-Robinson (Head of Internal Audit), Paul Smith (Project Manager), Edwin Harland (PwC) and Michael Haworth-Maden (Audit Commission).
9. I would also like to record my thanks to the support services of the House of Commons and, also and especially, to the numerous individual MPs concerned who co-operated with my review.

BACKGROUND

History of the ACA

10. MPs with constituencies outside Inner London have to divide their time between Westminster and their constituencies and, as a result, can incur additional costs, either on hotels, renting a flat or buying a second home. This expenditure is necessary to enable them to carry out their Parliamentary duties.
11. That is the purpose of the ACA. During my review period, all MPs could claim it except those representing Inner London constituencies, who instead received a London supplement in their salaries. MPs representing outer London constituencies could choose whether to claim ACA or the London supplement.
12. Like other Parliamentary allowances, the ACA was administered and managed by the Operations Directorate of the Resources Department of the House of Commons, usually known (and referred to in this report) as the Fees Office.

13. The ACA was first introduced by Resolution of the House in 1971 to cover the reasonable additional costs of provincial MPs of staying either in London or their constituency, when engaged on Parliamentary duties. The Top Salaries Review Body had proposed that the allowance should take the form of a daily subsistence rate. The Government, however, proposed a scheme which reimbursed expenses within an annual limit.
14. This annual limit was at first set at £750, from 1 April 1972. Over the years, this maximum was increased in various ways and by various amounts. For the five years now under review, the maximum rates of ACA were:-
 - 2004/05 – £20,902
 - 2005/06 – £21,634
 - 2006/07 – £22,110
 - 2007/08 – £23,086
 - 2008-09 – £24,006
15. In 1983, the ACA was exempted from income tax by section 28 of the Finance Act of that year, now embodied in section 292 of the Income Tax (Earnings and Pensions) Act 2003.
16. In 1985, the key step was taken of allowing the ACA to be used to help purchase second homes, as opposed to renting them or staying in hotels. MPs were advised that there was no reason why they should not claim mortgage interest payments against the ACA. Thereafter, the rules and practice gradually expanded the scope of this provision, so as to allow expenditure on such matters as mortgage increases to fund improvements, new mortgage products, and so on.
17. In its report of January 2008, the Senior Salaries Review Board noted (paragraphs 5.54-5) that “Although...we have received no substantive evidence of abuse, we are concerned that it is in the areas of ACA that the greatest scope for abuse is thought to exist...this element of the expenses regime gives rise to more problems and misunderstandings, both within and outside the House, than any other and a fuller review of the ACA might be appropriate”.
18. In its judgment of May 2008 on the disclosure of information about the ACA requested under the Freedom of Information Act 2000 (*Corporate Officer v. Information Commissioner and others*, TLR 22 May 2008), the Divisional Court held that it was the “deep flaws in the [ACA] system identified by the [Information] Tribunal which had so convincingly established the necessity of full disclosure”, tipping the balance against the interests of MPs in privacy and in favour of allowing public scrutiny.
19. Against this background, the MEC’s own Review of Allowances recommended in June 2008 (HC 578-1) that the ACA should be adapted into an overnight expenses allowance, comprising a £19,600 maximum budget for accommodation (excluding furniture, household goods, and capital improvements) but operating on the basis of itemised reimbursement and a flat rate of £30 for daily subsistence. In its subsequent debate on the Review, on 3 July 2008, the House implicitly rejected this recommendation.

20. More recently, however, on 20 May 2009, the MEC in effect reversed this decision and, on the recommendation of the Leader of the House, imposed immediate curbs on the ACA pending the conclusions of the then current further review of allowances by the Committee on Standards in Public Life (CSPL). But these curbs were not, of course, in force during my review period.
21. In July, the Parliamentary Standards Act 2009 was passed, to establish the Independent Parliamentary Standards Authority (IPSA), to set and manage the whole system of MPs' expenses and allowances in future.
22. On 4 November 2009, the CSPL made its report to the Prime Minister on MPs' Expenses and Allowances (Cm 7724), proposing a new framework of rules for this purpose. In January 2010, IPSA published its own consultation paper with a view to establishing the new system, if possible in time to take effect to coincide with the new Parliament to be elected this year.

Usage of the ACA

23. The MEC's Review of Allowances in June 2008 gave a useful snapshot of how the ACA was being used about half-way through the review period.
24. In 2006-07, 621 MPs were eligible for ACA, and 589 did in fact claim it. 415 MPs (70%) of those claimed for mortgage interest payments. 133 MPs (23%) claimed for rent and 12 MPs (2%) for hotels. 80% of claiming MPs registered their second home in London, the remaining 20% in their constituencies. 45% of claiming MPs claimed all or almost all the full allowance (then £22,110), and nearly two-thirds claimed over 90%. Of those who claimed, the average spend was £19,375 (88% of the maximum).

Flaws of the system

25. In May 2009, after the House had decided to accept the judgment of the Divisional Court that records of MPs' expenses could not be withheld under the Freedom of Information Act, but before its own planned release of 'redacted' versions of these records, the Daily Telegraph published voluminous and detailed stories of MPs' claims and payments, apparently sourced by someone with authorised access. This publication brought many of the key dealings of MPs with the ACA and other allowances into the public domain. There followed, and continues, widespread criticism of the way the system appears to have worked to the excessive and unjustified benefit of MPs.
26. This criticism has been recognised by the major changes already made last year and mentioned above, which will no doubt carry forward into greater changes to come, in the light of the CSPL report and the establishment of IPSA. The scene has thus changed considerably in recent months. However, during the period subject to this review, as both the Information Tribunal and the Divisional Court also found, there were 'deep flaws' in the whole ACA system. These included (a) the vagueness of the rules; (b) the weakness of the position occupied by the Fees Office in administering the allowance; (c) the lack of transparency; (d) the lack of audit; and (e) the special position of MPs as self-certifying the propriety of their own expenditure.

Position of the Fees Office

27. The problems about the rules are dealt with in more detail below. Alongside those problems, the authority and legitimacy of the Fees Office was much less than seems to have been realised by most MPs at the time. These officials were not Civil Servants with an independent duty to, and accountability for, the public purse. They were servants of the House and, while of course supposed to observe and apply its rules, they were also in practice expected to do so in the ways most beneficial to the MPs whom they were there to serve. The CSPL report has spoken of a ‘culture of deference’, and my own view over the years, on the Audit Committee and conducting this review, has been that this expression is justified.
28. The Fees Office was therefore vulnerable to the influence of higher authorities in the House of Commons, from the Speaker down, and of individual MPs. In practice during most of the review period, these influences tended more towards looking after the immediate interests of MPs than to safeguarding propriety in public expenditure.

Position of MPs

29. But the problem went deeper than that. Throughout this period, alone across the entire public service, MPs were self-certifying as to the propriety of their own expenditure. They were both entitled and personally responsible for ensuring that the moneys they drew in allowances were properly spent for the purposes voted.
30. The Speaker’s Introductions to successive Green Books confirmed this, stating that “Members themselves are responsible for ensuring that their use of allowances is above reproach”. In spite of suggestions to the contrary in some of the same Introductions, it therefore seems doubtful how far the Fees Office actually had any effective function or authority beyond advising MPs how to use the ACA and other allowances. They did sometimes purport to reject doubtful claims, but just as often they paid them and then sought to persuade the MP, sometimes successfully and sometimes not, to change or withdraw the claim. In addition, the Fees Office operated an extremely generous system whereby over half the annual maximum of the ACA could be paid over without requiring the MP to provide any receipts at all.

Lack of audit

31. Another consequence of the sovereignty of individual MPs over their own use of the allowances was another unique feature, which was strongly defended during most of the review period. This was that there was no audit of any kind of the individual use by MPs of the ACA or any other Parliamentary allowance. Neither internal nor external auditors could ‘go behind the Member’s signature’. This was recognised by the National Audit Office. The Clerk of the House, as Accounting Officer, made clear in his Statement of Internal Control that he could not vouch for the use of MPs’ allowances. Only last year did the House resolve to introduce a full audit system, and this is still in process of being implemented.

Lack of transparency

32. Moreover, as is well known, there was at the same time very limited transparency about the use made of all Parliamentary allowances. It was not until the judicial decisions of

2008 that the Freedom of Information Act began to allow more light on the way the system worked. This too was a further factor undermining the ACA system.

Resulting effect

33. In these circumstances, the inter-relationship of the Fees Office and the claimant MPs was symbiotic. Each influenced the other, with the overall result that the ACA was administered in a way that was far more generous than was envisaged or allowed by its own governing principles.
34. Thus, the fact that the Fees Office paid the ACA to MPs, and often explicitly endorsed and encouraged their claims, is of considerably less significance in legitimating ACA payments than seems to have been realised either at the time or since. And of course in those cases where the payments were made in breach of the rules in force at the time, as quite a number of them were, it cannot cure the consequent invalidity of the payments.

THE TASK AND THE PROCESS

Approach and scope

35. My remit required me to interpret the rules and standards in force during the review period, to apply them as so interpreted to every one of the payments of the ACA made during the review period, to determine which of these payments was valid and which of them invalid, and where appropriate to recommend repayment.
36. I have done my best to perform this task in strict accordance with my terms of reference, and with fairness to the public purse on the one hand, and to the 752 MPs and former MPs concerned on the other.

No reflection on individual MPs' conduct or motives

37. It is important to make it clear at the outset that my remit necessitates what amount to a series of objective quasi-judicial decisions on the validity of the payments made by the Fees Office. These decisions are essentially legal and not ethical, and impute no specific fault or blame. My conclusions and recommendations therefore imply no reflections on the conduct or motives of individual MPs. In so far as such issues arise, they are for others to judge. Where I have recommended repayment, the position is analogous to under-payments of tax or over-payments of social security benefits, where the citizen is liable to pay or repay regardless of his or her intent.

Repayment recommended in full

38. By the same token, once having determined an ACA payment to be invalid, I have in every case recommended that the MP who received it should repay it in full. This is on the basis that, by definition, the money should not have been disbursed, and ought to be restored to the public purse, which was its rightful owner throughout. Shortly before the completion of my main review, the MEC commissioned the Rt. Hon. Sir Paul Kennedy to decide appeals from MPs claiming special reasons why repayments should be remitted (see further paragraph 101 below).

Irrelevance of overall expenditure

39. An MP's overall expenditure of the ACA, or of any of the other Parliamentary allowances, was irrelevant to determining the validity or otherwise of the individual payments that he or she actually received, which is the task that my remit gives me. Several MPs have suggested to me that, because they did not claim up to the full annual limit of the ACA or other allowances, but could legitimately have done so, the invalid payments that they did receive are thereby in some way themselves legitimated. That argument seems plainly unfounded, since otherwise a single grossly improper payment for (say) £10,000 could be validated by the fact the MP receiving it made no other claim that year and could demonstrate after the event that he might have done so.

Annuality of the ACA

40. Another feature of the ACA that is relevant to the validity of payments is that it was and is granted and expended on an annual basis by reference to financial years. There was therefore no scope for carry-over between one year and the next. Under-claims in one year could not be used to off-set over-claims in another. Nor, of course, could the ACA be used for expenditure which was only payable under another Parliamentary allowance.

Acceptance of ACA's main structure

41. My terms of reference also carry another implication. Limiting my remit to the rules and standards in force at the time means that it is not open to me to question the main structure of the ACA, however questionable some aspects of it may appear in hindsight. Major examples were the power given to MPs to choose which home to designate as their main and which as their second home, and then to 'flip', ie change the designation, to suit their own convenience; allowing mortgages of very large houses; or financing MPs to rent or buy houses when they already owned quite sufficient accommodation in their private capacity. Nor was it within my remit to question the provision of the ACA to MPs who were also serving as senior Ministers and in that capacity enjoyed accommodation in 'grace and favour' residences.
42. Thus, while I can and must apply the internal rules of the ACA system properly, which means in some cases differently from the way they were applied at the time, I cannot retrospectively put right its wider structural defects. Nor do I thereby impliedly defend or condone them. Sorting them out is a task for the future, and will be dealt with, not by this review, but by IPSA, in light of the CSPL report. During my review period, they were plainly permitted by the rules of the allowance.

Other investigations

43. My terms of reference expressly excluded me from dealing with ACA payments where the MP concerned was under investigation before 20 July 2009 by the Parliamentary Commissioner for Standards, or at any stage by the Police. Because these investigations are conducted in confidence, mainly for the protection of the MPs concerned, I have not drawn attention to such issues where the investigation is or was still ongoing. I have also regarded issues previously dealt with by the Committee on Standards and Privileges as outside my remit, as having been already adjudicated by or on behalf of the House. I have equally not looked into issues of tax, and especially Capital Gains Tax, which are the province of HM Customs and Revenue.

44. Accordingly, where an MP had been referred to the Commissioner for Parliamentary Standards before the start of my review, or is or has been under investigation by the Police at any stage, the issue under investigation by the Commissioner or the Police has been automatically taken out of my jurisdiction. It is therefore important to register that, just because my review has not raised a particular ACA issue with an individual MP, sometimes with the result that my own conclusion is ‘no issues’ at all, it does not follow that those other regulatory authorities may not be looking into ACA issues of their own about that MP.

Scale

45. The scale of the review has been substantial, and this has accounted for the time it has taken, which was longer than at first hoped. The raw material in the Fees Office records for the five years in question included nearly 147,000 individual items of claim by 752 serving and former MPs. After the sifting process described below, some 2,345 individual items were put to me and my senior assistants for consideration. I personally considered every item put to every MP in the provisional stage, and all the items listed in the Annex to this report, which in the end included 665 overpayments recommended for repayment. However, the sheer bulk of the task, taken with its novelty and complexity, means that, although all practicable precautions have been taken, there remains a residual risk of errors.
46. The quality of the Fees Office’s document management was very variable, and there are significant gaps and omissions in the records. That is one reason why it was essential for me to show my provisional conclusions to the MPs concerned, so as to give them a full opportunity to help me with any necessary corrections – as in many cases they did. I fully accept that MPs themselves could not fairly be expected to keep full records of every one of these transactions, however minor, especially after several years, but at least the process helped to minimise the risks of inaccuracy.
47. One particular challenge was not foreseen, and has complicated and delayed the process. It soon became clear that in many cases the Fees Office records did not include vital supporting evidence for what in the aggregate were payments of substantial sums of public money. The outstanding example is mortgage interest and rental statements, without which it is impossible to be sure that ACA payments were correct. There is therefore a large class of cases where the MPs concerned have had to be requested to produce (or re-produce) the evidence needed.

Process

48. The process followed in this review has been to sift the Fees Office records by defined stages, submitting every item to quality assurance, deleting non-issues and elevating the remaining issues to the next stage. This was done in accordance with criteria proposed by PwC and initially tested by an Assessment Panel composed of experts drawn from various internal and external quarters, including observers from the National Audit Office. The process of quality assurance and elevation continued until the issues remaining reached me for personal determination, in many cases with the help of my critical challenger from the Audit Commission.

49. Having formulated my provisional conclusions, I sent them on 12 October 2009 to every MP and former MP concerned, together with a covering letter and explanatory note, and invited their comments and representations within three weeks, that is by 2 November. Neither then nor at any stage have I purported to ‘demand’ repayments from MPs, which would have been beyond my remit and authority. In reply to my provisional conclusions, I and my team received a large number of comments and representations from MPs, together with many voluntary repayments, and also supporting evidence where I had suggested that it was required. I have personally considered all these comments and representations.
50. I sent all the MPs concerned advance notice of my final conclusions concerning each of them individually, as set out in the Annex to this report.

INTERPRETATION OF THE RULES

Nature of the task

51. My remit requires me to apply the ‘rules and standards in force at the time’, ie during the review period of 1 April 2004 to 31 March 2009. For this purpose, I have had to interpret and determine what those rules and standards actually were at the relevant time.
52. This is by no means a straightforward task. As already mentioned, among the flaws in the whole system noted by the judicial authorities was that the rules governing the allowance were vague, incomplete and inadequate. Although some of them were straightforward enough, there were also gaps and tensions between their separate elements. These are difficult to reconcile, and this in turn complicates the task of interpreting and applying the rules.
53. However, as will be seen, my judgment is that one major strand of the rules and standards in force at the time was a requirement of propriety in the use of public money, that this requirement was not given full and effective weight in the administration of the ACA, and that this failure invalidated many payments.

Elements of the rules

54. To understand this, the rules and standards in force during the review period must be seen as a whole. They consisted of three elements: (a) the ‘Green Book’, which set out rules based on Resolutions of the House; (b) the practice of the Fees Office in interpreting and applying the rules; and (c) certain fundamental principles, also in the Green Book or otherwise approved by the House or the Speaker on its behalf, or contained in the Code of Conduct adopted by the House in 1995.

Green Book

Nature of the rules

55. The Green Book set out a framework of more or less specific, though not exhaustive, rules under which the ACA, with the other Parliamentary allowances, was to be administered. Derived from Resolutions of the House, and amended and updated from time to time over the review period, these rules were clear enough as far as they went. But they did not cover the whole ground, and perhaps were not intended to; many of them have the appearance of general guidelines rather than a detailed code.

Scope and purpose of the ACA

56. However, the relevant section of the Green Book began with a provision which is basic to the interpretation of all branches of the rules. This defined the scope and purpose of the ACA as follows:- *“The allowance reimburses Members for expenses wholly, exclusively and necessarily incurred when staying away from their main UK residence for the purpose of performing Parliamentary duties. This excludes expenses that have been incurred for purely personal or political purposes”* (formulation of April 2005).

Remaining provisions

57. The remainder of the Green Book set out provisions under such headings as eligibility, documentation needed, allowable expenditure, definition of ‘main home’, and examples of expenditure allowable under ACA.

Practice of the Fees Office

58. The practice of the Fees Office supplemented the Green Book rules, in line with rulings and guidance from the House authorities. Thus, for example, as mentioned above, the Fees Office normally allowed claims of up to £250 a month for certain heads of expenditure, and up to £400 for food, without receipts (until 2008-09, when the limit for all heads was re-set at £25). It also applied, although MPs were never officially informed of it, the so-called ‘John Lewis list’ as a benchmark of acceptable cost for certain household purchases, above which claims were to be rejected. The Fees Office did reject some claims, but it operated under the disadvantages, and in the climate and culture, described above under the heading ‘flaws of the system’.

Fundamental principles

59. At the same time as the Green Book rules and the practice of the Fees Office, the ACA system was also governed by overriding fundamental principles laid down by the House and its authorities, and published and available at all times to the Fees Office and MPs. Although general in character, they were an integral and binding element of the rules and standards in force throughout the review period.

Necessity

60. The most basic principle was the requirement, stated in the Green Book throughout and also derived from the Resolutions of the House, that all claims for ACA should be for expenses ‘*necessarily*’ incurred in the performance of Parliamentary duties. When the Green Book was revised in July 2006, this was expanded to make the requirement

that the expenses must have been ‘*wholly, exclusively and necessarily*’ incurred in such performance. This extension is difficult to apply to accommodation, and I have not given it great weight. The requirement of necessity, however, is clearly relevant, applicable and binding. It implies, among other things, that the ACA was not to be used for any expenditure which was extravagant or luxurious.

The Code of Conduct

61. On 19 July 1995, the House passed a Resolution adopting a Code of Conduct for Members of Parliament. The Code has at all times since then required MPs to observe the ‘Nolan’ principles of conduct in public life. Among these, ‘selflessness’, ‘accountability’, ‘honesty’ and ‘leadership’ are plainly relevant to claiming and receiving Parliamentary allowances. The Code was undoubtedly intended to apply to MPs’ conduct in relation to allowances, including as it did from the start provisions expressly referring to them.
62. The relevant Nolan principles in full are:-

***Selflessness.** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.*

***Accountability.** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

***Honesty.** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

***Leadership.** Holders of public office should promote and support these principles by leadership and example.*
63. The Code of Conduct was re-issued twice, in May 2002 and July 2005. However, although the drafting and layout was altered on these occasions, the only relevant substantial amendment was to the article expressly about allowances (now Article 14). This had previously provided that “No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments must be strictly observed.” In 2005, this was altered to provide that “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”. As far as the ACA is concerned, this does not appear to have been a major change from the pre-2005 provision.
64. I am clear that the Code was a binding element in the rules and standards governing the ACA at all times after 1995. I am also clear that in practice the Code was given insufficient weight in the administration of the allowance.

The Speaker's introduction

65. Another source of fundamental principles was the Speaker's introduction to the Green Book. In particular, in all relevant editions up to 2006, he stated that *"Members themselves are responsible for ensuring that their use of allowances is above reproach"*. In July 2006, ie about half-way through the review period, this requirement was incorporated into the body of the Green Book but, in view of the Code of Conduct and the self-certifying power of MPs, it must be treated as having normative force throughout the review period. The Speaker also cautioned MPs to "seek advice in cases of doubt and read the Green Book with care".

Further principles

66. Also at the time of the July 2006 revision, a new section was introduced to the Green Book, headed "Principles". This provided as follows:-

"You must ensure that arrangements for your ACA claims are above reproach and that there can be no grounds for a suggestion of misuse of public money. Members should bear in mind the need to obtain value for money from accommodation, goods or services funded from the allowances.

You must avoid any arrangement which may give rise to an accusation that you are, or someone close to you is, obtaining an immediate benefit or subsidy from public funds or that public money is being diverted for the benefit of a political organisation."

67. In the light of the previous and already operating principles, these additions appear only to have made explicit for convenience what was already implicit, and I therefore consider that they too formed a part of the fundamental principles in force throughout the review period.

Summary of the fundamental principles

68. In short, MPs were thus personally required to ensure, and it was the duty of the Fees Office to help them ensure, that their use of the ACA throughout the review period was:-
- a) necessary for the performance of their Parliamentary duties;
 - b) in accordance with the Nolan principles of selflessness, accountability, honesty and leadership;
 - c) strictly in accordance with the rules governing the allowance;
 - d) above reproach;
 - e) took account of the need to obtain value for money; and
 - f) avoided any appearance of benefit or subsidy to the MP or anyone close to him or her from public funds, or diversion of public money for the benefit of a political organisation.

The requirement of propriety

69. These principles, taken together, clearly amount to at least the same general requirement of propriety as the House of Commons itself rightly expects and enforces across government and the public sector. 'Propriety' here means the proper handling of public money, in the sense used by the Public Accounts Committee and the National Audit

Office (see, for example, *Propriety and Audit in the Public Sector*, Public Audit Forum, August 2001; and *Regularity, Propriety and Value for Money*, Treasury Officer of Accounts, November 2004). The accountable stewardship of public money is a primary obligation on all public servants, elected or appointed, and especially on those who can reasonably be expected to set an example in that respect. It is therefore not surprising that, in making the laws governing the ACA, the House of Commons subjected the grant of the allowance to the same conditions as apply to the use of taxpayer's money throughout the public service.

70. It followed from this that all ACA payments had to be compliant with the requirement of propriety, which carried with it, among other consequences, that they had to be within the defined scope and purpose of the allowance. And it followed in turn from this that the ACA was never to be available as a supplementary source of income. It could only be properly paid as a support for specific and proportionate expenditure on accommodation needed for the performance of Parliamentary duties.
71. Payments by the Fees Office that contravened these requirements were therefore made in breach of the rules and standards that were in force at the time, published and available for inspection. To hold such payments invalid is not to impose a new rule retrospectively. It is simply to apply *now* the rules that were properly in force *then* but were overlooked or misunderstood at the time. The fact that the Fees Office and self-certifying MPs acted in apparent ignorance of the true rules applicable in these cases is regrettable, but cannot cure the invalidity of the payments.
72. It is important to underline this point, because MPs who drew the ACA tend to assert, doubtless in good faith, that because their claims were granted, and even expressly endorsed and encouraged, by the Fees Office, the payments they received were within the rules and must therefore have been valid.
73. In any event that would not follow, but it especially does not follow in these circumstances, where the rules were so vague, the Fees Office was so weakly placed to enforce them, and MPs were themselves the self-certifying and responsible guardians of those funds as well as their recipients. Of course the words and actions of the Fees Office might well constitute a defence against charges of deliberate abuse by the MPs concerned. But that is an issue separate from the validity or otherwise of the payments and not for this review.

APPLICATION OF THE RULES

74. Against this background, most of the individual ACA payments made by the Fees Office to MPs during the review period appear in fact to have been valid. However, a considerable number of them either (a) could not initially be judged valid or invalid, because they were not supported by sufficient evidence, as required by the Green Book; or (b) had to be judged invalid because they breached specific Green Book rules; or (c) had to be judged invalid because they significantly breached the vital requirement of propriety.

Insufficient evidence

75. The most important single class of evidence to support ACA payments is mortgage interest statements. These statements are essential to support what were cumulatively substantial payments from the public purse, and their production was and is an explicit requirement of the Green Book. Other similar types of essential supporting evidence include rental statements and completion statements on sales and purchases of houses and flats. ACA payments made in such cases cannot be regarded as valid unless and until these essential records are supplied. Bank statements or other secondary evidence are insufficient for this purpose. MPs who did not produce these records at the time, or where the records for whatever reason could not be found in the Fees Office's files, have therefore been requested to produce (or re-produce) them now. Most of the MPs concerned have now done so. Where they did so in time before the completion of this report, the resulting position has been calculated and the MPs concerned have been listed either as having no issues or recommended to make any repayments apparently due.
76. In fairness to the MPs concerned, it was important to allow them a reasonable amount of time to obtain the records from their mortgagees, landlords, etc. However, that time has now been allowed. In the few cases where even now an MP has been unwilling or unable to produce such records, then in the absence of special and exceptional reasons to the contrary, my recommendation is that the payments concerned should in default be determined to be invalid, and the MP should repay the whole of the allowance. In determining whether there are such special and exceptional reasons, I have had to make a discretionary judgement, taking a pre-determined list of relevant factors into account.
77. More broadly, however, it would be neither reasonable nor realistic to require supporting evidence in all cases, however minor, given the multiplicity of claims and the lapse of time since much of the review period. I accordingly decided, for the purposes of this review, not to go behind the practice of the Fees Office before 2008-09 of not requiring receipts for a variety of expenditures less than £250 a month, and £400 in the case of food. However, where subsequent claims or other evidence suggest that such earlier payments may have been materially incorrect (as has happened in a number of cases following the change to a £25 limit in 2008-09), I have requested that evidence should be provided to substantiate the earlier payments.
78. In addition, on a *de minimis* basis, I have not requested further supporting evidence for single payments before 2008-09 of less than £1,000 not forming part of a larger pattern, and where there is no other reason to doubt the validity of the payment. This implies no judgment about the validity of the payments concerned, but merely a recognition that it would not now be a proportionate use of public resources to pursue the evidence for such payments further.

Breach of specific rules

79. Where a payment made by the Fees Office was incorrect on the face of it, by reference to specific rules in the Green Book, I have determined it to have been invalid and recommended the MP who received it to repay the amount involved. Many MPs have already done so.

80. However, here too and on the same basis, certain *de minimis* exceptions have also been allowed. These are:-
- a) single payments of less than £100, erroneous under the Green Book rules, but not cumulative with others forming part of a larger connected pattern; and
 - b) standing charges for utilities, council tax, etc. (but not more significant items like mortgage interest statements) mistakenly claimed during the Dissolution in 2005.

Breach of principles

81. Where a decision or practice of the Fees Office was significantly contrary to the fundamental principles set out in the rules or the Code of Conduct, I have determined the payment made to have been invalid, for the reasons explained above, and recommended the MP concerned to repay the amount involved. Many have already done so.

Disproportionate payments for secondary items

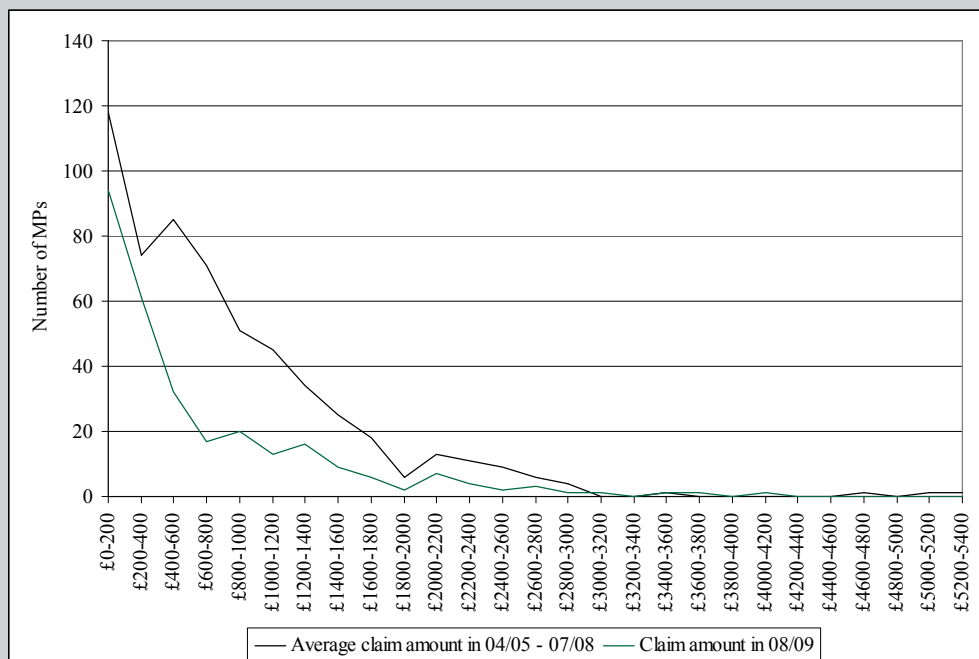
82. One frequent example of this was the regular failure of the Fees Office to apply proper limits to disproportionate claims. The defined scope and purpose of the ACA, taken with the requirement of propriety, entailed throughout that, for purposes legitimate in themselves but secondary to the central aim of providing accommodation, limits must be regarded as having been in place to prevent disproportionate and unnecessary expenditure from the public purse. The failure to apply these limits amounted, in effect, to treating the ACA as a supplementary source of income, and not as what it properly was, namely an allowance for specific and proportionate purposes.
83. In some areas, such as household furniture and equipment (as mentioned above), the Fees Office did in fact usually impose such limits. In others they failed to do so, at least consistently, and in these areas my review has had to establish the limits which must be taken, in compliance with the rules then in force, to have been in place at the time for certain recurring heads of subordinate expenditure. Two cases especially in point are cleaning and garden maintenance.

Cleaning

84. On this basis, I have regarded payments for cleaning in the second home as acceptable up to £2,000 a year, but beyond that I have held them to have been disproportionate and therefore invalid, and recommended them to be repaid. (It may be worth noting that 93% of those MPs who claimed cleaning costs at all in fact stayed within that limit.) Of course there was nothing to stop MPs spending more than £2,000 a year on cleaning. However, given the purpose and amount of the ACA, it does not seem appropriate for them to have expected to be reimbursed for doing so at public expense.

Garden maintenance

85. Similarly, I have regarded payments of up to £1,000 a year as having been acceptable for garden maintenance, but above that limit as invalid and recommended them to be repaid.



CLEANING

Over the period of the review, 93% of MPs who made claims for cleaning had an average annual claim value of less than £2,000 per annum. Therefore 1 in 14 MPs claimed over £2,000 per annum, a total of 41 of the 574 who claimed for cleaning.

It is noteworthy that total claims for cleaning fell significantly in 2008/09, in comparison with earlier years, as demonstrated in the chart above.

Conflicted transactions

86. Where an MP used the ACA to enter into a conflicted transaction, for example by buying or renting a second home from a close relative, a company in which he or she had shares, or a close associate such as an employee, I have regarded the transaction as tainted and the whole payment accordingly invalid. There were only seven of these cases, but they exercised me considerably. In the end I decided that in all of them, as in all other cases where I judged the payments invalid, I should recommend that the whole allowance should be repaid.
87. An alternative view could be that, even where a transaction is tainted by a conflict of interest, it should be accepted as a proper expenditure of public funds if the MP concerned can prove that (a) the transaction was effected at arms' length, typically on the basis of an independent valuation; (b) it was openly disclosed to the Fees Office at the time; (c) the public purse has not suffered; and (d) no third party has improperly benefited.
88. I accept that this is an arguable view, although if it were adopted the burden of proof would be considerable. I have nevertheless come down on the side of recommending the more rigorous view, mainly because the House of Commons, which is the national guardian of public funds, should surely regard itself as held to the highest standards of propriety and example in its Members' own dealings with taxpayers' money. The reputational considerations here seem crucial, in light of the Nolan principles mentioned above.

INDIVIDUAL CONCLUSIONS AND RECOMMENDATIONS

89. My conclusions and recommendations about each of the 752 MPs and former MPs concerned are set out, in alphabetical order, in the Annex to this report.
90. In every case where an MP made comments or representations on my conclusions at the provisional stage, I have considered them and taken them into account in reaching my final conclusions, in many cases making significant changes.
91. My conclusions are set out in a standard format. Under the name of each MP or former MP, I have recorded either 'no issues' or a statement of the payments in respect of which I conclude that the MP should either make a repayment or should provide supporting evidence.
92. Where an MP is described as having 'no issues', it means that my review has raised no issues about the validity of ACA payments made to him or her during the review period. As mentioned above, this does *not* mean that he or she may not have ACA issues that are or were under investigation by the Parliamentary Commissioner for Standards before 20 July 2009, or by the Police at any stage, or tax issues to be dealt with by HM Customs and Revenue.
93. Where I have concluded that a repayment is due, I have also set out the amount of any repayment that the MP concerned has already made since 1 April 2009 (the end of the review period), together with the resulting balance that the MP is recommended to repay. As far as practicable, the Annex takes account of repayments received up to and including 1 February 2010. Many MPs made repayments between 1 April and 12 October 2009 (when I sent out my provisional findings to most of the MPs concerned) which were not specifically assignable to over-payments which this review has identified. Where appropriate, these repayments have been set-off against repayments recommended by this report. In some cases, MPs had already repaid more than the amount that I subsequently concluded they were required to, leaving a balance of nothing further to be repaid. The recovery of such over-payments will be a matter for the MPs concerned to raise with the Fees Office. In a few cases, MPs have requested that their repayments should not be recorded here, and in these cases I have entered a nil return for repayments.
94. As far as practicable, the Annex also takes account of mortgage interest statements and other supporting evidence, with their implications for possible repayment, received up to and including Friday 29 January 2010.

THE BROAD RESULT

95. The broad picture that emerges from the review is as follows.
96. Over the five years of the review period, about £55.5m. was paid out to MPs under the ACA. An additional £2.5m. claimed by MPs was rejected by the Fees Office. Of that £55.5m. paid out, about £11m. (20%) was initially called in question by the review. Of that £11m., around £9.5m. (86%) required validating by supporting evidence that should have been provided at the time. Only just under £1.5m. (14%) was provisionally recommended for repayment.
97. At this final stage, a total of just over £1.3m. has been recommended for repayment by 390 MPs. At the date of this report, almost £800,000 has been repaid since 1 April 2009, although this includes some repayments in excess of my recommendations.

ISSUES AND AMOUNTS RECOMMENDED FOR REPAYMENT, BY ACA CATEGORY		
Category	Number of Issues	Recommended Repayment Amount £'000
Hotel Stays	7	£4
Mortgage/Rent	208	£711
Food	12	£12
Utilities	30	£10
Council Tax / Rates	59	£35
Telephone & telecommunications	35	£23
Cleaning	56	£105
Service / Maintenance	52	£81
Repairs / Insurance / Security	24	£73
Other	182	£252
Total	665	£1,305

98. Out of that approximately £1.3m. recommended for repayment, £163,000 (12%) was spent on gardening claims over £1,000 a year, £105,000 (8%) on cleaning claims over £2,000 a year, £152,000 (12%) on duplicate claims and £515,000 (39%) on other over-payments, mainly mortgage interest and rental payments.
99. Out of the 752 MPs and former MPs concerned, 360 (48%) in the end presented no issues for the review, and have been informed accordingly. That left 392 (52%) who have been recommended to make repayments of some amount. It must be emphasised that many MPs requested to make repayments had already done so since April 2009, or did so after receiving my provisional conclusions.
100. The highest single repayment recommended is just under £65,000, and two other MPs are recommended to repay more than £40,000 each. 56 MPs have been recommended to

repay between £40,000 and £5,000. 182 MPs have been recommended to repay between £5,000 and £1,000; and 149 have been recommended to repay between £1,000 and £100.

CLOSING CONSIDERATIONS

Appeal

101. On 1 December 2009 the MEC announced that MPs who felt that they could show special reasons why it would not be fair or equitable to require them to make repayments recommended by my review could make written appeals to the Rt Hon Sir Paul Kennedy.
102. Sir Paul's separate report and decisions will be published with this report. In the 44 cases where he has decided that the repayment I recommend should be remitted in part or in full, notes to that effect have been inserted at the appropriate places in the Annex to this report. Since the amount decided by Sir Paul is taken as the actual figure which the MEC will seek in repayment, the final balance has also been adjusted accordingly. The overall effect of Sir Paul's decisions will reduce the total amount repayable under my recommendations by just under £185,000 (14%) to £1.12m., and will bring the highest single recommended repayment down to £42,458.

Cost of review

103. The total cost of this review from its commencement to the submission of this report has been approximately £1.16m.

Envoi

104. The saga of MPs' expenses and freedom of information has been traumatic and painful. Public confidence has been damaged, and the scars will no doubt take time to heal. But there is a positive side. In responding, our national institutions, including a free press, an independent judiciary and in the end the executive government, political parties and above all the House of Commons itself, are showing that, when things do go wrong, we have together the will and the means to put matters right, heal and reform the systems and the culture, and move forward. It is in that spirit that I submit this report.

Sir Thomas Legg
1 February 2010

Annex: Individual conclusions and recommendations

MEMBERS OF PARLIAMENT

Mr Gerry Adams MP

Belfast West

Mr Adams has no issues.

Mr Adam Afriyie MP

Windsor

Mr Afriyie did not make any ACA claims during the period of the review.

Mr Nick Ainger MP

Carmarthen West & South Pembrokeshire

Mr Ainger's mortgage payments on his second home for the period April 2004 to December 2005 included both interest and capital element. Only the interest element is allowable under Green Book rules. On recalculation the excess amounts to £777.77.

Total repayment recommended: £777.77

Total repayments received since 1 April 2009: £810.85

Balance recommended to be repaid: £0.00

Mr Peter Ainsworth MP

East Surrey

Mr Ainsworth has no issues.

Rt Hon Robert Ainsworth MP

Coventry North East

Mr Ainsworth was paid £575 for an antique Welsh dresser in February 2007. Antiques are not allowable under Green Book rules.

He was also paid £951.50 for a new gate and a fence, and installing a drainage gully and a consumer board in March 2006. These items had already been paid for as part of the MP's July 2005 claim.

Total repayment recommended: £1,526.50
 Total repayments received since 1 April 2009: £1,526.50
Balance recommended to be repaid: £0.00

Mr Danny Alexander MP

Inverness, Nairn, Badenoch & Strathspey

Mr Alexander was overpaid £40.83 for utilities and £4.75 for insurance (totalling £45.58) in 2008-09.

He was paid £125 in April 2007 for financial planning advice which is not allowable under Green Book rules.

He was paid £781 for council tax in 2007-08. This was £120.24 in excess of the council tax charged for that year.

Total repayment recommended: £290.82
 Total repayments received since 1 April 2009: £512.92
Balance recommended to be repaid: £0.00

Rt Hon Douglas Alexander MP

Paisley & Renfrewshire South

Mr Alexander has no issues.

Mr Graham Allen MP

Nottingham North

Mr Allen was overpaid by £3,182.23 for mortgage interest from April 2004 to March 2006.

He was also overpaid by £159.51 for service charges in 2007-08.

Total repayment recommended: £3,341.74
 Total repayments received since 1 April 2009: £4,679.72
Balance recommended to be repaid: £0.00

Mr David Amess MP

Southend West

Mr Amess was paid £139.50 for a TV licence in October 2008, having already been paid for it in August 2008.

He was overpaid £960.56 for mortgage interest in 2008-09.

Total repayment recommended: £1,100.06
 Total repayments received since 1 April 2009: £1,100.06
Balance recommended to be repaid: £0.00

Rt Hon Michael Ancram QC DL MP

Devizes

Mr Ancram was paid a total of £11,250 for cleaning costs over the four years 2004-05 to 2007-08, thereby exceeding the allowable maximum by a total of £3,250.

He was also paid a total of £5,702.34 for gardening costs over the period 2005-06 to 2007-08, thereby exceeding the allowable maximum by a total of £2,702.34.

He was also paid a total of £171.08 in May 2006 for servicing a swimming pool boiler (£98.58) and for servicing the boiler in a cottage attached to his second home (£72.50), neither of which are allowable under the Green Book.

He was also paid £159.01 in July 2006 for repairs to a garden tractor, which is not regarded as necessary.

Total repayment recommended: £6,282.43

Total repayments received since 1 April 2009: £6,282.43

Balance recommended to be repaid: £0.00

Mr David Anderson MP

Blaydon

Mr Anderson has no issues.

Mrs Janet Anderson MP

Rossendale & Darwen

Mrs Anderson has no issues.

Rt Hon James Arbuthnot MP

North East Hampshire

Mr Arbuthnot was paid £150 for garden compost between June and September 2008. This was not allowable under the Green Book rules.

He was paid for maintenance works in 2008-09. This included £2,241.85 for the renovation and repair of a summerhouse, which was not a necessity.

He was paid £10,840.38 for gardening from 2004-05 to 2008-09. This exceeds £1,000 a year by a total of £5,840.38.

He was paid £2,608.10 in 2007-08 and £6,630 in 2008-09 for cleaning. This exceeds £2,000 a year by a total of £5,238.10.

Total repayment recommended: £13,470.33

Total repayments received since 1 April 2009: £13,470.33

Balance recommended to be repaid: £0.00

Rt Hon Hilary Armstrong MP**North West Durham**

Ms Armstrong has no issues.

Mrs Charlotte Atkins MP**Staffordshire Moorlands**

Mrs Atkins was paid a total of £9,601.44 for a new bathroom in 2007, exceeding the guideline price of £6,968.50 by £2,632.94.

She was paid cleaning costs of £5,060 over a two-year period from April 2004 to March 2006, exceeding the allowable maximum by £1,060.

She was also paid a total of £2,427 for gardening costs (£1,320 in 2005-06 and £1,107 in 2007-08), exceeding the allowable maximum by a total of £427.

She was also overpaid £868.96 in 2005-06 as a result of a duplicated claim.

She was further overpaid £445.16 for mortgage interest in 2008-09.

Total repayment recommended: £5,434.06

Total repayments received since 1 April 2009: £10,226.50

Balance recommended to be repaid: £0.00

Mr Peter Atkinson MP**Hexham**

Mr Atkinson has no issues.

Mr Ian Austin MP**Dudley North**

Mr Austin has no issues.

Mr John Austin MP**Erith & Thamesmead**

Mr Austin has no issues.

Mr Richard Bacon MP**South Norfolk**

Mr Bacon has no issues.

Mr Adrian Bailey MP**West Bromwich West**

Mr Bailey has no issues.

Ms Vera Baird QC MP**Redcar**

Ms Baird was overpaid by £1,279.23 for mortgage interest in 2008-09.

Total repayment recommended: £1,279.23

Reduced on appeal by: £1,279.23

Balance recommended to be repaid: £0.00

Mr Norman Baker MP**Lewes**

Mr Baker has no issues.

Mr Tony Baldry MP**Banbury**

Mr Baldry was overpaid by £12,197.36 for mortgage interest for the financial years 2004-05, 2005-06, 2007-08 and 2008-09.

Total repayment recommended: £12,197.36

Total repayments received since 1 April 2009: £12,197.36

Balance recommended to be repaid: £0.00

Rt Hon Ed Balls MP**Normanton**

Mr Balls shares a second home with his wife, who is also an MP. They could each therefore receive payment for half their mortgage interest under the Green Book rules. On this basis, Mr Balls was overpaid for mortgage interest by £13.44 in 2006-07 and by £1,349.73 in 2008-09, making a total overpayment of £1,363.17.

Total repayment recommended: £1,363.17

Total repayments received since 1 April 2009: £1,363.44

Balance recommended to be repaid: £0.00

Mr Gordon R Banks MP**Ochil & South Perthshire**

Mr Banks has no issues.

Mr Gregory Barker MP**Bexhill & Battle**

Mr Barker has no issues.

Ms Celia Barlow MP**Hove**

Ms Barlow was paid £635 for a mortgage valuation on her main home in August 2005. This was not allowable under the Green Book rules.

Total repayment recommended: £635.00

Total repayments received since 1 April 2009: £635.00

Balance recommended to be repaid: £0.00

Mr John Baron MP**Billericay**

Mr Baron extended his mortgage in June 2004 by £34,035 to allow him to pay for other expenses. Re-mortgages were not allowed under Green Book rules except for maintenance and improvements. He received a total of £8,821.10 over the period 2004-05 to 2008-09 for the increase in the mortgage.

Total repayment recommended: £8,821.10

Total repayments received since 1 April 2009: £8,821.10

Balance recommended to be repaid: £0.00

Mr John Barrett MP**Edinburgh West**

Mr Barrett has no issues.

Rt Hon Kevin Barron MP**Rother Valley**

Mr Barron has no issues.

Rt Hon John Battle MP**Leeds West**

Mr Battle has no issues.

Mr Hugh Bayley MP**City of York**

Mr Bayley has no issues.

Rt Hon Margaret Beckett MP**Derby South**

Mrs Beckett's payments for gardening costs exceeded the allowable maximum by a total of £2,539.75 (£520 in 2005-06, £274 in 2006-07 and £1,745.75 in 2007-08).

Total repayment recommended: £2,539.75

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £2,539.75

Miss Anne Begg MP**Aberdeen South**

Miss Begg has no issues.

Rt Hon Sir Alan Beith MP**Berwick-upon-Tweed**

Sir Alan was overpaid by a total of £1,841.23 for rent (£592.25 in 2004-05 and £1,248.98 in 2005-06), taking into account contributions from his spouse.

Total repayment recommended: £1,841.23

Reduced on appeal by: £1,841.23

Balance recommended to be repaid: £0.00

Rt Hon Sir Stuart Bell MP**Middlesbrough**

Sir Stuart has no issues.

Mr Henry Bellingham MP**North West Norfolk**

Mr Bellingham has no issues.

Rt Hon Hilary Benn MP**Leeds Central**

Mr Benn has no issues.

Mr Joseph Benton MP**Bootle**

Mr Benton has no issues.

Mr Richard Benyon MP**Newbury**

Mr Benyon has no issues.

Rt Hon John Bercow MP**Buckingham**

Mr Speaker was overpaid by £978.51 for mortgage interest in 2008-09.

Total repayment recommended: £978.51

Total repayments received since 1 April 2009: £978.51

Balance recommended to be repaid: £0.00

Sir Paul Beresford MP**Mole Valley**

Sir Paul was paid a total of £1,352.02 more than the agreed proportion of his mortgage costs (£475.02 in 2004-05, £239.49 in 2005-06 and £637.51 in 2006-07).

Total repayment recommended: £1,352.02

Total repayments received since 1 April 2009: £1,352.02

Balance recommended to be repaid: £0.00

Dr Roger Berry MP**Kingswood**

Dr Berry was paid £1,067.49 in December 2005 for a washer/dryer, which exceeded the guideline price of £550.00 by £517.49.

He was also paid £574.28 in December 2005 for a dishwasher, which exceeded the guideline price of £415 by £159.28.

He was also paid £499.00 in May 2007 for a lamp table, which exceeded the guideline price of £220.00 by £279.00.

He was further paid £502.00 each in February 2008 for two bedside cabinets, which exceeded the guideline price of £110.00 per item by £282.00.

Total repayment recommended: £1,237.77

Total repayments received since 1 April 2009: £1,873.02

Balance recommended to be repaid: £0.00

Mr Clive Betts MP**Sheffield Attercliffe**

Mr Betts was overpaid by a total of £169.14 for mortgage interest in 2004-05 and 2006-07.

Total repayment recommended: £169.14
 Total repayments received since 1 April 2009: £1,642.63
Balance recommended to be repaid: £0.00

Mr Brian Binley MP

Northampton South

Mr Binley has no issues.

Ms Elizabeth Blackman MP

Erewash

Ms Blackman has no issues.

Dr Roberta Blackman-Woods MP

City of Durham

Dr Blackman-Woods has no issues.

Rt Hon Hazel Blears MP

Salford

Ms Blears was paid £445 in March 2005 for a glass shelving unit, which exceeded the guideline price of £220 by £225.

Total repayment recommended: £225.00
 Total repayments received since 1 April 2009: £225.00
Balance recommended to be repaid: £0.00

Mr Robert Blizzard MP

Waveney

Mr Blizzard was overpaid a total of £3,872.79 for mortgage interest (£2,444.65 in 2005-06, and £1,428.14 in 2008-09).

Total repayment recommended: £3,872.79
 Total repayments received since 1 April 2009: £1,437.87
Balance recommended to be repaid: £2,434.92

Rt Hon David Blunkett MP

Sheffield Brightside

Mr Blunkett has no issues.

Mr Crispin Blunt MP**Reigate**

Mr Blunt was paid for mortgage interest for April - July 2004 on a mortgage of £340,000 that had been used to purchase both his main and second homes. The full amount of the mortgage interest was claimed, rather than the proportion related to the purchase of the second home. Mr Blunt has not provided evidence of the portion of the mortgage that related to the purchase of the second home, in the absence of which the validity of the ACA payments is determined on the basis that it was half the total, which came to £3,077.42.

Total repayment recommended: £3,077.42

Total repayments received since 1 April 2009: £3,077.42

Balance recommended to be repaid: £0.00

Mr Peter Bone MP**Wellingborough**

Mr Bone has no issues.

Mr David Borrow MP**South Ribble**

Mr Borrow has no issues.

Mr Timothy Boswell MP**Daventry**

Mr Boswell has no issues.

Mr Peter Bottomley MP**Worthing West**

Mr Bottomley has no issues.

Mr Benjamin Bradshaw MP**Exeter**

Mr Bradshaw has no issues.

Mr Graham Brady MP**Altrincham & Sale West**

Mr Brady was paid £1,815 for a sofa in instalments, starting in July 2004. This exceeded the guideline price of £1,100 by £715.

Total repayment recommended: £715.00

Total repayments received since 1 April 2009: £715.00

Balance recommended to be repaid: £0.00

Mr Thomas Brake MP**Carshalton & Wallington**

Mr Brake did not make any ACA claims during the period of the review.

Mr Julian Brazier MP**Canterbury**

Mr Brazier was paid £248.49 in January 2005 for mobile phone costs. These are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £248.49

Total repayments received since 1 April 2009: £414.03

Balance recommended to be repaid: £0.00

Mr Colin Breed MP**South East Cornwall**

Mr Breed was overpaid by a total of £2,575.81 for mortgage interest (£581.50 in 2004-05, £264.14 in 2005-06, £170.50 in 2006-07, £678.87 in 2007-08 and £880.80 in 2008-09).

He was also overpaid by a total of £1,063.68 in 2004-05 and 2005-06 for a mortgage protection policy, which was not an allowable expense.

Total repayment recommended: £3,639.49

Total repayments received since 1 April 2009: £3,639.49

Balance recommended to be repaid: £0.00

Mr Kevin Brennan MP**Cardiff West**

Mr Brennan was overpaid by a total of £171.40 for his mortgage interest (£53.15 in 2004-05; £30.40 in 2005-06; and £87.85 in 2008-09).

Total repayment recommended: £171.40

Total repayments received since 1 April 2009: £171.40

Balance recommended to be repaid: £0.00

Mr James Peter Brokenshire MP**Hornchurch**

Mr Brokenshire has no issues.

Ms Annette Brooke MP**Mid Dorset & Poole North**

Ms Brooke was paid £238.78 in 2004 for mobile phone costs, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was also paid a total of £1,300 in error for two rental payments in April and June 2006.

Total repayment recommended: £1,538.78

Total repayments received since 1 April 2009: £1,538.78

Balance recommended to be repaid: £0.00

Rt Hon Gordon Brown MP**Kirkcaldy & Cowdenbeath**

The Prime Minister was paid a total of £21,189.53 for cleaning costs between April 2004 and March 2009, exceeding the maximum allowable by £11,189.53.

He was also paid £1,396 twice in April and July 2006 for internal redecoration.

He was further paid £1,302.50 in 2007-08 for garden maintenance, exceeding the allowable maximum by £302.50.

Total repayment recommended: £12,888.03

Total repayments received since 1 April 2009: £13,723.04

Balance recommended to be repaid: £0.00

Ms Lyn Carol Brown MP**West Ham**

Ms Brown shared her second home with two other MPs. In 2007-08 they received £2,402.03 for cleaning costs, exceeding the allowable maximum by £402.03. Ms Brown's share of the excess was £134.01.

Total repayment recommended: £134.01

Total repayments received since 1 April 2009: £134.01

Balance recommended to be repaid: £0.00

Rt Hon Nicholas Brown MP**Newcastle upon Tyne East & Wallsend**

Mr Brown was paid cleaning costs totalling £8,697.65 over the four-year period 2004-05 to 2007-08, exceeding the allowable maximum by a total of £697.65.

Total repayment recommended: £697.65
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £697.65

Mr Russell Brown MP

Dumfries & Galloway

Mr Brown was paid for 13 months' rent in 2008-09, resulting in an overpayment of £1,146.63.

Total repayment recommended: £1,146.63
 Total repayments received since 1 April 2009: £1,146.63
Balance recommended to be repaid: £0.00

Rt Hon Desmond Browne MP

Kilmarnock & Loudoun

Mr Browne has no issues.

Mr Jeremy Richard Browne MP

Taunton

On his election in 2005, Mr Browne extended the mortgage on his London home to assist in the purchase of a home in his constituency. As he designated the London home as his second home, the loan extension was not within the Green Book rules. The amount paid was £17,894.24.

Total repayment recommended: £17,894.24
Reduced on appeal by: £17,894.24
Balance recommended to be repaid: £0.00

Mrs Angela Browning MP

Tiverton & Honiton

Mrs Browning has no issues.

Mr Malcolm Bruce MP

Gordon

Mr Bruce was paid a total of £622 twice for insurance (£309.87 in October 2004 and £312.13 in September 2006).

Total repayment recommended: £622.00
 Total repayments received since 1 April 2009: £622.00
Balance recommended to be repaid: £0.00

Mr Chris Bryant MP**Rhondda**

Mr Bryant was overpaid by £4,439.28 for mortgage interest in 2008-09 because his claims did not reflect the element of his mortgage actually used to purchase his second home.

Total repayment recommended: £4,439.28

Total repayments received since 1 April 2009: £5,743.02

Balance recommended to be repaid: £0.00

Mr Richard Burden MP**Birmingham Northfield**

Mr Burden was overpaid by a total of £458.01 for mortgage interest in 2007-08.

Total repayment recommended: £458.01

Total repayments received since 1 April 2009: £718.00

Balance recommended to be repaid: £0.00

Mr Colin Burgon MP**Elmet**

Mr Burgon has no issues.

Rt Hon Andy Burnham MP**Leigh**

Mr Burnham was paid service charge costs twice for the following periods: £563.68 in July 2007 and January 2008; £583.06 in June and September 2008; and £291.53 in December 2008 and January 2009. The duplicated payments thus total £1,438.27.

He was paid twice for rent of £1,402.92 for November 2005.

Total repayment recommended: £2,841.19

Total repayments received since 1 April 2009: £4,181.13

Balance recommended to be repaid: £0.00

Mr Simon Burns MP**Chelmsford West**

Mr Burns was overpaid by a total of £3,305.76 for rent (£2,236.60 in 2004-05; £715.16 in 2005-06; and £354 in 2006-07).

Total repayment recommended: £3,305.76

Total repayments received since 1 April 2009: £3,731.92

Balance recommended to be repaid: £0.00

Mr David Burrowes MP**Enfield Southgate**

Mr Burrowes did not make any ACA claims during the period of the review.

Mr Paul Burstow MP**Sutton & Cheam**

Mr Burstow did not make any ACA claims during the period of the review.

Mr Alistair Burt MP**North East Bedfordshire**

Mr Burt has no issues.

Mrs Lorely Burt MP**Solihull**

Mrs Burt was paid £1,087.50 twice for mortgage interest for April 2006.

Total repayment recommended: £1,087.50

Total repayments received since 1 April 2009: £1,087.50

Balance recommended to be repaid: £0.00

Ms Dawn Butler MP**Brent South**

Ms Butler has no issues.

Sir John Butterfill MP**Bournemouth West**

Sir John was over-paid by a total of £2,032.47 for mortgage interest (£1,407.85 in 2006-07 and £624.62 in 2008-09).

He was also overpaid by a total of £331.66 for council tax in 2005-06 (of which £47.66 was due to payments not being reduced for dissolution, and £284.00 due to an incorrect adjustment when moving house).

Total repayment recommended: £2,364.13

Total repayments received since 1 April 2009: £17,478.43

Balance recommended to be repaid: £0.00

Rt Hon Stephen Byers MP**North Tyneside**

Mr Byers was paid cleaning costs totalling £9,125 over the four years 2004-05 to 2007-08, exceeding the allowable maximum by a total of £1,125.

Total repayment recommended: £1,125.00
 Total repayments received since 1 April 2009: £1,125.00
Balance recommended to be repaid: £0.00

Mr Liam Byrne MP

Birmingham Hodge Hill

Mr Byrne was paid £111.84 for mobile telephone costs in October 2004, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £111.84
 Total repayments received since 1 April 2009: £2,269.01
Balance recommended to be repaid: £0.00

Dr Vincent Cable MP

Twickenham

Dr Cable did not make any ACA claims during the period of the review.

Rt Hon Richard Caborn MP

Sheffield Central

Mr Caborn has no issues.

Mr David Cairns MP

Inverclyde

Mr Cairns was overpaid by a total of £2,782.30 for his service charge and parking space for January to June 2007.

Total repayment recommended: £2,782.30
 Total repayments received since 1 April 2009: £2,782.30
Balance recommended to be repaid: £0.00

Rt Hon David Cameron MP

Witney

Mr Cameron was overpaid by £237.07 for mortgage interest in April to November 2006.

Total repayment recommended: £237.07
 Total repayments received since 1 April 2009: £965.45
Balance recommended to be repaid: £0.00

Mr Alan Campbell MP

Tynemouth

Mr Campbell has no issues.

Mr Gregory Campbell MP

East Londonderry

Mr Campbell was overpaid by a total of £741 for hotel stays between October 2004 and March 2006.

He was also overpaid by a total of £1,456.54 for service charges between November 2006 and October 2007.

He was overpaid by a total of £458.56 for ground rent (£303.23 for November 2007 - April 2008, and £155.33 for May 2008 - March 2009).

He has also not provided sufficient evidence to support payments of £1,017.28 for mortgage interest for the month of December 2008, in default of which I must regard this payment as having been invalid. Accordingly my recommendation is that Mr Campbell should repay the whole of this sum.

Total repayment recommended: £3,673.38

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £3,673.38

Rt Hon Sir Menzies Campbell CBE QC MP

North East Fife

Sir Menzies was paid £1,490.66 over the period 2006 - 2008 for the services of an interior designer, which are regarded as unnecessary.

Total repayment recommended: £1,490.66

Total repayments received since 1 April 2009: £1,772.94

Balance recommended to be repaid: £0.00

Mr Ronnie Campbell MP

Blyth Valley

Mr Campbell received duplicate payments for council tax totalling £829.22 during 2004 and 2007.

He also received duplicate payments totalling £912.61 in 2005 for ground rent and service charge (£555.13) and electricity costs (£357.48).

He was also paid for full council tax of £1,509.58 in 2008-09 when in receipt of a 10% discount, thus being overpaid by £150.96.

Total repayment recommended: £1,892.79

Total repayments received since 1 April 2009: £1,892.79

Balance recommended to be repaid: £0.00

Mr Alistair Carmichael MP

Orkney & Shetland

Mr Carmichael was paid a total of £243.90 twice for three items: phone bill in September 2005, £70.12; phone bill in December 2005, £42.28; and TV licence in July 2006, £131.50.

He was also paid £90 for legal costs associated with non-payment of council tax in 2007-08 and £146.88 legal fees due to late payment of service charge/ground rent in May 2007. These costs, totalling £236.88, were not allowable under the Green Book rules.

Total repayment recommended: £480.78

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £480.78

Mr Douglas Carswell MP

Harwich

Mr Carswell moved home in January 2008 and claimed a deposit on the new flat without repaying the £2,010 deposit paid for the old one.

He was also paid £149 twice in March and April 2006 for a council tax single payment notification.

Total repayment recommended: £2,159.00

Total repayments received since 1 April 2009: £2,159.00

Balance recommended to be repaid: £0.00

Mr William Cash MP

Stone

Mr Cash was paid £14,840 from April 2004-April 2005 for rent under a tenancy agreement with his daughter. This was a conflicted transaction.

He was paid £429.33 towards the purchase of an antique desk and chair in December 2005. The purchase of antiques is not allowable under Green Book rules.

Total repayment recommended: £15,269.33

Reduced on appeal by: £14,840.00

Total repayments received since 1 April 2009: £429.33

Balance recommended to be repaid: £0.00

Mr Martin Caton MP

Gower

Mr Caton has no issues.

Mr Ian Cawsey MP**Brigg & Goole**

Mr Cawsey has no issues.

Mr Colin Challen MP**Morley & Rothwell**

Mr Challen was paid a total of £8,795 for renting a room from his own Senior Researcher, at £60 per night, from November 2006 to January 2008. This was a conflicted transaction.

Mr Challen was paid a total of £1,078 in June 2005 for two items of furniture (a display cabinet at £719 and a chair at £359), which exceeded the relevant guideline prices by a total of £363.

Total repayment recommended: £9,158.00

Reduced on appeal by: £8,795.00

Total repayments received since 1 April 2009: £363.00

Balance recommended to be repaid: £0.00

Mr Ben Chapman MP**Wirral South**

Mr Chapman was paid a total of £6,600.25 for gardening over the five years of the review period, exceeding the allowable maximum by a total of £1,600.25.

He was also paid £1,229 in January 2006 for a fridge-freezer, exceeding the guideline price of £550 by £679.

He was also paid £1,108.66 twice for council tax in 2005-06.

Total repayment recommended: £3,387.91

Total repayments received since 1 April 2009: £3,387.91

Balance recommended to be repaid: £0.00

Mr David Chaytor MP**Bury North**

Mr Chaytor has no issues.

Mr Christopher Chope MP**Christchurch**

Mr Chope was overpaid by a total of £252.61 for mortgage interest (£119.00 in 2006-07, £133.61 in 2007-08).

He was also paid £105.25 in April 2004 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £357.86

Reduced on appeal by: £357.86

Balance recommended to be repaid: £0.00

Mr Michael Clapham MP

Barnsley West & Penistone

Mr Clapham has no issues.

Mr James Clappison MP

Hertsmere

Mr Clappison has no issues.

Mr Gregory Clark MP

Tunbridge Wells

Mr Clark has no issues.

Ms Katy Clark MP

North Ayrshire & Arran

Ms Clark was paid a total of £336.39 between November 2006 and January 2007 for mobile phone bills and accessories, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was also paid £446.50 in January 2007 for removal expenses from the former second home to the main address in August 2006, which was also not allowable.

Total repayment recommended: £782.89

Total repayments received since 1 April 2009: £782.89

Balance recommended to be repaid: £0.00

Mr Paul Clark MP

Gillingham

Mr Clark was paid £549.95 for a new washing machine in October 2004, which exceeded the guideline price of £385 by £164.95.

In default of evidence to support payments for mortgage interest of £11,750.35 for 2008-09, I must regard these payments as having been invalid. Accordingly my recommendation is that Mr Clark should repay the whole of this sum.

Total repayment recommended: £11,915.30

Total repayments received since 1 April 2009: £508.43

Balance recommended to be repaid: £11,406.87

Rt Hon Charles Clarke MP**Norwich South**

Mr Clarke was overpaid by a total of £743.64 for mortgage interest in two years (£400.34 in 2004-05 and £343.30 in 2008-09).

Total repayment recommended: £743.64

Reduced on appeal by: £743.64

Balance recommended to be repaid: £0.00

Rt Hon Kenneth Clarke QC MP**Rushcliffe**

Mr Clarke was paid a total of £7,345 for cleaning (£2,210 in 2006-07; £2,470 in 2007-08; and £2,665 in 2008-09), exceeding the allowable maximum by a total of £1,345.

Total repayment recommended: £1,345.00

Total repayments received since 1 April 2009: £1,345.00

Balance recommended to be repaid: £0.00

Rt Hon Tom Clarke CBE JP MP**Coatbridge, Chryston & Bellshill**

Mr Clarke has no issues.

Rt Hon Nick Clegg MP**Sheffield Hallam**

Mr Clegg was paid a total of £3,910 gardening costs for the period July 2006 to March 2009. This exceeds £1,000 a year by a total of £910.

Total repayment recommended: £910.00

Total repayments received since 1 April 2009: £989.50

Balance recommended to be repaid: £0.00

Mr David Clelland MP**Tyne Bridge**

Mr Clelland increased his mortgage in June 2004 from £116,000 to £161,500 in order to buy out his partner's share in the second home. Consequently he was paid an additional £12,970 under the Green Book rules over the review period to cover the additional mortgage interest. He and his partner were subsequently married. In these circumstances, the transaction appears conflicted, and Mr Clelland ought to repay the additional interest.

He was also paid £431.36 in May 2004 for legal fees for the purchase mentioned above. This payment is also invalid for the same reason.

Total repayment recommended: £13,401.36
Reduced on appeal by: £13,101.36
 Total repayments received since 1 April 2009: £300.00
Balance recommended to be repaid: £0.00

Mr Geoffrey Clifton-Brown MP

Cotswold

Mr Clifton-Brown has no issues.

Rt Hon Ann Clwyd MP

Cynon Valley

Mrs Clwyd was overpaid by a total of £3,085.42 for mortgage interest (£826.08 in 2006-07; £230.38 in 2007-08; and £2,028.96 in 2008-09).

She was also overpaid by a total of £1,097 for council tax (£594 in 2006-07, and £503 in 2008-09).

She was also paid £1,390 for two chairs purchased during 2005-06 and 2006-07, which exceeded the guideline price for two chairs of £1,100 by £290.

Total repayment recommended: £4,472.42
Reduced on appeal by: £2,360.62
 Total repayments received since 1 April 2009: £4,472.42
Balance recommended to be repaid: £0.00

Mr Vernon Coaker MP

Gedling

Mr Coaker has no issues.

Ms Ann Coffey MP

Stockport

Ms Coffey was paid a total of £1,381.08 more than the maximum allowable for cleaning costs over the five years of the review period (£2,140.00 in 2004-05; £2,201.08 in 2005-06; £2,360.00 in 2006-07; £2,600.00 in 2007-08; and £2,080.00 in 2008-09).

Total repayment recommended: £1,381.08
 Total repayments received since 1 April 2009: £1,381.08
Balance recommended to be repaid: £0.00

Mr Harry Cohen MP

Leyton & Wanstead

Mr Cohen was paid £325 in July 2004 for a bedside cabinet, which exceeded the guideline price of £110 by £215.

He was also paid £150 in December 2004 for a flower vase, which appears excessive.

He was also overpaid by £155.01 for council tax in 2006-07.

He was also paid £205 for a bed/mattress in February 2008: this was the fourth payment for such an item, which appears excessive.

He was further overpaid by a total of £208.37 over the five years of the review period for various items not allowable under Green Book rules.

Total repayment recommended: £933.38

Total repayments received since 1 April 2009: £933.38

Balance recommended to be repaid: £0.00

Mr Michael Connarty MP

Linlithgow & East Falkirk

Mr Connarty was overpaid by £309.02 for service charges during 2004-05.

He was also overpaid by a total of £4,872.54 for mortgage interest for the years 2004-05 and 2005-06.

Total repayment recommended: £5,181.56

Total repayments received since 1 April 2009: £5,181.56

Balance recommended to be repaid: £0.00

Mr Derek Conway TD MP

Old Bexley & Sidcup

Mr Conway has no issues.

Mr Frank Cook MP

Stockton North

Mr Cook was paid £1,238.41 for a refrigerator in April 2004, which exceeded the guideline of £605 by £633.41.

He was also overpaid by £271.27 for council tax in 2005-06.

He was further overpaid by a total of £748.03 for council tax in the last three years of the review period (£146 in 2006-07; £296.03 in 2007-08; and £306 in 2008-09).

Total repayment recommended: £1,652.71

Reduced on appeal by: £633.41

Total repayments received since 1 April 2009: £1,019.30

Balance recommended to be repaid: £0.00

Ms Rosie Cooper MP**West Lancashire**

Ms Cooper has no issues.

Rt Hon Yvette Cooper MP**Pontefract & Castleford**

Ms Cooper shares a second home with her husband, who is also an MP. They could each therefore receive half their mortgage interest under the Green Book rules. On this basis, Ms Cooper was overpaid for mortgage interest by £13.48 in 2006-07 and by £1,349.73 in 2008-09, making a total overpayment of £1,363.21.

Total repayment recommended: £1,363.21

Total repayments received since 1 April 2009: £1,363.48

Balance recommended to be repaid: £0.00

Sir Patrick Cormack MP**South Staffordshire**

Sir Patrick was paid cleaning costs of £2,610 in 2004-05; £2,592 in 2006-07 and £2,820 in 2007-08. These exceed the allowable maximum of £2,000 a year by a total of £2,022.

Total repayment recommended: £2,022.00

Total repayments received since 1 April 2009: £2,022.00

Balance recommended to be repaid: £0.00

Mr Jim Cousins MP**Newcastle upon Tyne Central**

Mr Cousins has no issues.

Mr Geoffrey Cox QC MP**Torridge & West Devon**

Mr Cox has no issues.

Mr Stephen Crabb MP**Preseli Pembrokeshire**

Mr Crabb was overpaid by a total of £1,495 for rental payments for July 2005 - July 2006.

He was also overpaid by £144.30 for mortgage interest in 2007-08.

Total repayment recommended: £1,639.30

Total repayments received since 1 April 2009: £3,495.00

Balance recommended to be repaid: £0.00

Mr David Crausby MP**Bolton North East**

Mr Crausby was paid £1,904 in May 2005 which wasn't correctly reduced for dissolution.

Total repayment recommended: £307.10

Total repayments received since 1 April 2009: £307.10

Balance recommended to be repaid: £0.00

Ms Mary Creagh MP**Wakefield**

Ms Creagh was overpaid by £633.47 for mortgage interest in 2008-09.

She also received a total of £367.75 twice in the same year, 2008-09.

Total repayment recommended: £1,001.22

Total repayments received since 1 April 2009: £1,001.22

Balance recommended to be repaid: £0.00

Mr Jon Cruddas MP**Dagenham**

Mr Cruddas was overpaid by a net total of £361.52 for service charges in 2004-05.

He was also paid £173.84 twice for electricity in 2008-09.

Total repayment recommended: £535.36

Total repayments received since 1 April 2009: £855.30

Balance recommended to be repaid: £0.00

Mrs Ann Cryer MP**Keighley**

Mrs Cryer was paid a total of £16,646.45 for the rental between 1 April 2004 and 19 July 2005 of a flat from her son-in-law. This was a conflicted transaction.

She was also paid a total of £2,973.50 for furnishings in March 2007, including £1,350 for a table and £795 for a rug. This exceeds the guideline prices of £660 and £330 respectively by a total of £1,155.

She was also overpaid by a total of £441.25 for a carpet in March 2009.

Total repayment recommended: £18,241.70

Reduced on appeal by: £16,646.45

Total repayments received since 1 April 2009: £1,596.25

Balance recommended to be repaid: £0.00

Mr John Cummings MP

Easington

Mr Cummings was paid cleaning costs totalling £10,130 over the five-year period. This exceeds £2,000 a year by a total of £130. The payments also included a Christmas bonus of £50 which is not allowed, bringing the total overpayment to £180.

Total repayment recommended: £180.00

Total repayments received since 1 April 2009: £2,907.06

Balance recommended to be repaid: £0.00

Mr Jim Cunningham MP

Coventry South

Mr Cunningham was overpaid by £240.59 for rent in 2005-06. He had submitted a claim in May 2005 for an underpayment in March 2005, which could not be attributed to the ACA for 2005-06.

Total repayment recommended: £240.59

Total repayments received since 1 April 2009: £240.59

Balance recommended to be repaid: £0.00

Mr Tony Cunningham MP

Workington

Mr Cunningham was overpaid by a total of £2,718.02 for mortgage interest (£431.93 in 2005-06; £348.29 in 2006-07; and £1,937.80 in 2008-09).

Total repayment recommended: £2,718.02

Total repayments received since 1 April 2009: £2,718.02

Balance recommended to be repaid: £0.00

Rt Hon David Curry MP

Skipton & Ripon

Mr Curry was paid a total of £8,512.75 in 2008 for professional advice and renovations to his second home. Out of this total, £3,483.29 was for the work, while £5,029.46 was paid to a firm of consulting engineers for professional services, technical advice and project management. The latter payment appears excessive, and Mr Curry should repay one-third of it, which is £1,676.48.

Total repayment recommended: £1,676.48

Total repayments received since 1 April 2009: £1,676.48

Balance recommended to be repaid: £0.00

Ms Claire Curtis-Thomas MP

Crosby

Ms Curtis-Thomas was paid £191.12 in 2008-09 for expenses related to mobile phones and computers. These are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £191.12

Total repayments received since 1 April 2009: £191.12

Balance recommended to be repaid: £0.00

Rt Hon Alistair Darling MP

Edinburgh South West

Mr Darling was paid £1,104 for a chest of drawers in February 2007. That exceeded the guideline price of £550 by £554.

Total repayment recommended: £554.00

Total repayments received since 1 April 2009: £1,512.04

Balance recommended to be repaid: £0.00

Mr Edward Davey MP

Kingston & Surbiton

Mr Davey did not make any ACA claims during the period of the review.

Mr Wayne David MP

Caerphilly

Mr David was paid a total of £6,184.16 (£155.23 a month from April 2004 to March 2008) for critical illness insurance cover, which is not allowable under the ACA.

In August 2007, he changed mortgage providers and increased the amount borrowed for a purpose not allowable under the ACA. As a result, he was overpaid by a total of £6,038.33.

He was also paid £430 for a bedroom chair in March and again in July 2007.

He was further overpaid by £262.20 for mortgage interest in 2008-09.

Total repayment recommended: £12,959.69

Total repayments received since 1 April 2009: £13,149.67

Balance recommended to be repaid: £0.00

Mr Ian Davidson MP**Glasgow South West**

Mr Davidson was overpaid £474.47 for mortgage interest in 2007-08.

He was paid a total of £120 for court costs associated with non-payment of council tax (£55 in July 2005, and £65 in June 2007).

He was also overpaid by £646.92 for council tax in 2007-08.

Total repayment recommended: £1,241.39

Reduced on appeal by: £474.47

Total repayments received since 1 April 2009: £766.92

Balance recommended to be repaid: £0.00

Mr Dai Davies MP**Blaenau Gwent**

Mr Davies was paid expenses in November 2006 for his constituency office - £328.00 for council tax, £48.35 for telephone and £63.45 for repairs. These expenses, which came to a total of £439.80 are not allowable under the ACA, and should have been submitted under Incidental Expenses.

He was paid for 12 payments of council tax in 2008-09. The evidence provided shows that only 10 payments were required. One additional payment was disallowed by the Fees Office, so the MP received an overpayment of £110.

Total repayment recommended: £549.80

Reduced on appeal by: £439.80

Total repayments received since 1 April 2009: £110.00

Balance recommended to be repaid: £0.00

Mr David Davies MP**Monmouth**

Mr Davies was overpaid by a net total of £2,021.39 for mortgage interest in September 2006, and for council tax in May 2007.

Total repayment recommended: £2,021.39

Total repayments received since 1 April 2009: £2,033.87

Balance recommended to be repaid: £0.00

Mr Phillip Davies MP**Shipley**

Mr Davies was paid £232.64 in May 2005 for a telephone and answer machine, telephone line installation and telephone and broadband line rental, which were for his constituency office. These expenses were not allowable under the ACA, and should have been submitted under Incidental Expenses.

Total repayment recommended: £232.64

Reduced on appeal by: £232.64

Balance recommended to be repaid: £0.00

Mr Quentin Davies MP

Grantham & Stamford

Mr Davies was paid cleaning costs of £6,658 over three years as follows: £2,168 in 2004-05; £2,090 in 2005-06; £2,400 in 2006-07. That exceeds the maximum allowable of £2,000 a year by a total of £658.

Total repayment recommended: £658.00

Total repayments received since 1 April 2009: £658.00

Balance recommended to be repaid: £0.00

Rt Hon David Davis MP

Haltemprice & Howden

Mr Davis was overpaid by £134.00 for mortgage interest in March 2006.

He was also paid more than £1,000 a year for gardening for three years of the review period. He received £1,126.83 in 2004-05, £1,328.54 in 2006-07 and £1,294.34 in 2008-09. This resulted in a total payment of £749.71 above £1,000 a year.

Total repayment recommended: £883.71

Total repayments received since 1 April 2009: £917.76

Balance recommended to be repaid: £0.00

Mrs Janet Dean MP

Burton

Mrs Dean has no issues.

Rt Hon John Denham MP

Southampton Itchen

Mr Denham was paid £1,590 for two armchairs in August 2005. This exceeded the guideline price of £1,100 by £490.

He was also overpaid by £775.51 for mortgage interest in 2008-09.

Total repayment recommended: £1,265.51

Total repayments received since 1 April 2009: £1,265.51

Balance recommended to be repaid: £0.00

Mr Jim Devine MP**Livingston**

Mr Devine has no issues.

Mr Parmjit Dhanda MP**Gloucester**

Mr Dhanda was overpaid for mortgage interest by a total of £2,208.28 (2005-06 by £256.36; 2006-07 by £1,043.35; and 2008-09 by £908.57).

Total repayment recommended: £2,208.28

Total repayments received since 1 April 2009: £2,208.28

Balance recommended to be repaid: £0.00

Mr Andrew Dismore MP**Hendon**

Mr Dismore has no issues.

Mr Jonathan Djanogly MP**Huntingdon**

Mr Djanogly was paid gardening costs of £11,066.66 over the five-year period (2004-05 to 2008-09). That exceeds £1,000 a year by a total of £6,066.66.

He was also paid cleaning costs of £21,192.35 over the five-year period (2004-05 to 2008-09). That exceeds £2,000 a year by a total of £11,192.35.

He was paid £105.75 in 2007 for call-out charges for the repair of a laptop computer at a property not listed as his second home.

Total repayment recommended: £17,364.76

Total repayments received since 1 April 2009: £25,000.00

Balance recommended to be repaid: £0.00

Mr Jim Dobbin MP**Heywood & Middleton**

Mr Dobbin has no issues.

Mr Nigel Dodds OBE MP**Belfast North**

Mr Dodds has no issues.

Mr Pat Doherty MP**West Tyrone**

Mr Doherty has no issues.

Rt Hon Jeffrey Donaldson MP**Lagan Valley**

Mr Donaldson was overpaid by £535.23 for quarterly service charges (based on a 50% share) from 2006-07 to 2008-09.

He was also paid £633.50 between April 2004 and January 2006 for room service charges in hotels, which were not allowable.

He was further paid £690 between April 2004 and December 2006 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £1,858.73

Total repayments received since 1 April 2009: £1,858.73

Balance recommended to be repaid: £0.00

Mr Brian Donohoe MP**Central Ayrshire**

Mr Donohoe has no issues.

Mr Frank Doran MP**Aberdeen North**

Mr Doran has no issues.

Rt Hon Stephen Dorrell MP**Charnwood**

Mr Dorrell was overpaid by a total of £1,530.16 for service charges for the period April to September 2005.

Total repayment recommended: £1,530.16

Total repayments received since 1 April 2009: £1,624.60

Balance recommended to be repaid: £0.00

Ms Nadine V Dorries MP**Mid Bedfordshire**

Ms Dorries was paid £882.31 twice for hotel expenses in January 2007.

She was also paid £161.04 twice for internet service in April 2007.

She was further paid £271.02 twice for a telephone bill in 2008-09.

Total repayment recommended: £1,314.37

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,314.37

Mr David Drew MP

Stroud

Mr Drew has no issues.

Mr James P Duddridge MP

Rochford & Southend East

Mr Duddridge was paid for council tax relating to two separate properties in the year 2006-07, with over-lapping periods. The rebate due was not offset against the second claim, resulting in an overpayment of £480.98.

Total repayment recommended: £480.98

Total repayments received since 1 April 2009: £480.98

Balance recommended to be repaid: £0.00

Mr Alan Duncan MP

Rutland & Melton

Mr Duncan was paid £610 in November 2007 for electrical services carried out at both his main and second homes. In the absence of records apportioning the bill, half is attributed to the main home, on which basis he was overpaid by £305.

He was also paid £575.75 in January 2008 for a pole saw, which is not allowable under the ACA.

He was paid £194.92 in April – May 2005 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was paid a total of £5,281 over the five years of the review period for gardening costs, thus exceeding the allowable maximum by a total of £281.

Total repayment recommended: £1,356.67

Total repayments received since 1 April 2009: £4,704.86

Balance recommended to be repaid: £0.00

Rt Hon Iain Duncan Smith MP

Chingford & Woodford Green

Mr Duncan Smith has no issues.

Mr Philip Dunne MP**Ludlow**

Mr Dunne did not make any ACA claims during the period of the review.

Mr Mark Durkan MP**Foyle**

Mr Durkan has no issues.

Ms Angela Eagle MP**Wallasey**

Ms Eagle has no issues.

Ms Maria Eagle MP**Liverpool Garston**

Ms Eagle has no issues.

Mrs Louise Ellman MP**Liverpool Riverside**

Mrs Ellman was overpaid by £278 for mortgage interest for February to November 2006.

She was also overpaid a total of £1,132.15 during the years 2004-05 to 2007-08 for council tax, by reason of direct debits covering the whole year which were not collected in February and March (excepting March 2007).

Total repayment recommended: £1,410.15

Total repayments received since 1 April 2009: £1,573.15

Balance recommended to be repaid: £0.00

Mr Tobias Ellwood MP**Bournemouth East**

Mr Ellwood was overpaid by £940.98 for mortgage interest during 2005-06.

Total repayment recommended: £940.98

Total repayments received since 1 April 2009: £940.98

Balance recommended to be repaid: £0.00

Ms Natascha Engel MP**North East Derbyshire**

Ms Engel was overpaid by £1,339.25 for mortgage interest in 2008-09.

She was also overpaid £595 in 2005-06 for an unreturned deposit.

Total repayment recommended: £1,934.25

Total repayments received since 1 April 2009: £1,934.25

Balance recommended to be repaid: £0.00

Mr Jeffrey Ennis MP**Barnsley East & Mexborough**

Mr Ennis has no issues.

Mr William Etherington MP**Sunderland North**

Mr Etherington was overpaid by a total of £434.71 for mortgage interest for the period January - March 2009.

Total repayment recommended: £434.71

Total repayments received since 1 April 2009: £434.71

Balance recommended to be repaid: £0.00

Mr Nigel Evans MP**Ribble Valley**

Mr Evans received a total of £858.33 in duplicate payments for service charge and ground rent in 2004-05 and 2005-06.

Total repayment recommended: £858.33

Total repayments received since 1 April 2009: £1,030.31

Balance recommended to be repaid: £00.00

Mr David Evennett MP**Bexleyheath & Crayford**

Mr Evennett did not make any ACA claims during the period of the review.

Mr Michael Fabricant MP**Lichfield**

Mr Fabricant has no issues.

Mr Michael Fallon MP**Sevenoaks**

Mr Fallon was paid a total of £7,700 for cleaning costs for the financial years 2004-05 to 2006-07 (£2,250, £3,000 and £2,450 respectively). That exceeds the maximum allowable of £2,000 a year by a total of £1,700.

He was also paid £300 twice in October and November 2004 for service charges.

Total repayment recommended: £2,000.00

Total repayments received since 1 April 2009: £2,000.00

Balance recommended to be repaid: £0.00

Mr Paul Farrelly MP**Newcastle-under-Lyme**

Mr Farrelly was paid £123.93 twice for his BT phone bill in 2008.

Total repayment recommended: £123.93

Total repayments received since 1 April 2009: £123.93

Balance recommended to be repaid: £0.00

Mr Tim Farron MP**Westmorland & Lonsdale**

In June 2008 Mr Farron was paid £235.00 for removal costs from his second home in London to his main home in Cumbria. In the circumstances this expenditure was unnecessary.

Total repayment recommended: £235.00

Total repayments received since 1 April 2009: £235.00

Balance recommended to be repaid: £0.00

Ms Lynne Featherstone MP**Hornsey & Wood Green**

Ms Featherstone did not make any ACA claims during the period of the review.

Rt Hon Frank Field MP

Birkenhead

Mr Field was paid a total of £19,885 over the five years of the review period for the services of a housekeeper, cleaning and gardening. No other MP is known to have claimed in this form, and the detailed content of the resulting payments is not easy to allocate to recognised headings. Mr Field has provided examples, from which it would appear that some of the housekeeping services involved were clearly allowable; some consisted of further cleaning and garden maintenance, and were thus allowable up to defined limits; some were clearly not allowable; and some were arguable either way. The proportions of these various elements are not clear. In the unusual circumstances, I recommend what is admittedly a rough-and-ready solution. This is to take Mr Field's total claim (£19,885), give him the full benefit of the annual cleaning and garden maintenance allowances (£15,000), and then allow one half of the remainder (£4,885) as valid and regard the other half as invalid. On this basis, Mr Field would be treated as having been overpaid by £2,442.50.

He was also paid £800 for petty cash and household sundries from July to December 2004. From June to December 2005 he was paid a further £1,000 in unspecified incidental costs and sundry expenses. Petty cash in any form is not payable under the ACA, so under this head he was overpaid a total of £1,800.

He was also paid a total of £228.55 for three BT bills which did not relate to his second home address: £80.79 in December 2004; £75.35 in April 2007 and £72.41 in August 2007.

He was further paid twice for the following items: electricity, £19.58, in September 2004 and November 2004; gas, £17.41, in September 2004 and November 2004; clock radio, £79.95, in May 2007 and August 2007 (total overpayment £116.94).

Total repayment recommended: £4,587.99

Reduced on appeal by: £428.55

Total repayments received since 1 April 2009: £4,159.44

Balance recommended to be repaid: £0.00

Mr Mark Fisher MP

Stoke-on-Trent Central

Mr Fisher has no issues.

Mr Robert Ffello MP

Stoke-on-Trent South

Mr Ffello was paid an extra month's rent of £1,200 in 2005-06 (duplicate payment for June 2005).

Total repayment recommended: £1,200.00

Reduced on appeal by: £1,200.00

Balance recommended to be repaid: £0.00

Ms Caroline Flint MP

Don Valley

Ms Flint was paid £572 for a washing machine in July 2004, which exceeded the guideline price by £187.

She was also paid £385 twice, in May and June 2005, for tree services.

Total repayment recommended: £572.00

Total repayments received since 1 April 2009: £734.15

Balance recommended to be repaid: £0.00

Mr Paul Flynn MP

Newport West

Mr Flynn was overpaid a total of £2,625.61 for mortgage interest (£404.49 for 2004-05, £499.09 for 2005-06, £53.89 for 2006-07, £1,487.99 for 2007-08 and £180.15 for 2008-09). This total includes a duplicate payment for £1,359.52 covering April to June 2007.

Total repayment recommended: £2,625.61

Total repayments received since 1 April 2009: £3,066.48

Balance recommended to be repaid: £0.00

Ms Barbara Follett MP

Ms Follett was paid a total of £34,776.30 from April 2004 to November 2008 for mobile security patrols at her second home. This went beyond the Green Book provisions limiting claims to 'basic security measures'.

She was also paid a total of £8,908.36 for six telephone lines at her second home between April 2004 and November 2008. The number of lines and the amount claimed are excessive, and half the allowance, i.e. £4,454.18, should be repaid.

Ms Follett was further overpaid by an estimated £2,812.95 in 2004-05 - 2006-07 for an additional household insurance premium for fine art, which is not allowable.

She was also paid £221 twice for boiler insurance in June 2004 and again in August 2004.

She was also paid £193.78 for pest control in April-June 2006 for an address other than her second home.

Total repayment recommended: £42,458.21

Total repayments received since 1 April 2009: £32,976.17

Balance recommended to be repaid: £9,482.04

Mr Don Foster MP**Bath**

In August 2005, Mr Foster took out an additional mortgage on his second home for a purpose not allowable under the ACA. As a result, he was overpaid a total of £3,557.02 for mortgage interest.

He was also overpaid by a total of £193.72 for mortgage interest for April - June 2007.

He was further paid £525 twice in 2008-09 for mortgage and term variation fees.

Total repayment recommended: £4,275.74

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £4,275.74

Mr Michael Jabez Foster DL MP**Hastings & Rye**

Mr was overpaid by £515.76 for mortgage interest during the period April and May 2005 when Parliament was dissolved.

Total repayment recommended: £515.76

Total repayments received since 1 April 2009: £515.76

Balance recommended to be repaid: £0.00

Mr Michael John Foster MP**Worcester**

Mr Foster was overpaid by a total of £438.71 for mortgage interest in 2004-05.

Total repayment recommended: £438.71

Total repayments received since 1 April 2009: £466.25

Balance recommended to be repaid: £0.00

Dr Liam Fox MP**Woodspring**

Dr Fox was overpaid by a total of £22,476.03 for mortgage interest (£2,045.17 in 2004-05, £6,004.93 in 2005-06, £4,673.25 in 2006-07, £4,223.70 in 2007-08 and £5,528.97 in 2008-09).

He was paid £762.42 twice for service charges in September 2006.

He was further paid £125 twice for service charges in July 2007.

He was paid a total of £1,514.82 twice for expenses in November 2008 (£1,248.41 for mortgage interest, £71 for utilities; £159 for council tax and £36.41 for insurance).

Total repayment recommended: £24,878.27
 Total repayments received since 1 April 2009: £24,878.27
Balance recommended to be repaid: £0.00

Dr Hywel Francis MP

Aberavon

Dr Francis was overpaid by a total of £618.05 for food in 2004-05.

Total repayment recommended: £618.05
 Total repayments received since 1 April 2009: £618.05
Balance recommended to be repaid: £0.00

Mr Mark Francois MP

Rayleigh

Mr Francois has no issues.

Mr Christopher Fraser MP

South West Norfolk

Mr Fraser's rent payments were not reduced for dissolution during May 2005, resulting in an overpayment of £193.55.

Total repayment recommended: £193.55
 Total repayments received since 1 April 2009: £251.55
Balance recommended to be repaid: £0.00

Mr Roger Gale MP

North Thanet

Mr Gale was paid a total of £2,098.47 for office mobile phone bills between April 2004 and June 2005. Mobile phone costs are not allowed under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also paid 13 times for rent in 2008-09. The March claim for £354 covered a payment for rent in April 2009, which should have been paid in the following financial year.

Total repayment recommended: £2,452.47
Reduced on appeal by: £2,452.47
Balance recommended to be repaid: £0.00

Mr George Galloway MP

Bethnal Green & Bow

Mr Galloway was paid £3,187.28 for mobile phone charges for April to November 2004. Mobile phone bills are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £3,187.28
 Total repayments received since 1 April 2009: £3,187.28
Balance recommended to be repaid: £0.00

Mr Mike Gapes MP

Ilford South

Mr Gapes was paid £186.89 for council tax in April 2004, relating to a period in the previous financial year (21 November 2003 – 31 March 2004). This was not an allowable expense for 2004-05.

Total repayment recommended: £186.89
Reduced on appeal by: £186.49
 Total repayments received since 1 April 2009: £0.40
Balance recommended to be repaid: £0.00

Mr Barry Gardiner MP

Brent North

Mr Gardiner was overpaid by £174.17 for mortgage interest in 2005-06 (claim not reduced for dissolution).

Total repayment recommended: £174.17
 Total repayments received since 1 April 2009: £15,404.07
Balance recommended to be repaid: £0.00

Mr Edward Garnier QC MP

Harborough

Mr Garnier was paid £1,920 for gardening in 2005-06. This exceeded £1,000 a year by £920.

He was also overpaid by a total of £301.68 for rent in 2006-07 (£295.68) and 2008-09 (£6.00).

Total repayment recommended: £1,221.68
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £1,221.68

Mr David Gauke MP**South West Hertfordshire**

Mr Gauke has no issues.

Mr Andrew George MP**St Ives**

Mr George was paid £1,397.34 twice for hotel costs for May 2005.

He was overpaid by a total of £159.44 for food during 2004-05 and 2005-06.

He was also overpaid by £233.83 for hotel costs for June 2006.

He was further overpaid by £694.44 for council tax in 2008-09, the amount of a rebate which should have been claimed.

He was also overpaid by a total of £1,695.12 for mortgage interest in 2008-09, as a result of two monthly claims being duplicated.

He was overpaid by a total of £168.08 in 2008-09, through duplicate payments of telephone and electricity costs.

Total repayment recommended: £4,348.25

Total repayments received since 1 April 2009: £3,160.41

Balance recommended to be repaid: £1,187.84

Rt Hon Bruce George MP**Walsall South**

Mr George has no issues.

Mr Neil Gerrard MP**Walthamstow**

Mr Gerrard did not make any ACA claims during the period of the review.

Mr Nicolas Gibb MP**Bognor Regis & Littlehampton**

Mr Gibb was overpaid by a total of £780.83 for mortgage interest (2004-05 by £332.95; 2005-06 by £55.73; and 2006-07 by £392.15).

Total repayment recommended: £780.83

Total repayments received since 1 April 2009: £780.83

Balance recommended to be repaid: £0.00

Ms Sandra Gidley MP**Romsey**

Ms Gidley has no issues.

Ms Michelle Gildernew MP**Fermanagh & South Tyrone**

Ms Gildernew has no issues.

Mrs Cheryl Gillan MP**Chesham & Amersham**

Mrs Gillan was overpaid by £434.98 for mortgage interest in 2006-07 and £1,449.25 in 2008-09.

Total repayment recommended: £1,884.23

Total repayments received since 1 April 2009: £1,888.70

Balance recommended to be repaid: £0.00

Mrs Linda Gilroy MP**Plymouth Sutton**

Mrs Gilroy was overpaid for rent by £751 in 2005-06.

She was also overpaid by £480 for council tax in 2005-06.

She was further paid £1,748.33 twice in September and November 2007.

Total repayment recommended: £2,979.33

Reduced on appeal by: £1,842.45

Total repayments received since 1 April 2009: £2,510.88

Balance recommended to be repaid: £0.00

Mr Roger Godsiff MP**Birmingham Sparkbrook & Small Heath**

Mr Godsiff was overpaid by a total of £2,224.30 for mortgage interest in 2007-08.

Total repayment recommended: £2,224.30

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £2,224.30

Mr Paul Goggins MP**Wythenshawe & Sale East**

Mr Goggins was paid £2,826 for a suite of furniture on 21 January 2006. This exceeded the guideline price of £2,200 by £626.

He was also overpaid by a total of £449.31 for mortgage interest: £170.92 in 2004-05 and £279.01 in 2005-06.

Total repayment recommended: £1,075.93

Total repayments received since 1 April 2009: £21,307.15

Balance recommended to be repaid: £0.00

Mrs Julia Goldsworthy MP

Falmouth & Camborne

Mrs Goldsworthy was overpaid by £171.32 for mortgage interest in 2005-06.

Total repayment recommended: £171.32

Total repayments received since 1 April 2009: £1,176.32

Balance recommended to be repaid: £0.00

Ms Helen Goodman MP

Bishop Auckland

Ms Goodman has no issues.

Mr Paul Goodman MP

Wycombe

Mr Goodman was overpaid by a total of £2,318.90 for mortgage interest (£572.57 in 2005-06, £3.04 in 2006-07, £122.93 in 2007-08 and £1,620.36 in 2008-09).

He was also paid a total of £1,310.17 in 2004-05 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also overpaid by £252 for council tax in 2006-07 (payment for 12 instalments when only ten required).

Total repayment recommended: £3,881.07

Reduced on appeal by: £3,881.07

Balance recommended to be repaid: £0.00

Mr Robert Goodwill MP

Scarborough & Whitby

Mr Goodwill has no issues.

Mr Michael Gove MP

Surrey Heath

Mr Gove has no issues.

Mr James Gray MP

North Wiltshire

Mr Gray was paid £687.35 for newspapers during April 2004 to March 2007. These are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also overpaid by a total of £1,055.56 for rent (£638.10 in 2005-06 and £417.46 in 2006-07).

Total repayment recommended: £1,742.91

Reduced on appeal by: £1,418.07

Total repayments received since 1 April 2009: £324.84

Balance recommended to be repaid: £0.00

Mr Chris Grayling MP

Epsom & Ewell

Mr Grayling was overpaid by a total of £136.59 for mortgage interest (£34.04 in 2004-05; £61.54 in 2005-06; and £41.01 in 2006-07).

Total repayment recommended: £136.59

Total repayments received since 1 April 2009: £6,226.02

Balance recommended to be repaid: £0.00

Mr Damian Green MP

Ashford

Mr Green was overpaid by a total of £902.14 for mortgage interest (£143.03 in 2004-05 and £759.11 in 2008-09).

He was also paid cleaning costs totalling £5,200 for 2007-08 and 2008-09, exceeding the allowable maximum by £1,200.

Total repayment recommended: £2,102.14

Total repayments received since 1 April 2009: £2,102.14

Balance recommended to be repaid: £0.00

Mr John Greenway MP

Ryedale

Mr Greenway was paid a total of £537.47 for garden plants in the period April 2004 to June 2005, and also in February 2009. These are not an allowable expense under the Green Book rules.

Total repayment recommended: £537.47

Total repayments received since 1 April 2009: £537.47

Balance recommended to be repaid: £0.00

Mr Dominic Grieve MP**Beaconsfield**

Mr Grieve has no issues.

Ms Nia Griffith MP**Llanelli**

Ms Griffith was overpaid by a total of £4,099.77 for mortgage interest in three years (£475.89 in 2006-07; £2,248.25 in 2007-08; and £1,375.63 in 2008-09).

Total repayment recommended: £4,099.77

Total repayments received since 1 April 2009: £4,099.77

Balance recommended to be repaid: £0.00

Mr Nigel Griffiths JP MP**Edinburgh South**

Mr Griffiths was overpaid by a total of £4,005.84 for mortgage interest (£464.51 in 2004-05; £961.38 in 2005-06; and £2,579.95 in 2006-07). Mr Griffiths' mortgage lender has acknowledged that the interest calculations they provided to the MP, and were used as the basis of his claims, contained errors. The mortgage lender is therefore arranging to reimburse the House of Commons directly for this element, which has yet to be determined.

Total repayment recommended: £4,005.84

Total repayments received since 1 April 2009: £4,005.84

Balance recommended to be repaid: £0.00

Mr John Grogan MP**Selby**

Mr Grogan has no issues.

Rt Hon John Gummer MP**Suffolk Coastal**

Mr Gummer was paid £612.81 in 2007-08 for repair and maintenance of a lawnmower. This was not an allowable cost.

He was also paid cleaning costs of £19,693.67 over a four-year period (£3,900 in 2004-05; £5,304.67 in 2005-06; £5,000 in 2006-07; and £5,489 in 2007-08). That exceeds the maximum allowable of £2,000 a year by a total of £11,693.67.

He was further paid for gardening costs of £21,091.98 over the same four-year period (£8,639.35 in 2004-05; £6,001.91 in 2005-06; £4,926.71 in 2006-07; and £1,524.01 in 2007-08). That exceeds the maximum allowable of £1,000 a year by a total of £17,091.98.

Total repayment recommended: £29,398.46
 Total repayments received since 1 April 2009: £29,398.46
Balance recommended to be repaid: £0.00

Mr Andrew Gwynne MP

Denton & Reddish

Mr Gwynne was overpaid by a total of £2,969.56 for mortgage interest (£226.73 in 2006-07; £284.50 in 2007-08; and £2,458.33 in 2008-09).

He was also paid £358 twice in 2006 for the same item of furniture.

Total repayment recommended: £3,327.56
 Total repayments received since 1 April 2009: £3,327.56
Balance recommended to be repaid: £0.00

Rt Hon William Hague MP

Richmond (Yorkshire)

Mr Hague was overpaid a total of £601.14 for mortgage interest (£308.91 in 2005-06 and £292.23 in 2006-07)

Total repayment recommended: £601.14
 Total repayments received since 1 April 2009: £601.14
Balance recommended to be repaid: £0.00

Rt Hon Peter Hain MP

Neath

Mr Hain has no issues.

Mr Mike Hall MP

Weaver Vale

Mr Hall was paid a total of £10,364.28 during the period 2004-05 to 2007-08 for cleaning, laundry, dry cleaning and ironing. This exceeds £2,000 per year by £2,364.28.

He was paid £250 per month for petty cash from April to August 2004. This is not allowable under Green Book rules.

He was also paid £250 per month for incidental expenses in September and October 2004. Incidental expenses are not allowed under the Green Book rules.

He was also paid a total of £8,789 for household sundries (variable amounts up to £250 per month during the period November 2004 to March 2008, and £24 a month for 11 months in 2008-09). No receipts were provided.

Total repayment recommended: £12,639.28
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £12,639.28

Mr Patrick Hall MP

Bedford

Mr Hall was overpaid by £266.10 for mortgage interest in 2008-09.

Total repayment recommended: £266.10
Reduced on appeal by: £266.10
Balance recommended to be repaid: £0.00

Mr David Hamilton MP

Midlothian

Mr Hamilton was overpaid by a total of £2,595.51 for mortgage interest (£783.36 in 2004-05; £511.10 in 2005-06; £304.24 in 2006-07; and £996.81 in 2008-09).

Total repayment recommended: £2,595.51
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £2,595.51

Mr Fabian Hamilton MP

Leeds North East

Mr Hamilton was over-paid by a total of £1,693.93 for mortgage interest (£341.75 in 2004-05 and £1,352.18 in 2008-09).

Mr Hamilton was also paid £980 for the redecoration of the hall, stairs and kitchen of his second home, in February 2006, which was only two months before he completed the purchase of a new second home.

He was also paid £7,060.81 twice on duplicate claims in April and May 2006 which included the cost of a new kitchen installation and a bed.

Total repayment recommended: £9,734.74
Reduced on appeal by: £3,186.59
 Total repayments received since 1 April 2009: £6,548.15
Balance recommended to be repaid: £0.00

Mr Philip Hammond MP

Runnymede & Weybridge

Mr Hammond has no issues.

Mr Stephen Hammond MP

Wimbledon

Mr Hammond did not make any ACA claims during the period of the review.

Mr Mike Hancock MP**Portsmouth South**

Mr Hancock was overpaid a total of £2,674.26 for mortgage interest in 2005-06 to 2008-09 (£89.95 in 2005-06; £447.66 in 2006-07; £669.49 in 2007-08; and £1,467.16 in 2008-09).

Total repayment recommended: £2,674.26

Total repayments received since 1 April 2009: £2,674.26

Balance recommended to be repaid: £0.00

Mr David Hanson MP**Delyn**

Mr Hanson has no issues.

Mr Mark Harper MP**Forest of Dean**

Mr Harper has no issues.

Dr Evan Harris MP**Oxford West & Abingdon**

Dr Harris has no issues.

Mr Tom Harris MP**Glasgow South**

Mr Harris has no issues.

Mr Nicholas Harvey MP**North Devon**

Mr Harvey has no issues.

Rt Hon Sir Alan Haselhurst MP**Saffron Walden**

Sir Alan was paid gardening expenses of £13,358.81 for the five-year period of the review, thus exceeding the allowable maximum of £1,000 a year by £8,358.81.

He was also paid cleaning costs of £11,321.00 for the period 2004-05 to 2007-08, thus exceeding the allowable maximum of £2,000 a year by £3,321.00.

Total repayment recommended: £11,679.81

Total repayments received since 1 April 2009: £14,574.82

Balance recommended to be repaid: £0.00

Mr Dai Havard MP**Merthyr Tydfil & Rhymney**

Mr Havard has no issues.

Mr John Hayes MP**South Holland & The Deepings**

Mr Hayes has no issues.

Mrs Sylvia Heal MP**Halesowen & Rowley Regis**

Mrs Heal has no issues.

Mr Oliver Heald MP**North East Hertfordshire**

Mr Heald has no issues.

Mr John Healey MP**Wentworth**

Mr Healey was overpaid by a total of £2,354.35 for mortgage interest (£460.00 in 2004-05; £359.49 in 2005-06; £447.65 in 2006-07; £639.50 in 2007-08; and £447.72 in 2008-09).

Total repayment recommended: £2,354.35

Total repayments received since 1 April 2009: £2,354.35

Balance recommended to be repaid: £0.00

Mr David Heath MP**Somerton & Frome**

Mr Heath has no issues.

Rt Hon David Heathcoat-Amory MP**Wells**

Mr Heathcoat-Amory was paid cleaning costs of £12,995.35 over the five years of the review period. That exceeded £2,000 a year by a total of £2,995.35.

He was also paid a total of £30,696.58 for gardening during the four years 2004-05 to 2007-08. This exceeded £1,000 a year by £26,696.58.

Total repayment recommended: £29,691.93

Total repayments received since 1 April 2009: £6,122.24

Balance recommended to be repaid: £23,569.69

Mr John Hemming MP**Birmingham Yardley**

Mr Hemming has no issues.

Mr Douglas Henderson MP**Newcastle upon Tyne North**

Mr Henderson has no issues.

Mr Mark Hendrick MP**Preston**

Mr Hendrick was overpaid by a net total of £2,117.83 for mortgage interest over the review period.

He was also paid £3,868.87 for replacement doors and window frames in March 2007, one month before changing the designation of his second home to his constituency address, which appears an unnecessary use of the allowance.

Mr Hendrick was also overpaid by a total of £899 in August 2004 for a dining table and a wardrobe, which exceeded guideline prices.

Total repayment recommended: £6,885.70

Total repayments received since 1 April 2009: £9,003.53

Balance recommended to be repaid: £0.00

Mr Charles Hendry MP**Wealden**

Mr Hendry was paid combined cleaning and gardening costs of £3,223.26 in 2005-06, thus exceeding the combined allowable maximum of £3,000 a year by a total of £223.26.

Total repayment recommended: £223.26

Total repayments received since 1 April 2009: £473.18

Balance recommended to be repaid: £0.00

Mr Stephen Hepburn MP**Jarrow**

Mr Hepburn was overpaid by a total of £2,321.44 for mortgage interest (2005-06 by £891.31; 2006-07 by £358.39; and 2007-08 by £1,071.74).

Total repayment recommended: £2,321.44

Total repayments received since 1 April 2009: £2,321.44

Balance recommended to be repaid: £0.00

Mr John Heppell MP**Nottingham East**

Mr Heppell has no issues.

Mr Nick Herbert MP**Arundel & South Downs**

Mr Herbert was over-paid by a total of £988.95 for mortgage interest in 2008-09.

Total repayment recommended: £988.95

Total repayments received since 1 April 2009: £988.95

Balance recommended to be repaid: £0.00

Lady Sylvia Hermon MP**North Down**

Lady Hermon has no issues.

Mr Stephen Hesford MP**Wirral West**

Mr Hesford was overpaid by a total of £4,256.91 for mortgage interest between 2005 and 2009.

Total repayment recommended: £4,256.91

Total repayments received since 1 April 2009: £4,256.91

Balance recommended to be repaid: £0.00

Rt Hon Patricia Hewitt MP**Leicester West**

Ms Hewitt has no issues.

Mr David Heyes MP**Ashton under Lyne**

Mr Heyes has no issues.

Mr Mark Hoban MP**Fareham**

Mr Hoban was overpaid by £93.94 in January 2005 for a washing machine which exceeded the guideline price of £385.

He was also paid £150 twice for food in April 2004.

He was also overpaid by £165 for a bookshelf in 2006 which exceeded the guideline price of £220.

Total repayment recommended: £408.94

Total repayments received since 1 April 2009: £613.10

Balance recommended to be repaid: £0.00

Rt Hon Margaret Hodge MBE MP

Barking

Mrs Hodge did not make any ACA claims during the period of the review.

Mrs Sharon Hodgson MP

Gateshead East & Washington West

Mrs Hodgson has no issues.

Rt Hon Douglas Hogg QC MP

Sleaford & North Hykeham

Mr Hogg was overpaid by a total of £20,639.42 during the five year period (£4,925.81 in 2004-05; £9,348.81 in 2005-06; £1,404.26 in 2006-07; and £4,960.54 in 2007-08).

This arose because Mr Hogg claimed, and was paid, one twelfth of the annual ACA allowance each month, relying on a list of expenses associated with his second home. The total cost of these exceeded the annual maximum allowance in every year, and the list of expenses included numerous items that were not allowable, including expenses for a housekeeper, a gardener, utilities and repair work for other buildings within the grounds of Mr Hogg's second home.

In May 2009, Mr Hogg repaid £2,200 that he had received for moat cleaning, but this was in respect of the year 2003-04, before the review period began.

Total repayment recommended: £20,639.42

Total repayments received since 1 April 2009: £20,639.42

Balance recommended to be repaid: £0.00

Mr Phillip Hollobone MP

Kettering

Mr Hollobone was overpaid by £1,115.83 for mortgage interest in 2008-09.

Total repayment recommended: £1,115.83

Total repayments received since 1 April 2009: £1,115.83

Balance recommended to be repaid: £0.00

Mr Adam Holloway MP

Gravesham

Mr Holloway was paid £271.98 twice in 2007-08 for water rates.

He was also paid £1,011.75 in excess of his council tax liability for the financial year 2007-08.

Total repayment recommended: £1,283.73

Total repayments received since 1 April 2009: £1,332.73

Balance recommended to be repaid: £0.00

Mr Paul Holmes MP

Chesterfield

Mr Holmes was paid £920 for a wardrobe in July 2007, which was £150 above the guideline price.

Total repayment recommended: £150.00

Total repayments received since 1 April 2009: £150.00

Balance recommended to be repaid: £0.00

Mr James Hood MP

Lanark & Hamilton East

Mr Hood was overpaid a total of £1,185 in 2006-07 (for the following items: £400 for food, £80 for utilities, £75 for council tax, £100 for telephone and telecommunications, £200 for cleaning, £200 for service/maintenance and £130 for repairs, insurance, security).

He was also overpaid by a total of £3,783.35 for mortgage interest (£2,434.46 in 2004-05 and £1,348.89 in 2005-06).

He was further overpaid by £445.14 for mortgage interest in 2006-07.

Total repayment recommended: £5,413.49

Total repayments received since 1 April 2009: £5,413.49

Balance recommended to be repaid: £0.00

Rt Hon Geoffrey Hoon MP

Ashfield

Mr Hoon was overpaid by £1,013.13 for mortgage interest in 2008-09.

He was also paid £138.29 twice for a gas bill, also in 2008-09.

Total repayment recommended: £1,151.42

Total repayments received since 1 April 2009: £383.76

Balance recommended to be repaid: £767.66

Mr Phil Hope MP**Corby**

Mr Hope was overpaid by a total of £1,431.64 for mortgage interest (£158.50 in 2004-05, £319.03 in 2005-06 and £954.12 in 2006-07).

He was paid a total of £447.95 during the period June 2004-June 2005 for gardening equipment items and a barbecue, which are not allowable under the Green Book rules.

He was also paid £116.99 in April 2006 for an electric razor, which is also not allowable.

He was paid £4,769.07 in 2007-08 for wooden flooring and fitting, which exceeded the guideline price of £2,400 by £2,369.07.

Total repayment recommended: £4,365.65

Total repayments received since 1 April 2009: £42,674.13

Balance recommended to be repaid: £0.00

Mr Kelvin Hopkins MP**Luton North**

Mr Hopkins has no issues.

Mr John Horam MP**Orpington**

Mr Horam has no issues.

Mr Martin Horwood MP**Cheltenham**

Mr Horwood has no issues.

Mr Stewart Hosie MP**Dundee East**

Mr Hosie was paid £379.45 in February 2009 for staying in a hotel when his home was flooded. This cost should have been reclaimed from the insurance company.

Total repayment recommended: £379.45

Total repayments received since 1 April 2009: £379.45

Balance recommended to be repaid: £0.00

Rt Hon Michael Howard QC MP**Folkestone & Hythe**

Mr Howard was paid a total of £18,058.45 over the five year period for the costs of employing a gardening company. The company has stated that one-third of the work related to maintenance of the house, resulting in a gardening cost of £12,039. That exceeds £1,000 a year by a total of £7,039.

Total repayment recommended: £7,039.00

Total repayments received since 1 April 2009: £7,039.00

Balance recommended to be repaid: £0.00

Mr David Howarth MP**Cambridge**

Mr Howarth did not make any ACA claims during the period of the review.

Mr George Howarth MP**Knowsley North & Sefton East**

Mr Howarth has no issues.

Mr Gerald Howarth MP**Aldershot**

Mr Howarth was paid a total of £1,894 for gardening in 2004-05, exceeding the maximum of £1,000 by £894.

He was also paid a total of £284 for a barbecue and garden chairs in 2004, and for garden furniture in 2005. These items are not allowable under Green Book rules.

Total repayment recommended: £1,178.00

Total repayments received since 1 April 2009: £1,178.00

Balance recommended to be repaid: £0.00

Mr John Howell OBE MP**Henley**

Mr Howell has no issues.

Rt Hon Kim Howells MP**Pontypridd**

Dr Howells was overpaid by a total of £665.11 for mortgage interest (£144.78 in 2006-07, £399.68 in 2007-08 and £120.65 in 2008-09).

He was also overpaid by a total of £288 for gas bills in 2008-09.

Total repayment recommended: £953.11
 Total repayments received since 1 April 2009: £294.00
Balance recommended to be repaid: £659.11

The Hon Lindsay Hoyle MP

Chorley

Mr Hoyle has no issues.

Rt Hon Beverley Hughes MP

Stretford & Urmston

Ms Hughes has no issues.

Mr Christopher Huhne MP

Eastleigh

Mr Huhne was paid gardening costs of £1,975.80 for the year 2008-09. This exceeds £1,000 a year by £975.80.

He was paid twice for the following items: £117.50 for gardening services in June 2006 and again in August 2006; and £58.75 for gardening services in August 2006 and again in September 2006. This resulted in a total overpayment of £176.25.

Total repayment recommended: £1,152.05
 Total repayments received since 1 April 2009: £1,152.05
Balance recommended to be repaid: £0.00

Mrs Joan Humble MP

Blackpool North & Fleetwood

Mrs Humble has no issues.

Mr Jeremy Hunt MP

South West Surrey

Mr Hunt has no issues.

Mr Mark Hunter MP

Cheadle

Mr Hunter has no issues.

Mr Nicholas Hurd MP

Ruislip Northwood

Mr Hurd did not make any ACA claims during the period of the review.

Rt Hon John Hutton MP**Barrow & Furness**

Mr Hutton was paid £1,568.09 for gardening costs in 2008-09, exceeding the allowable maximum by £568.09.

Total repayment recommended: £568.09

Total repayments received since 1 April 2009: £568.09

Balance recommended to be repaid: £0.00

Dr Brian Iddon MP**Bolton South East**

Dr Iddon has no issues.

Mr Eric Illsley MP**Barnsley Central**

Mr Illsley has no issues.

Rt Hon Adam Ingram MP**East Kilbride, Strathaven & Lesmahagow**

Mr Ingram has no issues.

Mr Huw Irranca-Davies MP**Ogmore**

Mr Irranca-Davies was overpaid by a total of £2,008.19 for mortgage interest (2004-05 by £1,441.35; 2005-06 by £43.11; 2006-07 by £233.66; 2007-08 by £30.87; and 2008-09 by £259.20).

Total repayment recommended: £2,008.19

Total repayments received since 1 April 2009: £1,750.27

Balance recommended to be repaid: £257.92

Rt Hon Michael Jack MP**Fylde**

Mr Jack was overpaid by a total of £832.74 for council tax in 2004-05, 2005-06 and 2007-08.

He was also paid £1,200 for a fridge freezer in 2008. This exceeded the guideline price of £605 by a total of £595.

Total repayment recommended: £1,427.74

Total repayments received since 1 April 2009: £1,694.34

Balance recommended to be repaid: £0.00

Mr Stewart Jackson MP**Peterborough**

Mr Jackson was paid £304.10 for swimming pool maintenance in July 2006. This is not allowable under the ACA.

Total repayment recommended: £304.10

Total repayments received since 1 April 2009: £1,277.10

Balance recommended to be repaid: £0.00

Ms Sian James MP**Swansea East**

Ms James was paid £1,150 for council tax in 2006-07. She moved her second home in the period, but the supporting evidence shows that the total annual charge was £869. In 2007-08, she was paid £2,100 against a charge for £1,180.94 for council tax and £294.42 for water rates. She was thus overpaid a total of £905.64.

She was overpaid by £200 for rent in November and December 2008.

Total repayment recommended: £1,105.64

Total repayments received since 1 April 2009: £1,105.64

Balance recommended to be repaid: £0.00

Hon Bernard Jenkin MP**North Essex**

Mr Jenkin was paid £63,250 over the review period to rent his second home from his sister-in-law. This was a conflicted transaction.

Total repayment recommended: £63,250.00

Reduced on appeal by: £27,000.00

Total repayments received since 1 April 2009: £36,909.17

Balance recommended to be repaid: £0.00

Mr Brian Jenkins MP**Tamworth**

Mr Jenkins was overpaid £484.85 for mortgage interest in 2004-05.

Total repayment recommended: £484.85

Total repayments received since 1 April 2009: £484.85

Balance recommended to be repaid: £0.00

Rt Hon Alan Johnson MP**Hull West & Hessle**

Mr Johnson has no issues.

Ms Diana Johnson MP**Hull North**

Ms Johnson has no issues.

Mr David Jones MP**Clwyd West**

Mr Jones was paid twice for mortgage interest claims in November 2006 and September 2007, amounting to an overpayment of £2,056.62.

He was also paid for two items of furniture purchased in July 2005, namely a chair that exceeded the guideline price of £550 by £326, and a sofa bed that exceeded the guideline price of £1,210 by £241.38. The total excess was thus £567.38.

Total repayment recommended: £2,624.00

Total repayments received since 1 April 2009: £2,624.00

Balance recommended to be repaid: £0.00

Ms Helen Jones MP**Warrington North**

Ms Jones was overpaid by £793.68 for mortgage interest in April 2005 (payment not reduced for dissolution).

She was also overpaid by £46.37 for mortgage interest in March 2008.

Total repayment recommended: £840.05

Total repayments received since 1 April 2009: £840.05

Balance recommended to be repaid: £0.00

Mr Kevan Jones MP**North Durham**

Mr Jones has no issues.

Dr Lynne Jones MP**Birmingham Selly Oak**

Dr Jones was paid £815 twice for heating and radiator repair costs in July and August 2005.

Total repayment recommended: £815.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £815.00

Mr Martyn Jones MP**Clwyd South**

Mr Jones was over-paid by a total of £310.36 for rent (£77.02 in 2004-05 and £233.34 in 2007-08).

Total repayment recommended: £310.36

Reduced on appeal by: £310.36

Balance recommended to be repaid: £0.00

Mr Eric Joyce MP**Falkirk**

Mr Joyce was over-paid by a total of £5,002.56 for mortgage interest (£1,645.77 in 2004-05, £1,037.59 in 2006-07 and £2,319.20 in 2007-08).

In addition Mr Joyce was paid twice for a claim of £3,000 for mortgage interest for the period November to December 2007.

He was also paid twice in the same period for council tax, cleaning and service/maintenance claims totalling £600.

Total repayment recommended: £8,602.56

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £8,602.56

Rt Hon Sir Gerald Kaufman MP**Manchester Gorton**

Sir Gerald was paid £240.95 in 2006-07 for two Waterford grapefruit bowls, purchased as replacements for breakage. This should have been claimed on household insurance, which was available under the ACA.

He was also paid £1,851.74 for a rug in 2007. This exceeded the guideline price of £330 by £1,521.74.

He was further paid £4,791.00 for cleaning and laundry for the year 2008-09. This exceeded £2,000 a year by £2,791.00.

Total repayment recommended: £4,533.69

Total repayments received since 1 April 2009: £4,533.69

Balance recommended to be repaid: £0.00

Mr Daniel Kawczynski MP**Shrewsbury & Atcham**

Mr Kawczynski has no issues.

Ms Sally Keeble MP**Northampton North**

Ms Keeble was overpaid mortgage interest by a total of £451.45 for the years 2004-05, 2005-06 and 2007-08.

Total repayment recommended: £451.45

Total repayments received since 1 April 2009: £4,189.19

Balance recommended to be repaid: £0.00

Ms Barbara Keeley MP**Worsley**

Ms Keeley has no issues.

Mr Alan Keen MP**Feltham & Heston**

Mr Keen was paid £1,790 in 2006-07 for cleaning costs. In the same year his wife, Ann Keen MP, was paid £1,000 for cleaning costs for the same property. The total amount paid for cleaning this property in 2006-07 thus exceeded the allowable maximum by a total of £790. Mr Keen should repay half of the excess.

Total repayment recommended: £345.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £345.00

Mrs Ann Keen MP**Brentford & Isleworth**

Mrs Keen was paid £1,000 in 2006-07 for cleaning costs. In the same year her husband, Alan Keen MP, was paid £1,790 for cleaning costs for the same property. The total amount claimed for cleaning for this property in 2006-07 thus exceeded the allowable maximum by a total of £790. Mrs Keen should repay half of the excess.

Total repayment recommended: £345.00

Total repayments received since 1 April 2009: £2,643.71

Balance recommended to be repaid: £0.00

Mr Paul Keetch MP**Hereford**

Mr Keetch has no issues.

Rt Hon Ruth Kelly MP**Bolton West**

Ms Kelly was overpaid by a net total of £441.47 for mortgage interest for the years 2004-05 to 2006-07 and 2008-09.

She was also paid £476.39 twice for her February 2008 claim.

She was further paid a total of £157.90 in 2008-09 for newspapers, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was also paid £631.58 in November 2008 for a mortgage arrears payment relating to 2003, which is also not allowable.

Total repayment recommended: £1,707.34

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,707.34

Mr Fraser Kemp MP**Houghton & Washington East**

Mr Kemp has no issues.

Rt Hon Charles Kennedy MP**Ross, Skye & Lochaber**

Mr Kennedy has no issues.

Rt Hon Jane Kennedy MP**Liverpool Wavertree**

Ms Kennedy was paid £281 for a mobile phone bill in 2004-05. Mobile phone costs are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was also overpaid by a total of £431.61 in 2008-09 (£151 for council tax, £90.71 for utilities; £89.90 for telephone bills; and £100 for service and maintenance).

She was also overpaid by £1,304.96 for mortgage interest in 2004-05 and by £552.26 in 2008-09.

Total repayment recommended: £2,569.83
 Total repayments received since 1 April 2009: £2,569.83
Balance recommended to be repaid: £0.00

Mr Robert Key MP

Salisbury

Mr Key was paid for a replacement microwave and oven in March 2008. The total cost was £1,400, plus £250 for installation (including rewiring). The guideline price for a gas cooker is £770. £100 would seem a reasonable cost for a microwave. This leaves an excess of £530.

Total repayment recommended: £530.00
 Total repayments received since 1 April 2009: £541.00
Balance recommended to be repaid: £0.00

Mr David Kidney MP

Stafford

Mr Kidney has no issues.

Mr Peter Kilfoyle MP

Liverpool Walton

Mr Kilfoyle was overpaid by a total of £324.16 for mortgage interest (£208.79 in 2005-06; £18.15 in 2006-07; and £97.22 in 2007-08).

Total repayment recommended: £324.16
 Total repayments received since 1 April 2009: £324.16
Balance recommended to be repaid: £0.00

Miss Julie Kirkbride MP

Bromsgrove

Miss Kirkbride is married to another MP. She designated her constituency home as her second home, while her husband nominated it as his main home. She designated her husband's second home, a flat in London, as her main home. This meant that, between them, the couple had no main home which was not funded by the ACA. Throughout the five years of the review period, they both claimed at or close to the full allowance to support their two homes. These arrangements obtained a financial benefit for the couple which appears unintended under the Green Book rules, and as such contrary to the principles governing it. Had they made different designations, each MP might reasonably have claimed up to two-thirds of the full allowance on a shared second home. On this footing, each of them was overpaid by one-third of the maximum ACA for each year of the review period. This is £29,243.

In May 2008, Miss Kirkbride extended the mortgage on her designated second home to fund the construction of an additional bedroom, mainly for the use of her brother to provide childcare for her family. The total interest paid under the ACA to fund the additional loan was £2,584.26. As these payments were used to provide accommodation for a non-dependent family member, the transaction was conflicted.

Total repayment recommended: £31,827.26

Reduced on appeal by: £2,584.26

Total repayments received since 1 April 2009: £29,243.00

Balance recommended to be repaid: £0.00

Rt Hon Greg Knight MP

Yorkshire East

Mr Knight was overpaid by a total of £1,619.99 for mortgage interest (£264.09 in 2005-06; £975.89 in 2006-07; £281.56 in 2007-08; £98.45 in 2008-09).

He was also overpaid by a total of £640 for council tax for the years 2006-07 and 2007-08.

Total repayment recommended: £2,259.99

Total repayments received since 1 April 2009: £2,259.99

Balance recommended to be repaid: £0.00

Mr Jim Knight MP

South Dorset

Mr Knight was overpaid by £223.50 in April 2005 (payment incorrectly reduced for dissolution).

He was also overpaid by a total of £2,657.11 for mortgage interest (£678.59 in 2007-08 and £1,755.02 in 2008-09).

Mr Knight was further paid £571.06 in August 2005 for a computer, which is not an allowable expense under the ACA, although it could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £3,451.67

Total repayments received since 1 April 2009: £1,265.84

Balance recommended to be repaid: £2,185.83

Ms Susan Kramer MP

Richmond Park

Ms Kramer did not make any ACA claims during the period of the review.

Dr Ashok Kumar MP**Middlesbrough South & East Cleveland**

Dr Kumar was paid for various items of furniture in July 2004, including a sofa at £1,700 and a chair at £950, which exceeded the guideline price by a total of £450.

Total repayment recommended: £450.00

Total repayments received since 1 April 2009: £450.00

Balance recommended to be repaid: £0.00

Dr Stephen Ladyman MP**South Thanet**

Dr Ladyman has no issues.

Mrs Eleanor Laing MP**Epping Forest**

Mrs Laing has no issues.

Ms Jacqui Lait MP**Beckenham**

Ms Lait was overpaid by a total of £622.94 for mortgage interest (£606.54 in January to March 2007, and £16.40 in 2007-08).

She has not provided sufficient evidence to support claims of £418.65 for the period January to March 2009, in default of which I must regard these payments as having been invalid. Accordingly my recommendation is that Mrs Lait should repay the whole of this sum.

Total repayment recommended: £1,041.59

Total repayments received since 1 April 2009: £87.67

Balance recommended to be repaid: £953.92

Mr Norman Lamb MP**North Norfolk**

Mr Lamb has no issues.

Rt Hon David Lammy MP**Tottenham**

Mr Lammy did not make any ACA claims during the period of the review.

Mr Mark Lancaster MP**Milton Keynes North East**

Mr Lancaster has no issues.

Mr Andrew Lansley CBE MP**South Cambridgeshire**

Mr Lansley was paid £632.40 in August 2005 for fitted blinds and curtains shortly before he re-designated his second home. This appears unnecessary so close to the move.

He was also paid a total of £2,960 for internal and external decoration only a month before re-designating his second home, which also appears unnecessary.

He was further overpaid by a total of £607.56 for mortgage interest (£512.95 in 2005-06 and £94.61 in 2008-09).

He was also overpaid by £962.72 for mortgage interest in 2006-07, having claimed for repayments of mortgage interest on an increase in his loan for the second home to fund improvements on his main home.

Total repayment recommended: £5,162.68

Total repayments received since 1 April 2009: £5,301.48

Balance recommended to be repaid: £0.00

Mr David Laws MP**Yeovil**

Mr Laws has no issues.

Mr Bob Laxton MP**Derby North**

Mr Laxton has no issues.

Mr Mark Lazarowicz MP**Edinburgh North & Leith**

Mr Lazarowicz has no issues.

Mr John Leech MP**Manchester Withington**

Mr Leech has no issues.

Mr Edward Leigh MP

Gainsborough

In October 2005, Mr Leigh took out an additional mortgage for £100,000 for purposes not shown to be allowable under the ACA. As a result he was overpaid by a total of £5,025.94 for mortgage interest (£2,208.16 in 2005-06; £2,626.17 in 2006-07; and £191.61 in 2008-09).

He was also paid a total of £11,700 over the five years of the review period for cleaning costs, exceeding the allowable maximum by a total of £1,700.

Total repayment recommended: £6,725.94

Reduced on appeal by: £3,613.94

Total repayments received since 1 April 2009: £3,112.00

Balance recommended to be repaid: £0.00

Mr David Lepper MP

Brighton Pavilion

Mr Lepper has no issues.

Rt Hon Oliver Letwin MP

West Dorset

Mr Letwin was paid twice, in October and December 2004, for an annual charge of £155.00 for AGA maintenance.

He was paid £458.70 in March 2005 for repainting and decorating following a burst water tank. This should have been claimed on home insurance, which is available under the Green Book rules.

Total repayment recommended: £613.70

Total repayments received since 1 April 2009: £3,883.70

Balance recommended to be repaid: £0.00

Mr Tom Levitt MP

High Peak

Mr Levitt was overpaid by a net total of £800.95 for mortgage interest between April 2004 and March 2006.

He was also paid £1,599 for a sofa bed in October 2004. This exceeded the nearest relevant guideline price of £1,210 by £389.

Total repayment recommended: £1,189.95

Total repayments received since 1 April 2009: £412.00

Balance recommended to be repaid: £777.95

Mr Ivan Lewis MP**Bury South**

Mr Lewis was paid £1,278.35 twice for mortgage interest in April 2006.

He was also paid £1,170.80 twice for internal decoration in May and June 2008.

Total repayment recommended: £2,449.15

Total repayments received since 1 April 2009: £2,449.15

Balance recommended to be repaid: £0.00

Dr Julian Lewis MP**New Forest East**

Dr Lewis was overpaid by £829.85 in July 2006 for mortgage interest relating to the previous year.

He was paid £789 for a washer/drier in July 2006. This exceeded the guideline price of £550 by £239.

Total repayment recommended: £1,068.85

Total repayments received since 1 April 2009: £1,068.85

Balance recommended to be repaid: £0.00

Mr Ian Liddell-Grainger MP**Bridgwater**

Mr Liddell-Grainger was paid £2,350 for cleaning costs in 2008-09, thus exceeding the allowable maximum by £350.

He was also over-paid by a total of £2,146.23 for mortgage interest in 2008-09.

Total repayment recommended: £2,496.23

Reduced on appeal by: £2,146.23

Total repayments received since 1 April 2009: £350.00

Balance recommended to be repaid: £0.00

Mr David Lidington MP**Aylesbury**

Mr Lidington has no issues.

Rt Hon Peter Lilley MP

Hitchin & Harpenden

Mr Lilley purchased his second home in 2003 using a loan from his wife, but since this happened before the review period I make no comment on this arrangement. In 2005, he replaced that loan with a mortgage held jointly with his wife, repaying her the original loan. Over the rest of the review period, he was paid a total of £41,057.36 for mortgage interest on this second loan. In substance, this loan appears to have released capital, which was not permitted under the ACA other than for the purpose of improving or repairing the home.

Total repayment recommended: £41,057.36

Reduced on appeal by: £41,057.36

Balance recommended to be repaid: £0.00

Mr Tony Lloyd MP

Manchester Central

Mr Lloyd was overpaid by a total of £2,210 for rent in the years 2006-07 and 2007-08.

Total repayment recommended: £2,210.00

Total repayments received since 1 April 2009: £2,210.00

Balance recommended to be repaid: £0.00

Mr Elfyn Llwyd MP

Meirionnydd Nant Conwy

Mr Llwyd was paid £279.99 twice for an air conditioning unit in 2005.

He was also paid £642.67 twice for ground rent and service charges in March and May 2007.

He was further overpaid a total of £271.94 for mortgage interest (£77.93 in 2004-05; £179.98 in 2005-06; and £14.03 in 2008-9).

Total repayment recommended: £1,194.60

Total repayments received since 1 April 2009: £1,194.60

Balance recommended to be repaid: £0.00

Sir Michael Lord MP

Central Suffolk & North Ipswich

Sir Michael was paid a total of £8,784.76 for gardening costs from March 2005 to January 2009, thus exceeding the allowable maximum by a total of £4,784.76.

He was also overpaid a total of £289.72 for mortgage interest (£173.87 in 2005-06, and £115.85 in 2008-09).

Total repayment recommended: £5,074.48
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £5,074.48

Mr Timothy Paul Loughton MP

East Worthing & Shoreham

Mr Loughton was overpaid £1,070.94 for mortgage interest in 2006-07.

He was also overpaid £107.94 for the servicing of his boiler in 2008-09.

Total repayment recommended: £1,178.88
 Total repayments received since 1 April 2009: £1,178.88
Balance recommended to be repaid: £0.00

Mr Andrew Love MP

Edmonton

Mr Love was overpaid for mortgage interest by £736.70 in 2004-05 and 2005-06.

Total repayment recommended: £736.70
 Total repayments received since 1 April 2009: £736.70
Balance recommended to be repaid: £0.00

Mr Ian Lucas MP

Wrexham

Mr Lucas has no issues.

Mr Peter Luff MP

Mid Worcestershire

Mr Luff had a complex offset mortgage arrangement from April 2004 until March 2007, covering mortgages for his main and second home, offset by personal savings. In these circumstances, the amounts he received under the ACA have been compared with the amounts he actually paid to his mortgagee in respect of the second home. On this footing, he was overpaid by a total of £1,391.57 in two years of the review period (£424.54 in 2005-06, and £967.03 in 2006-07).

He was also overpaid by £255 for cleaning in 2004-05.

He was also overpaid by £523.77 for various kitchen accessories and china in January 2008.

Total repayment recommended: £2,170.34
 Total repayments received since 1 April 2009: £3,868.23
Balance recommended to be repaid: £0.00

Rt Hon Andrew Mackay MP

Bracknell

Mr Mackay is married to another MP. He designated his London flat as his second home, while his wife nominated it as her main home. He designated his constituency home as his main home while his wife nominated it as her second home. This meant that, between them, the couple had no main home which was not funded by the ACA. Throughout the five years of the review period, they both claimed at or close to the full allowance to support their two homes. These arrangements obtained a financial benefit for the couple which appears unintended under the Green Book rules, and as such contrary to the principles governing it. Had they made different designations, each MP might reasonably have claimed up to two-thirds of the full allowance on a shared second home. On this footing, each of them was overpaid by one-third of the maximum ACA for each year of the review period. This is £29,243.

He was also paid £9,950 for cleaning over the four years 2004-05 to 2007-08, thus exceeding the allowable maximum by a total of £1,950.

Total repayment recommended: £31,193.00

Total repayments received since 1 April 2009: £31,193.00

Balance recommended to be repaid: £0.00

Mr Andrew MacKinlay MP

Thurrock

Mr MacKinlay was overpaid by a total of £792.34 for rental between December 2004 and October 2005.

Total repayment recommended: £792.34

Total repayments received since 1 April 2009: £816.77

Balance recommended to be repaid: £0.00

Rt Hon David MacLean MP

Penrith & The Border

Mr MacLean has no issues.

Mr Angus MacNeil MP

Na h-Eileanan An Iar

Mr MacNeil was overpaid by £133 for council tax in 2007-08.

Total repayment recommended: £133.00

Total repayments received since 1 April 2009: £133.00

Balance recommended to be repaid: £0.00

Rt Hon Denis MacShane MP

Rotherham

Dr MacShane was paid cleaning costs totalling £7,354.34 (£3,000.00 in 2004-05; £2,341.34 in 2005-06; and £2,013.00 in 2007-08). This exceeded £2,000 a year by £1,354.34.

In September and October 2008, he was paid £153.39 for gas without providing sufficient evidence to show that this was a cost incurred at his second home, since the only address on the bill related to his main home.

He should also provide mortgage interest statements to support payments totalling £6,001.34 for the period April 2004 to January 2006. I recommend that he should be allowed until 1 March 2010 to do this. If he does not do so, then in the absence of any special or exceptional reasons to the contrary, he should repay the whole amount of the allowance involved.

Total repayment recommended: £1,507.73

Total repayments received since 1 April 2009: £1,354.33

Balance recommended to be repaid: £153.40

Ms Fiona Mactaggart MP

Slough

Ms Mactaggart has no issues.

Mr Khalid Mahmood MP

Birmingham Perry Barr

Mr Mahmood was overpaid by £211.30 for mortgage interest in April - September 2004. During April - July 2005, he was also overpaid by a total of £332.91 for rent.

Total repayment recommended: £544.21

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £544.21

Ms Anne Main MP

St Albans

Ms Main was overpaid by a total £925.00 for rent from June 2005 to October 2006.

She was also paid £463.59 twice for service charges for the half year January - June 2007.

Total repayment recommended: £1,388.59

Total repayments received since 1 April 2009: £1,788.49

Balance recommended to be repaid: £0.00

Mr Shahid Malik MP**Dewsbury**

Mr Malik was paid £1,050 for a television in February 2006. This exceeded the guideline price of £825 by £225.

He was overpaid by a total of £935.56 for council tax (£284.47 in 2005-06, £586.09 in 2006-07 and £65.00 in summons costs, which are not allowable under Green Book rules).

He was also paid £730 for an armchair in September 2007, exceeding the guideline price of £550 by a total of £180.

Total repayment recommended: £1,340.56

Total repayments received since 1 April 2009: £1,304.43

Balance recommended to be repaid: £36.14

Mr Humfrey Malins CBE MP**Woking**

Mr Malins was overpaid by a total of £1,039.46 for mortgage interest (£17.70 in 2004-05; £369.83 in 2005-06; £22.94 in 2006-07; £138.79 in 2007-08; and £490.20 in 2008-09).

He was also overpaid by £289.76 for council tax in 2008-09.

Total repayment recommended: £1,329.22

Total repayments received since 1 April 2009: £9,954.39

Balance recommended to be repaid: £0.00

Ms Judy Mallaber MP**Amber Valley**

Ms Mallaber has no issues.

Mr John Mann MP**Bassetlaw**

Mr Mann has no issues.

Mr John Maples MP**Stratford-on-Avon**

Mr Maples has no issues.

Mr Rob Marris MP**Wolverhampton South West**

Mr Marris was overpaid by a total of £1,153.98 for mortgage interest (£253.06 in 2004-05; £287.47 in 2005-06; £253.06 in 2006-07; £170.41 in 2007-08; £189.78 in 2008-09).

Total repayment recommended: £1,153.98

Total repayments received since 1 April 2009: £4,600.00

Balance recommended to be repaid: £0.00

Mr Gordon Marsden MP**Blackpool South**

Mr Marsden was paid £1,135.40 in 2004-05 for mobile phone costs, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £1,135.40

Reduced on appeal by: £1,135.40

Balance recommended to be repaid: £0.00

Mr Robert Marshall-Andrews QC MP**Medway**

Mr Marshall-Andrews was overpaid by £231 for council tax in 2007-08.

Total repayment recommended: £231.00

Total repayments received since 1 April 2009: £231.00

Balance recommended to be repaid: £0.00

Mr Eric Martlew MP**Carlisle**

Mr Martlew has no issues.

Mr John Mason MP**Glasgow East**

Mr Mason has no issues.

Rt Hon Michael Mates MP**East Hampshire**

Mr Mates has no issues.

Rt Hon Francis Maude MP**Horsham**

Mr Maude has no issues.

Rt Hon Theresa May MP**Maidenhead**

Mrs May has no issues.

Rt Hon Thomas McAvoy MP**Rutherglen & Hamilton West**

Mr McAvoy has no issues.

Mr Steve McCabe MP**Birmingham Hall Green**

Mr McCabe has no issues.

Ms Christine McCafferty MP**Calder Valley**

Ms McCafferty was overpaid by a total of £818.81 for mortgage interest for 2004-05 and April - May 2005.

She was also paid £1,481.00 in February 2008 for a fitted wardrobe, which exceeded the guideline price of £770.00 by £711.00.

Total repayment recommended: £1,529.81

Total repayments received since 1 April 2009: £3,666.95

Balance recommended to be repaid: £0.00

Ms Kerry McCarthy MP**Bristol East**

Ms McCarthy has no issues.

Ms Sarah McCarthy-Fry MP**Portsmouth North**

Ms McCarthy-Fry was overpaid by £134.01 for cleaning costs in 2007-08, being her share of the excess over the allowable maximum for a second home shared with two other MPs.

Total repayment recommended: £134.01

Total repayments received since 1 April 2009: £134.01

Balance recommended to be repaid: £0.00

Rt Hon Ian McCartney MP**Makerfield**

Mr McCartney has no issues.

Dr William McCrea MP**South Antrim**

Dr McCrea was overpaid by a total of £661.21 for mortgage interest in 2008-09.

He was also paid £139.50 twice for a TV licence in 2008-09.

He was also paid £4,694.12 for bedroom furniture in 2006, exceeding the guideline price of £1,540 by £3,154.12.

He was further overpaid a total of £496.12 for service charges in 2008-09.

Total repayment recommended: £4,450.95

Total repayments received since 1 April 2009: £5,329.74

Balance recommended to be repaid: £0.00

Ms Siobhain McDonagh MP**Mitcham & Morden**

Ms McDonagh did not make any ACA claims during the period of the review.

Dr Alasdair McDonnell MP**Belfast South**

Dr McDonnell has no issues.

Mr John McDonnell MP**Hayes & Harlington**

Mr McDonnell did not make any ACA claims during the period of the review.

Mr Patrick McFadden MP**Wolverhampton South East**

Mr McFadden has no issues.

Rt Hon John McFall MP**West Dunbartonshire**

Mr McFall has no issues.

Mr James McGovern MP**Dundee West**

Mr McGovern was overpaid by £266.54 in December 2005 for various items of furnishings and hardware.

Total repayment recommended: £266.54

Total repayments received since 1 April 2009: £794.10

Balance recommended to be repaid: £0.00

Mr Edward McGrady MP**South Down**

Mr McGrady stayed in hotels during the review period. During that time he was paid a total of £3,854.00 for sundry items and utility bills which were not allowable under the Green Book rules.

Total repayment recommended: £3,854.00

Total repayments received since 1 April 2009: £3,854.00

Balance recommended to be repaid: £0.00

Mr Martin McGuinness MP**Mid Ulster**

Mr McGuinness was mistakenly paid £3,000 twice for rent covering the period July to August 2006.

Total repayment recommended: £3,000.00

Total repayments received since 1 April 2009: £3,000.00

Balance recommended to be repaid: £0.00

Rt Hon Anne McGuire MP**Stirling**

Mrs McGuire has no issues.

Miss Anne McIntosh MP**Vale of York**

Miss McIntosh was paid a total of £4,948 for gardening costs over four years of the review period. That exceeded the maximum allowable by £948.

Total repayment recommended: £948.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £948.00

Ms Shona McIsaac MP**Cleethorpes**

Ms McIsaac has no issues.

Miss Ann McKechin MP**Glasgow North**

Miss McKechin has no issues.

Mrs Rosemary McKenna CBE MP**Cumbernauld, Kilsyth & Kirkintilloch East**

Mrs McKenna was overpaid by a total of £3,008.93 for rent (2005-06 by £1,195.85 and 2007-08 by £1,813.08).

Total repayment recommended: £3,008.93

Total repayments received since 1 April 2009: £3,008.93

Balance recommended to be repaid: £0.00

Rt Hon Patrick McLoughlin MP**West Derbyshire**

Mr McLoughlin was paid cleaning costs totalling £13,136.67 over the five-year review period, exceeding the allowable maximum of £2,000 a year by a total of £3,136.67.

He was also overpaid a total of £921.87 for mortgage interest over the review period (£168.79 in 2004-05; £126.70 in 2005-06; £245.74 in 2006-07; £180.00 in 2007-08 and £200.64 in 2008-09).

Total repayment recommended: £4,058.54

Total repayments received since 1 April 2009: £4,058.54

Balance recommended to be repaid: £0.00

Mr Anthony McNulty MP**Harrow East**

Mr McNulty has no issues.

Rt Hon Michael Meacher OBE MP**Oldham West & Royton**

Mr Meacher was overpaid by a total of £447.62 for mortgage interest in 2008-09.

Total repayment recommended: £447.62

Total repayments received since 1 April 2009: £1,034.00

Balance recommended to be repaid: £0.00

Mr Alan Meale MP

Mansfield

Mr Meale was paid a total of £1,527.14 for mobile telephone charges (£212.87 in June 2004; £93.53 in July 2004; £144.29 in August 2004; £271.61 in October 2004; £166.24 in November 2004; £156.95 in December 2004; £85.99 in January 2005; £151.90 in February 2005; and £162.74 and £81.02 in March 2005). These were not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also paid cleaning costs of £2,151.64 in 2004-05 and £2,096.82 in 2005-06. That exceeds the maximum allowable of £2,000 a year by a total of £248.46.

He was paid £390 twice, in October 2005 and March 2006, for a radiator cover.

He was paid £1,900 in March 2006 for furniture which does not appear to have been necessary.

He was paid £700 in March 2006 for garden furniture. This was not allowable under the Green Book rules.

He was paid twice, in October and December 2006, for intruder alarm annual service charges of £210.33.

He was also paid £1,367.76 for stairs and landing carpet in February 2009 at a cost of £56.99 per square metre. This exceeded the guideline price of £35 per square metre by a total of £527.76.

He was further paid gardening costs of £11,355.78 over the five year period, which exceeds the maximum allowable of £1,000 a year by a total of £6,355.78.

Total repayment recommended: £11,859.47

Total repayments received since 1 April 2009: £11,859.47

Balance recommended to be repaid: £0.00

Mr Patrick Mercer OBE MP

Newark

Mr Mercer was paid £2,273.06 twice for mortgage interest in August and September 2004.

He was also overpaid by £1,099.51 for mortgage interest in 2008-09.

Total repayment recommended: £3,372.57

Total repayments received since 1 April 2009: £2,273.06

Balance recommended to be repaid: £1,099.51

Ms Gillian Merron MP**Lincoln**

Ms Merron was overpaid by a total of £6,305.17 for mortgage interest (£3,400.13 in 2007-08, and £2,904.87 in 2008-09).

Total repayment recommended: £6,305.17

Total repayments received since 1 April 2009: £6,305.17

Balance recommended to be repaid: £0.00

Rt Hon Alun Michael MP**Cardiff South & Penarth**

Mr Michael was paid a total of £18,889.56 from 2005-06 to 2008-09 for mortgage interest on additional loans not shown to have been for an eligible purpose.

He was also overpaid by £280 for council tax in 2004-05 (payment for 12 instalments when only ten required).

Total repayment recommended: £19,169.56

Total repayments received since 1 April 2009: £19,169.56

Balance recommended to be repaid: £0.00

Rt Hon Alan Milburn MP**Darlington**

Mr Milburn was overpaid a total of £10,107.16 for mortgage interest (2004-05 by £3,480.29; 2005-06 by £3,829.18; 2006-07 by £2,713.63; and 2008-09 by £84.06).

He was also paid £133.34 twice for the service charge year-end adjustment in 2008-09.

He was further paid for council tax payments for 12-month periods (instead of 10) in each of the years 2004-05 to 2007-08. The February and March payments in those years total £1,360.

Total repayment recommended: £11,600.50

Total repayments received since 1 April 2009: £11,600.50

Balance recommended to be repaid: £0.00

Rt Hon David Miliband MP**South Shields**

Mr Miliband was overpaid by £808.34 for mortgage interest in 2004-05.

Total repayment recommended: £808.34

Total repayments received since 1 April 2009: £808.24

Balance recommended to be repaid: £0.00

Rt Hon Ed Miliband MP**Doncaster North**

Mr Miliband has no issues.

Mr Andrew Miller MP**Ellesmere Port & Neston**

Mr Miller was overpaid by £316 for council tax costs in 2004-05.

Total repayment recommended: £316.00

Reduced on appeal by: £126.74

Total repayments received since 1 April 2009: £189.26

Balance recommended to be repaid: £0.00

Mrs Maria Miller MP**Basingstoke**

Mrs Miller has no issues.

Ms Anne Milton MP**Guildford**

Ms Milton has no issues.

Mr Andrew Mitchell MP**Sutton Coldfield**

Mr Mitchell was overpaid by £371.17 for mortgage interest in 2007-08.

He was also overpaid by a total of £2,302.16 for council tax in 2005-06 and 2006-07.

Total repayment recommended: £2,673.33

Total repayments received since 1 April 2009: £2,673.33

Balance recommended to be repaid: 0.00

Mr Austin Mitchell MP**Great Grimsby**

Mr Mitchell was overpaid by a total of £10,627.07 for mortgage interest (£2,066.11 in 2005-06; £2,568.18 in 2007-08; and £5,992.78 in 2008-09).

Total repayment recommended: £10,627.07

Total repayments received since 1 April 2009: £10,627.07

Balance recommended to be repaid: £0.00

Ms Anne Moffat MP**East Lothian**

Ms Moffat was overpaid by £1,617.09 for mortgage interest in 2008-09.

She was also paid a total of £1,256.44 in 2008-09 for items that related to her main home (£152.16 for insurance, £476.09 for telephone bills and £628.19 for a Sky package).

Total repayment recommended: £2,873.53

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £2,873.53

Ms Laura Moffatt MP**Crawley**

Ms Moffatt has no issues.

Mr Christopher Mole MP**Ipswich**

Mr Mole has no issues.

Mrs Madeleine Moon MP**Bridgend**

Mrs Moon was paid £599.25 for the cost of removals from Wales to London of furniture and other effects, which had been purchased locally in 2005. The cost of these removals appears excessive.

Total repayment recommended: £599.25

Total repayments received since 1 April 2009: £88.96

Balance recommended to be repaid: £510.29

Mr Michael Moore MP**Berwickshire, Roxburgh & Selkirk**

Mr Moore has no issues.

Ms Margaret Moran MP**Luton South**

Ms Moran was over-paid by a total of £109.59 for mortgage interest in 2006-07.

She was also paid a net total of £527.20 twice in 2005-06 for a mattress.

She was paid a total of £3,140.42 in March and April 2007 for gardening costs. This exceeded the allowable maximum by a total of £1,140.42.

She was further paid £2,282.65 for repairs after a front room roof collapse in April 2007. Home insurance should have covered a substantial part of this cost, but the cover had run out two months previously.

Total repayment recommended: £4,059.86

Total repayments received since 1 April 2009: £6,000.00

Balance recommended to be repaid: £0.00

Ms Jessica Morden MP

Newport East

Ms Morden was paid £380.55 twice for household goods in January 2006.

Total repayment recommended: £380.55

Total repayments received since 1 April 2009: £380.55

Balance recommended to be repaid: £0.00

Ms Julie Morgan MP

Cardiff North

Ms Morgan was overpaid a total of £838.94 for mortgage interest (£645.47 in 2006-07 and £193.47 in 2007-08).

Total repayment recommended: £838.94

Total repayments received since 1 April 2009: £838.13

Balance recommended to be repaid: £0.00

Mr Elliot Morley MP

Scunthorpe

Mr Morley has no issues.

Mr Malcolm Moss MP

North East Cambridgeshire

Mr Moss has no issues.

Ms Kali Mountford MP

Colne Valley

Ms Mountford received net payments amounting to £340.40 between April 2004 and May 2005 for taxis, which are not allowable under the ACA.

She was also overpaid by £832.97 for council tax in 2007-08.

She was overpaid by a total of £792.42 for rent (£758.69 in 2005-06, £33.73 in 2008-09).

Total repayment recommended: £1,965.79
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £1,965.79

Mr George Mudie MP

Leeds East

Mr Mudie was overpaid by £182.51 for mortgage interest in 2007-08.

Total repayment recommended: £182.51
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £182.51

Mr Greg Mulholland MP

Leeds North West

Mr Mulholland has no issues.

Mr Christopher Mullin MP

Sunderland South

Mr Mullin was paid £399.99 twice for the 2005-06 home contents insurance on his second home.

He was also paid £899 in August 2008 for a mortgage acceptance fee that was added to the mortgage capital balance. His claims for interest included an element for this fee so the payment was in effect duplicated.

Total repayment recommended: £1,298.99
Reduced on appeal by: £899.00
 Total repayments received since 1 April 2009: £439.99
Balance recommended to be repaid: £0.00

Mr David Mundell MP

Dumfriesshire, Clydesdale & Tweeddale

Mr Mundell was paid for 13 months of rent in 2006-07. This included a payment for rent for March 2006, which was not identified as such and which had not been included in claims for 2005-06. The overpayment involved was £1,300.

Total repayment recommended: £1,300.00
 Total repayments received since 1 April 2009: £1,300.00
Balance recommended to be repaid: £0.00

Ms Meg Munn MP

Sheffield Heeley

Ms Munn has no issues.

Mr Conor Murphy MP**Newry & Armagh**

Mr Murphy has no issues.

Mr Denis Murphy MP**Wansbeck**

Mr Murphy was over-paid by a total of £139.16 for mortgage interest (£31.23 in 2004-05, and £107.93 in 2005-06).

He was also paid £25 for a rejected direct debit fee in June 2007, and £25 for a collect fee in February 2008, neither of which was allowable under the ACA.

He was paid a total of £9,652.68 for cleaning costs over the four year period 2004-05 to 2007-08. That exceeded the allowable maximum of £2,000 a year by a total of £1,652.68.

Total repayment recommended: £1,841.84

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,841.84

Mr Jim Murphy MP**East Renfrewshire**

Mr Murphy was overpaid a total of £197.46 for mortgage interest over two years of the review period (£9.94 in 2004-05; £187.52 in 2006-07).

He was also paid £380 twice for food in May 2004.

Total repayment recommended: £577.46

Total repayments received since 1 April 2009: £577.46

Balance recommended to be repaid: £0.00

Rt Hon Paul Murphy MP**Torfaen**

Mr Murphy was paid cleaning costs of £2,830 for 2004-05, exceeding the allowable maximum by a total of £830.

He was also paid £1,280 in July 2005 for a wardrobe, exceeding the guideline price of £770 by £510.

He was also overpaid by a total of £1,140.72 for mortgage interest (£333.12 in 2007-08, and £807.60 in 2008-09).

Total repayment recommended: £2,480.72

Total repayments received since 1 April 2009: £243.00

Balance recommended to be repaid: £2,237.72

Dr Andrew Murrison MP

Westbury

Dr Murrison was overpaid by a total of £550.27 for mortgage interest (£300.69 in 2004-05; £202.51 in 2005-06; and £47.07 in 2007-08).

In addition, he was overpaid by a total of £1,563.26 for mortgage interest as a result of increasing his mortgage by £10,323 in September 2004 for a purpose not shown to be allowable under the Green Book rules.

He was paid £515.60 twice for service charge and ground rent in 2004-05.

He was also overpaid by a total of £299.20 in March 2006 for a sofa and two dining chairs which cost £191 and £108.20 respectively more than the guideline prices.

He was further paid £411.11, also in March 2006, for a carpet fitting service to take furniture from the second home to the main home, which was not an allowable expense.

He was paid £800 over the period May 2006 to March 2008 for a home office, which was also not allowable under the Green Book rules.

He was paid £135 twice for a TV licence in 2007-08.

He was also paid £408.78 twice for service charges in 2007-08.

He was paid £199 twice for water rates in May - June 2008.

He was paid £415.22 in May 2008 for service/maintenance charges without supporting evidence.

He was paid £228.20 twice in November 2008 - February 2009 for a gas bill.

Total repayment recommended: £5,525.64

Total repayments received since 1 April 2009: £5536.24

Balance recommended to be repaid: £0.00

Dr Doug Naysmith MP

Bristol North West

Dr Naysmith has no issues.

Mr Bob Neill MP

Bromley & Chislehurst

Mr Neill was paid £157.50 in March 2005 for title insurance during the purchase of his second home. Only building and contents insurance is allowed under the Green Book rules.

He was paid council tax costs of £1,389.15 in 2008-09 when the bill provided showed that the actual cost was £1,263.15 resulting in an excess of £126.00.

Total repayment recommended: £283.50

Total repayments received since 1 April 2009: £283.50

Balance recommended to be repaid: £0.00

Mr Brooks Newmark MP

Braintree

Mr Newmark has no issues.

Mr Dan Norris MP

Wansdyke

Mr Norris was paid cleaning costs of £9,730.19 over a four year period (£2,544 in 2004-05; £2,653.85 in 2005-06; £2,424.17 in 2006-07; and £2,108.17 in 2007-08). That exceeded £2,000 a year by a total of £1,730.19.

Total repayment recommended: £1,730.19

Total repayments received since 1 April 2009: £1,730.19

Balance recommended to be repaid: £0.00

Mr Mark Oaten MP

Winchester

Mr Oaten was overpaid a total of £2,826.94 for mortgage interest (an estimated £1,265.79 for 2004-05; £233.22 for 2005-06, £43.30 for 2006-07, and £1,284.62 for April to August 2008).

Total repayment recommended: £2,826.94

Total repayments received since 1 April 2009: £2,826.94

Balance recommended to be repaid: £0.00

Mr Mike O'Brien MP

North Warwickshire

Mr O'Brien has no issues.

Mr Stephen O'Brien MP

Eddisbury

Mr O'Brien was paid cleaning costs of £2,115 in 2005-06. That exceeds the maximum allowable of £2,000 a year by a total of £115.

Total repayment recommended: £115.00

Total repayments received since 1 April 2009: £115.00

Balance recommended to be repaid: £0.00

Mr Edward O'Hara MP**Knowsley South**

Mr O'Hara was overpaid by a total of £5,244.23 for mortgage interest (£180.53 for 2005-06, £670.63 for 2006-07, £2,026.48 for 2007-08 and £2,366.59 for 2008-09).

Total repayment recommended: £5,244.23

Total repayments received since 1 April 2009: £5,244.23

Balance recommended to be repaid: £0.00

Mr Bill Olnier MP**Nuneaton**

Mr Olnier was paid a total of £10,660.43 for cleaning costs over the four years 2004-05 to 2007-08. That exceeds the allowable maximum of £2,000 a year by a total of £2,660.43.

Total repayment recommended: £2,660.43

Total repayments received since 1 April 2009: £3,321.40

Balance recommended to be repaid: £0.00

Mr Lembit Opik MP**Montgomeryshire**

Mr Opik was paid £909.42 for mobile phone bills during the period November 2004 to March 2005. Mobile phone costs are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also paid £155 for court costs in relation to non-payment of council tax (£60 in March 2006 and £95 in October 2007).

Total repayment recommended: £1,064.42

Reduced on appeal by: £909.42

Total repayments received since 1 April 2009: £195.00

Balance recommended to be repaid: £0.00

Mr George Osborne MP**Tatton**

Mr Osborne was overpaid by a total of £284.26 for mortgage interest in 2005-06 and 2006-07.

Total repayment recommended: £284.26

Total repayments received since 1 April 2009: £976.97

Balance recommended to be repaid: £0.00

Mrs Sandra Osborne MP**Ayr, Carrick & Cumnock**

Mrs Osborne was paid a total of £1,343.50 twice in April 2004 (£749 for furniture, £544.50 for council tax, and £50 for utilities).

She was also overpaid by £1,268.62 for rent in 2005-06.

Total repayment recommended: £2,612.12

Total repayments received since 1 April 2009: £2,612.12

Balance recommended to be repaid: £0.00

Mr Richard Ottaway MP

Croydon South

Mr Ottaway was overpaid by £102.47 for mortgage interest in 2005-06.

He was also paid garden maintenance costs of a total of £5,382 for the three years 2004-05 to 2006-07, thus exceeding the allowable maximum of £1,000 a year by a total of £2,382.

Total repayment recommended: £2,484.47

Total repayments received since 1 April 2009: £2,484.47

Balance recommended to be repaid: £0.00

Mr Albert Owen MP

Ynys Môn

Mr Owen was overpaid by a total of £400 for food in 2005-06.

He was also overpaid by a total of £583.57 for mortgage interest in 2008-09.

Total repayment recommended: £983.57

Total repayments received since 1 April 2009: £983.57

Balance recommended to be repaid: £0.00

Mr James Paice MP

South East Cambridgeshire

Mr Paice has no issues.

Rt Hon Ian Paisley MLA MP

North Antrim

Dr Paisley's payments were not reduced for dissolution in 2005, as a result of which he was overpaid by £1,181.94.

Total repayment recommended: £1,181.94

Total repayments received since 1 April 2009: £1,181.94

Balance recommended to be repaid: £0.00

Dr Nicholas Palmer MP

Broxtowe

Dr Palmer has no issues.

Mr Owen Paterson MP

North Shropshire

Mr Paterson was overpaid by a total of £3,631 for the period April 2004 and June 2005, representing the capital element of the mortgage loan.

He was also overpaid by a net remaining total of £924.04 for mortgage interest in the four years 2005-06 to 2008-09.

He was also overpaid by a total of £402 for council tax in 2006-07 and 2007-08.

He was paid £272.11 twice for annual maintenance for intruder alarms for the period September 2008-September 2009.

Total repayment recommended: £5,229.15

Total repayments received since 1 April 2009: £5,229.15

Balance recommended to be repaid: £0.00

Mr Ian Pearson MP

Dudley South

Mr Pearson was overpaid by a total of £311.72 for mortgage interest in 2008-09.

He was also paid cleaning costs of £2,153.86 in 2005-06. This exceeds the maximum allowable of £2,000 a year by a total of £153.86.

He was further paid £475.88 in April 2004 for computer repairs and wi-fi set up, which are not allowable costs under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £941.46

Total repayments received since 1 April 2009: £941.46

Balance recommended to be repaid: £0.00

Mr Andrew Pelling MP

Croydon Central

Mr Pelling did not make any ACA claims during the period of the review.

Mr Michael Penning MP

Hemel Hempstead

Mr Penning has no issues.

Mr John Penrose MP

Weston-Super-Mare

Mr Penrose has no issues.

Mr Eric Pickles MP**Brentwood & Ongar**

Mr Pickles was paid cleaning costs of £8,388 between 1 April 2004 and 31 March 2008, exceeding the maximum allowable of £2,000 a year by a total of £388.

Total repayment recommended: £388.00

Total repayments received since 1 April 2009: £388.00

Balance recommended to be repaid: £0.00

Mr James Plaskitt MP**Warwick & Leamington**

Mr Plaskitt was paid £112 twice, in September and November 2004, for a TV licence.

He was also overpaid for mortgage interest by a total of £2,846.09 during three years of the review period (£1,679.34 in 2004-05, £170.70 in 2005-06 and £996.05 in 2008-09).

Total repayment recommended: £2,958.09

Total repayments received since 1 April 2009: £2,958.09

Balance recommended to be repaid: 0.00

Mr Gregory Pope MP**Hyndburn**

Mr Pope was overpaid by a total of £166.79 for mortgage interest in 2007-08.

Total repayment recommended: £166.79

Total repayments received since 1 April 2009: £1,331.13

Balance recommended to be repaid: £0.00

Mr Stephen Pound MP**Ealing North**

Mr Pound has no issues.

Mr Gordon Prentice MP**Pendle**

Mr Prentice was overpaid by a total of £2,620.95 for mortgage interest (£504.46 in 2006-07; £64.53 in 2007-08; and £2,051.96 in 2008-09).

Total repayment recommended: £2,620.95

Total repayments received since 1 April 2009: £2,620.95

Balance recommended to be repaid: £0.00

Rt Hon John Prescott MP**Hull East**

Mr Prescott has no issues.

Mr Adam Price MP**Carmarthen East & Dinefwr**

Mr Price has no issues.

Rt Hon Dawn Primarolo MP**Bristol South**

Ms Primarolo has no issues.

Mr Mark Prisk MP**Hertford & Stortford**

Mr Prisk was overpaid by £2,970.06 for mortgage interest in 2004-05, and by £1,155.02 in 2008-09.

Total repayment recommended: £4,125.08

Total repayments received since 1 April 2009: £4,125.08

Balance recommended to be repaid: £0.00

Mr Mark Pritchard MP**The Wrekin**

Mr Pritchard was overpaid by £923.62 for rent in 2005-06.

Total repayment recommended: £923.62

Total repayments received since 1 April 2009: £923.62

Balance recommended to be repaid: £0.00

Mr Gwyn Prosser MP**Dover**

Mr Prosser paid his brother £650 in 2006 for carpeting and flooring work on his second home. This was a conflicted transaction and the payment was accordingly invalid.

Total repayment recommended: £650.00

Total repayments received since 1 April 2009: £650.00

Balance recommended to be repaid: £0.00

Dr John Pugh MP**Southport**

Dr Pugh has no issues.

Mr Kenneth Purchase MP**Wolverhampton North East**

Mr Purchase was overpaid by a total of £1,000.12 for mortgage interest (£236.66 in 2004-05; £422.89 in 2005-06; £13.13 in 2006-07; and £327.44 in 2008-09).

Total repayment recommended: £1,000.12

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,000.12

Rt Hon James Purnell MP**Stalybridge & Hyde**

Mr Purnell has no issues.

Mr Bill Rammell MP**Harlow**

Mr Rammell was paid a total of £169.98 in July and August 2005 for two items not allowable under Green Book rules (garden table and suitcase).

He was further paid a total of £332.26 in 2005 for a printer and printing materials. These were not allowable items under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also paid a total of £2,280 for newspapers (£580 in 2004-05; £550 in 2005-06; £600 in 2006-07; and £550 in 2007-08). These were not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £2,782.24

Total repayments received since 1 April 2009: £2,782.24

Balance recommended to be repaid: £0.00

Mr John Randall MP**Uxbridge**

Mr Randall did not make any ACA claims during the period of the review.

Rt Hon John Redwood MP**Wokingham**

Mr Redwood was paid £112 in March 2005 for the cost of reseeding his lawn. This was not allowable under Green Book rules.

Total repayment recommended: £112.00
 Total repayments received since 1 April 2009: £112.00
Balance recommended to be repaid: £0.00

Mr Andy Reed MP

Loughborough

Mr Reed was paid a total of £891.48 twice for quarterly service charge costs for the following periods and amounts: £310.61 in December 2004 to March 2005; £275.87 in December 2005 to March 2006; and £305 in June 2006 to September 2006.

Total repayment recommended: £891.48
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £891.48

Mr Jamieson R Reed

Copeland

Mr Reed has no issues.

Mr Alan Reid MP

Argyll & Bute

Mr Reid has no issues.

Rt Hon John Reid MP

Airdrie & Shotts

Dr Reid was paid £1,410 twice in April 2007.

In July 2007, he was paid £1,179.63 for removal costs. £975.00 of this was used for the transfer of furniture to a residence in Ireland, which was not an allowable expense.

In April 2008, he was paid £346.88 for marketing the previous second home, which was also not allowable.

Total repayment recommended: £2,731.88
 Total repayments received since 1 April 2009: £7,336.51
Balance recommended to be repaid: £0.00

Mr William Rennie MP

Dunfermline & West Fife

Mr Rennie was overpaid a total of £123.10 through duplicate payments for electricity in 2006-07.

He was also overpaid a total of £2,450 through duplicated payments for rent (£1,250 in March 2006 and £1,200 in January 2007).

Total repayment recommended: £2,573.10
 Total repayments received since 1 April 2009: £2,573.60
Balance recommended to be repaid: £0.00

Mrs Linda Riordan MP

Halifax

Mrs Riordan was overpaid by £2,021.81 for mortgage interest in 2008-09.

She was also paid £150 twice for ground rent in October - November 2008.

Total repayment recommended: £2,171.81
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £2,171.81

Mr Andrew Robathan MP

Blaby

Mr Robathan has no issues.

Mr Angus Robertson MP

Moray

Mr Robertson was paid £2,324 in February 2006 for a leather bed settee, exceeding what was necessary by £1,114.

He was further overpaid by £103 in 2007-08 for a DVD player.

Total repayment recommended: £1,217.00
 Total repayments received since 1 April 2009: £1,217.00
Balance recommended to be repaid: £0.00

Mr Hugh Robertson MP

Faversham & Mid Kent

Mr Robertson has no issues.

Mr John W Robertson MP

Glasgow North West

Mr Robertson was paid a total of £1,750 in petty cash between April and November 2004. This was not an allowable expense under the Green Book rules.

He was paid a total of £7,225 for cleaning costs (£2,350 in 2004-05; £2,350 in 2005-06 and £2,525 in 2006-07). These exceeded £2,000 a year by a total of £1,225.

Total repayment recommended: £2,975.00
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £2,975.00

Mr Laurence Robertson MP**Tewkesbury**

Mr Robertson has no issues.

Mr Geoffrey Robinson MP**Coventry North West**

Mr Robinson did not make any ACA claims during the period of the review.

Mrs Iris Robinson MP**Strangford**

Mrs Robinson was paid £1,644.90 in January 2006 for the cost of a bed, which exceeded the guideline price of £1,100 by £544.90.

She was paid £1,429.99 for service charges in May 2009 which appears to have duplicated the same payment to her husband who is also an MP.

Total repayment recommended: £1,974.89

Total repayments received since 1 April 2009: £2,274.72

Balance recommended to be repaid: £0.00

Rt Hon Peter Robinson MP**Belfast East**

Mr Robinson has no issues.

Mr Dan Rogerson MP**North Cornwall**

Mr Rogerson has no issues.

Mr Terence Rooney MP**Bradford North**

Mr Rooney was overpaid by a total of £167.00 for mortgage interest in 2005-06 and 2007-08.

He was also overpaid by a net £130.02 for mortgage interest in 2008-09 (taking account of an estimated underpayment in the last three months of the year).

Total repayment recommended: £297.02

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £297.02

Mr Andrew Rossindell MP**Romford**

Mr Rossindell has no issues.

Mr Paul John Rowen MP**Rochdale**

Mr Rowen has no issues.

Mr Frank Roy MP**Motherwell & Wishaw**

Mr Roy was overpaid by £545.79 for mortgage interest in 2005-06.

Total repayment recommended: £545.79

Reduced on appeal by: £545.79

Balance recommended to be repaid: £0.00

Mr Lindsay A Roy CBE MP**Glenrothes**

Mr Roy has no issues.

Mr Chris Ruane MP**Vale of Clwyd**

Mr Ruane has no issues.

Mr David Ruffley MP**Bury St Edmunds**

Mr Ruffley has no issues.

Mr Bob Russell MP**Colchester**

Mr Russell was overpaid by a total of £4,029.45 for mortgage interest (£849.67 in 2005-06; £913.13 in 2006-07; £849.49 in 2007-08; and £1,417.16 in 2008-09).

He was also overpaid by a total of £510 for council tax (£98 in 2005-06, £202 in 2006-07; and £210 in 2007-08).

Total repayment recommended: £4,539.45

Total repayments received since 1 April 2009: £4,539.45

Balance recommended to be repaid: £0.00

Ms Christine Russell MP**City of Chester**

Ms Russell was overpaid by a total of £3,266.68 for rent (£1,083.34 in 2004-05; £1,083.34 in 2005-06; and £1,100 in 2007-08), representing 13 months' rent in each of these years.

She was also overpaid by £860.85 for April–May 2005, through not reducing payments during the dissolution period.

Total repayment recommended: £4,127.53

Total repayments received since 1 April 2009: £4,127.53

Balance recommended to be repaid: £0.00

Rt Hon Joan Ryan MP**Enfield North**

Miss Ryan was overpaid by a total of £5,121.74 for mortgage interest (£4,196.96 in 2004-05 and £924.78 in 2008-09), since the amounts involved included an element of capital repayment.

Total repayment recommended: £5,121.74

Total repayments received since 1 April 2009: £322.45

Balance recommended to be repaid: £4,799.29

Mr Alexander Salmond MP**Banff & Buchan**

Mr Salmond has no issues.

Mr Martin Salter MP**Reading West**

Mr Salter did not make any ACA claims during the period of the review.

Mr Adrian Sanders MP**Torbay**

Mr Sanders was overpaid by £691 in 2005-06 for rental payments not reduced during the dissolution of Parliament.

Total repayment recommended: £691.00

Total repayments received since 1 April 2009: £691.00

Balance recommended to be repaid: £0.00

Mr Mohammad Sarwar MP**Glasgow Central**

Mr Sarwar was paid a total of £123.83 twice for telephone bills in 2005-06.

He was also paid £122.12 in February 2005 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £245.95

Total repayments received since 1 April 2009: £245.95

Balance recommended to be repaid: £0.00

Mr Lee Scott MP**Ilford North**

Mr Scott did not make any ACA claims during the period of the review.

Ms Alison Seabeck MP**Plymouth Devonport**

Ms Seabeck was paid £795 twice for rent in November 2005.

She was also overpaid by a total of £1,167 for mortgage interest in October 2007.

She was further over-paid £444.65 for mortgage interest in 2008-09.

Total repayment recommended: £2,406.65

Total repayments received since 1 April 2009: £1,612.65

Balance recommended to be repaid: £794.00

Mr Andrew Selous MP**South West Bedfordshire**

Mr Selous has no issues.

Mr Grant Shapps MP**Welwyn Hatfield**

Mr Shapps has no issues.

Mr Virendra Sharma MP**Ealing Southall**

Mr Sharma did not make any ACA claims during the period of the review.

Mr Jonathan Shaw MP**Chatham & Aylesford**

Mr Shaw has no issues.

Mr Barry Sheerman MP**Huddersfield**

Mr Sheerman was overpaid by £331.95 for mortgage interest (£277.51 in 2005-06 and £54.44 in 2006-07).

He was also overpaid by a total of £225.26 for council tax (£208.07 in 2004-05 and £17.19 in 2005-06).

Total repayment recommended: £557.21

Total repayments received since 1 April 2009: £311.95

Balance recommended to be repaid: £245.26

Mr Richard Shepherd MP**Aldridge-Brownhills**

Mr Shepherd was paid twice, in September and October 2007, for tree works at £705 (once on the quotation and once on the invoice).

He was also paid £1,576 in gardening costs in 2005-06, exceeding the maximum allowable of £1,000 a year by a total of £576.

He was also paid a total of £7,800 for cleaning costs (£2,520 in 2005-06; £2,620 in 2006-07; and £2,660 in 2007-08). That exceeds the maximum allowable of £2,000 a year by a total of £1,800. In 2005-06 there was also an additional overpayment of £110.88 for cleaning during the period of dissolution.

Total repayment recommended: £3,191.88

Total repayments received since 1 April 2009: £3,191.88

Balance recommended to be repaid: £0.00

Mr James Sheridan MP**Paisley & Renfrewshire North**

Mr Sheridan was overpaid by £200 for food in October 2008.

He was also overpaid by £200 for council tax in May - June 2005.

Total repayment recommended: £400.00

Total repayments received since 1 April 2009: £779.41

Balance recommended to be repaid: £0.00

Rt Hon Clare Short MP

Birmingham Ladywood

Ms Short was paid £599.14 twice for house repairs in October and November 2006.

She was overpaid by £189.90 in April and May 2005 for mortgage interest, when payments should have been reduced for the dissolution of Parliament.

She was also paid a total of £1,206.50 for mobile phone bills during May 2004 to January 2009. Mobile phone costs are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was paid a total of £3,736 for gardening costs in three separate years (£1,332 in 2004-05; £1,280 in 2006-07; and £1,124 in 2007-08), thus exceeding the maximum allowable of £1,000 a year by £736.

She was further paid cleaning costs of £2,456.40 in 2006-07 exceeding the maximum allowable of £2,000 a year by a total of £456.40.

Total repayment recommended: £3,187.94

Total repayments received since 1 April 2009: £599.14

Balance recommended to be repaid: £2,588.80

Mr Mark Simmonds MP

Boston & Skegness

Mr Simmonds has no issues.

Mr Sion Simon MP

Birmingham Erdington

Mr Simon has no issues.

Mr Alan Simpson MP

Nottingham South

Mr Simpson was overpaid by £1,503.67 for mortgage interest between April and December 2008.

In default of evidence to support payments for mortgage interest of £2,265.00 for the period January to March 2009, I must regard these payments as having been invalid. Accordingly my recommendation is that Mr Simpson should repay the whole of this sum.

Mr Simpson was paid £2,527.50 for cleaning costs in 2004-05. That exceeds the allowable maximum by £527.50.

He was also overpaid by £219.72 for water bills in 2008-09.

Total repayment recommended: £4,515.89
 Total repayments received since 1 April 2009: £219.72
Balance recommended to be repaid: £4,296.17

Mr David Simpson MP

Upper Bann

Mr Simpson was overpaid by £1,082.98 for mortgage interest in 2007-08.

He was also paid £400 twice for food in May 2007.

Total repayment recommended: £1,482.98
 Total repayments received since 1 April 2009: £1,482.98
Balance recommended to be repaid: £0.00

Mr Keith Simpson MP

Mid Norfolk

Mr Simpson was paid twice, in September and October 2006, for a telephone bill of £120.74.

He was also paid £209.87 between April and September 2004 for telephone bills that related to his constituency office rather than his second home.

Total repayment recommended: £330.61
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £330.61

Mr Marsha Singh MP

Bradford West

Mr Singh was overpaid by a total of £4,505.44 for mortgage interest (£336 in 2004-05; £5.60 in 2005-06; £835.04 in 2006-07; and £3,328.80 in 2008-09).

He was also paid £521.40 in 2005-06 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £5,026.84
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £5,026.84

Mr Dennis Skinner MP

Bolsover

Mr Skinner was paid £1,760.76 in October 2005 for a sofa bed. By reference to the nearest benchmark price, this was an overpayment of £550.76.

Total repayment recommended: £550.76
 Total repayments received since 1 April 2009: £880.38
Balance recommended to be repaid: £0.00

Mr Andy Slaughter MP

Ealing, Acton & Shepherd's Bush

Mr Slaughter did not make any ACA claims during the period of the review.

Rt Hon Andrew Smith MP

Oxford East

Mr Smith has no issues.

Ms Angela C Smith MP

Sheffield Hillsborough

Ms Smith has no issues.

Ms Angela E Smith MP

Basildon

Ms Smith was overpaid mortgage interest by a total of £1,428.81 (£578.76 in 2004-05; £362.34 in 2005-06; £281.07 in 2007-08; and £206.64 in 2008-09).

Total repayment recommended: £1,428.81
 Total repayments received since 1 April 2009: £1,033.00
Balance recommended to be repaid: £395.81

Ms Geraldine Smith MP

Morecambe & Lunesdale

Ms Smith has no issues.

Rt Hon Jacqui Smith MP

Redditch

Ms Smith was paid cleaning costs totalling £9,309.87 over the four years 2004-05 to 2007-08, exceeding the allowable maximum by a total of £1,309.87.

She was also paid £160 for garden furniture in September 2004, which is not allowed under the Green Book rules.

Total repayment recommended: £1,469.87
 Total repayments received since 1 April 2009: £1,469.87
Balance recommended to be repaid: £0.00

Mr John Smith MP**Vale of Glamorgan**

Mr Smith's payments for April and May 2005 were not reduced sufficiently to take account of the dissolution of Parliament resulting in an overpayment of £683.78.

Total repayment recommended: £683.78

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £683.78

Sir Robert Smith MP**West Aberdeenshire & Kincardine**

Sir Robert has no issues.

Ms Anne Snelgrove MP**South Swindon**

Ms Snelgrove has no issues.

Hon Nicholas Soames MP**Mid Sussex**

Mr Soames was overpaid by £1,345.55 for mortgage interest in 2008-09.

Total repayment recommended: £1,345.55

Total repayments received since 1 April 2009: £1,345.55

Balance recommended to be repaid: £0.00

Sir Peter Soulsby MP**Leicester South**

Sir Peter has no issues.

Mrs Helen Southworth MP**Warrington South**

Mrs Southworth has no issues.

Rt Hon John Spellar MP**Warley**

Mr Spellar has no issues.

Mrs Caroline Spelman MP**Meriden**

Mrs Spelman was paid £276.78 twice for a bill for electricity in June 2004.

She was also paid £1,635.93 for mobile phone bills during 2004-05. Mobile phone costs were not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

She was also paid cleaning costs of £2,200 in 2005-06 and £2,288.80 in 2007-08, exceeding £2,000 a year by a total of £488.80.

Total repayment recommended: £2,401.51

Total repayments received since 1 April 2009: £2635.51

Balance recommended to be repaid: £0.00

Sir Michael Spicer MP

West Worcestershire

Sir Michael was paid a total of £15,612.87 for garden maintenance over the five-year period. That exceeds the allowable maximum of £1,000 a year by a total of £10,612.87.

He was also paid a total of £10,179 for cleaning over three years of the review period. That exceeds the allowable maximum of £2,000 a year by a total of £4,179.

He was also paid £730 for a dishwasher in December 2005. This exceeded the guideline price by £317.50.

Total repayment recommended: £15,109.37

Total repayments received since 1 April 2009: £5,109.37

Balance recommended to be repaid: £10,000

Dr Bob Spink MP

Castle Point

Dr Spink was paid £2,051.38 twice for service/maintenance charges in January – June 2008.

Total repayment recommended: £2,051.38

Total repayments received since 1 April 2009: £2,401.88

Balance recommended to be repaid: £0.00

Mr Richard Spring MP

West Suffolk

Mr Spring was paid £510 twice for a mortgage arrangement fee in September and November 2006.

Total repayment recommended: £510.00

Total repayments received since 1 April 2009: £510.00

Balance recommended to be repaid: £0.00

Rt Hon Sir John Stanley MP**Tonbridge & Malling**

Sir John has no issues.

Dr Phyllis Starkey MP**Milton Keynes South West**

Dr Starkey has no issues.

Mr Anthony Steen MP**Totnes**

Mr Steen was paid a total of £184.89 in May 2004 for skip hire, 23 garden plants, and a flagpole rope and binding. The plants (£39.39) were not allowable under the Green Book rules, and the skip hire (£117) and the flagpole rope and binding (£28.50) were claimed without evidence as to their necessity.

He was also paid a total of £3,774.14 twice in May 2004 and January 2005 (£1,216.25 for decoration and refurbishment; £1,755.89 for water supply repair; and £802 for heating expenses).

He was further paid a total of £10,252.22 for gardening costs over the three years 2005-06 to 2007-08, exceeding the allowable maximum by a total of £7,252.22.

Total repayment recommended: £11,211.75

Total repayments received since 1 April 2009: £11,211.75

Balance recommended to be repaid: £0.00

Mr Ian Stewart MP**Eccles**

Mr Stewart has no issues.

Dr Howard Stoate MP**Dartford**

Dr Stoate has no issues.

Rt Hon Gavin Strang MP**Edinburgh East**

Dr Strang has no issues.

Rt Hon Jack Straw MP**Blackburn**

Mr Straw was overpaid by a total of £600 in respect of two claims in 2004-05.

Total repayment recommended: £600.00
 Total repayments received since 1 April 2009: £600.00
Balance recommended to be repaid: £0.00

Mr Gary Streeter MP

South West Devon

Mr Streeter was overpaid by a total of £910.60 for mortgage interest over three years (£50.09 in 2004-05; £354.07 in 2006-07; and £506.44 in 2008-09).

He was also paid £1,081.66 twice for mortgage interest in May 2004.

He was further overpaid £702.51 for council tax in 2004-05, and by £152 for council tax in 2005-06.

He was also overpaid by a total of £227.61 for water charges in 2008-09 (£118.66 for a subsidiary property other than his second home, and £108.95 twice for June 2008).

Total repayment recommended: £3,074.38
 Total repayments received since 1 April 2009: £3,074.38
Balance recommended to be repaid: £0.00

Mr Graham Stringer MP

Manchester Blackley

Mr Stringer was overpaid by £146.67 for food in April 2005.

Total repayment recommended: £146.67
 Total repayments received since 1 April 2009: £146.67
Balance recommended to be repaid: £0.00

Ms Gisela Stuart MP

Birmingham Edgbaston

Ms Stuart was overpaid by £447.86 for mortgage interest in 2005-06.

Total repayment recommended: £447.86
 Total repayments received since 1 April 2009: £447.86
Balance recommended to be repaid: £0.00

Mr Graham Stuart MP

Beverley & Holderness

Mr Stuart was paid £128.02 for a night in a hotel in London in July 2005, while in receipt of the ACA for a second home in his constituency.

Total repayment recommended: £128.02
 Total repayments received since 1 April 2009: £128.02
Balance recommended to be repaid: £0.00

Mr Andrew Stunell MP**Hazel Grove**

Mr Stunell has no issues.

Mr Gerry Sutcliffe MP**Bradford South**

Mr Sutcliffe was overpaid by £2,361 for mortgage interest in 2004-05, representing the capital element of the mortgage loan.

He was also paid £125.14 in July 2007 for a mobile phone costs, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also overpaid by a net total of £300 on a number of miscalculated claims during the five years of the review.

Total repayment recommended: £2,786.14

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £2,786.14

Mr Desmond Swayne TD MP**New Forest West**

Mr Swayne has no issues.

Ms Jo Swinson MP**East Dunbartonshire**

Ms Swinson has no issues.

Mr Hugo Swire MP**East Devon**

Mr Swire was paid £1,788 for garden maintenance in 2008-09, thereby exceeding the maximum allowable by £788.

Total repayment recommended: £788.00

Total repayments received since 1 April 2009: £788.00

Balance recommended to be repaid: £0.00

Mr Robert Syms MP**Poole**

Mr Syms has no issues.

Mr Mark Tami MP**Alyn & Deeside**

Mr Tami was overpaid by a total of £2,206.24 for mortgage interest (£50.83 in 2004-05, and £2,155.41 in 2008-09).

He was also overpaid a total of £351.45 in March 2005 for a dishwasher at £469.95 and a fridge/freezer at £899.00, which exceeded guideline prices by £57.45 and £294.00 respectively.

Total repayment recommended: £2,557.69

Total repayments received since 1 April 2009: £3,151.70

Balance recommended to be repaid: £0.00

Sir Peter Tapsell MP**Louth & Horncastle**

Sir Peter has no issues.

Ms Dari Taylor MP**Stockton South**

Ms Taylor was paid £719.06 twice in May 2005 for her service charge, ground rent and reserves.

Total repayment recommended: £719.06

Total repayments received since 1 April 2009: £719.06

Balance recommended to be repaid: £0.00

Mr Ian Taylor MBE MP**Esher & Walton**

Mr Taylor was paid £1,958.85 for council tax in 2007-08 over eleven payments. The bill provided was for £1,780.85 spread over ten instalments, resulting in an overpayment of £178.00.

Total repayment recommended: £178.00

Total repayments received since 1 April 2009: £908.50

Balance recommended to be repaid: £0.00

Mr Matthew Taylor MP**Truro & St Austell**

Mr Taylor has no issues.

Dr Richard Taylor MP**Wyre Forest**

Dr Taylor has no issues.

Ms Sarah Teather MP**Brent East**

Ms Teather did not make any ACA claims during the period of the review.

Mr Gareth R Thomas MP**Harrow West**

Mr Thomas was overpaid by a total of £1,158.52 for mortgage interest (£836.57 in 2004-05 and, £321.95 in 2005-06).

Total repayment recommended: £1,158.52

Total repayments received since 1 April 2009: £1,158.52

Balance recommended to be repaid: £0.00

Mr John Thurso MP**Caithness, Sutherland & Easter Ross**

Mr Thurso was overpaid a total of £548.21 for council tax in three years (£297.95 in 2005-06; £175.10 in 2006-07; and £75.16 in 2007-08).

Total repayment recommended: £548.21

Total repayments received since 1 April 2009: £548.21

Balance recommended to be repaid: £0.00

Mr Stephen Timms MP**East Ham**

Mr Timms did not make any ACA claims during the period of the review.

Mr Edward Timpson MP**Crewe & Nantwich**

Mr Timpson has no issues.

Mr Paddy Tipping MP**Sherwood**

Mr Tipping has no issues.

Mr Mark Todd MP**South Derbyshire**

Mr Todd has no issues.

Rt Hon Don Touhig MP**Islwyn**

Mr Touhig has no issues.

Mr David Tredinnick MP**Bosworth**

Mr Tredinnick has no issues.

Mr Jon Trickett MP**Hemsworth**

Mr Trickett has no issues.

Mr Paul Truswell MP**Pudsey**

Mr Truswell has no issues.

Mr Andrew Turner MP**Isle of Wight**

Mr Turner was paid £681.60 in 2006-07 for mortgage insurance, which is not an allowable expense. (The claim was made on his behalf while he was away ill.)

Total repayment recommended: £681.60

Total repayments received since 1 April 2009: £874.64

Balance recommended to be repaid: £0.00

Dr Des Turner MP**Brighton Kemptown**

Dr Turner was overpaid by a total of £1,930.94 for mortgage interest (£199.48 in 2004-05; £179.85 in 2005-06; £218.59 in 2006-07; £572.01 in 2007-08; and £761.01 in 2008-09).

He was also paid a total of £2,476.72 for mortgage payment protection as part of his monthly insurance payments (£593.39 in 2004-05; £651.60 in 2005-06; £706.68 in 2006-07; and £525.05 in 2007-08), which is not allowable under the ACA.

Total repayment recommended: £4,407.66

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £4,407.66

Mr Neil Turner MP**Wigan**

Mr Turner was overpaid by a total of £6,654.58 for mortgage interest in two separate years (£3,249.02 in 2004-05 and £3,405.56 in 2008-09).

He also received a duplicate payment of £131.50 for a TV licence in April 2007.

Total repayment recommended: £6,786.08

Total repayments received since 1 April 2009: £6,786.08

Balance recommended to be repaid: £0.00

Mr Derek Twigg MP**Halton**

Mr Twigg has no issues.

Mr Andrew Tyrie MP**Chichester**

Mr Tyrie was overpaid by a total of £1,638.99 for mortgage interest in 2008-09.

Total repayment recommended: £1,638.99

Total repayments received since 1 April 2009: £1,638.99

Balance recommended to be repaid: £0.00

Ms Kitty Ussher MP**Burnley**

Ms Ussher was paid £16,723.93 in October 2008 for the installation of a new fitted kitchen, of which £4,452.48 related to re-wiring and re-plumbing work that is regarded as separate. The balance of the cost, £12,271.65, exceeded the guideline price of £11,000 by £1,271.65.

Total repayment recommended: £1,271.65

Total repayments received since 1 April 2009: £1,271.65

Balance recommended to be repaid: £0.00

Mr Ed Vaizey MP**Wantage**

Mr Vaizey was paid £790 for a dining table in March 2007, which exceeded the guideline price of £660 by £130.

He was overpaid by £197.42 for mortgage interest in 2008-09.

He was also overpaid by £136.00 for council tax in 2008-09.

Total repayment recommended: £463.42
 Total repayments received since 1 April 2009: £2,449.45
Balance recommended to be repaid: £0.00

Mr Shailesh Vara MP

North West Cambridgeshire

Mr Vara was paid £2,174 for cleaning costs in 2005-06, exceeding the allowable maximum by £174.

Total repayment recommended: £174.00
 Total repayments received since 1 April 2009: £174.00
Balance recommended to be repaid: £0.00

Rt Hon Keith Vaz MP

Leicester East

Mr Vaz was paid £550 for a rug in December 2007. This exceeded the guideline price of £330 by £220.

He was paid £2,614 for two chairs and a footstool in January 2008. The chairs at £1,100 each and the footstool at £414 exceeded the guideline prices (£550 for an armchair and £220 for a footstool) by £1,294.

Total repayment recommended: £1,514.00
 Total repayments received since 1 April 2009: £18,949.82
Balance recommended to be repaid: £0.00

Sir Peter Viggers MP

Gosport

Sir Peter had an arrangement with the Fees Office for periodic payments, on the basis that the total cost of running his second home exceeded the annual allowance. After allocating costs such as mortgage interest, utilities and specific repairs to each annual allowance, a balance of £15,293.12 was effectively paid for gardening out of the ACA. This exceeded the allowable maximum by a total of £10,511.62 (£1,682.67 in 2004-05; £2,019.60 in 2005-06; £6,395.55 in 2006-07; and £413.80 in 2007-08).

He was also overpaid by £1,637.54 for roof repairs in respect of July 2007.

He was further overpaid by £759.54 for mortgage interest for 2008-09.

He was also overpaid by £555.60 for council tax (£387.34 in 2004-05 and £168.26 in 2005-06).

Total repayment recommended: £13,464.30
Reduced on appeal by: £218.50
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £13,245.80

Ms Theresa Villiers MP**Chipping Barnet**

Ms Villiers has no issues.

Dr Rudi Vis MP**Finchley & Golders Green**

Dr Vis has no issues.

Mr Charles Walker MP**Broxbourne**

Mr Walker has no issues.

Mr Ben Wallace MP**Lancaster & Wyre**

Mr Wallace was overpaid by £1,079.99 for mortgage interest in 2008-09.

Total repayment recommended: £1,079.99

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,079.99

Ms Joan Walley MP**Stoke-on-Trent North**

Ms Walley was paid £819.11 twice for council tax in 2005-06.

In March 2005, she was paid £1,399 for a desk, which seems extravagant. On the basis that £500 would be reasonable, she was overpaid by £899. At the same time she was paid £799 for a cabinet, which exceeded the guideline price of £550 by £249.

Total repayment recommended: £1,967.11

Total repayments received since 1 April 2009: £2,447.04

Balance recommended to be repaid: £0.00

Mr Robert Walter MP**North Dorset**

Mr Walter was overpaid £371.32 for mortgage interest in August 2008.

He was also paid £650 for a TV cabinet in August 2008, which exceeded the guideline price by £100.

He was further paid gardening costs of £1,358 in 2008-09, exceeding the allowable maximum by a total of £358.00.

Total repayment recommended: £829.32
 Total repayments received since 1 April 2009: £1,228.32
Balance recommended to be repaid: £0.00

Ms Lynda Waltho MP

Stourbridge

Ms Waltho was overpaid by £134.01 for cleaning costs in 2007-08, being her share of the excess over the allowable maximum for a second home shared with two other MPs.

Total repayment recommended: £134.01
 Total repayments received since 1 April 2009: £134.01
Balance recommended to be repaid: £0.00

Miss Claire Ward MP

Watford

Miss Ward was paid £850 for petty cash in 2004. Petty cash was not allowable under the ACA.

Total repayment recommended: £850.00
Reduced on appeal by: £850.00
Balance recommended to be repaid: £0.00

Mr Robert Wareing MP

Liverpool West Derby

Mr Wareing was paid cleaning costs of £11,462.58 over the five year period 2004-05 to 2008-09. That exceeds £2,000 a year by a total of £1,462.58.

He was paid twice for expenses relating to the period 24 February to 17 March 2005, resulting in an overpayment of £1,296.30.

His payments for mortgage interest were overstated by £574.31 in 2004-05 and £558.81 in 2005-06, resulting in a total overpayment of £1,133.12.

Total repayment recommended: £3,892.00
Reduced on appeal by: £215.86
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £3,676.14

Mr Nigel Waterson MP

Eastbourne

Mr Waterson has no issues.

Ms Angela Watkinson MP**Upminster**

Ms Watkinson has no issues.

Mr Tom Watson MP**West Bromwich East**

Mr Watson has no issues.

Mr David Watts MP**St Helens North**

Mr Watts has no issues.

Mr Steven Webb MP**Northavon**

Mr Webb has no issues.

Mr Mike Weir MP**Angus**

Mr Weir has no issues.

Dr Alan Whitehead MP**Southampton Test**

Dr Whitehead was overpaid by a net total of £1,081.36 for mortgage interest for the period April 2004 to January 2006 (overpayment of £5,381.36 through including a capital element, offset by a repayment of £4,300 in March 2006). He was also overpaid by £641.92 for mortgage interest in 2008-09.

Total repayment recommended: £1,723.28

Total repayments received since 1 April 2009: £1,723.28

Balance recommended to be repaid: £0.00

Mr John Whittingdale OBE MP**Maldon & Chelmsford East**

Mr Whittingdale was overpaid a total of £301.58 for mortgage interest in 2007-08 and 2008-09.

Total repayment recommended: £301.58

Total repayments received since 1 April 2009: £301.58

Balance recommended to be repaid: £0.00

Mr Malcolm Wicks MP**Croydon North**

Mr Wicks has no issues.

Rt Hon Ann Widdecombe MP**Maidstone & The Weald**

Miss Widdecombe was paid gardening costs of £1,230 in 2004-05, exceeding the allowable maximum by a total of £230.

Total repayment recommended: £230.00

Total repayments received since 1 April 2009: £402.80

Balance recommended to be repaid: £0.00

Mr Bill Wiggin MP**Leominster**

Mr Wiggin has no issues.

Mr David Willetts MP**Havant**

Mr Willetts was overpaid by a total of £742.70 for council tax (£314.33 in 2004-05; £237.67 in 2005-06; and £190.70 in 2006-07).

He was also over-paid by a total of £4,390.62 for mortgage interest (£100.83 in 2006-07, £1,996.58 in 2007-08 and £2,293.21 in 2008-09).

Total repayment recommended: £5,133.32

Total repayments received since 1 April 2009: £5,133.32

Balance recommended to be repaid: £0.00

Rt Hon Alan John Williams MP**Swansea West**

Mr Williams has no issues.

Mrs Betty Williams MP**Conwy**

Mrs Williams was over-paid by a total of £750.25 for mortgage interest (£9.78 in 2004-05, £119.80 in 2005-06, £469.35 in 2006-07, £68.49 in 2007-08 and £82.83 in 2008-09).

Total repayment recommended: £750.25

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £750.25

Mr Hywel Williams MP**Caernarfon**

Mr Williams has no issues.

Mr Mark Williams MP**Ceredigion**

Mr Williams has no issues.

Mr Roger Williams MP**Brecon & Radnorshire**

Mr Williams has no issues.

Mr Stephen Williams MP**Bristol West**

Mr Williams has no issues.

Mr Philip Willis MP**Harrogate & Knaresborough**

Mr Willis was paid a total of £11,230 for cleaning costs over the four years 2005-06 to 2008-09. That exceeds the maximum allowable of £2,000 a year by a total of £3,230.

He was overpaid a total of £588.25 for council tax (£167.66 in 2004-05; £71.34 in 2005-06; £174.04 in 2006-07; and £175.21 in 2007-08).

He was paid £1,220.84 twice for his December 2006 claim.

He was also overpaid by £250 for electricity, and by £74.65 for water, in 2008-09.

Total repayment recommended: £5,363.74

Total repayments received since 1 April 2009: £5,363.74

Balance recommended to be repaid: £0.00

Ms Jennifer Willott MP**Cardiff Central**

Ms Willott has no issues.

Mr Michael Wills MP**North Swindon**

Mr Wills was overpaid by a total of £2,385.18 in October - December 2007, as a result of three duplicate payments for council tax. He repaid £1,369.38 in July 2008, leaving an outstanding overpayment of £1,015.80.

Total repayment recommended: £1,015.80

Total repayments received since 1 April 2009: £1,015.80

Balance recommended to be repaid: £0.00

Mr David Wilshire MP**Spelthorne**

Mr Wilshire has no issues.

Mr Philip Wilson MP**Sedgefield**

Mr Wilson was paid twice, in March 2009, for an electricity bill of £224.92.

Total repayment recommended: £224.92

Total repayments received since 1 April 2009: £224.92

Balance recommended to be repaid: £0.00

Mr Robert Wilson MP**Reading East**

Mr Wilson did not make any ACA claims during the period of the review.

Mr Sammy Wilson MP**East Antrim**

Mr Wilson has no issues.

Mr David Winnick MP**Walsall North**

Mr Winnick has no issues.

Lady Ann Winterton MP**Congleton**

Lady Winterton was overpaid a total of £401.42 (£248 in March and May 2007 and £153.42 in March and August 2008) for gas bills. She was also paid £143.00 for an electricity bill in March 2009 when her husband (also an MP) had been paid for electricity for the same property for the same period.

Total repayment recommended: £544.42
 Total repayments received since 1 April 2009: £544.42
Balance recommended to be repaid: £0.00

Sir Nicholas Winterton DL MP

Macclesfield

Sir Nicholas was overpaid by a total of £850.81 for council tax bills over four years of the review (£191.67 in 2004-05; £206.00 in 2005-06; £221.67 in 2006-07 and £231.87 in 2007-08).

Total repayment recommended: £850.81
 Total repayments received since 1 April 2009: £850.81
Balance recommended to be repaid: £0.00

Rt Hon Rosie Winterton MP

Doncaster Central

Ms Winterton was overpaid by a total of £960.32 for council tax for the years 2004-05 to 2007-08.

She was also paid a total of £1,462.38 for 12 payments for council tax in 2008-09, exceeding the amount due for the year by £122.82.

She was also overpaid by a total of £8,889.21 for mortgage interest for three years of the review period (£4,472.40 in 2004-05; £4,133.14 in 2005-06; and £283.67 in 2006-07).

Total repayment recommended: £9,972.35
 Total repayments received since 1 April 2009: £9,972.35
Balance recommended to be repaid: £0.00

Mr Peter Wishart MP

Perth & North Perthshire

Mr Wishart was overpaid by £1,408.53 for rent in 2007-08.

He was also overpaid a total of £223.97 in 2008-09 (£66.11 for a telephone bill, and £157.86 for an electricity bill).

Total repayment recommended: £1,632.50
 Total repayments received since 1 April 2009: £1,632.50
Balance recommended to be repaid: £0.00

Mr Michael Wood MP

Batley & Spen

Mr Wood was paid £1,076 twice for a service charge in 2006-7.

He was paid £323.83 twice for a gas bill in the period February to March 2009.

Total repayment recommended: £1,399.83
 Total repayments received since 1 April 2009: £1,399.83
Balance recommended to be repaid: £0.00

Rt Hon Shaun Woodward MP

St Helens South

Mr Woodward was overpaid by £656.24 for mortgage interest in 2007-08.

He was also overpaid by £813.91 for mortgage interest in 2005-06 (payments not reduced for the dissolution period).

Total repayment recommended: £1,470.15
 Total repayments received since 1 April 2009: £1,426.42
Balance recommended to be repaid: £43.73

Mr Phil Woolas MP

Oldham East & Saddleworth

Mr Woolas was overpaid by £3,350.86 for mortgage interest in 2008-09.

He was also paid for gas standing charges of £60 in January, February and March 2008 which were not debited from his account, resulting in an overpayment of £180.

Total repayment recommended: £3,530.86
Reduced on appeal by: £2,644.70
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £886.16

Mr Anthony D Wright MP

Great Yarmouth

Mr Wright has no issues.

Mr David Wright MP

Telford

Mr Wright has no issues.

Mr Iain Wright MP

Hartlepool

Mr Wright was paid for 13 months of mortgage interest in 2006-07. This included payment for interest for March 2006, which had not been included in his payments for 2005-06, resulting in an overpayment of £805.97.

Total repayment recommended: £805.97
 Total repayments received since 1 April 2009: £805.97
Balance recommended to be repaid: £0.00

Mr Jeremy Wright MP**Rugby & Kenilworth**

Mr Wright was paid a total of £769.50 between September 2005 and March 2009 for mobile telephone costs, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £769.50

Reduced on appeal by: £769.50

Balance recommended to be repaid: £0.00

Dr Tony Wright MP**Cannock Chase**

Dr Wright has no issues.

Mr Derek Wyatt MP**Sittingbourne & Sheppey**

Mr Wyatt was overpaid by a total of £718.01 for mortgage interest (£279.61 for 2005-06 and £438.40 for 2008-09).

He was also overpaid by a total of £776.76 in respect of service charges in 2004-05.

He was paid a total of £666.43 twice for various items in 2005-06 and 2008-09 (home insurance, electricity and telephone bills).

He was further overpaid by £1,290.30 for council tax (£1,039.39 in 2004-05, £99 in 2006-07, £22.68 in 2007-08 and £129.23 in 2008-09).

He was also paid £160 twice for cleaning and ironing in November 2008.

Total repayment recommended: £3,611.50

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £3,611.50

Mr Tim Yeo MP**South Suffolk**

Mr Yeo has no issues.

Rt Hon Sir George Young Bt MP**North West Hampshire**

Sir George was overpaid by a total of £104.48 for electricity costs for the period April 2005 to September 2005.

Total repayment recommended: £104.48

Total repayments received since 1 April 2009: £104.68

Balance recommended to be repaid: £0.00

Mr Richard Younger-Ross MP**Teignbridge**

Mr Younger-Ross was paid £1,475 for a five-drawer chest and £725 for a mirror in August 2004. These costs exceeded the guideline prices of £550 and £330 respectively by a total of £1,320.

He was also paid £225 for a bedroom stool purchased in August 2004, exceeding the closest guideline price of £99 by £126.

He was further paid a total of £1,263.34 for a hi-fi (£1,123.34) in November 2004 and loudspeaker stands (£140.00) in December 2004, which together exceeded the guideline price of £825.00 by £438.34.

He was also paid £1,296.75 twice for his ACA claim in January 2008.

Total repayment recommended: £3,181.09

Total repayments received since 1 April 2009: £6,352.01

Balance recommended to be repaid: £0.00

FORMER MEMBERS OF PARLIAMENT

Baroness Irene Adams

Paisley North

Baroness Adams was paid £2,895 for cleaning costs in 2004-05, exceeding the allowable maximum by a total of £895.

In default of evidence to support payments for mortgage interest of £4,110.00 for the period April 2004 to April 2005, I must regard these payments as having been invalid. Accordingly my recommendation is that Baroness Adams should repay the whole of this sum.

Total repayment recommended: £5,005.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £5,005.00

Mr Richard Allan

Sheffield Hallam

Mr Allan has no issues.

Rt Hon the Lord Anderson

Swansea East

Lord Anderson has no issues.

Ms Candy Atherton

Falmouth and Cambourne

Ms Atherton has no issues.

Mr David Atkinson

Bournemouth East

Mr Atkinson has no issues.

Mr Harold Barnes**North East Derbyshire**

Mr Barnes has no issues.

Mr Nigel Beard**Bexleyheath & Crayford**

Mr Beard was paid cleaning costs of £2,979.96 in 2004-05. That exceeds the allowable level of £2,000 a year by a total of £979.96.

Total repayment recommended: £979.96

Total repayments received since 1 April 2009: £979.96

Balance recommended to be repaid: £0.00

Mr Roy Beggs**East Antrim**

Mr Beggs has no issues.

Mr Andrew Bennett**Denton and Reddish**

Mr Bennett has no issues.

Mr Harold Best**Leeds North West**

Mr Best has no issues.

The Lord Bilston**Wolverhampton South East**

Lord Bilston was overpaid by £282.66 for mortgage interest in 2004-05.

Total repayment recommended: £282.66

Total repayments received since 1 April 2009: £1,040.60

Balance recommended to be repaid: £0.00

Rt Hon Tony Blair**Sedgefield**

Mr Blair has no issues.

Rt Hon Paul Boateng**Brent South**

Mr Boateng did not make any ACA claims during the period of the review.

Rt Hon Baroness Bottomley of Nettlestone**South West Surrey**

In 2004-05 Baroness Bottomley was paid a total of £13,198 for mortgage interest. The total amount actually charged was £10,673.39, so she was overpaid by £2,524.61.

Total repayment recommended: £2,524.61

Total repayments received since 1 April 2009: £2,524.61

Balance recommended to be repaid: £0.00

Rt Hon the Lord Bradley**Manchester Withington**

Lord Bradley has no issues.

Mr Peter Bradley**Wrekin**

Mr Bradley has no issues.

The Lord Burnett**Torrige and West Devon**

Lord Burnett has no issues.

Mr David Burnside**South Antrim**

Mr Burnside has no issues.

Ms Anne Campbell**Cambridge**

Ms Campbell has no issues.

Mr Ivor Caplin**Hove**

No reply has been received from Mr Caplin to a number of letters sent to the address held by the House authorities. In default of evidence to support payments for mortgage interest of £17,865.33 for 2004-05 and April 2005, I must regard these payments as having been invalid. Accordingly my recommendation is that Mr Caplin should repay the whole of this sum.

Total repayment recommended: £17,865.33

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £17,865.33

Mr Roger Casale**Wimbledon**

Mr Casale was paid £3,380 twice for quarterly rent in 2004-05.

He was also paid £2,584.70 for a set of dining chairs and a dining table in June 2004, 17 months after they were purchased in January 2003. Payments so far out of time are invalid.

Sir Sydney Chapman**Chipping Barnet**

Sir Sydney was over-paid by a total of £525.31 for mortgage interest in 2004-05.

Total repayment recommended: £525.31

Total repayments received since 1 April 2009: £525.31

Balance recommended to be repaid: £0.00

Mr David Chidgey**Eastleigh**

Mr Chidgey has no issues.

Mrs Helen Clark**Peterborough**

Mrs Clark was over-paid by a total of £3,012.02 for mortgage interest in 2004-05.

Total repayment recommended: £3,012.02

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £3,012.02

Lady Lynda Clark QC**Edinburgh Pentlands**

Lady Clark has no issues.

Mr Anthony Clarke**Northampton South**

Mr Clarke has no issues.

Mr Tim Collins**Westmorland and Lonsdale**

Mr Collins has no issues.

Baroness Jean Corston**Bristol East**

Baroness Corston has no issues.

Mr Brian Cotter**Weston Super Mare**

Mr Cotter has no issues.

Mr James Cran**Beverley and Holderness**

In 2004-05, Mr Cran was overpaid by £780.23 for council tax.

Total repayment recommended: £780.23

Total repayments received since 1 April 2009: £780.23

Balance recommended to be repaid: £0.00

The Hon Mr Justice Cranston**Dudley North**

Mr Justice Cranston has no issues.

Mr John Cryer**Hornchurch**

Mr Cryer has no issues.

Rt Hon the Lord Cunningham**Copeland**

Lord Cunningham has no issues.

Mr Tam Dalyell**Linlithgow**

Mr Dalyell was paid £750 more than the allowable maximum for cleaning costs in 2004-05.

He was also paid £224.57 for a telephone bill for July 2004 to January 2005 relating to a property that was not his second home.

He was paid a total of £6,951 twice for a claim covering the period 1 July to 31 December 2004.

He was further paid £162.04 in January 2005 for mobile phone bills, which are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

Total repayment recommended: £8,087.61
 Total repayments received since 1 April 2009: £8,087.61
Balance recommended to be repaid: £0.00

Ms Valerie Davey

Bristol West

Ms Davey has no issues.

Rt Hon Denzil Davies

Llanelli

Mr Davies has no issues.

Mr Geraint Davies

Croydon Central

Mr Davies was paid mobile phone costs of £300 in 2004-05. These were not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was paid £864 in travel expenses in 2004-2005. These were not allowable under Green Book rules.

Total repayment recommended: £1,164.00
 Total repayments received since 1 April 2009: £1,164.00
Balance recommended to be repaid: £0.00

Mr Terry Davis

Birmingham Hodge Hill

Mr Davis has no issues.

Mr Hilton Dawson

Lancaster & Wyre

Mr Dawson was overpaid by a total of £1,510.72 for mortgage interest in 2004-05.

Total repayment recommended: £1,510.72
 Total repayments received since 1 April 2009: £1,510.72
Balance recommended to be repaid: £0.00

Ms Sue Doughty

Guildford

Ms Doughty has no issues.

Ms Julia Drown**South Swindon**

Ms Drown has no issues.

Mr Peter Duncan**Galloway and Upper Nithsdale**

Mr Duncan has no issues.

Mr Huw Edwards**Monmouth**

Mr Edwards has no issues.

Ms Annabelle Ewing**Perth**

Ms Ewing has no issues.

Ms Lorna Fitzsimons**Rochdale**

Ms Fitzsimons was paid £2,700 in June 2007 for a suite, which exceeded the guideline price of £2,200 by £500.

Total repayment recommended: £500.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £500.00

Mr Howard Flight**Arundel and South Downs**

Mr Flight has no issues.

Mr Adrian Flook**Taunton**

Mr Flook was paid £158.69 twice for garden products in May and June 2004.

Total repayment recommended: £158.69

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £158.69

Rt Hon the Lord Foster**Bishop Auckland**

Lord Foster has no issues.

Rt Hon the Lord Foulkes**Carrick, Cumnock and Doon Valley**

Lord Foulkes has no issues.

Mr Ian Gibson**Norwich North**

Mr Gibson was paid a total of £32,051.63 for mortgage interest and utilities for the period April 2004 to February 2008 for a flat which he shared with his adult daughter. He should have shared the cost with her.

Total repayment recommended: £16,025.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £16,025.00

Mr Parmjit Singh Gill**Leicester South**

Mr Gill was paid £514 for a washing machine and £440 for a tumble dryer in April 2005. These payments exceeded the relevant guideline prices by a total of £294 (£129 and £165 respectively).

Total repayment recommended: £294.00

Total repayments received since 1 April 2009: £294.00

Balance recommended to be repaid: £0.00

Mr Matthew Green**Ludlow**

Mr Green has no issues.

Ms Jane Griffiths**Reading East**

Ms Griffiths has no issues.

Mr Winston Griffiths**Bridgend**

Mr Griffiths has no issues.

Mr Nick Hawkins**Surrey Heath**

Mr Hawkins has no issues.

Mr Ivan Henderson**Harwich**

Mr Henderson was paid for four dining chairs in February 2005 at a cost of £545.75 which exceeded the guideline price of £99 per chair (total £396) by £149.25.

Total repayment recommended: £149.25

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £149.25

Mr David Hinchliffe**Wakefield**

Mr Hinchliffe has no issues.

Rt Hon the Lord Howarth CBE**Newport East**

Lord Howarth has no issues.

Mr John Hume**Foyle**

Mr Hume has no issues.

Mr Andrew Hunter**Basingstoke**

Mr Hunter was paid £315 for a replacement hedge cutter in July 2004. Garden equipment is not allowable under the Green Book rules.

He was paid a total of £286.90 for personal items, in breach of the Green Book rules.

He was paid cleaning costs of £5,015.41 in 2004-05. That exceeds the maximum allowable of £2,000 a year by a total of £3,015.41.

Total repayment recommended: £3,617.31

Total repayments received since 1 April 2009: £3,617.31

Balance recommended to be repaid: £0.00

Mr Alan Hurst**Braintree**

Mr Hurst has no issues.

Ms Helen Jackson**Sheffield Hillsborough**

Ms Jackson was paid £6,500 for the supply and fitting of a full central heating system in her second home in March 2005, two months before standing down at the 2005 election.

Total repayment recommended: £6,500.00

Total repayments received since 1 April 2009: £6,500.00

Balance recommended to be repaid: £0.00

Mr Robert Jackson**Wantage**

Mr Jackson has no issues.

Mr David Jamieson**Plymouth Devonport**

Mr Jamieson was paid £350 for a desk in September 2004. This exceeded the guideline price of £165 by £185.

He was paid £162.50 twice, in February 2005, for garage rental costs.

Total repayment recommended: £347.50

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £347.50

Mr Boris Johnson**Henley**

Mr Johnson was overpaid by a total of £1,260 for council tax in 2004-05.

Total repayment recommended: £1,260.00

Total repayments received since 1 April 2009: £1,260.00

Balance recommended to be repaid: £0.00

Ms Melanie Johnson**Welwyn Hatfield**

Ms Johnson has no issues.

Mr Jon Owen Jones**Cardiff Central**

Mr Jones was overpaid by £513.10 for mortgage interest for April 2004 –April 2005.

Total repayment recommended: £513.10
 Total repayments received since 1 April 2009: £0.00
Balance recommended to be repaid: £513.10

The Lord Jones

Cheltenham

Lord Jones was overpaid by £209.58 for council tax in 2004-05.

Total repayment recommended: £209.58
 Total repayments received since 1 April 2009: £209.58
Balance recommended to be repaid: £0.00

Mr Andrew King

Rugby and Kenilworth

Mr King was paid rental costs of £150.25 in 2005-06 more than was indicated on the evidence.

Total repayment recommended: £150.25
 Total repayments received since 1 April 2009: £150.25
Balance recommended to be repaid: £0.00

The Lord Kirkwood

Roxburgh and Burwickshire

Lord Kirkwood has no issues.

Ms Jackie Lawrence

Preseli Pembrokeshire

Ms Lawrence has no issues.

Mr Christopher Leslie

Shipley

Mr Leslie has no issues.

Mr Terry Lewis

Worsley

Mr Lewis has no issues.

Ms Helen Liddell

Airdrie and Shotts

Ms Liddell has no issues.

Mr Iain Luke**Dundee East**

Mr Luke was overpaid by a total of £205.00 for rent and council tax in 2004-05.

He was also paid a total of £1,230 in 2004-05 for petty cash, which is not allowable under the ACA.

Total repayment recommended: £1,435.00

Reduced on appeal by: £1,230.00

Total repayments received since 1 April 2009: £205.00

Balance recommended to be repaid: £0.00

Mr John Lyons**Strathkelvin and Bearsden**

No reply has been received from Mr Lyons to a number of letters sent to the address held by the House authorities. In default of evidence to support payments for mortgage interest of £18,780.80 for 2004-05 and April 2005, I must regard these payments as having been invalid. Accordingly my recommendation is that Mr Lyons should repay the whole of this sum.

Total repayment recommended: £18,780.80

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £18,780.80

Dr Calum MacDonald**Western Isles**

Dr MacDonald has no issues.

Ms Alice Mahon**Halifax**

Ms Mahon was overpaid by £155.74 for mortgage interest for 2004-05.

Total repayment recommended: £155.74

Total repayments received since 1 April 2009: £155.74

Balance recommended to be repaid: £0.00

Mr Seamus Mallon**Newry and Armagh**

Mr Mallon was paid a total of £1,500 for petty cash for six months during 2004. This was not allowable under the Green Book rules.

He also received a total of £313 in 2004-05 for various items that were not allowable under the Green Book rules.

Total repayment recommended: £1,813.00
 Total repayments received since 1 April 2009: £1,813.00
Balance recommended to be repaid: £0.00

Rt Hon the Lord Mandelson

Hartlepool

Lord Mandelson was paid gardening costs of £1,800 in 2004-05. That exceeded £1,000 a year by a total of £800.

Total repayment recommended: £800.00
 Total repayments received since 1 April 2009: £800.00
Balance recommended to be repaid: £0.00

Mr Paul Marsden

Shrewsbury and Atcham

Mr Marsden has no issues.

Mr David Marshall

Glasgow East

Mr Marshall has no issues.

Rt Hon the Lord Martin

Glasgow North East

Lord Martin has no issues.

Rt Hon the Lord Mawhinney

North West Cambridgeshire

Lord Mawhinney did not make any ACA claims during the period of the review.

Mr Kevin McNamara

Hull North

Mr McNamara was overpaid by £261.94 for mortgage interest in 2004-05.

He was also paid £800 twice for food in July and August 2004.

Total repayment recommended: £1,061.94
 Total repayments received since 1 April 2009: £1,061.94
Balance recommended to be repaid: £0.00

Mr Tony McWalter**Hemel Hempstead**

Mr McWalter has no issues.

Mr Lewis Moonie**Kirkcaldy**

Mr Moonie has no issues.

Rt Hon Baroness Morris**Birmingham Yardley**

Baroness Morris was paid £5,301.02 to upgrade the boiler/cylinder in her second home in March 2005, just before the General Election at which she stood down.

As a result of standing down, she was also overpaid for service charges to 31 July 2005. She later repaid £526.00, leaving another £263.18 to repay.

Total repayment recommended: £5,564.20

Total repayments received since 1 April 2009: £6,090.20

Balance recommended to be repaid: £0.00

Mr Archibald Norman**Tunbridge Wells**

Mr Norman has no issues.

Mr William O'Brien**Normanton**

Mr O'Brien has no issues.

The Lord O'Neill**Ochil**

Lord O'Neill has no issues.

Ms Diana Organ**Forest of Dean**

In default of evidence to support payments for mortgage interest of £15,964.01 for the period April 2004 to May 2005, I must regard these payments as having been invalid. Accordingly my recommendation is that Ms Organ should repay the whole of this sum.

Total repayment recommended: £15,964.01

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £15,964.01

Mr Richard Page**South West Hertfordshire**

Mr Page was paid £958.73 twice in 2004-05 for an annual maintenance charge.

Also in 2004-05, he was paid £450 for an Afghan carpet, which exceeded the guideline price of £330.00 by £120.

Total repayment recommended: £1,078.73

Total repayments received since 1 April 2009: £599.37

Balance recommended to be repaid: £479.36

Ms Linda Perham**Ilford North**

Ms Perham has no issues.

Mr Colin Pickthall**West Lancashire**

Mr Pickthall has no issues.

Mr Peter Pike**Burnley**

Mr Pike has no issues.

Mr Kerry Pollard**St Albans**

Mr Pollard was overpaid by a total of £112.30 for mortgage interest in 2004-05.

Total repayment recommended: £112.30

Total repayments received since 1 April 2009: £112.30

Balance recommended to be repaid: £0.00

Mr Christopher Pond**Gravesham**

Mr Pond was overpaid a total of £1,650.86 for mortgage interest (£1,592.30 for 2004-05 and £58.56 for April 2005).

Total repayment recommended: £1,650.86

Total repayments received since 1 April 2009: £1,650.86

Balance recommended to be repaid: £0.00

Rt Hon Baroness Quin

Gateshead East and Washington West

Baroness Quin was paid £1,504 for replacement bathroom equipment, with the work done on 27 March 2005, a few days before Parliament was dissolved. She had previously announced her intention to stand down from the House of Commons.

Total repayment recommended: £1,504.00

Reduced on appeal by: £1,504.00

Balance recommended to be repaid: £0.00

Mr Lawrence Quinn

Scarborough and Whitby

Mr Quinn was overpaid for rent by £954.49 in 2004-05.

Total repayment recommended: £954.49

Total repayments received since 1 April 2009: £954.49

Balance recommended to be repaid: £0.00

Mr Syd Rapson

Portsmouth North

Mr Rapson has no issues.

Mr David Rendel

Newbury

Mr Rendel has no issues.

Ms Barbara Roche

Hornsey and Wood Green

Ms Roche did not make any ACA claims during the period of the review.

Dame Marion Roe

Broxbourne

Dame Marion was also paid cleaning costs of £2,368 during 2004-05, which exceeds the allowable maximum of £1,000 a year by £368.

Dame Marion received £1,140 for council tax for the year 2005-06, but decided not to stand in the May 2005 Election. The council tax payment for that financial year was not refunded.

Total repayment recommended: £1,508.00

Total repayments received since 1 April 2009: £1,508.00

Balance recommended to be repaid: £0.00

Mr Ernie Ross**Dundee West**

Mr Ross has no issues.

Mr Malcolm Savidge**Aberdeen North**

Mr Savidge has no issues.

Mr Phillip Sawford**Kettering**

Mr Sawford has no issues.

Mr Jonathan Sayeed**Mid Bedfordshire**

Mr Sayeed has no issues.

Ms Gillian Shephard**South West Norfolk**

Ms Shephard has no issues.

Ms Debra Shipley**Stourbridge**

Ms Shipley was paid the full council tax for 2005-06 in March 2005. She did not stand in the May 2005 general election, thereby incurring an overpayment of £650.30.

She was paid £118.45 twice for a water bill in July and again in October 2004.

She was also paid a total of £633 for garden furniture during 2004-05, expenditure which was not allowable under the Green Book.

She further received council tax payments twice for 2004-05, amounting to an overpayment of £567.96.

Total repayment recommended: £1,969.71

Total repayments received since 1 April 2009: £1,969.71

Balance recommended to be repaid: £0.00

Mr Llewellyn Smith**Blaenau Gwent**

Mr Smith has no issues.

Mr Martin Smyth**Belfast South**

Rev Smyth has no issues.

The Lord Soley**Ealing, Acton, Shepherd's Bush**

Lord Soley did not make any ACA claims during the period of the review.

Mr Gerry Steinberg**City of Durham**

Mr Steinberg has no issues.

Mr George Stevenson**Stoke-on-Trent South**

Mr Stevenson has no issues.

Mr David Stewart**Inverness East, Naim and Lochaber**

Mr Stewart was overpaid by a total of £1,734.64 for mortgage interest (£1,667.55 in 2004-05, and £67.09 in 2005-06).

He was also overpaid by £192.00 for council tax in 2004-05.

Total repayment recommended: £1,926.64

Reduced on appeal by: £1,734.64

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £192.00

Mr Paul Stinchcombe**Wellingborough**

Mr Stinchcombe was over-paid by a total of £1,482.00 in April 2004 for three items of furniture (a dining table, a coffee table and a bookcase/cabinet) whose purchase price exceeded guidelines.

Total repayment recommended: £1,482.00

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £1,482.00

Rt Hon Ann Taylor**Dewsbury**

Baroness Taylor has no issues.

Mr John Mark Taylor**Solihull**

Mr Taylor was paid £231.97 for computer supplies in June 2004. These are not allowed under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was also paid £141.48 for mobile phone costs in 2004-05. Mobile phone costs are not allowable under the ACA, although they could be claimed under the Incidental Expenses Provision.

He was further paid a total of £1,750 in monthly payments for petty cash from April to October 2004. Petty cash is not allowed under the Green Book rules.

Total repayment recommended: £2,123.45

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £2,123.45

Mr Teddy Taylor**Rochford and Southend East**

Mr Taylor has no issues.

Mr Gareth Thomas**Clwyd West**

Mr Thomas has no issues.

Mr Simon Thomas**Ceredigion**

Mr Thomas was overpaid for mortgage interest from April 2004 to March 2005 by £349.20.

Total repayment recommended: £349.20

Total repayments received since 1 April 2009: £0.00

Balance recommended to be repaid: £349.20

Rt Hon Baroness Tonge**Richmond Park**

Baroness Tonge has no issues.

Mr Michael Trend**Windsor**

Mr Trend did not make any ACA claims during the period of the review.

Rt Hon the Lord Trimble**Upper Bann**

In 2005 Lord Trimble was paid £805 for his annual subscription for the Athenaeum Club. This was not an allowable expense under the ACA.

Total repayment recommended: £805.00

Total repayments received since 1 April 2009: £805.00

Balance recommended to be repaid: £0.00

Mr Stephen Twigg**Enfield Southgate**

Mr Twigg did not make any ACA claims during the period of the review.

Mr Paul Tyler**North Cornwall**

Mr Tyler has no issues.

Mr William Tynan**Hamilton South**

Mr Tynan has no issues.

Mr Brian White**Milton Keynes North East**

Mr White has no issues.

Mr John Wilkinson**Ruislip Northwood**

Mr Wilkinson was paid £133.58 twice for electricity in 2004-05.

Total repayment recommended: £133.58

Total repayments received since 1 April 2009: £133.58

Balance recommended to be repaid: £0.00

Mr Brian Wilson**Cunninghame North**

Mr Wilson has no issues.

Mr Tony Worthington**Clydebank and Milngavie**

Mr Worthington has no issues.

Mr James Wray

Glasgow Baillieston

Mr Wray has no issues.

Appendix 2: ACA repayment appeals

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Introduction

Appointment and terms of reference

On 16 December 2009 the Members Estimate Committee received, but did not publish, the report of Sir Thomas Legg KCB QC into the validity of payments of the Additional Costs Allowance made to Members of Parliament during the fiscal years 2004-05 to 2008-09 inclusive. The report (hereafter referred to as the ACA Review, or simply the Review) contained recommendations for repayment and for the provision of further evidence.

It was known that before the report was presented to the MEC Sir Thomas Legg would have written to each Member affected by the Review setting out the conclusions of the Review affecting that Member. Some Members have as a result made repayments, and the MEC expected others to repay, but the MEC proposed if necessary to take steps to recover from those recommended to repay who failed to repay voluntarily. However, it decided that first Members should be given an opportunity to show in an independent process why it would not be fair and equitable in their particular case to require them to make the repayments. That was the background to the statement of the MEC dated 1 December 2009, part of which reads –

“This process is designed to reflect the opportunity an individual would have in legal proceedings to show why he/she should not be required to make restitution. That opportunity is not available to Members in this case because of parliamentary privilege.

It is intended to be an appeal process in respect of individual cases and not to reopen Sir Thomas’ review as a whole.”

I had by then been invited by the MEC to consider written submissions made by any Member against anything in the review recommending that in his or her case there be a repayment, and in the statement of 1 December 2009 my terms of reference were set out as follows –

“To consider written submissions made by any Member against a recommendation of the Legg review of past ACA claims in his/her case to require a repayment, and showing cause why there are special reasons in the individual case that it would not be fair and equitable to require repayment either at all, or at the level recommended.

To reach conclusions on such submissions in the light of any further evidence as maybe required and to report in writing as soon as possible to the Members Estimate Committee”

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Implementing the Appeals Process

Members were then given a short period in which to give written notice of intention to appeal, and submit grounds of appeal. The grounds of appeal had to be received by 23 December 2009, and 75 Members submitted grounds of appeal. I then began to consider the grounds of appeal. My response to each appellant has been a letter, and my report now consists of this introductory section, followed by copies of the letters which I have sent to appellants.

Tributes

It was made clear to me from the outset that for many obvious reasons my report should be completed as soon as possible, and to that end, I have had every possible assistance, for which I am grateful. I have had only one regular assistant, but whenever I have needed to make an enquiry or seek logistical support I have received a prompt and helpful response. I have therefore been able to read the material, draft all the letters and draft this introductory section of my report within a short period of time.

The Importance of the Review

In order to understand my report it is necessary first to read the Review (other than the annex) and I pay tribute to what the Review team has achieved. They were faced with a mammoth task, and serious problems arising out of imperfect documentation. It is only because the Review has managed to set out and adopt a coherent approach that I have been able to proceed. But my terms of reference (1) are different to those of the Review, which expressly disregarded individual circumstances (see paragraph 38) and (2) do not cover the whole field covered by the Review. Furthermore, they are carefully restricted. I am not put in the position of a judge hearing an appeal or an application for judicial review. My focus is upon the fairness, in the individual case, of the proposal for repayment. Nevertheless it seems appropriate to start with a few general comments in relation to the review, and my approach.

The Review and this Appeal

General

I start by stressing, as does the Review, that we are only concerned with one allowance, Additional Costs (or second home) Allowance. It was not available to many London Members, and all Members had other allowances, such as Incidental Expenses Provision (IEP). ACA was subject to an annual limit (set out in paragraph 14 of the Review). Over the 5 year period covered by the Review it moved up from £20,902 to £24,006 per annum. Many Members have made the point to me that the maximum allowed did not and could not cover the real costs of maintaining even a modest second

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

home. That may well be right, but ACA was not a lump sum allowance. It simply enabled a Member to recover each year for certain types of expenditure, as explained by the Review.

The acceptability of claims for ACA was, or should have been, judged at the time that claims were made by reference to (a) the then current edition of the Green Book (the parliamentary booklet dealing with allowances, etc); (b) the practice of the Fees Office (the full name for which is in paragraph 12 of the review), and (c) certain fundamental principles. Unfortunately, as explained in the Review, the guidance offered by the Green Book was not exhaustive. The practice of the Fees Office was variable, and the Fees Office was subject to pressures which weakened its position as a gate-keeper. As to fundamental principles, I agree with most of what is said in the Review, but, when dealing with individual appeals I have not been able to accept the whole of what is said in paragraph 68 (f), because it arises out of the Review's approach to what it describes as "confliction".

Conflicted Transactions

In paragraphs 86-88 of the Review the author says –

"86 Where an MP used the ACA to enter into a conflicted transaction, for example by buying or renting a second home from a close relative, a company in which he or she had shares, or a close associate such as an employee, I have regarded the transaction as tainted and the whole payment accordingly invalid. There were only seven of these cases, but they exercised me considerably. In the end I decided that in all of them, as in all other cases where I judged the payments invalid, I should recommend that the whole allowance should be repaid.

87 An alternative view could be that, even where a transaction is tainted by a conflict of interest, it should be accepted as a proper expenditure of public funds if the MP concerned can prove that (a) the transaction was effected at arms' length, typically on the basis of an independent valuation; (b) it was openly disclosed to the Fees Office at the time; (c) the public purse has not suffered; and (d) no third party has improperly benefited.

88 I accept that this is an arguable view, although the burden of proof would be considerable. I have nevertheless come down on the side of recommending the more rigorous view, mainly because the House of Commons, which is the national guardian of public funds, should surely regard itself as held to the highest standards of propriety and example in its Members' own dealing with tax payers' money. The reputational considerations here seem crucial in the light of the Nolan principles mentioned above."

In judging whether it would be fair and equitable to require repayment in individual cases, I find little room for the application of the approach which commended itself to the Review. It seems to me that each allegedly conflicted transaction needs to be looked at on its own merits. In July 2006

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

the Green Book stated for the first time that *“ACA must not be used to meet the costs of a mortgage or for leasing from:*

- *Yourself;*
- *A close business associate or any organisation or company in which you – or a partner or family member – have an interest; or*
- *A partner or family member”*

I entirely understand why in 2006 Parliament found it necessary to change the rules, but I am particularly troubled by the suggestion that a transaction entered into before that date, which was disclosed to the Fees Office, was apparently genuine, and was evidenced in writing, should now be described as tainted and, for the purposes of ACA, wholly invalid; or as having “breached the requirement of propriety” (Review executive summary paragraph 24). I recognise that in paragraph 37 the author of the Review says that his conclusions and recommendations “imply no reflections on the conduct or motives of individual MPs”, but the situation is not, as suggested, analogous to an under-payment of tax or an over-payment of social security benefits. Such errors are usually put right without any publicity. The ACA Review is, at least in part, the result of enormous publicity, and will no doubt generate further publicity when it is published. Against that background it seems to me that to describe any apparently genuine transaction as tainted, or breaching the requirement of propriety, when there is no evidence of impropriety, is damaging, unfair and wrong. Of course I recognise that transactions between close associates may not be what they appear to be, and can be used by one or both parties to obtain ACA to which they are not really entitled, but that only leads me to conclude that when relied upon such transactions should be carefully examined, and that is what I have tried to do.

Claims for Cleaning and Gardening

The Green Book identified cleaning as one of the types of expenditure on a second home which was recoverable as part of ACA. Gardening was not similarly identified, but in practice basic gardening costs were allowed. Unfortunately no annual limit was set for either type of claim (although I have seen a little evidence to suggest that some Fees Office staff suggested a monthly limit for gardening of £300). The Review had to look at the claims for cleaning and gardening and decide to what extent it was reasonable and appropriate for those claims to be borne by public funds, given the overall purpose of the ACA. It found that 93% of all Members claimed cleaning costs of less than £2,000 per annum (see paragraph 84), and chose that figure as the limit to be applied to all Members throughout the 5 year period covered by the Review.

A similar approach was adopted in relation to gardening expenses, where the limit was set at £1,000 per annum.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

It seems to me that the approach adopted by the Review to both cleaning claims and gardening expenses was a rational response to a difficult problem, even though it was bound to have unfortunate consequences. It is, for anyone, irritating to say the least, to have a claim made in good faith years ago measured against a limit which has only just been set, and to be recommended to repay any “excess”. It is infinitely more irritating and potentially very damaging to reputation, if the exercise takes place in the full glare of media publicity, even if the media can say, with justification, that (overall) exposure to the public has been a force for good. A Member who in one year claimed gardening expenses of £1,200 and made no other ACA claims, is in danger of receiving adverse comment in the press, whereas one who regularly claimed gardening expenses of £950 per annum and used up the whole of his annual ACA every year, is said to have no issues. Those sort of points have been made to me repeatedly, and I recognise the force of what is being said. It has also been said that it is unfair to apply limits to some types of expenditure and not to others, such as mortgage interest. That seems to me to be less persuasive, having regard to the fundamental purpose of ACA. Claims to reimburse a Member for expenditure on rent or mortgage interest are at the heart of ACA. Cleaning and gardening are rightly described by the Review as secondary.

I do, however, consider it unfortunate that the Review should, in relation to cleaning and gardening claims, have invoked again “the requirement of propriety” (see paragraphs 82 of the Review and 22 of the executive summary). That carries with it the inevitable implication that those who made claims in excess of the retrospectively imposed limits were lacking in propriety, and in the appeals I have seen I found little, if any, evidence of that. Furthermore, as the Review points out, it was not the function of the Review, nor is it my function, to make judgements of that kind. But, the limits having been set, my terms of reference only permit me to intervene if I find special reasons in the individual case showing it would not be fair and equitable to require repayment. I have no remit to reopen the Review as a whole – see the MEC statement of 1 December 2009 quoted above. In relation to cleaning and gardening expenses it has proved very difficult for individual appellants to demonstrate special reasons, because the limits applied to them have been applied to all other Members, many of whom have repaid.

Furniture and Household Equipment

Claims for furniture and household equipment were, as explained in the Review, usually compared by the Fees Office with the unpublished “John Lewis list” (see paragraph 58 of the Review) but some claims seem to have escaped comparison, and in any event the Review had to look again at all claims and decide to what extent it was reasonable that the amount claimed should have been paid out of public funds. Of necessity it had to resort to some guideline, and it seems to have built on the John Lewis list. As with cleaning and gardening claims much can be said, and has been said, to me about the injustice of exposing old claims to a guideline of which the claimant was unaware at the time the claims were made, and of recommending repayment of any “excess”. It may well result in unfair and damaging publicity. But, as with cleaning and gardening expenses, it seems to me that

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

the Review adopted a rational approach in a difficult situation. Because it applied the same approach to all Members the appellants found it difficult to demonstrate to me special reasons in their individual cases showing that it would not be fair and equitable to require repayment.

Fiscal Boundaries

The Review, understandably, adopted a rigid approach to fiscal boundaries. If a claim for rent or mortgage interest was made in the wrong month or the wrong financial year it has been deemed invalid. Similarly if an identified expense was claimed against ACA when it should have been claimed against IEP it has been deemed invalid, and the claimant has been recommended to repay. My terms of reference require me to adopt a less rigid approach, and I have concentrated on the question of whether there has been any loss to public funds – any expenditure which the allowances then current were not intended to cover. So, for example, mortgage interest claims were often slightly inaccurate because rates of interest changed, the loan and repayment structures were complicated, and claims had to be made before detailed statements from mortgage lenders were available. The result, for some Members, was that in one year they over-claimed and in the next they under-claimed. Where that has happened, it seems to me that there are special reasons showing that it would not be fair and equitable to require full repayment of the over claim without first conducting a balancing exercise.

A more difficult problem is the extent to which when considering repayment I should look at either (1) claims which were made but disallowed because the claimant had reached his or her annual ACA ceiling, or (2) claims which apparently might have been made. In general I have taken the view that I should only look at claims which were made and tested by the Fees Office at the relevant time, and which only failed because the ACA annual ceiling had been reached.

Legalities

Some appellants have asserted that because the Fees Office had authority to decide what should be paid the decision which it made cannot be re-opened. That seems to me to disclose a misunderstanding of what has occurred so far. The MEC was plainly entitled to instruct the Review to look again at past claims and payments, measuring them against the rules and standards in force at the time, and to recommend repayments where it considered it appropriate to do so. My function is to consider whether, in an individual case, it would not be fair and equitable for the recommendation to be sustained. Even without resort to parliamentary privilege, it is clear that what the Review was instructed to do was open to it. It could not be shut out by a Member seeking to establish some form of estoppel. Such an argument, if it had any validity could only be raised at the recovery stage.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

In some cases, due to late amendments to the Review, the final decision of the Review may not be precisely as summarised in the latter to the appellant. This has not been possible to avoid because work has continued on the Review whilst the appeals were being considered.

Conclusion

44 appellants have been successful, in whole or in part, and there has been overall a reduction of about £180,000 in the amount recommended to be re-paid. It is not possible to be more precise because –

- 1) many appellants did not challenge all of the findings made by the Review, and -
- 2) repayments have been and continue to be made

January 2010

PAUL KENNEDY

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Baroness Irene Adams of Craigielea

In your case the ACA Review takes 2 points –

- 1) That in 2004-05 you were paid cleaning cost of £2,895, £895 more than the £2,000 which the ACA Review has chosen as the annual limit. It therefore recommends repayment of £895.
- 2) That you should provide mortgage interest statements to support payments of £4,110 made to you for the period of April 2004 – April 2005.

You appealed to me in respect of both matters. As to cleaning you pointed out that in 2004-05 there was no £2,000 limit, the amount claimed was paid in good faith to a cleaning contractor and the claim was accepted without challenge by the Fees Office. All of that I accept. You say that it would be wholly unjust to change the rules retrospectively in relations to expenses incurred during the lifetime of a Parliament dissolved in April 2005. I understand your point, but my carefully restricted terms of reference do not permit me to address it. For convenience a copy of my Terms of Reference is enclosed. They only allow me to consider whether there are special reasons in your individual case which show that it would not be fair and equitable to require repayment. You have given me no such reasons. The £2,000 limit for cleaning expenses has been applied by the ACA Review to all Members.

Turning to the ACA Review requirement to provide mortgage interest statements for the period April 2004 – April 2005, you say that your “statement of 2004-05 was at that time submitted” to the Fees Office, and you assume that they still have it. Obviously it was not available to the ACA Review, and even though you changed from Northern Rock in 2007 and no longer have the records yourself I fail to see why it would be difficult for you to get the information from Northern Rock in time to meet the ACA Review deadline.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Michael Ancram QC DL MP

In your case the ACA Review recommends repayment in respect of 3 categories of expenditure, one of which you accept as appropriate. The other 2 are –

- 1) Cleaning costs of £11,250 over 4 years 2004-08, which exceed by £3,250 the annual recoverable limit of £2,000 chosen by the ACA Review.
- 2) Gardening costs of £5,702.34 over 3 years 2005-08, which exceed by £2,702.34 the annual recoverable limit of £1,000 chosen by the ACA Review.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

You appeal to me in relation to both categories. You say that all of the expenditure was incurred at a time when there was no prescribed limit. You say that the limits chosen by the ACA Review are arbitrary and retrospective, and that they take no account of realities, such as the location of a second home, local rates of pay, and whether the second home is used to benefit constituents. I agree with all of that, but the ACA Review has explained why it considered it appropriate to impose limits and my carefully restricted Terms of Reference do not permit me to re-open that part of the ACA Review decision. For convenience a copy of my Terms of Reference is enclosed. They only allow me to consider whether there are special reasons in your individual case which show that it would not be fair and equitable to require repayment. You have given me no such reasons. The £2,000 limit for cleaning expenses has been applied by the ACA Review to all Members.

You point out that in most years you have not claimed up to the ACA annual limit, and that there were other items you might legitimately have claimed had you known that cleaning and gardening costs were to be restricted, but you were anxious to take account of the interests of the taxpayer. I accept that, but I cannot set off the sums now identified for repayment against expenses which you might properly have claimed when in fact you did not do so and the Fees Office has therefore had no opportunity to test the validity of those claims.

I have ignored the £2,000 error in the ACA Review letter of 11 December 2009 because it has not been repeated in the Review itself.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Ms Vera Baird QC MP

The ACA Review states that you were overpaid by £1,279.23 for mortgage interest in 2008-2009, and recommends that you repay that sum.

In your Grounds of Appeal to me, you explain that because your mortgage lender did not provide regular month by month statements of interest paid, you used one such statement repeatedly as the basis for seeking recovery from the Fees Office recognising, as did the Fees Office, that any discrepancy could be rectified at the end of the accounting year. In fact, no year end rectification took place, but it is now clear that you underclaimed for each year up to April 2008 and overclaimed for the year 2008-2009, roughly as alleged. Nevertheless over the 5 year period 2004 to 2009 you underclaimed by £368.73, so, you contend, the public purses has suffered no loss, and you should not be recommended to repay.

If the facts are as you contend, and I have no reason to believe that they are not, then I agree with you. I recognise that for accountancy purposes, closure dates are important, and it may be said to have been careless of you not to bring your claims up to date at the end of each financial year, but what matters to me is that overall you only claimed for payments which you were entitled to recover. I therefore find that in your case that there are special reasons why it would not be fair and equitable to require any repayment, and I would allow your appeal.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr John Baron MP

The ACA Review recommends repayment of the ACA payments for the mortgage interest in respect of the increased loan of £34,035 which were paid to you between 2004 and 2009, a total of £8,821.10.

You accept that, as stated in the ACA Review, you extended your mortgage on your constituency house in June 2004 by £34,035. You say that was done “in order not to claim for many allowable expenses which I was incurring” and which, if claimed, would have far exceeded the mortgage interest claimed on the increased debt. You say that the arrangement was agreed in advance in correspondence with one identified member of the Fees Office on 7 June 2003, following telephone conversations with another identified member of the Fees Office in the spring of 2003. You then draw my attention to certain types of recoverable expenses which you did not claim.

In your appeal to me you say that there should be no repayment, for the reasons set out above, but I am not persuaded by your arguments.

For present purposes I am prepared to accept that in 2003 you did canvas your proposed course of action with 2 separate representatives of the Fees Office (although I have not seen the letter of 7 June 2003 or heard from either identified member of that office). But whatever approval you may believe that you obtained, what you were proposing was plainly contrary to the provisions of the Green Book (2003 edition), which at paragraph 3.12.1 stated to be not allowable “interest on any additional mortgages, advances or loans secured on the same property”. Interest on increases in mortgages was subsequently expressed to be recoverable where the increased loan was obtained for the repair or improvement of the property, but that has no application to your case. In his introduction to the Green Book, the Speaker advised Members to read it with care and to “seek advice in cases of doubt”. He did not suggest that office staff could waive rules which were clear, and in the present case there was no room for doubt.

As to your alternative argument, I cannot accept that interest charges wrongly claimed and paid should be set off against other types of claim which could have been made but which were not made at the proper time and tested by the Fees Office.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Nigel Beard

The ACA Review states that in 2004-2005 you recovered £2,979.96 in respect of cleaning costs, which exceeds by £979.96 the annual limit of £2,000 set by the ACA Review, so you are recommended to repay £979.96.

In your appeal to me you make 3 points. First, you say that in the relevant year you made a standard monthly claim of £248.30 –

“because I did not want my secretary and staff to spend time each month collecting receipts and pursuing cleaners, window cleaners, carpet cleaners laundry, etc. I took the view that they had more important things to do”.

You go on to say that the Parliamentary procedure appeared to recognise the difficulty of obtaining individual receipts by accepting that, for claims under £250 per month invoices and receipts were not required.

Secondly, you say that your claims were made according to the rules at the time and approved by Parliament's Fees Office.

Thirdly, you say that the £2,000 limit was unknown at the time and its imposition is retrospective, and arbitrary.

Your first and second points do not seem to me to add anything of substance to your third point. Twelve monthly claims of £248.30 totalled £2,979.60. As you demonstrate, the claims all related to costs of cleaning said to have been incurred. The ACA Review has said nothing about failure to produce receipts, so the requirement to produce receipts for any expenditure in excess of £250 is not relevant. I accept, of course, that the Fees Office accepted and approved your claims, or you would not have been paid. I also accept that the £2,000 per annum limit has been imposed retrospectively, for the reasons set out in the ACA Review. I entirely understand your sense of grievance at being required to repay for exceeding a limit of which you were not and could not have been aware, but my carefully restricted Terms of Reference do not permit me to re-open that part of the ACA Review decision. For convenience a copy of my Terms of Reference is enclosed. They only allow me to consider whether there are special reasons in your individual case which show that it would not be fair and equitable to require repayment. I cannot discern any such reasons.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Sir Alan Beith MP

The ACA Review states that you were overpaid by a total of £1,841.23 for rent (£592.25 in 2004- 2005, and £1,248.98 in 2005-2006) and recommends repayment of £1,841.23.

In your Grounds of Appeal to me you deal first with the claim for £1,248.98 made in April 2006, after the rent had been paid on 3 April, but submitted with claims for March 2006, and apparently treated by the Fees Office and by the ACA Review as relating to the 2005-2006

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

fiscal year. As you say this seems to be no more than what is sometimes described as a “cut-off” error. You believe that the “overpayment” of £592.25 in 2004-2005 may have been due to a similar error in taking account of your wife’s contributions for the period March to May 2004, but say that in any event it should not lead to a recommendation for repayment because, over the whole five year period from 2004 to 2009. It is accepted by the ACA Review team that (1) you only claimed for rent which you had paid and which was recoverable, and (2) you claimed in all £447.84 less than you were entitled to recover.

I know of no reason to doubt the accuracy of what you say in your Grounds of Appeal. Indeed the Review team calculations show a 5 year underclaim of £603.12, and if that is right it seems to me that there are special reasons in your case showing that it would not be fair and equitable to require any repayment, so I would allow your appeal. I recognise that for accountancy purposes closure dates are important, but what seems to me to be much more important is that your claims were restricted to payments for accommodation which you were entitled to recover.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Graham Brady MP

The ACA Review says that you were paid £1,815 for a sofa in installments from July 2004, which exceeded the guideline price of £1,100 by £715, so it recommends that you repay £715.

In your Grounds of Appeal to me you say that the sofa was purchased “from an ordinary high street store at a 25% sale discount”, the purchase price being spread over two years with interest free credit. You also say that at the time the only guideline available to Members was that goods should not be “antique, luxury or premium”. You believe that you met that requirement and explained to the Fees office what you had done. You contend that the retrospective application of a guideline of £1,100 is unjust, and I understand entirely why you say that, even though, as I am sure you would accept, it would have been appropriate for there to have been a published guideline so as to ensure that Members could not be accused of extravagance in the use of public funds.

However, as you recognise, my remit is restricted. I can only interfere if I consider that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. For your convenience a copy of my Terms of Reference is enclosed. I am not persuaded that such reasons do exist. The ACA Review having fixed the guideline (or at least revealed it) you can at least derive some consolation from the fact that you have had the benefit of a sofa worth more than £1,100, and, whilst there is no evidence whatsoever of any impropriety on your part, it seems to me to be reasonable to expect you rather than the public to pay for that extra benefit.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual applicants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Jeremy Browne MP

The ACA Review states that on your election in 2005 you extended the mortgage on your London house to assist in the purchase of a house in your constituency. You designated your London house as your second home, and the loan extension was not within the Green Book rules. It therefore recommends repayment of £17,894.24, being the interest paid (and recovered by you) on the extension to the mortgage over the Review period. So far as I am aware there is at this stage no issue in relation to the figures.

In your Grounds of Appeal to me you explain that in 2005 you owned a flat in London then worth £210,000 which you had bought in 2001, with the assistance of a mortgage loan of £130,000. You wanted to buy a house in your Taunton constituency and envisaged that it would be your main home because you would spend the majority of your time there. As you point out, the Green Book (April 2005 edition) states in paragraph 3.9.1 that “your main home will normally be the one where you spend more nights than any other”. The only way in which you could finance the purchase of a house in Taunton was to increase the mortgage on your London flat, which you did, the flat being then designated your second home.

Unfortunately, what you did created difficulties because at paragraph 3.12.1 the 2005 Green Book set out certain types of expenditure which were not recoverable, one of which was –

“interest on any additional mortgages, advances or loans secured on the same property”.

You complain that the ACA Review has taken an excessively rigid position when interpreting that rule which, you contend, was designed to prevent Members from taking out additional mortgages simply to free capital and doing so at the public expense. As to the purpose of the rule, I am inclined to agree with you, but its wording is clear, so I am driven to the conclusion that the expenditure which you incurred (ie paying interest on the additional mortgage) was under the Green Book rules then in force not recoverable.

That, however, is not entirely an end of the matter because it is clear to me that what you did was done openly and honestly, and for the very purpose for which ACA was established, namely to enable you, as the representative of a relatively remote constituency, to fund a second home. My Terms of Reference require me to consider whether in your case there are special reasons showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. I find that such reasons do exist. Even though on a narrow view it could be said that by making claims outside the scope of the Rules you have cost the public purse the sum now claimed the reality is that, as you point out, almost any other financial arrangement (eg raising 100% mortgage on your Taunton house and treating that as your second home) would have resulted in higher legitimately recoverable claims.

I would therefore allow your appeal in full.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual applicants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr William Cash MP

The ACA Review states that for the period from April 2004 to April 2005 you were paid £14,840 for rent under a tenancy agreement with your daughter, which is said to be irrecoverable because this was a “conflicted” transaction. The term ‘conflicted’ is explained in paragraph 86 of the Review. It includes renting a second home from a close relative, and the review regarded such transactions as tainted, whenever they occurred. In your case the Review also referred to another transaction relating to an item of furniture, but in relation to that transaction there is no appeal.

In your Grounds of Appeal to me you point out that it was only in the July 2006 revised edition of the Green Book (published more than a year after you made your claim) that there appears for the first time, at paragraph 3.3.3, anything to indicate that rent paid to a relative would not be recoverable. It follows that prior to July 2006 such a claim could only be regarded as irrecoverable if, as the ACA Review seems to have held, it offended general standards of propriety. I cannot accept that approach. Everything seems to me to depend on the facts of the individual case.

As you explain, the facts in your case are that in January 2004 you were asked by the Fees Office to provide a copy of the tenancy agreement, and you did so. It disclosed the relationship between landlord and tenant, and the agreed rent was subsequently paid and reclaimed in the usual way. It was, you say, about the market rate, and I have no reason to doubt that assertion. The flat was in central London, and your daughter was not using it because she was working away from London. Eventually she decided to sell it, and that brought the arrangement to an end.

In my judgement there are special reasons why it would not be fair and equitable to require repayment of any money. They are that in 2004-05 you paid rent for accommodation. Such rent was recoverable under the Rules as they existed at the time unless there was some evidence of impropriety. There is no such evidence in your case.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Colin Challen MP

The ACA Review states that you were paid £8,795 for renting a room from your own Senior Researcher at £60 per night from November 2006 to January 2008, which was a conflicted transaction. It also states that in June 2005, you were paid £1,078 for 2 items of furniture (a display cabinet at £719 and a chair at £359) which exceeded the relevant guideline price by a total of £363, so it recommends that you repay £9,158.

You now appeal to me against both parts of the decision. As to the accommodation you have helpfully set out the facts. In late 2006, you sold your London flat at a market rate to your researcher. There had been a Boundary Commission review which left you without a seat to contest at any forthcoming election. It seemed possible that there might be an election early in 2007, and you wanted to have the flat sold before the election. Nevertheless you needed accommodation, so you agreed with your researcher that you stay on in the flat if you paid

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

rent at £60 per night. The agreement was an interim arrangement. It was not expected to last long. It was disclosed to the Fees Office, which was aware that the landlord was your researcher, and it eventually came to an end. As you recognise, the arrangement has to be measured against the rule introduced into the Green Book in July 2006 which provides, at paragraph 3.3.3 that –

“ACA must not be used to meet the costs of leasing accommodation from:

- yourself
- a close business associate, or any organisation or company in which you – or a partner or family member – have an interest; or
- a partner or family member”

You say that your researcher did not fall into any of those categories. I disagree. Whether or not she would be accurately described as a business associate she clearly fell within the class of persons contemplated by the rule. Your arrangement also falls within the Review’s definition in its paragraph 8 of a conflicted transaction because she was an employee.

But that is not entirely an end of the matter because my Terms of Reference enable me to intervene where there are special reasons in an individual case showing that it would not be fair and equitable to require repayment. It seems to me that in your case there are such reasons. The arrangement which you made was disclosed to and accepted by the Fees Office as a temporary arrangement. It was to cover the cost of accommodation, the basic purpose of ACA. The nightly rate was patently reasonable, and any alternative arrangement would almost certainly have resulted in a larger legitimate claim against public funds. The fact that the arrangement went on for longer than originally envisaged does not seem to me to be of any significance. I would therefore allow that part of your appeal.

As to the claim for furniture, you say that you considered the 2 items to be value for money, the claims were accepted by the Fees office and that when the items were purchased you were unaware of any guidelines, no such guidelines having been published. All of that I accept, but my carefully restricted Terms of Reference (a copy of which I enclose) do not enable me to assist you. All Members who made purchases of furniture and then made claims have had those claims measured against guidelines which had not been published at the time, and I can find no special reason why in your individual case it would not be fair and equitable to require repayment. There can be no suggestion of impropriety, but you have had the benefit of the items you purchased, and hopefully that has been greater than had you purchased less expensive items. To that extent it is not unreasonable to ask you to pay.

I would therefore dismiss the second part of your appeal, and consider that overall you should repay £363.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Christopher Chope MP

The ACA Review says that you were overpaid mortgage interest to the extent of £119 in 2006-07, and £133.61 in 2007-08, a total of £252.61. It also says that in April 2004 you were

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

paid £105.25 for mobile phone bills, which are not allowable under the Green Book rules. So the Review recommends that you repay £357.86. You now appeal against the Review conclusion, both in relation to mortgage interest and in relation to mobile phone bills.

As to mortgage interest, you point out that, as is often the case, annual statements of mortgage interest are produced on the basis of a calendar year, but claims to the Fees office have to be finalised no later than 2 months after the end of its financial year (i.e. by the end of May). You therefore, with the agreement of the Fees Office, based your claims each spring on the mortgage lenders statement of mortgage interest for the previous calendar year, with the claims for January to March of the current year calculated by reference to the monthly average disclosed by the statement. A recalculation was then made in the following January, when the next annual statement became available. What the Review has done is, with the benefit of hindsight, to measure your mortgage interest claim for 2006-07 against a combination of 3/4 of your mortgage lender's annual statement for 2006 and 1/4 of the lender's annual statement for 2007, and to perform a similar exercise for 2007-2008. That approach makes no allowance for annual reconciliations (no doubt because they occur in a subsequent financial year) nor does it make allowance for underpayments in other years. In fact the figures now available, which I understand to be undisputed, show that in the 5 year period covered by the Review, you underclaimed by £1,634.80 (after allowing for the overclaims totalling £252.61). In my judgement the accounting method which you adopted with the Fees Office was plainly a sensible way in which to proceed on the basis of the information then available, and you have shown special reasons why in your case it would not be fair and equitable to require repayment of £252.61.

Turning to the mobile phone bills, for which you were paid £105.25 in April 2004, as you point out claims for recovery of such expenses were not prohibited by the Green Book until April 2005, when a change was made to paragraph 3.12.1. In the previous July 2004 edition of the Green Book, the only relevant reference to telecommunication charges was in paragraph 3.11.1 where it appears as an example of allowable expenditure. In those circumstances I fail to understand why the Review decided as it did, and you have shown special reasons why in your case it would not be fair and equitable to require repayment of £105.25. You may well be right to say that had the claim been challenged as being outside the scope of ACA you could have claimed the same sum under the Incidental Costs provision, as the expense was wholly, exclusively and necessarily incurred for the purpose of performing your Parliamentary duties, but, having decided as I have, I do not need to investigate that Ground of Appeal.

I would therefore allow your appeal in full.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Charles Clarke MP

The ACA Review says that you were overpaid mortgage interest by £400.34 in 2004-05 and by £343.30 in 2008-09 and recommends repayment of the total, namely £743.64.

In your Grounds of Appeal to me you explain, as you did to the Review, that your claims for each fiscal year were, with the approval of the Fees Office, based on annual statements provided by your mortgage lender in relation to the previous calendar year. What the Review appears to have done is to use the annual statement to calculate interest paid in each fiscal year and then seek recovery for overpayments without making allowances for years in which

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

there were underpayments. In fact over the 5 year period, the underclaims exceed the overclaims by £2,539.42. In the email sent to you by the Review on 14 December 2009, it was said that –

“It would not be possible to set off overpayments against underpayments over the five year period because the ACA was an annual allowance, with annual limits, and it was therefore necessary to look at each financial year in isolation.”

I make no comment on that approach save to say that my function is to decide whether in your case there are special reasons which show that it would not be fair and equitable to require repayment. In my view the facts speak for themselves. Such reasons do exist. I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr David Clelland MP

The ACA Review says that in June 2004 you increased your mortgage from £116,000 to £161,500 in order to buy out your partner's share in your second home. Over the review period you received £12,970 in respect of the mortgage interest on the additional loan. You and your partner were subsequently married. It is said that in the circumstances the transaction appears conflicted, and you ought to repay the additional interest, together with £431.36 legal fees incurred in connection with the buy-out for which you were reimbursed, a total of £13,101.36. It is accepted that you have repaid £300, so the Review recommended repayment of £13,101.36.

In your Grounds of Appeal to me you explain that in 2001, when you decided to buy your London flat, your partner lent you £25,000 from her own family resources. The flat was then purchased in joint names. A couple of years later publicity about misuse of expenses led to fears that MPs might have to surrender any capital gain on a second home, and your partner wanted to withdraw her money and re-invest it for the benefit of her own family. You explained the position to the Fees Office which asked for a proper valuation. The value had increased, and in order to give her 50% it was necessary to increase the mortgage by £45,000. The Fees Office agreed to that course, the loan was raised and your partner was paid.

I accept that there may be good grounds for concern where one partner raises a loan which is used to free up capital for the other partner, and the cost of servicing the loan is then charged to the public purse, but, subject to one provision of the Green Book, your explanation does not indicate that there was anything improper about what you did in the summer of 2004 to release capital to the lady who subsequently became your wife. As you point out, she already had children of her own, and once she wanted to realise her investment the only practicable alternative would have been for you both to sell the London flat, and for you then to use your share of the proceeds to obtain another flat. That inevitably would have involved another mortgage on which you could recover the interest, so in purely financial terms what you did probably did not place any additional burden on the public purse. However your actions did contravene paragraph 3.12.1 of the December 2003 revision of the Green Book, which was current in June 2004, and which expressly stated that interest on any additional mortgages, advances or loans secured on the same property was not recoverable.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

It follows that in my judgement, the Fees Office could and should have drawn your attention to the provisions of the Green Book (of which you should yourself have been aware). That seems to me to be a more fundamental objection to what happened than to describe it as conflicted. But what remains is the question of whether you should now be required to repay. Are there special reasons to show that in your case it would not be fair and equitable to require repayment? In my view there are. The arrangement was made for a proper purpose (to enable your partner to recover the value of her investment). It was fully disclosed at the time. It did not cast any additional burden on the public purse, and it simply left you with modest accommodation in London, in your own name which you needed for your parliamentary duties.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Mrs Ann Clwyd MP

The ACA Review says that you were overpaid in respect of mortgage interest in 3 financial years, £826.08 in 2006-07, £230.38 in 2007-08 and £2,028.96 in 2008-09, a total of £3,085.42.

The Review also states that you were paid £1,390 for 2 chairs purchased in 2005-06 and 2006-07, which exceeded the guideline price for 2 chairs of £1,100 by £290.

There is also a finding of overpayment of council tax which you do not mention in your Grounds of Appeal to me, and which I therefore conclude that you do not dispute.

In your Grounds of Appeal you do not dispute the overpayments in respect of mortgage interest in 3 years, but point out that in the other 2 years covered by the Review, you were underpaid in respect of mortgage interest by a total of £2,650.62, and you submit that when deciding what should be repaid the underpayments should be taken into account. I agree. They provide special reasons in your case showing that it would not be fair and equitable to require repayment of £3,085.42, but only of that sum less £2,650.62 namely £434.80.

Turning to the 2 chairs, you say that when you bought them you were unaware of any guideline price. I accept that, but I am sure you would accept that anyone assessing the reasonableness of your claims would have had to apply a limit somewhere. The Review has now fixed a guideline price for your purchases, and exactly the same approach has been adopted in relation to the purchases of other Members. Inevitably it is embarrassing because I am sure that if you had known of a guideline you would not have claimed more, and there is no evidence whatsoever of any impropriety in what you did, but my Terms of Reference are carefully restricted. For your convenience, I enclose a copy. I can only interfere if satisfied that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons. The guideline having been applied you are still left with 2 chairs towards the cost of which a substantial contribution was made by the public purse.

I would therefore allow your appeal in part and recommend that you repay a total of £434.80 + £290 = £724.80 in addition to the overpaid council tax.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Frank Cook MP

The ACA Review says that you were paid £1,238.41 for a refrigerator in April 2004 which exceeded the guideline of £605 by £633.41. It recommends that you repay £633.41. It also discovered overpayments to you in respect of council tax, which, as it accepts, you have repaid. I am therefore only concerned with the sum of £633.41. I have no authority to deal with other matters.

In relation to the purchase made in 2004 you say, and I accept, that the guideline now relied upon was unknown to you at the material time. Nevertheless, as I am sure that you would accept, anyone assessing your claim would have to be satisfied as to the extent to which it was reasonable for that expense to be borne by the public purse. Was the item of equipment necessary? Was the expenditure proportionate, or was it extravagant? The ACA Review has done that by reference, it seems, to a list often, but not always, used by the Fees Office, namely the John Lewis list. I entirely understand your irritation at being asked to repay for exceeding a guideline of which you were unaware, and I can find nothing to suggest any impropriety on your part in claiming as you did.

Belatedly, in your letter to me of 14 January 2010, you have raised a new ground of appeal. You produce evidence to show that at the end of the fiscal year 2004-05 you exceeded your ACA annual limit, and so were unable to recover £1,618, including a mortgage interest payment of £1,357.72. You submit that anything now said to owing for the refrigerator should be set off against what you proved, but could not claim, at the end of that year. I agree.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Sir Patrick Cormack MP

The ACA Review says that in 2004-05 you were paid £2,610 in respect of cleaning costs, in 2006-07 the figure was £2,592 and in 2007-2008 it was £2,820. Each sum exceeded the allowable annual maximum of £2,000 set by the Review, and it therefore recommends that you repay the total excess of £2,022.

As you point out in your Grounds of Appeal to me the expenses were incurred when there was no published guidance limiting annual claims for cleaning. Indeed you say that you were given to understand that any claim in the region of £2,500 to £3,000 per annum would be considered entirely acceptable and that it was permissible to claim for laundry and dry cleaning. You go on to explain why your cleaning costs were as they were – for a time you had 2 cleaners on compassionate grounds, and you also were required by the terms of your lease to have your 7th floor windows cleaned regularly.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

I make no criticism whatsoever of the claims that you made, but I am sure that you would accept that anyone assessing the reasonableness of your claims would have to draw a line somewhere. The ACA Review has chosen to draw that line for everyone at £2,000 per annum. Of course it is irritating that you were unaware of that line when making your claims. No doubt had you been aware of it you would have restricted your claims and so avoided damaging publicity, but my carefully restricted Terms of Reference only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I have no authority to go so far as to question the drawing of the line. For your convenience a copy of my Terms of Reference is enclosed. I can find no such reasons, and so I would dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mrs Ann Cryer MP

The ACA Review states that between 1 April 2004 and 19 July 2005 you were paid a total of £16,646.45 for the rental of a flat from your son in law, which it describes as a conflicted transaction. It also states that in March 2007 you were paid £2,973.50 for furnishings, £1,350 for a table and £795 for a rug which exceeded guideline prices of £660 and £330 by a total of £1,155. Finally, it states that in March 2009 you were overpaid by a total of £441.25 for a carpet. Apparently it was a fitted carpet priced at £73 per square metre which is said to have exceeded the guidance price of £38.50 per square metre. You are recommended to repay a total of £18,241.70. The figure should, I believe, be £18,242.70, but for present purposes nothing turns on that.

In your Grounds of Appeal to me you say that until you received the first comments of the ACA Review you had never heard of a conflicted transaction, and that in 2004-05 you had no reason to believe that you could not recover rent paid to a relative provided that the rent was reasonable, and that the money was in fact paid, as it was in your case. I entirely accept all of that. It was only in the July 2006 edition of the Green Book that there appeared, for the first time, anything to indicate that rent paid to a relative would not be recoverable. Prior to that it seems to me that recoverability must have depended upon the circumstances of the case. In your case, as you explained to the Review in your letter of 20 October 2009, you asked the Fees Office in August 2001 whether it would be acceptable for you to sell your studio flat and rent part of a 3 bedroom flat which your son in law was proposing to buy. The Office agreed to the proposal but said that there would have to be a fair market rent. The Office then made enquiries with a Westminster estate agency to establish the rent of £1,000 per calendar month, inclusive of service charge, council tax, water and gas. The Office also assisted with the wording of the tenancy agreement. It resulted in you claiming less than you had been claiming for mortgage interest and other outgoings when separately housed. Unfortunately, in due course your son in law and your daughter split up. Your son in law then wanted to sell the flat, and in July 2005 you moved out to enable him to do so. I find no evidence whatsoever of impropriety in what you did, which did not contravene any rule in existence at the time. Accordingly, I am satisfied that there are special reasons in your case which show that it would not be fair and equitable to require repayment of any part of the sum of £16,646.45.

The situation in relation to furnishings is different. You say, and I accept, that you were unaware of any guidelines when the purchases were made. You never had a table or desk in

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

London, and the item purchased for £1,350 nicely combined both. The rug, purchased for £795, was large enough to cover almost the whole of the bare wooden floor of your lounge. It was cheaper than having a fitted carpet and the cost of the bedroom carpet included fitting, underlay and paper lining. All of that I accept, and I can understand your irritation at being said to have exceeded guidelines of which you were unaware. But I am sure that you would accept that anyone assessing the reasonableness of your claims would have to draw a line somewhere. The ACA Review has chosen to draw that line for all Members' purchases by reference to the unpublished guidelines. My carefully restricted Terms of Reference only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I have no authority to go so far as to question the drawing of the line. For your convenience, a copy of my Terms of Reference is enclosed. In relation to your purchases I can find no such reasons, but at least you have enjoyed the use of the goods in relation to the cost of which at the end of the day the public purse has made a substantial contribution. I would therefore dismiss your appeal in relation to furnishings and recommend repayment of £1,596.25.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Ian Davidson MP

The ACA Review states that you were overpaid £474.47 for mortgage interest in 2007-2008 and recommends that you repay that sum. It also made other findings which you do not appeal.

As you say in your Grounds of Appeal, the issue is straightforward, should you be able to claim the gross interest on your mortgage (as calculated by the lender) or only the net figure debited to your mortgage account, which takes into account your family's savings, because you operate an offset mortgage? You contend that gross interest is recoverable, the Review disagrees. You say, and I accept, that before you changed to an offset mortgage you discussed with the Fees Office what you proposed to do, and received approval for the claim subsequently made. You also point out that under an offset mortgage the "gross" rate of interest is less than under other types of mortgage, so your claims have been less than they would have been had you not entered into the offset arrangement.

The Green Book entitled you to recover "interest paid on repayment or endowment mortgages". It seems to me to be entirely possible, and in no way improper, to interpret the provisions as they were interpreted by the Fees Office and by you, and although they could have been interpreted otherwise, it seems to me that there are special reasons in your case showing that it would not be fair and equitable to require any repayment.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Dai Davies MP

The ACA Review states that in November 2006 you were paid certain expenses for your constituency office which are not allowable under the Green Book as ACA expenses. They should have been claimed as Incidental Expenses. The total sum involved, which it is recommended that you repay, is £439.80 (£328 council tax, £48.35 telephone, and £63.45 for repairs). The Review also made a finding in relation to council tax which you accept, and which is therefore not addressed in your appeal.

In your letter of 14 October 2009, copied to me, you say that you were elected to Parliament in June 2006 as an Independent Member without the support of a party structure, and you believe that when you made the claim for £439.80 you used the wrong claim form. You say in your letter that you have spoken to the Fees Office, which accepts that there was a genuine mistake, and is prepared to make the necessary accounting adjustment after the conclusion of the Review. I understand from the Review papers that no one in the Fees Office recalls such a conversation, but for present purposes that is not critical. What is critical is that the claim could have been properly presented under another head and if so presented it would, I understand, have been met.

In those circumstances, it is clear that there has been some carelessness, but no dishonesty, and no loss to public funds. Had the right form been used, you would have received the same sum. That satisfies me that there are special reasons in your case showing that it would not be fair and equitable to require repayment of any part of the £439.80.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Philip Davies MP

The ACA Review states that in May 2005 you were paid £232.64 for a telephone and answer machine, telephone wire installation, and telephone and broadband line rental which were for your constituency office and were not recoverable under Green Book rules. The Review recommends that you repay £232.64.

In your appeal to me you explain that the claim was made in the first month after your election, and that you made a mistake. It should have been presented as an Incidental Expenses claim, not an ACA claim, and if so presented it would have been met. So far as I am aware what you say is correct and I do not need to consider the other point you raise. It follows that there has been no loss to public funds, and that enables me to say that there are special reasons in your case showing that it would not be fair and equitable to require repayment of £232.64.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Rt Hon Frank Field MP

The ACA Review states that you were paid a total of £19,885 over the 5 year review period for the services of a housekeeper, cleaning and gardening. The information which you gave to the Review showed that some housekeeping services were recoverable under heads other than cleaning and gardening, and some were not. The Review imposed its own limits, as applied to others, of £2,000 per annum and £1,000 per annum for cleaning and gardening. That, over 5 years, produced a figure of £15,000, and it regarded as acceptable 50% of the remainder of your claim, namely £2,442.50. It recommended repayment of the remaining £2,442.50.

The Review also states that between July and December 2004 you received £800 for petty cash and that between June and December 2005 you received £1,000 for unspecified incidental costs and sundry expenses. As petty cash in any form is not recoverable as ACA, the Review recommends repayment of £1,800.

Finally, for present purposes, the Review states that you were paid a total of £228.55 for 3 BT bills which did not relate to your second home (December 2004 £80.79; April 2007 £75.35 and August 2007 £72.41). There is also a finding in relation to utility bills and another item which you do not challenge.

As to the housekeeping claim you say to me that you should have relief because the Review approach depends upon the arbitrary imposition of an unprecedented retrospective limit and is therefore unfair. I understand entirely your sense of indignation. So far as I am aware the claims represented expenditure actually incurred, and which was reasonably considered by you to be recoverable when each claim was made. But I am sure that you would accept that, even if unspecified at the time, there had to be a limit on what could reasonably be claimed against the public purse. The Review has set the limit at £2,000 per annum for cleaning and £1,000 per annum for gardening. No doubt if those limits had been set before your claims were made you would not have exceeded them, but my Terms of Reference have been carefully restricted (for your convenience a copy of my Terms of Reference is enclosed). I can only interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. In relation to your housekeeping expenses, I can find no such reasons. The approach adopted by the Review has been applied to all Members' cleaning and gardening claims, and the Review's treatment of the balance of your housekeeping claim does seem to be a realistic attempt to distinguish between allowable and non-allowable items.

Turning to the claims for petty cash made in 2004, you say that the total should be £600 not £800. The records which I have seen indicate that you are right. Claims for £200 were made in July, September and October. A fourth claim made in November was disallowed, and on 8 December 2004 a letter was written to you to say that you could not claim petty cash. In December you made a claim for £200 for household sundries. That was paid because it was apparently an ACA claim, and the edition of the Green Book then in force only required invoices or receipts for items of expenditure of £250 or more.

As to the £600, you say that you should not have to repay because it was simply entered under the wrong allowance heading. It should have been claimed as Incidental Expenses, but I can find nothing in the Green Book to suggest that petty cash of itself was recoverable as IEP. At paragraph 5.10.1 the July 2004 edition states (as in relation to ACA) "Evidence in the form of invoices or receipts must be provided for all items of expenditure of £250 or more". It seems to me to follow that if you had made IEP claims for "petty cash" you would have had to be in a position to explain (and indeed should have explained in the claim) the

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

nature of the expenditure to show that it was recoverable as Incidental Expenses, something which you have not done at any stage. I therefore find no special reasons in your case showing that it would not be fair and equitable to require repayment of £600.

I turn now to the claims totally £1,000. From the information available to me, the details of your claims seem to have been as follows –

- 1) Invoice 026892, June 2005, £200, sundry costs/expenses.
- 2) Invoice 030880, July to September 2005, £400, incidental costs.
- 3) Invoice 033642, October to December 2005, £400, incidental costs.

I accept that the first invoice may have related to expenditure within the scope of ACA, but the second and the third invoices should have been supported, at least to the extent of £150, by proof of expenditure. I therefore find no special reasons in your individual case showing that it would not be fair and equitable to require repayment of £1,000. There is insufficient evidence to show that any part of it was expenditure properly recoverable as ACA.

As to the telephone expenditure of £228.55, you accept that the expenditure should have been claimed as Incidental Expenses and not as ACA, and if so claimed it would have been paid, because it was all connected with your duties as an MP, so there has been no loss to the public purse. I agree, so in relation to that expenditure I do find special reasons in your case showing that it would not be fair and equitable to require any repayment.

My conclusion is that overall you should repay –

Housekeeping expenses	£2,442.50
Petty cash claimed in 2004	£ 600.00
Incidental expenses, etc. in 2005/2006	<u>£1,000.00</u>
	£4,042.50

To a limited extent, therefore, I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Robert Ffello MP

The ACA Review states that you were paid an extra month's rent of £1,200 in 2005/2006, which duplicated a payment made in June 2005. It recommends repayment of that sum. In your Grounds of Appeal to me you point out that you only made one claim for rent paid in June 2005, and suggest that some confusion may have arisen because you also paid a deposit of £1,200.

In fact the problem arose because in 2005/06 you claimed rent in advance, and thus were paid in that fiscal year for 11 1/2 months when you should have been paid for 10 1/2 months (ACA claims being restricted to expenditure already incurred). However in July 2007, when your tenancy came to an end, your position was regularised; and I accept that over the period from May 2005 to 31 July 2007 you did not in the end recover as ACA more than the rent you had paid.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

I am therefore satisfied that there are special reasons in your individual case showing that it would not be fair and equitable to require any repayment, and I would allow your appeal in full.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Michael John Foster MP

The ACA Review states that in 2004-05 you were overpaid £861.94 for mortgage interest, and that you have repaid £466.25, so it recommends that you repay the balance of £395.69.

As you point out, the conclusion in the annex to the Review is not well expressed. The documents show that the figure of £861.84 relates to 2 fiscal years. For 2004-05, you accept that you were paid £438.71 more than you should have been in respect of mortgage interest, and you have repaid that sum. You have also repaid £27.54 in respect of overpaid council tax. What seems to be said by the Review is that in 2005-06 you were again overpaid in respect of mortgage interest, the overpayment for that year amounting in all to £423.23. You invite production of evidence to substantiate that sum, but go on to say that even if it be correct you should not have to repay because in that fiscal year your ACA claim was capped. In December 2005 you made ACA claims which were tested and accepted by the Fees Office but which were not met because of the existence of the ACA annual cap, then set at £21,634, the shortfall being £1,802.31. The cap having been applied you made no claims for the first 3 months of 2006. Had your mortgage interest claim been reduced by £423.23 some of your other tested claims would have been met.

I understand that the £423.23 relates to a period of Dissolution, when any mortgage interest paid would not be recoverable. I also understand that it has now been accepted by the Review that in the fiscal year 2005-06 you paid considerably more mortgage interest than you were able to recover because, as you say, in December 2005 you reached your annual ACA limit. Looking at the fiscal year overall the Review no longer contends that you were overpaid mortgage interest, and, taking into account the repayment already made, there is no longer any recommendation for repayment.

In that situation there is no longer any need for an appeal because there is nothing to appeal against.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Roger Gale MP

The ACA Review states that you were paid a total of £2,098.47 for office mobile phone bills between April 2004 and June 2005, such costs not being allowed under Green Book rules.

It also states that you were paid 13 times for rent in 2008/2009. The March claim for £354 covered a payment for rent in April 2009 and should have been paid in the following financial year. You are therefore recommended to repay a total of £2,452.47.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

In your Grounds of Appeal to me you draw attention to a letter to you from the Fees Office dated 2 December 2009, which states that “mobile phone costs were not specifically disallowed in the Green Book until the situation was clarified with the publication of the April 2005 edition of the Green Book, circulated to Members after the (June) election of that year, when they were included as an ineligible expense”. If that is right, and a study of the successive editions of the Green Book shows that it is, then your claims in respect of mobile phone bills as ACA expenditure were not ineligible when they were made. The Review having made the error which you identify it is clear that there are special reasons in your case showing that it would not be fair and equitable to require repayment of any part of the sum of £2,098.47.

Turning to the claims in respect of rent, you explain that as the Easter recess fell early you posted your claim for April 2009 at the end of March, but it was dated 1 April and was not paid until mid April. As the Fees Office confirm in their letter of 2 December 2009, you made no further claim for rent in April, your claims resuming in May. Accordingly, I see no evidence of you having been paid 13 times for rent in 2008/2009, from which it follows that these are special reasons in your case showing that it would not be fair and equitable to require repayment of £354.

I would therefore allow your appeal in full.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Mike Gapes MP

The ACA Review says that in April 2004 you were paid £186.89 for council tax relating to a period in the previous financial year (21 November 2003 to 31 March 2004), which was not an allowable expense for 2004-2005, and it recommended repayment of £186.89.

In your appeal to me you accept the basic facts, namely that the claim was made just after the end of the financial year to which it related. You believe that at that time the Fees Office accepted claims of that kind, and it certainly accepted yours. What seems to me to matter now is that the expenditure was recoverable, and the delay in claiming was slight. I have no difficulty in concluding that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment other than to the extent of your admitted overclaim of 40 pence, which you say was due to a clerical error on your part.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mrs Linda Gilroy MP

The ACA Review says that:-

- 1) You were overpaid for mortgage interest of a total of £2,125.00 (£751 in 2005–2006 and £1,374.00 in 2006–2007);
- 2) In 2005–2006 you were overpaid £480.00 for Council Tax, and;
- 3) In September and November 2007 you were paid £1,748.33 twice.

You are therefore recommended to repay £4,353.33, less £2,055.51 already paid = £2,297.82.

I understand that the Review now accepts that the £1,374.00 has not been correctly described. It relates to the following fiscal year, 2007–2008, and forms part of the £1,748.33 referred to above. The recommendation for recovery in respect of the sum of £1,374.00 is therefore no longer pursued, but, as you accept, you should repay the £1,748.33 which was paid twice.

In your Grounds of Appeal, and in correspondence with the Review Team, you point out that all your claims were for rent, not mortgage interest. You accept that in 2005–2006 you did over-claim because your claim covered the period of dissolution, and that you were overpaid £480.00 for Council Tax. In that year you reached your ACA ceiling, and had to repay to Fees Office £468.45. You were also unable to re-claim as ACA your final monthly claim for £1,813, which included your rent of £1,374. You therefore claimed to set-off against what you owe for 2005-06 ($£751 + £480 = £1,231$) the total ACA claims approved but not paid (i.e. $£468.45 + £1,813.00 = £2,281.45$).

I cannot entirely agree with your approach. When calculating how much rent had been overclaimed in 2005-06 the Review team took into account the fact that although rent was paid in the final month none was recovered by you as ACA. Furthermore, I cannot give you credit for the remainder of your final monthly claim because those items were not tested and approved by the Fees Office. On the other hand I consider that you can set off against £1,231 the £468.45 you repaid. The result is £762.55.

Taking into account the £2,055.51 I consider that the recommendation for repayment should now be for $£762.55 + £1,748.33 = £2,510.88$ less £2,055.51 = £455.37. To that extent I consider that your appeal should be allowed.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Paul Goodman MP

The ACA Review says that –

- 1) you were overpaid for mortgage interest by a total of £2,318.90 (£572.57 in 2005 to 2006, £3.04 in 2006 to 2007, £122.93 in 2007 to 2008 and £1,620.36 in 2008 to 2009);

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

- 2) you were paid £1,310.17 in 2004 to 2005 for mobile phones, which are not allowable under Green Book rules;
- 3) you were overpaid by £252 for council tax in 2006 to 2007 (being paid for 12 instalments when only 10 were required).

You are therefore recommended to repay £3,881.07.

In your Grounds of Appeal to me you set out the history of your correspondence with the Review Team in relation to mortgage interest and other items, but say nothing to persuade me that the Review's final figures in relation to mortgage interest, which are set out above, are incorrect.

As to mobile phone expenses, you say that you used the wrong form. The expenses could have been claimed as IEP. I agree that they could have so been claimed if the expenses were "wholly, exclusively and necessarily incurred on Parliamentary duties" (Green Book 2004 paragraph 5.1.1). However, what may be of more importance in your case, is the fact that it was not until April 2005 that it was stated in the Green Book, for the first time, that mobile phone rental and charges could not be recovered as part of ACA. I therefore conclude that you should not be asked to repay mobile phone charges which you incurred and for which you claimed prior to that date.

You appear to accept the Review's finding in relation to council tax. I therefore conclude that you should be recommended to repay £2,318.90 (overpayments of mortgage interest) plus £252 (council tax) = £2,570.90. However, I am aware that you have made 2 payments totalling £2,627.08 (£984 plus £1,643.08). I do not therefore recommend any further repayment, and to the extent I have indicated I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr James Gray MP

The ACA Review says that you were paid £687.35 for newspapers between April 2004 and March 2007, which is not an expenditure recoverable under the ACA.

The Review also says that you were overpaid for rent by £638.10 in 2005-06, and by £417.46 in 2006-07, a total of £1,055.56, so it recommends repayment of £1,742.01.

In your appeal to me you say that the newspapers were delivered to your constituency office and should have been claimed as Incidental Expenses rather than ACA. Every claim was supported by receipts and passed by the Fees Office. I accept that if properly claimed the expenses would have been paid as Incidental Expenses, so I am satisfied that there are special reasons in your case showing that it would not be fair and equitable to require repayment of £687.35.

As to the alleged overpayments for rent, you say to me that you are unable to recognise the figures, which caused me to make enquiries. It appears that the ACA calculation failed to

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

take account of the payment of arrears. The total rent paid over the two fiscal years was £30,963.72, plus arrears of £763.72, a total of £31,727.44. You claimed £32,052.28, so the overclaim over the two years was £324.84. I hope that gives you as much information as you need.

I would therefore allow your appeal in part, and recommend repayment limited to £324.84.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr John Greenway PM

The ACA Review says that you were paid £537.47 for garden plants in the period April 2004 – June 2005, and that this is not an allowable expense under Green Book rules. You are therefore recommended to repay £537.47.

In your Grounds of Appeal to me you say that the sum claimed was the total of 5 receipts, and were the only gardening claim you ever made. As you point out, claims for garden maintenance were allowed, the Green Book which was current at the time said nothing about plants, and you contend that the cost of plants can properly be regarded as part of garden maintenance. I understand your argument, and it seems to me that what you did cannot be regarded as being in any way improper. The position was not entirely clear, and by presenting your claims you sought the advice of the Fees Office, but in my judgement the advice you received was wrong. There is a distinction between garden maintenance and the cost of plants. The April 2005 edition of the Green Book says that the cost of repairs which go beyond making good dilapidations and enhance the property is not recoverable. I know that the analogy is not exact, but it seems to me that, given the nature of ACA, the Review was entitled to decide as it did.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Mike Hall MP

The ACA Review says that you were paid £10,364.28 during the 4 year period April 2004 to April 2008 for cleaning, laundry, dry cleaning and ironing, which exceeded by £2,364.28 the £2,000 annual limit set by the Review.

The Review also says that you were paid (1) £250 per month for petty cash from April to August 2004, which is not allowable under Green Book rules, the total being £1,250. (2) £250 per month for incidental expenses in September and October 2004, incidental expenses not being recoverable under Green Book rules, the total being £500, and (3) £250 per month for household sundries during the period November 2004 to March 2008, a total of £8,289 without providing receipts.

The Review therefore recommends that you repay £12,639.28.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

In your Grounds of Appeal to me you complain that the £2,000 limit in relation to cleaning costs has been set retrospectively, and that you only exceeded it because your claims for laundry, ironing and dry cleaning, totalling £4,067.51 over 4 years, were treated as part of your cleaning costs. To the limited extent that laundry, ironing and dry cleaning expenses can properly be regarded as additional costs attributable to the need to maintain a second home, and therefore recoverable under the provisions of the ACA, it seems clear to me that they can properly be described as cleaning costs. I accept that the £2,000 annual limit was set retrospectively, and that its application has caused embarrassment, but I am sure that you accept that there had to be some limit on the extent to which cleaning costs could be recovered from public funds. The Review having now set the limit at £2,000, and applied it to all Members, I cannot interfere. My carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment of £2,364.28. I can find no such reasons.

Turning to your claims for petty cash, incidental expenses and household sundries, I understand that you accept that claims were made and met as alleged and that the period in respect of household sundries extended to March 2009, without any alteration to the total recovered. I accept that for relatively small items of expenditure within the scope of ACA, the Fees Office did not require production of receipts, the Green Book stating in terms that Members should supply –

“invoices/receipts for all items of expenditure of £250 or more...”

But that did not mean that Members were entitled to claim for petty cash, or anything of that kind. They could only claim to be reimbursed for expenditure properly incurred within the scope of the ACA. In your case the total claimed, as petty cash, incidental expenses and household sundries over the Review period was high, so you were asked to justify it. I recognise the difficulty of producing receipts etc. many years after the expenditure has been incurred, but you had claimed reimbursement from public funds, and in the absence of evidence to show that the claims were for expenses within the scope of the ACA it seems to me that the Review was entitled to conclude that the sums claimed should be repaid. Certainly my Terms of Reference do not permit me to decide otherwise. I can only interfere if I find special reasons in your case showing that it would not be fair and equitable to require repayment. I find no such reasons. The fact that your claims when made were accepted by the Fees Office is of limited relevance, and I am not impressed by your assertion that you should have been interviewed by the Review Team. You had ample opportunity to put your case.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Patrick Hall MP

The ACA Review states that for 2008-2009 you were overpaid £266.10 for mortgage interest, and recommends repayment of that sum.

In your Grounds of Appeal to me you explain, with the assistance of relevant documentation from Cheltenham & Gloucester, your mortgage lender, that when you secured a new fixed

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

interest arrangement there was a short period during which the mortgage lender continued to claim interest by direct debit at the pre-existing higher rate. That affected the calculation at the end of the Review period, the changeover having occurred in May 2008, so that at 31 March 2009 you had received £266.10 more from public funds than you had incurred in mortgage interest, but no more than your mortgage lender had taken from your bank account. As you say, over time the mortgage lender would have ensured that the monthly direct debit roughly equated to the mortgage interest due, so there is no question here of any improper claim. Indeed, as you also point out, moving to a fixed interest rate was prudent and reduced your ACA claim.

All of that satisfies me that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment of any sum. You never sought to claim more by way of mortgage interest than you were paying. You were never likely in the long term to get more, and you took commendable steps to keep your claim as low as possible.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Fabian Hamilton MP

The ACA Review states that you were paid £980 for the redecoration of the hall, stairs and kitchen of your second home in February 2006, which was less than 1 month before you moved house. You were also paid £7,060.81 twice on duplicate claims in April and May 2006, which included the cost of a new kitchen installation and a bed. Finally it is said that you were overpaid by £819.61 for mortgage interest in June 2008 when the mortgage provider was changed and the period of interest overlapped. You are therefore recommended to repay £8,860.42 (£980 + £7,060.81 + £819.61).

In your Grounds of Appeal to me, and in information given to the Review, you explain that the £980 was payment for decoration of parts of your Leeds home. The work was done between 18 and 24 February 2006, when, it would seem, you were negotiating to purchase a flat in London. I do not know when contracts were exchanged, but the purchase was completed on 10 March 2006. You then designated that flat as your second home, moved into it on 11 June, and did not claim for its redecoration. You say that when the work was done in Leeds the purchase of the London flat could well have fallen through. Maybe, but, as it seems to me, the Review was entitled to have regard to the realities. The work done in Leeds benefited you in your capacity as occupier of what was very shortly to become and to remain your primary home. I do not see why the cost of that benefit should be borne by the taxpayer.

You accept that at the beginning of the fiscal year 2006-2007, you were paid £7,060.81 twice for items installed in your newly acquired London flat, but say that you should not have to repay all of that sum because the double payment resulted in your ACA claims for that financial year exceeding the annual limit and being capped. You were unable to claim mortgage interest for the first 3 months of 2007, amounting in all to £2,194.81, and you seek to reduce the request for repayment of £7,060.81 by that sum. I see the force of that argument. In fact 3 mortgage interest payments totalling £3,187.59 were made, and were not reimbursed. My Terms of Reference only enable me to interfere if satisfied that there are special reasons in your case showing that it would not be fair and equitable to require repayment. The existence of substantiated mortgage interest payments in the same financial

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

year which you were unable to recover does, in my judgement, constitute special reasons. £7,061.81 less £3,187.59 = £3,874.22

I now turn to the payment of £819.61. You say that in the spring of 2008, you changed your mortgage provider from Halifax to HSBC. Having obtained a settlement figure HSBC failed to redeem the Halifax mortgage within the time allowed, so the Halifax charged additional interest which you re-claimed under the ACA. I have no reason to doubt your account, but I fail to see why the burden of HSBC's error should fall on public funds.

I would therefore allow your appeal in part. I consider that you should repay –

1)	Redecoration costs.	£ 980.00
2)	Repayment of double payment, offset against unpaid mortgage interest.	£3,874.22
3)	Double payment of interest because of mistake of mortgage provider.	<u>£ 819.61</u>
	Total	£5,673.83

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Douglas Hogg QC MP

The ACA Review says that during the five year period under review you claimed one twelfth of the maximum annual ACA allowance each month on the basis that the allowable expenses of your second home exceeded the allowance. You relied on a list of expenses, but the Review found that numerous items were not allowable, including the expenses of a full-time gardener, utilities, and repair work for buildings other than your second home. It found that over the five year period, you were overpaid by a total of £20,639.42.

The approach adopted by the Review is set out in the documents which you have seen. It looked at your claims for a housekeeper and for gardening services and worked out the expenses for each year from lists and receipts provided by you. It then applied what it described as the current guidelines for ACA expenses.

On 16 December 2009 you sent to me grounds of appeal covering 18 pages, together with an archlever file containing a number of documents. Since then you have addressed to me further correspondence, and I have taken that into account.

I consider it important to remind you at the outset that my terms of reference (a copy of which I enclose) are carefully restricted. I do not have the powers vested in a judge hearing an appeal, or an application for judicial review.

Your grounds of appeal in paragraph 5 stress that in 2003 you sought and obtained the express approval of the Head of the Fees Office in relation to the presentation of your claims. You provided particulars of categories and of amounts, and you submit that, the approval having been obtained in good faith and thereafter implemented, the Review should have accepted it as binding. You point to the authority which Parliament has given to the Fees Office, and to the way in which successive editions of the Green Book encouraged Members to seek advice from the Fees Office in cases of doubt.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

All of that I understand, but the terms of reference of the Review make it clear that it had to test claims against the rules and standards in force at the time. An invalid claim could not be regarded as validated or the investigation stopped simply because it received the approval of the Fees Office. It is obviously to your credit that you did seek the advice of and negotiate with the Fees Office in the way that you have described, but many other Members from whom I have heard are in the same position, and I do not regard Fees Office approval as constituting of itself a special reason in your case showing that it would not be fair and equitable to require repayment.

In your grounds of appeal you go on to explain your need for a housekeeper and for gardening services at your constituency house. The Fees Office agreed that you should be able to recover 65% of your housekeeper's remuneration package and 100% of your gardening costs, without production of receipts or invoices, but on the basis that they would be available on demand. You kept a running schedule of all expenses (recoverable and not recoverable) which could have been produced if required. It was at the request of the Fees Office that invoices/receipts were not produced.

In paragraph 45 of your grounds of appeal you say that by only allowing £2,000 per annum for your housekeeper and £1,000 per annum for gardening costs the Review is setting aside fully authorised agreements and approvals, something which is wrong both in law and equity. I have already dealt with the position of the Fees Office in relation to the Review, and reminded you of my powers in this appeal.

I am sure that you would agree that anyone assessing the reasonableness of a claim to recover cleaning or gardening expenses from public funds would have to draw a line somewhere. The Review has drawn it at £2,000 per annum and £1,000 per annum respectively. I agree that it is unfortunate that the line was not drawn and made known before the claims were made, but it has been applied by the Review to all Members' claims, and so, in relation to its application to your annual claims, I can find no special reasons showing that it would not be fair and equitable to require repayment of any sum recommended for repayment as a result of that application.

Your grounds of appeal go on to deal with the Review's disallowance of certain expenses because they were in respect of utilities and repair work for buildings other than the second home. You say that the expenses should have been regarded as recoverable because the buildings were within the curtilage of your second home and the sums claimed were not excessive. I accept that the buildings were within the curtilage, but that does not mean that the cost of repairing an external staircase to a barn where you often worked, or of maintaining a lodge occupied by your housekeeper, should be borne by public funds.

In paragraph 46 of your grounds of appeal you make the general point that for each financial year now identified as one where there has been an overpayment to you the actual expenses of your second home far exceeded the maximum amount recoverable as ACA. I do not doubt it, and no doubt many others are in the same position. You also refer to other expenses, like subsistence, which you did not claim. I have no remit to offset overpayments against such claims, which were not made to the Fees Office and tested at the relevant time.

In paragraphs 47 to 52 you deal with a claim made before the period under Review. I see no reason to make any further reference to it.

In dealing with your grounds of appeal I have borne in mind the points made by you subsequently – in your letters of 17 December, and 11 and 25 January. I entirely accept that you were open in your dealings with the Fees Office, and that you did, year by year, incur

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

substantial expenses attributable to your second home, but, having carefully considered the material you have supplied I can find no special reasons in your individual case showing that it would not be fair and equitable to require repayment as recommended by the Review.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Michael Howard QC MP

The ACA Review says that over the five year period of the Review you were paid £18,058.45 for the costs of employing a gardening company. The company stated that a third of the work related to maintenance of the house, so the gardening costs amounted to £12,039, which exceeded the figure of £1,000 per annum set by the Review by £7,039. The Review recommended that you repay £7,039.

In your grounds of appeal to me you say that the figure of £1,000 per annum set by the Review was retrospective and illogical, and as such it was unfair and unjust. You point out that the claims were properly made when no limit had been set, and of course I accept that. But I am sure that you would accept that anyone assessing such claims would in the end have to decide what it was reasonable for the public to be asked to pay. The Review has set the limit at £1,000 per annum. It is most unfortunate that it was not set before your claims were made. Had it been I am sure that you would not have exceeded it, but now that it has been set my terms of reference (a copy of which I enclose) do not permit me to interfere. I can only do so if satisfied that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment. I find no such reasons. The limitation applied to you has been applied to all Members who made gardening claims.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Gerald Howarth MP

The ACA Review says that you were paid £1,894 for gardening in 2004-05, exceeding by £894 the £1,000 per annum limit set by the Review. It also says that you were paid £284 for a barbecue and garden furniture, but your appeal is confined to the sum of £894.

In your grounds of appeal to me you say, and I accept, that in 2004-05 your gardening expenses were unusually high because you had just acquired a new house and garden, with a mini wood which had to be brought under control. So there was, for example, tree-cutting work to be done. In the four subsequent financial years covered by the Review your gardening expenses amounted in all to £499, or slightly under £125 per annum. Had you known of the £1,000 per annum limit imposed by the Review you could have spread the work over subsequent years.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

I have considerable sympathy for you. Plainly it is unfortunate that the limit was not set and publicised before claims were made, but the limit applied to you has also been applied to all other Members who claimed gardening expenses, and within my terms of reference (a copy of which I enclose) I find it impossible to say that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment of £894.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual applicants, so this reply will form part of my report.

Mr David Jamieson

The ACA Review says that in September 2004 you were paid £350 for a desk, which exceeded the guideline price of £165 by £185. It also made another finding which you do not appeal.

In your grounds of appeal to me you say that the desk was second hand, and had been well used, but was not an antique. When you bought it you were not aware of any guidelines, and I accept that. I expect that had there been published guidelines you would have restricted your claim, and you cannot be criticised in any way for what you did. However, I am sure that you would accept that anyone considering a claim such as yours has to draw a line somewhere as the limit of what it is reasonable to expect the public to pay or contribute. The Review having now drawn the line for you, as it has done for all others claiming the cost of furniture, my terms of reference (a copy of which is enclosed) only permit me to intervene if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment as recommended. I find no such reasons.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Bernard Jenkin MP

The ACA Review says that you were paid £63,250 over the 5 year period covered by the Review for the rent of your second home from your sister in law, and it recommends that you repay that sum because this was a 'conflicted' transaction, as defined in paragraph 86 of the Review. In this context that means no more than that the premises were rented from a close relative.

In your grounds of appeal to me you rely upon submissions prepared by counsel and dated 22 December 2009, which set out the chronology, which I can summarise. The house in question belongs to your sister in law, and since 2001 has been your constituency home. Initially you carried out repairs and maintenance in lieu of rent, but by March 2003, your sister in law wanted you to pay rent, so you consulted the Fees Office, and were told that if rent was paid pursuant to a properly documented rental agreement it would be recoverable.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

The agreement was prepared, and was approved by the Department on 6 July 2003. It was amended in 2004 and 2007, when the rent was increased.

In the July 2006 edition of the Green Book it was stated, for the first time, at paragraph 3.3.3, that the ACA must not be used to meet the costs of leasing accommodation from a partner or family member. That change was overlooked by you, and it seems to have been overlooked by the Fees Office when it approved the change in the rental agreement in 2007-08. On 15 May 2009 (after the end of the five year period covered by the Review) a member of the Fees Office staff wrote you apologising for not having drawn your attention to the change in the Rules made in July 2006, and allowing a period of grace until the end of August 2006 for you to change your arrangements.

Plainly you were open and frank with the Fees Office, and the rent which you recovered (£1,000 per month rising ultimately to £1,250 per month) was perfectly reasonable. As it seems to me there can be no criticism whatsoever of anything that you did prior to July 2006, but you did have an obligation to keep abreast of changes in the Rules. In his Introduction to the July 2006 edition of the Green Book, the Speaker said

Members themselves are responsible for ensuring that their use of allowances is above reproach. They should seek advice in cases of doubt and read the Green Book with care.

I accept the submission that in the light of the known facts there should be no recommendation for repayment of money received to reimburse you for rent paid prior to July 2006, but thereafter the position seems to me to be different. You were being paid out of public funds money to which you were not entitled. There is no hint of bad faith, but you cannot rely on the oversight of the Fees Office, or on your own oversight, to justify retention of money which you should never have had, and I see no room whatsoever for resort to legitimate expectation.

Accordingly, I find that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment at the level recommended. The repayment should be restricted to the rent you paid for occupation of the property from August 2006 to the end of the Review period, which I understand amounts to £36,250.

To that extent I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Dr Lynne Jones MP

The ACA Review says that in July and August 2005 you were paid £815 twice for heating and radiator repair costs, and recommends that you repay £815. It also asks you to produce mortgage interest statements to justify payments made for April – July 2004 and March – November 2006. You protest about that, but no doubt it can be done.

In your grounds of appeal to me you accept that the overpayment occurred. You say that you pointed it out to the Fees Office before the Review began, but you seek to offset the overpayment against some underpayments which you say have occurred. You draw my attention to some recent correspondence with the Fees Office, but I do not find in that any

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

clear evidence of admitted underpayment. You rightly accept that you cannot claim for expenditure where you did not seek to claim at the relevant time, and it seems to me that you also had an obligation to ensure that the claims you made, and the payments made to you in response to those claims, were correct.

My terms of reference (a copy of which I enclose) only permit me to intervene if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. On the information available to me I can find no such reasons.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Martyn Jones MP

The ACA Review says that you were overpaid a total of £310.36 for rent (£77.02 in April 2004–February 2005, and £233.34 in April 2007–March 2008), so it recommends that you repay £310.36.

In your Grounds of Appeal to me you say that in 2004-05 the problem may have arisen because the landlord's £10.00 per month telephone rental charge was included in the rent which you claimed as ACA. That was indeed the position. The Review separated it because you also claimed separately for other telephone charges. Nevertheless, I accept that the £10.00 per month could have been recovered as telephone charges, and it eliminates the overpayment alleged (now re-calculated at £51.07) in that financial year.

In 2007-08 you are right to say that the basic rent was £1,228.50 (save for the final month when it was £1,474.20) so the total for the year was £14,987.70, but your claims did not always match your monthly rental payments, so you were paid £15,221.04, an overpayment of £233.34. If, as you say, the telephone rental element had reduced to £8.33 per month that would amount to £99.96 over a year, which could have been claimed separately, but it would still leave an overpayment of £133.38.

On the other hand, in each of the other three years covered by the Review you underclaimed, by a total of £2972.95, so the overpayment of £133.38 can be set against those underclaims. The result is that in your case there are special reasons showing that it would not be fair and equitable to require any repayment and I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Sir Gerald Kaufman MP

The ACA Review says that you were paid –

- 1) £240.95 in 2006-07 for two Waterford grapefruit bowls purchased as replacements for breakages which, it is said, should have been claimed on household insurance, the cost of which was recoverable under ACA.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

- 2) £1,851 in 2007 for a rug, which exceeded the guideline price of £330 by £1,521.74.
- 3) £4,791 in 2008-09 for cleaning and laundry, which exceeded the £2,000 per annum limit for cleaning set by the Review by £2,791.

You have repaid £1,851.74, so it recommends repayment of the balance, namely £2,681.95.

With your letter to me of 15 December 2009 you supplied copies of your correspondence with the ACA Review, and you protest about the failure of the Review team to respond to your letters. That is not a matter for me. From the correspondence it appears that the three items of expenditure listed above were first drawn to your attention by the Review team on 12 October 2009. You then, in your letter of 15 October, corrected the description of the bowls in item 1), and said that as to item 2), you repaid the full sum to the Fees Office on 30 June 2009. In relation to item 3) you asked for details. None seem to have been provided, but on 30 November 2009 the Review wrote to you recommending repayment of £2,681.95, for the reasons set out above.

The material you have sent to me does not address the point taken by the Review in relation to item 1), namely that the loss should have been borne by your household insurers, not by the public through the ACA. As to item 2) the figures quoted by the Review show that you did indeed repay the full cost of the rug, so it requires no further consideration. In relation to item 3) I enclose a schedule which sets out the claims you made for cleaning and laundry in 2008-09, and explains how the Review arrived at a total of £4,791. To the limited extent that laundry costs can properly be regarded as within the scope of the ACA it seems to me reasonable to treat them as cleaning costs, and, as you know the Review has applied a limit of £2,000 per annum to such costs. Obviously it would have been better if the limit had been fixed and publicised before the claims were made, but I am sure that you would accept that anyone considering the extent to which the public should pay for the cleaning costs of a second home has to fix a limit somewhere. The Review having fixed the limit, and applied it to claims by all Members I do not see how, within my terms of reference (a copy of which I enclose) I can intervene. I can only do so if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment, either at all, or at the level recommended. I can find no such reasons. Indeed you may have noticed that because of the way in which the Review approached its task it has recommended that you pay £330 less than would otherwise have been the case.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Miss Julie Kirkbride MP

The ACA Review points out that you are married to another MP, Andrew MacKay. You designated your constituency home as your second home. He nominated it as his main home, and the flat which you shared in London as his second home. That enabled you to claim the expenses relating both properties against ACA, and you did so, your claims being at or close to the full annual allowance. The Review describes this as “a financial benefit which appears unintended under the Green Book rules, and as such to the principles governing it”. It is said that had you made different designations each of you might reasonably have claimed up to 2/3 of the full allowance on a shared second home. The

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Review has therefore concluded that each of you was overpaid by 1/3 of the maximum ACA for each year of the review period, a total of £29,243.

The Review goes on to point out that in May 2008 you extended the mortgage on your designated second home (your constituency home) to fund the construction of an additional bedroom, mainly for the use of your brother to provide childcare for your family. The total interest recovered under ACA in relation to the increase on the mortgage amounted to £2,584.26, and the Review states that as the accommodation was for a non-dependant family member the transaction was conflicted. It is clear from paragraph 8 of the Review that such a transaction would be regarded as conflicted because it involved a close family relative.

In your Grounds of Appeal to me you take a number of points in relation to your choice of designated home. You say, rightly, that nowhere in the Green Books during the review period was it suggested that married couples should consider their ACA claims as joint, and capped at a lower level than the maximum amount. It was only in May 2009 that the Rules were changed to require Members married to each other to nominate the same main home, and restricted them to claiming one person's Personal Additional Accommodation Expenditure (the successor to ACA) between them. You submit that it can be inferred that you and your husband were not acting contrary to the rules until that change was made. You also say that what you did was done openly and with the knowledge of the Fees Office. When you married your husband he took advice from the Head of the Fees Office, and you, as a new Member, acted on that advice. You refer to the doctrine of Estoppel, but it has nothing to do with the issues with which I am concerned. Even if the Fees Office gave bad advice, it cannot have rendered valid and acceptable an invalid claim. I accept of course that the Fees Office did know what was going on, because it authorised payments in response to your claims, and I accept that in one sense the Review decision is retrospective, but I find it a little difficult to accept your suggestion that your choice of designation represented reality because your husband's family live in or near your constituency, hence making it his natural home, whereas you are based in London as the principal carer for your child.

To my mind the fundamental reason why the arrangements which you made cannot be regarded as acceptable is that they lost sight of the purpose of ACA, which was to assist Members to fund the cost of accommodation when they needed a second home in order to fulfil their duties. It was never intended to relieve them of the costs of their main home, and you operated it in such a way that you achieved that result. Although you have challenged the approach adopted by the Review, I do not understand you to challenge the figures if that approach is found to be correct.

I turn now to your appeal in relation to mortgage interest on your extended mortgage. You explain that your second home (your constituency home) had only 2 bedrooms. By 2008 you needed an extra bedroom to accommodate your child's carer, and at that time you were lucky enough to be able normally to call upon your brother to provide that service at weekends and in the holidays. The edition of the Green Book which was current at that time stated that ACA was not available to recover –

“interest on any additional mortgages, advances or loans secured on the same property unless required for the repair or improvement of that property”.

It seems to me that in your case there was no problem, because the additional loan was used to improve the property, and you tell me that before the work was undertaken you explained to a senior Accounting Officer in the Fees Office what you proposed to do and why. He then, as you put it, “authorised the extension of the mortgage”.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

I accept that by 2008 there were restrictions on transactions with family members. ACA could not be used to meet the costs of a mortgage or for leasing accommodation from a partner or family member (see paragraph 3.3.3 of the Green Book), but I see no reason why that should have been extended to prevent you from recovering the costs of an additional mortgage required to enable you to provide a child carer's bedroom just because at that time it was envisaged that the child-carer would normally be your brother.

Accordingly, I am satisfied that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment of £2,584.26. I find no such reasons in relation to the sum of £29,243. As you have already repaid £1,811.64 the balance now recommended for repayment is £27,431.36.

To the limited extent indicated I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mrs Jacqui Lait

The ACA Review says that you were overpaid mortgage interest by a total of £622.94 (£606.54 in January to March 2007, and £16.40 in 2007-2008). You have made a repayment of £87.67, and are now recommended to repay the balance, namely £535.27.

Your grounds to me are dated 8 December 2009, and make it clear that what you really wanted was detailed figures to show what was owing, on examination of which you would be prepared to pay what you owed. On 5 January 2010, a member of the Review Team provided you with the figures, and with an explanation of the position taken by the review. That explanation seems to me to deal fully with the 2 periods mentioned above, namely January to March 2007, and the fiscal year 2007 to 2008. I assume that you will now repay the balance as recommended.

It follows that I find no special reasons in your individual case showing that it would not be fair and equitable to require repayment and I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Edward Leigh MP

The ACA Review says that in October 2005 you took out an additional mortgage for £100,000 for purposes not shown to be allowable under the ACA, and should repay the mortgage interest recovered by you in relation to that mortgage, a total of £5,025.94 over 3 financial years.

The Review also states that you were paid £11,700 for cleaning costs over the 5 year review period, exceeding the maximum figure of £2,000 per annum set by the review by a total of £1,700. You are therefore recommended to repay a total of £6,725.94, less £1,755 which you have already repaid, the balance being £4,970.94.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

In your Grounds of Appeal to me you explain that when you increased your mortgage from £202,000 to £302,000 in October 2005 you accepted from the outset that the interest on the increased mortgage would not be recoverable as part of your ACA, so you thereafter only claimed interest on the original loan (about 2/3 of the interest you had to pay to the mortgage lender). The Review has accepted that as a proper approach, but found that you were overpaid in 3 fiscal years covered by the review to a total of £5,025.94, and underclaimed, and so were underpaid, in the other 2 years to a total of £3,614.04. The figures do not seem to be in dispute, but what you challenge is the refusal of the Review to give you credit for the underpayments on the basis that the ACA is an annual allowance. Whilst I accept that it is an annual allowance, it seems to me to be clear that when deciding what should now be repaid there are special reasons in your case showing that it would not be fair and equitable to require repayment of £5,025.94, but only of £1,411.90, which takes into account the 2 years when you underclaimed.

I turn now to what you say about cleaning costs. I accept that the limit of £2,000 per annum was imposed by the Review after the expenditure was incurred. But I am sure that you will accept that anyone assessing the reasonableness of your claims seeking recovery from public funds will have to draw a line somewhere. The Review having drawn that line at £2,000 per annum for all Members my Terms of Reference (a copy of which I enclose) do not permit me to interfere unless I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. In relation to cleaning expenses I can find no such reasons. I would therefore dismiss that part of your appeal.

You say in your letter to me that “the London house has always cost me more from the available allowances which are intended to cover the running costs of this my second home”.

I have no difficulty in accepting that allowances have not covered the costs, but I question whether they were ever intended to be more than a contribution to certain parts of those costs, paid from public funds.

Finally, at the end of your letter, you refer to “generic matters on which a judicial review is sought”. As to those matters I make no comment, because of the carefully restricted nature of my Terms of Reference.

I therefore recommend repayment of £1,411.90 plus £1,700, less £1755 already paid = 1,356.90. To the extent indicated above I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual applicants, so this reply will form part of my report.

Dr Julian Lewis MP

The ACA Review says that in July 2006 you were paid £829.85 for mortgage interest related to the previous year. You have, I understand, repaid that sum.

The Review also says that in July 2006 you were paid £789 for a washer/drier, which exceeded the guideline price of £550 by £239, so you are recommended to repay that sum.

In your Grounds of Appeal to me you explain that at the material time you were unaware of any guideline price. I accept that. You also say that all you were doing was replacing a worn out appliance in a fitted kitchen with an identical appliance which fitted in the available space.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

It was made by Bosch, not an unduly expensive brand, and because it fitted in the available space there were no significant extra costs for plumbing, wiring or re-ordering the kitchen. Had such costs been incurred you could have reclaimed them, so your course of action restricted the burden on public funds. Furthermore, you discussed with the Fees Office what you proposed to do, and received approval, an assertion supported to some extent by an email from the Fees Office which I have seen.

There can be no possible criticism of what you did when replacing the washer/drier. Any prudent householder would have done the same. But I am sure that you would accept that anyone assessing your claim to recover the full cost from public funds would have to draw a line somewhere. The Review has drawn that line by reference to a guideline, of which you knew nothing. No doubt had you known of it you would not have claimed more, but the guideline having now been established and applied to all Members' claims such as yours, my carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I can find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons. The ultimate result is that (like others who purchased furniture) you have had the benefit of an appliance which fits your kitchen and the public will have contributed to its cost up to the limit of the guideline price.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Ian Liddell-Grainger MP

The ACA Review stated that you were paid £2,350 for cleaning costs in 2008-09, exceeding by £350 the maximum set by the Review of £2,000 per annum.

The Review also states that in 2008-09 you were overpaid in respect of mortgage interest by £2,146.23, so you are recommended to repay a total of £350 plus £2,146.23 = £2,496.23.

In your Grounds of Appeal to me, set out in your letter of 14 December 2009, you say that although the £2,000 per annum is "an arbitrary limit retrospectively imposed, without any explanation of how that figure was reached" you will repay £350. I therefore say no more about cleaning costs.

As to mortgage interest claims, a re-examination of the claims made over the 5-year period covered by the Review shows that although you did overclaim in one year you underclaimed, to a greater extent, in the other years, so I am satisfied that you should not be recommended to repay any part of the sum of £2,146.23. The overpayments constitute special reasons in your case showing that it would not be fair and equitable to require repayment in relation to mortgage interest and I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Rt Hon Peter Lilley MP

The ACA Review says that you purchased your second home in 2003 using a loan from your wife. In 2005 you replaced the loan with a mortgage, held jointly with your wife, and repaid her the original loan. Over the rest of the Review period you were paid £41,057.36 in respect of mortgage interest. “In substance”, it is said by the Review “this loan appears to have released capital, which was not permitted under the ACA, other than for the purpose of improving or repairing the house”. You are therefore recommended to repay £41,057.36.

In your Grounds of Appeal to me you give a little more of the history, which does not seem to be disputed. When in 2003 you found the house which became your second home, the vendor, who had moved abroad, required an immediate cash offer, not conditional upon a building society loan. You were not in a position to make such an offer, but your wife had funds she was holding, primarily to invest for her mother to help pay nursing home fees, and she reluctantly agreed to release those funds. You asked the Fees Office if it would be acceptable to obtain a loan in that way, and got approval. You thus obtained a loan of £265,000. Interest was set at a competitive market rate, of base rate plus 1.5% (less than a bank would have charged), and was declared for tax purposes, so your wife paid tax on that interest. In 2005 you discussed with HSBC obtaining a mortgage for £265,000 to enable you to repay your wife’s loan, and obtained Fees Office approval for that course of action. You have recently been told by the Head of the Fees Office that had you not replaced her loan of your own volition you would soon have been asked to do so because in July 2006 the Green Book rules were changed to prevent ACA from being used to meet the costs of a mortgage (or by inference a loan) from a family member.

So the mortgage in respect of which you claimed mortgage interest was not an additional mortgage. It was a first mortgage, and your wife’s loan was analogous to a bank bridging loan. Nothing in the rules required you to obtain a mortgage within a set period of time of completion, and in any event the period was not long. If it had been obtained to repay a bank bridging loan it would still, in one sense, have been obtained to release capital, and the Green Book never did prevent you from claiming interest if you replaced one mortgage with another for the same amount. All that it prevented was a claim for interest on “any additional mortgages, advances or loans secured on the same property”, which was not a relevant inhibition in your case.

I find your arguments compelling. I am at a loss to understand why the Review should state that what you did was not permitted under the ACA, nor do I understand the reference to improving or repairing the home, which appears to be a reference to a relaxation in relation to additional mortgages only introduced into the Green Book in July 2006. I therefore find special reasons in your individual case showing that it would not be fair and equitable to require repayment of any part of the sum of £41,057.36 and I would allow your appeal in full. My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Iain Luke

The ACA Review says that in 2004 to 2005 you were paid £1,230 for petty cash, which was not allowable under Green Book rules. You are therefore recommended to repay that sum.

In your Grounds of Appeal to me you say that the Fees Office must have approved the relevant payments at that time, and that if they were wrong they should repay, not you. That

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

is not a good argument. The Fees Office may have been wrong, but you had the money, and were under an obligation only to claim that to which you were entitled. ACA was never available to provide petty cash, but the Green Book (2004 edition paragraph 3.6.1) did not require documentary proof for items of expenditure of less than £250 (except for food). That seems to have been understood by your late wife who, I understand, prepared your claims for “out of pocket expenditure”. You tell me that she died on 21 November 2009 after struggling with cancer for many years, so obviously you have been handicapped in responding to the Review, and I offer you my sympathy in your loss.

You point out that you left Parliament in 2005 and all your Parliamentary papers were shredded some time ago, so you are no longer in a position to say how the ACA claims in question were framed. In addition, because of your wife’s illness, you have suffered financially, as well as physically and emotionally. Until last August you could only accept temporary contracts in education, and even now you only earn £1,860 per month net, out of which you have to fund your home and the needs of your three children, none of whom are in paid employment. One is at University, and the second hopes to go there later this year, and that all involves you accepting extra financial strain.

My Terms of Reference enable me to consider whether there are special reasons in your individual case showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. I have concluded that your personal circumstances do reveal such reasons. I would therefore allow your appeal and recommend no repayment.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Andrew Mackay MP

The ACA Review points out that you are married to another MP, Julie Kirkbride. You designated your London flat as your second home. She nominated it as her main home, and the constituency home, which you also shared, as her second home. For you it was designated as your main home. That enabled you, as a married couple, to claim the expenses relating to both properties against ACA, and you did so. Your claims being at or close to the full annual allowance. The Review describes this “a financial benefit for the couple which appears unintended under the Green Book rules, and as such contrary to the principles governing it”. It is said that had you made different designations each of you might have reasonably claimed up to 2/3 of the full allowance on a shared second home. The Review has therefore concluded that each of you was overpaid by 1/3 of the maximum ACA for each year of the review period, a total of £29,243.

The Review also states that you were paid £9,950 for cleaning over the 4 years April 2004 to April 2008, thus exceeding the maximum of £2,000 per annum set by the Review by a total of £1,950.

You are therefore recommended to repay a total of £31,193.

In your Grounds of Appeal to me you emphasise the position of the Fees Office as a source of advice, especially where circumstances are unusual. It has, and throughout the relevant period has always had, authority to interpret and enforce the rules. Thus far I agree with you, but the conclusions which you seek to draw seem to me to be, in certain respects, mistaken. I accept that Members were and are entitled to rely on advice given by the Fees Office and

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

its officials, but only if they have no reason to believe that it is wrong. If they do rely on such advice in good faith they cannot be said to have acted improperly even if, in the end, the advice tendered turns out to be mistaken. But all of this has nothing to do with the law of agency, or Estoppel. We are concerned here with admissible claims against public funds, and, as the Speaker wrote in his introduction to the Green Book (April 2005 edition), "Members themselves are responsible for ensuring that their use of allowances is above reproach". You say that the way in which you and your wife designated your homes was in accordance with advice given by the Fees Office. If so it seems to me that the advice was plainly mistaken, and indeed that you should have recognised it to be mistaken.

As I have said in my letter to your wife, the fundamental reason why the arrangements which you made cannot be regarded as acceptable is that they lost sight of the purpose of ACA, which was to assist Members to fund the cost of accommodation when they needed a second home in order to fulfil their duties. It was never intended to relieve them of the costs of their main home, and you operated it in such a way as to achieve that result.

I agree that the basis of the overall approach adopted by the Review to calculate what you and your wife might reasonably have claimed on a shared second home is difficult to discern, but if anything it seems to me to be generous, and you do not contend otherwise. I therefore find no special reasons in your individual case showing that it would not be fair and equitable to require repayment of £29,243.

I turn to the costs of cleaning. I agree that the limit of £2,000 per annum was not in place when the costs were incurred, and that is unfortunate. But I am sure that you would agree that anyone considering what sum it would be reasonable to ask the public to pay towards the cost of cleaning a second home would have to draw a line somewhere. The Review has drawn it at £2,000 per annum for all Members. My Terms of Reference (a copy of which I enclose) only permit me to intervene if I can find special reasons in your individual case showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. I can find no such reasons.

I would therefore dismiss both parts of your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Denis MacShane MP

The ACA Review states that you were paid cleaning costs totaling £7,354.34 in 3 financial years (£3,000 in 2004 to 2005, £2,341.34 in 2005 to 2006, and £2,013 in 2007 to 2008), which exceeded in each year the £2,000 per annum limit set by the Review, so you are recommended to repay £1,354.34.

You are also said to have been paid £153.39 in September and October 2008 for gas, without providing sufficient evidence to show that the supply was to your second home, the only address on the bill being that of your main home, so you are recommended to repay £1,354.34 plus £153.39 = £1,507.73.

You are also asked to provide mortgage interest statements for the period April 2004 to January 2006 to support payments totaling £6,001.34.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

In relation to the cleaning costs you say in your Grounds of Appeal to me that it would be difficult to keep within the £2,000 limit set by the Review and yet pay the minimum wage. You may well be right, but I am sure that you would accept that anyone assessing your claim would have to set a limit somewhere as to the amount properly recoverable from public funds. The Review has set that limit to £2,000 per annum. It is very unfortunate that it was not set before you made your cleaning claims, and of course no one could possibly criticise you for paying more, but my carefully restricted Terms of Reference (copy of which I enclose) do not permit me to interfere. I can only do so if there are special reasons in your individual case showing that it would not be fair and equitable to require repayment in accordance with the limit applied to all other Members in respect of cleaning claims. I cannot find any such reasons in your case. You have said nothing to me about the finding in relation to gas, and I understand the time set by the Review for the production of mortgage interest statements has been extended in your case.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Gordon Marsden MP

The ACA Review says that in 2004 to 2005 you were paid £1,135.40 for mobile phone costs which are not allowable under the Green Book. You are recommended to pay that sum.

In your Grounds of Appeal to me you explain, by reference to your letter to the Review of 29 October 2009, that in 2004 to 2005 you did not have a landline in your constituency home, and understood from the Fees Office that claims for your mobile phone which was registered at your constituency address, supported by receipts, would be acceptable for the purposes of ACA. In the following fiscal year the Fees Office advised you to submit such claims as Incidental Expenses, and you did so. Had your mobile phone claims been submitted as Incidental Expenses in 2004 to 2005 they would have been paid, because your total claim for IEP fell well short of the annual limit for that financial year.

In fact you could also have made the point that it was only in the April 2005 edition of the Green Book that it was stated, for the first time, that although telecommunication charges remained recoverable as ACA, mobile phone rental and charges were not recoverable. Accordingly, as it seems to me, what you did, guided by the Fees Office, was entirely in line with requirements which were current at the time, and it follows that there are special reasons in your individual case showing that it would not be fair and equitable to require any repayment.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Steve McCabe MP

Mr McCabe entered notice of appeal but the Review found, when it completed its calculations, that there were no issues in his case.

Ms Christine McCafferty MP

The ACA Review says that in the fiscal year 2004 to 2005, and in the period April to May 2005, you were overpaid mortgage interest to a total of £818.81. You accept that calculation and have repaid.

The report also says that in February 2008 you were paid £1,481 for a fitted wardrobe which exceeded the guideline price of £770 by £711.

In your Grounds of Appeal to me you say the claim for the fitted wardrobe included an initial survey, plus a full day's labour when it was fitted, and was the lowest quote provided to you. It was accepted by the Fees Office at a time when you were unaware, and had no reason to be aware, of any guideline price. I accept all of that, and I can understand your irritation at being asked to repay because you exceeded a guideline price of which you were unaware. But I am sure you would accept that anyone required to consider to what extent the cost of an item of furniture should be borne by public funds would have to draw a line somewhere. The Review has drawn it for you and for all other Members by reference to guideline prices, and recommended that any excess be repaid. My Terms of Reference (a copy of which I enclose) do not permit me to interfere unless I can find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons. I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Andrew Miller MP

The ACA Review says that you were overpaid by £316 for council tax in 2004-05, and recommends repayment of that sum.

In your Grounds of Appeal to me you accept that the overpayment did occur, but explain that at the end of that fiscal year your final monthly claim for ACA was reduced by the Fees Office by £126.74 because otherwise you would have exceeded what was then the annual maximum. You submit that the enforced reduction applied to otherwise valid claims should be taken into account when deciding how much you should now repay, with the result that the repayment should be limited to £189.26.

My Terms of Reference enable me to interfere if I consider that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. I accept that, in the light of what you have said, there are such reasons, and that you should only be recommended to repay £189.26. To that extent I would allow your appeal.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Ms Kali Mountford MP

The ACA Review says that –

- 3) between April 2004 and May 2005 you received £340.40 for taxis, which are not allowable under Green Book rules.
- 4) in 2007 to 2008 you were overpaid by £832.97 in respect of council tax, and
- 5) in 2 financial years you were overpaid a total of £792.42 for rent (£758.69 in 2005 to 2006 and £33.73 in 2008 to 2009).

You are therefore recommended to repay a total of £1,965.79.

In your Grounds of Appeal to me you deal with the matters identified above as follows –

- 1) Taxis: some claims were made and some disallowed. You do not seem to contend that all claims were disallowed. In fact the record show that whilst some claims for taxis were disallowed 3 payments against invoices were made – in April 2004 £220; in May 2004 £70.40; and in June 2004 £50; totalling £340.40. I do not understand you to challenge the Review's contention that taxi fares were not within the scope of ACA.
- 2) Council Tax: in essence you say that the Fees Office must have had the necessary evidence when they authorised payments. There is not currently available a council tax statement for 2007 to 2008 (perhaps because the installments were under £250 per month). It is however known that the rate of tax increased by .9% to produce the council statement for the next year, which is available, so it is possible to calculate what you paid to the council in 2007 to 2008, and compare that with the sum which you claimed. The result is the overpayment of £832.97.
- 3) Rent: again you say that the Fees Office must have had the necessary evidence to support the payments made. There are available clear rental and other statements showing what you should have recovered, but you seem to have made your claims irregularly. A comparison between the rental and other statements on the one hand and the sums paid in response to your claims on the other shows the overpayments alleged.

I therefore find no special reasons in your individual case showing that it would not be fair and equitable to require repayment at the level recommended.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Chris Mullin MP

The ACA Review says that in 2005 to 2006 you were paid twice for contents insurance on your second home. You accept that, and have repaid.

The Review also states that in August 2008 you were paid £899 in respect of a mortgage acceptance fee which was added to the mortgage capital balance. Your subsequent claims for mortgage interest included an element for that fee, so the payment was in effect duplicated. You are recommended to repay £899.

In your Grounds of Appeal to me you say, and I accept, that as soon as the position in relation to the mortgage acceptance fee was pointed out to you by the Review, you offered to reduce your mortgage by £899 and repay the interest you had claimed in respect of that sum since it was added to your mortgage, thus eliminating any loss to the taxpayer. The Review did not respond to your offer, so you have done what you offered to do, and I have evidence to prove it. You calculated the interest at £36.69, and to be on the safe side rounded it up to £40, the sum which you paid.

That, as it seems to me, disposes of the matter. You were entitled to claim one mortgage acceptance fee from ACA, and you are now in a position where you have nothing to which you are not entitled. A recommendation for repayment can no longer be sustained, as a result of the actions taken by you.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Dan Norris MP

The ACA Review says that you were paid cleaning costs of £9,730.19 over a 4 year period (£2,544 in 2004-05, £2,653.85 in 2005-06, £2,424.17 in 2006-07 and £2,108.17 in 2007-08) which exceeded the limit of £2,000 per annum set by the Review by £1,730.19, which sum you are recommended to repay.

In your Grounds of Appeal to me you explain, as you did previously to the Review, that your cleaning costs were higher than they would otherwise have been because, for good reasons which I need not develop, you ran your constituency office from part of your second home. As you point out, the Green Book specifically permitted you to do that, and to charge, under the heading of Incidental Expenses, for any additional costs incurred (eg telephone lines, heat, light, but not leasing or mortgage). You chose to claim all of your cleaning costs against your ACA because you were anxious to avoid any suggestion that you had double-claimed, or had used IEP to meet personal costs. You say that when applying the limit of £2,000 per annum to you, the Review failed to have regard to your unusual circumstances, and in particular the need to house your constituency office in your second home with the result that a substantial part of the cleaning costs you incurred were office cleaning costs potentially recoverable as IEP.

As it was permissible for any Member to provide space for his or her constituency office in his or her second home, I do not consider it to be of any importance for present purposes why you chose to follow that course. Equally, as it seems to me, any Member with a

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

constituency office at home was free to decide how to deal with cleaning costs. You might have chosen differently if you had known of the £2,000 per annum limit which was to be imposed by the Review, but that, as it seems to me, only puts you in the same position as other Members, and particularly those with offices at home. As you may recall, my Terms of Reference are carefully restricted. For your convenience I enclose a copy. I can only interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons, and I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Lembit Öpik MP

The ACA Review says that between November 2004 and March 2005 you were paid £909.42 for mobile phone bills which “are not allowable under Green Book rules”.

The Review also refers to payments in respect of court costs totalling £155, which are not under appeal, and allowing for repayment of £195 it recommends repayment of £869.42.

In your Grounds of Appeal to me you say that at the time when your mobile phone bills were claimed as part of your ACA there was nothing in the Green Book to indicate that such claims could not be made. I agree. It was only in the April 2005 edition of the Green Book that it was stated, for the first time, that although telecommunications charges remained recoverable ACA could not be used to recover mobile phone rental and charges.

I am therefore satisfied that there are special reasons in your individual case showing why it would not be fair and equitable to require repayment of the sum of £909.42. I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Baroness Quin

The ACA Review says that you were paid £1,504 for new bathroom equipment, with the work done on 27 March 2005, a few days before Parliament was dissolved, you having previously announced your intention to stand down from the House of Commons. The Review recommends repayment of £1,504.

In your Grounds of Appeal to me you make it clear that you are principally concerned to challenge (1) any suggestion that the new bathroom equipment was anything other than replacement of broken equipment, and (2) any unfavourable inference that might be derived from the timing.

The item in question was a bath/shower mixer. After the work was done, you told the Fees Office that it had taken you 2 to 3 months to find and then engage a plumber to do the work. In a letter to you from the Department of Finance and Administration dated 8 March 2005 you were told that you would not be able to use ACA for expenditure incurred “after Dissolution”.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

The work was done on 28 March 2005, and Dissolution was 6 days later. On 26 April 2005 you submitted your March claim for ACA, which included the claim for £1,504. By then a policy had been adopted restricting ACA claims made at the end of a Parliament by Members standing down. Because of the existence of that policy your claim for £1,504 was initially rejected by the Fees Office, but you claimed to have been unaware of the policy, and on 20 May 2005 your claim was allowed.

In the light of the history it seems to me that there are special reasons why in your individual case it would not now be fair and equitable to require repayment. In coming to that conclusion I accept that you were simply replacing broken or worn out equipment, that the work took some time to arrange, that before it was done you were told that you could not claim ACA for work done after Dissolution, but were not told of any policy to be applied to Members standing down. That seems to be in line with the conclusion reached by the Fees Office in May 2005.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon John Redwood MP

The ACA Review says that in March 2005 you were paid £112 for the cost of re-seeding your lawn, which was not allowable under Green Book rules, and it is recommended that you repay that sum.

In your Grounds of Appeal to me you say that the expenditure was incurred re-seeding worn patches, a form of garden maintenance, and that the Fees Office raised no issue in relation to it. No question has been raised in relation to scarification which was done in the same year.

I entirely understand why you submitted the claim when you did, but, as was explained to you by a member of the Review Team in her email of 3 November 2009, "the criteria used for the Review are such that only claims for basic garden maintenance are allowable (eg lawn cutting, weeding, pruning shrubs)". I am sure that you would agree that anyone who has to decide what gardening expenses should be borne by public funds has to draw a line somewhere. The point at which it has been drawn by the Review for you and for all other Members seems to me to be clear and reasonable. It does not imply any lack of integrity on your part, but my Terms of Reference (a copy of which I enclose) only enable me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Frank Roy MP

The ACA Review says that in 2005–2006 you were overpaid in respect of mortgage interest by £545.79, and recommends repayment of that sum.

In the Grounds of Appeal you say that a comparison of the mortgage statement from your mortgage lender, Bank of Ireland, and your ACA claims shows that you paid interest amounting to £11,911.84, and only recovered through ACA £11,087.37.

The documentation you have produced to me was not all available for the Review team, which had to make calculations without it. Having seen your copies of your ACA claims I accept that you recovered £11,087.37, your initial 2-month claim being reduced by £802.63 to allow for a period of dissolution. I also accept that you paid £11,911.84 to your mortgage lender, but that figure also has to be reduced by £802.63 before a proper comparison can be made. It comes down to £11,109.21. Thus it becomes clear that in the relevant fiscal year you did not overclaim. You underclaimed in respect of mortgage interest by £21.84.

Accordingly, I find special reasons in your individual case showing that it would not be fair and equitable to require any repayment, and I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Ms Alison Seabeck MP

The ACA Review says that in October 2007 you were overpaid by a total of £1,167 for mortgage interest, and that in November 2005 you were paid £795.00 twice for rent. You are therefore recommended to repay £1,962.00.

In your grounds of Appeal to me you accept that mortgage interest was overpaid, and you say that you have repaid it. I accept that. As to rent, you accept that there was a double payment, but say that you spotted it yourself and corrected it by not claiming in May or June 2006, at the end of your 12-month tenancy.

I accept that you did not claim for rent in May or June 2006, but it is clear from the records, which include your ACA claims forms, that in early April 2006 you changed your designated second home to a property which you had just purchased, and from that time onwards you claimed mortgage interest repayments for that property. You were not entitled to claim for both mortgage interest repayments in respect of one property and the rent of another property, and you did not do so., but you cannot now claim credit for not having done so.

I can therefore find no special reasons in your individual case showing that it would not be fair and equitable to require repayment of £795.00, and I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Richard Shepherd MP

The ACA Review says that in September and October 2007 you were paid £705 twice, for tree works, and that in 2005-06 you were paid £110.88 cleaning in a period of Dissolution. You accepted those findings and have repaid in full.

The Review also says that –

- 1) In 2005-06 you were paid gardening cost of £1,576, which exceeded the maximum figure of £1,000 per annum set by the Review by £576;
- 2) Over three years you were paid cleaning costs totalling £7,800 (£2,520 in 2005-06; £2,620 in 2006-07, and £2,660 in 2007-08) which exceeds the maximum figure of £2,000 per annum set by the Review by a total of £1,800.

You are therefore recommended to repay £2,376 (allowing for the repayment already made).

In your Grounds of Appeal to me you say that you maintained a constituency home in order to perform your duties as a Member. Your claims for services were open, and reasonable, and were never challenged by the Fees Office. As you are single and away a lot you need a housekeeper to service, maintain and watch over the property. You also point out that at the time when your claims were made there was no annual limit on claims for services, and suggest that the imposition of one subsequently is unfair, and may be barred by implied consent or estoppel.

I am afraid that I see no room here for arguments about implied consent or estoppel. The ACA Review was charged by Parliament with the task of examining all payments made against the rules and standards in force at the time. I can understand your irritation at your claims being measured against limits which had not been set and published when the claims were made, but I am sure that you would accept that anyone assessing such claims against public funds would have to set limits somewhere, and the Review having set the limits for all Members' claims at £1,000 per annum for gardening and £2,000 per annum for cleaning my Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. I can find no such reasons, and your appeal is therefore dismissed.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Sir Michael Spicer MP

The ACA Review says that –

- 1) Over the 5 year period covered by the Review you were paid a total of £15,612.87 for garden maintenance, which exceeds the maximum of £1,000 per annum set by the Review by £10,612.87;
- 2) Over three years you were paid a total of £10,179.00 for cleaning, which exceeds the maximum allowance of £2,000 per annum set by the Review by £4,179, and;

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

- 3) In December 2005 you were paid £730.00 for a dishwasher, which exceeds the guideline price by £317.50.

You are therefore recommended to repay a total of £15,109.37.

In your Grounds of Appeal to me you complain that the maximum annual allowances used by the Review have been “invented retrospectively”, and take no account of authority given to the Fees Office, or of its practice of imposing a limit of £300 per month for gardening. You say that if you had known at the time of the annual limits now being applied you would have structured your finances and your claims differently (perhaps by taking out a mortgage, and using other unclaimed expenses). You also say that some of the gardening work, perhaps as much as 30% of it, was really indoor maintenance work, done mainly in winter, and should not be affected by any gardening cap. Finally, you say that the recommendations now made amount to a fine or a penalty, carrying the implication that the claims were inappropriate or disproportionate, and that it all amounts to a travesty of natural justice.

I can understand the sense of indignation, but I am sure that you would accept that anyone charged with deciding how much of claimed gardening or cleaning expenses should be paid out of public funds has to draw a line somewhere, at a figure they consider to be reasonable and proportionate, given the overall purposes of the ACA, and the need to protect the taxpayer. You say that the Fees Office drew the line for gardening at £300.00 per month. The evidence for that seems to me to be slender. Certainly, the letter you have produced from a fellow MP shows that in 2005 he received some advice that £300.00 per annum would be acceptable, and in early 2007 the Fees Office drew attention to the size of your claims for gardening in that financial year. You say it then gave you similar advice. But whatever the Fees Office may have decided, the Terms of Reference of the Review make it clear that the Review was not bound by Fees Office decisions, and the Review having decided to set annual limits for all Members at £1,000.00 per annum for gardening and £2,000.00 per annum for cleaning, and to use guideline figures when assessing claims for household appliances, my Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment either at all, or at the level recommended. So far as the recommendations made by the Review in relation to cleaning expenses and the dishwasher are concerned I find no such reasons. In relation to gardening costs there might have been such reasons if you had been able to produce reliable evidence on a year-by-year basis that a definable part of what you claimed as gardening expenses was really indoor maintenance recoverable as ACA within the allowance limit available for that year, but you have produced no such evidence. The fact that if the limits had been known to you you might have presented your claims differently cannot be a relevant consideration for me at this stage.

I would therefore dismiss your appeal, but I stress that the decision of the Review which I uphold does not impose a fine or penalty. It makes a recommendation arising out of its conclusions as to the extent to which the expenses which you have claimed should continue to be borne by the public.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Anthony Steen MP

The ACA Review says that you were paid –

- 4) £184.89 in May 2004 for skip hire, 23 garden plants, and a flagpole rope and binding. The plants (£39.39), it is said, were not allowable under the Green Book rules, and the skip hire (£117) and the flagpole rope and binding (£28.50) were claimed without evidence as to their necessity.
- 5) £3,774.14 twice in May 2004 and January 2005 for decorations, water supply repairs and heating.
- 6) £10,252.22 for gardening costs over three years April 2005-April 2008, exceeding by £7,252.22 the £1,000 per annum limit set by the Review.

The total repayment recommended is therefore is £11,211.75, but as you have repaid £5,946.93 the balance now recommended to be repaid is £5,264.82.

Your Grounds of Appeal to me, set out in your letter of 23 December 2009, and supplemented by your e-mail of 19 January 2010, are not always easy to relate to what is set out above.

- 1) For example, in paragraph 8, page 9, you say that “the £185.39 (sic) has already been repaid”, and then, on page 10, that this item, you believe, “was referred to in 28 June 2005 e-mail and specifically excluded from payment.” The Review is concerned with the payment of £184.89 in May 2004, not 2005. You do not address the point made by the Review that expenditure on garden plants was not recoverable, but I note that in the e-mail to you dated 28 June 2005 (your Appendix 7) that point was made in relation to a later claim by the Fees Office. Nor do you address the point made by the Review in relation to the other items, namely that there is no evidence of necessity.
- 2) I understand that you admit the double-payment of £3,774.14, but say that you should not be recommended to repay that sum, or the “£185.39” because those payments were made in the fiscal year 2004-05, a year when your ACA claims reached the annual ACA limit in December 2004, so that you had to cease making claims. The argument, as I understand it, is that the £185.39 and the £3,774.14 should be set off against valid claims that you could have made. I understand that argument, but as the claims do not seem to have been made and tested by the Fees Office I cannot be satisfied that they were valid to the extent of nearly £4,000.
- 3) As to the limitation on gardening expenses you say, and I accept, that the £1,000.00 per annum was unknown to you at the time. It has been retrospectively imposed by the Review. You say that it discriminates against those representing rural constituencies, whose constituencies tend to have larger gardens. In that context I consider it important to keep firmly in mind that a limitation on recoverability of gardening costs does not prevent a Member from owning a large garden. It only limits the amount he or she can recover from public funds. You say that your garden was used for the benefit of your constituents, and that what you recovered from ACA never did cover the costs of your second home. That may well be right, but ACA did not offer an indemnity, only recoverability of certain types of expenditure.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

I can well understand your frustration at having your gardening expenses claims measured against a limit of which you were unaware of at the time, but I am sure that you would accept that anyone who had to decide what part of those claims should have been charged against the public purse as being reasonable and proportionate would have to draw a line somewhere. The Review having drawn the line for all Members' claims for gardening at £1,000.00 per annum my carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment, either at all, or at the level recommended. Having studied your Grounds of Appeal I find no such reasons, in relation to any of the Review's three recommendations. What you say about cleaning expenses, and the lack of limitation on claims for mortgage interest is of no real assistance in dealing with your claim, which does not involve either cleaning or mortgage interest.

I would therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr David Stewart

The ACA Review says that you were overpaid by a total of £1,734.64 in respect of mortgage interest (£1,667.55 in 2004–2005 and £67.09 in 2005–2006). It also says that you were overpaid £192 in respect of council tax, but you accept that, and I understand that sum to have been repaid. It follows that the Review's adjusted recommendation is for repayment of £1,734.64.

In the Grounds of Appeal to me you explain that when you purchased your London home in 2002 for £220,000.00 you obtained a loan of £220,000.00 from the Nationwide Building Society, but in order to provide the lender with sufficient security there were two mortgages:-

- 1) £187,000.00 was secured on your new London property, and;
- 2) £33,000.00 was secured on your home in Inverness.

You explained the arrangement to the Fees Office, and got approval to claiming interest on both mortgages, but the Review does not seem to have accepted that all of the interest was recoverable.

It may be that you did not explain the position to the Review team as you have explained it to me. Certainly you are right in your belief that the calculations made by the Review only took into account the first mortgage, and when both mortgages are taken into account it is clear that you have not been overpaid in respect of mortgage interest.

I am therefore satisfied that there are special reasons in your case showing that it would not be fair and equitable to require repayment of any part of the sum of £1,734.64, and I would allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Mr Simon Thomas

The ACA Review says that from April 2004–March 2005 you were overpaid for mortgage interest by £349.20, and recommends the repayment of that sum.

In your Grounds of Appeal to me you rely on earlier correspondence with the Review team and question how it has been calculated that there has been an overpayment. It seems that it was at one time suggested to you that the overpayment arose in the first three months of 2005. As you can see from the Review (and from the Review letter to you dated 9 December 2009) that is not what is now alleged. The discrepancy arises by comparing the full fiscal year figures showing what you claimed and received with what the information from your mortgage lender shows that you paid in mortgage interest. The figures are set out in a schedule which is enclosed. Your first two Grounds of Appeal in fact amount to a request for further information as to how the discrepancy is alleged to have arisen, and I have given you that. As to the third ground I accept that after nearly five years it would not be reasonable without an explanation to expect you to repay. Now that you have the explanation I see no special reason in your individual case to say that it would not be fair and equitable to require repayment, and I therefore dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Ms Kitty Ussher MP

The ACA Review says that in October 2008 you were paid £16,723.93 for a fitted kitchen, of which £4,452.48 related to re-wiring and re-plumbing work, which the Review regarded as separate. The balance of £12,271.65 exceeded the guideline price of £11,000 by £1,271.65, and the Review recommended repayment of £1,271.65.

In your Grounds of Appeal to me you explain that you were unaware of any guideline price when you made your claim. I accept that, the guideline was adopted by the Review. You say, and I accept, that had there been a published guideline price you would have adhered to it. But in the absence of such a price, and in the knowledge that the expenses of your second home exceeded what you could recover as ACA, you chose to front-load your claim, claiming for some, but not all, of the kitchen work carried out in the summer of 2008. You say that it was not a “new kitchen”. Some of the work—painting walls and tiling the floor—was really work which needed doing anyway, but the impact of your claim on your annual allowance was such that you did not claim for other items such as mortgage interest, utility and other running costs in that financial year. You suggest that to require a repayment now is unfair, and that either the guideline limits used by the Review should be waived in your case, or your ACA accounts for that year should be re-opened, so that you can claim some of the other costs you incurred.

It seems to me that anyone required to decide how much of your claim for kitchen refurbishment should be borne by public funds would have to draw a line somewhere. The Review has drawn it by resort to its guideline price, and it has adopted the same approach in relation to all other Members’ claims, for furnishings, domestic equipment, etc. It is, I accept, most unfortunate that you did not know of the guideline earlier, but my carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment, either at all, or at the level recommended. I can find no such reasons. As you

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

recognise, at least by implication, you cannot claim to offset the sum now recommended for repayment against claims which you did not make in the relevant year, and which have therefore never been tested, and I have no power to order that the 2008–2009 accounts be re-opened. I would therefore dismiss your appeal. At least you still have the benefit of a substantial contribution to the work that was done.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Edward Vaizey MP

The ACA Review says that:-

- 1) In March 2007 you received £790.00 for a dining table, which exceeded the guideline price of £660.00 by £130.00;
- 2) In 2008–2009 you were overpaid for mortgage interest by £197.42; and
- 3) In 2008–2009 you were overpaid for council tax by £136.00

You are therefore recommended to repay £463.42, but since 1 April 2009 you have repaid £2449.45, and it is not suggested that any further repayment should now be made.

In your brief Grounds of Appeal to me you question only the figure of £197.42. You say that it should be £162.00. The Review's calculation was based on the interest charges set out in the statement of your mortgage lender, Cheltenham & Gloucester, rather than the amounts debited, which seem to be the figures you have used. The difference varies month by month, but the approach used by the Review in your case is the approach which it has used with other Members whenever the relevant information has been available. If there were an effective recommendation for repayment I could not therefore, within my Terms of Reference, say that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment at the level recommended, but as there is no effective recommendation for repayment I need only say that I would dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Sir Peter Viggers MP

The ACA Review explains that you had an arrangement with the Fees Office which enabled you to receive periodic payments of ACA on the basis that the costs of running your second home exceeded your annual allowance. The Review has been able to work out from the material which you provided what was recoverable each year for mortgage interest, utilities, special repairs, etc, which has led it to conclude that between April 2004 and April 2008 the balance of your claims, amounting in all to £15,293.12 was claimed for gardening. That exceeded the annual allowance for gardening of £1,000 per annum fixed by the Review by a considerable margin.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

The Review also found that –

- 1) In 2004-05 you were overpaid for Council Tax by £387.34;
- 2) In 2005-06 you were overpaid for Council Tax by £168.26;
- 3) In July 2007 you were overpaid for roof repairs by £1,637.54;
- 4) In 2008-09 you were overpaid for mortgage interest by £759.54.

The Review recommended repayment of £13,464.30

In your Grounds of Appeal to me you say that as regards gardening expenses you have always consulted the Fees Office and that a retrospective cap is unreasonable.

You accept that the two overpayments were made in relation to Council Tax, and you also accept that there was an overpayment of £1,637.54 for roof repairs. As regards mortgage interest you say that you have difficulty reconciling the Review's figures and your own, but you say that in any event in each of the fiscal years covered by the Review you submitted to the Fees Office valid claims which were not met because you had reached your annual ACA limit. Therefore you seek to rely on the tested but unmet claims to such extent as may be necessary to deal with any recommended repayments. In your letter to me of 16 December 2009, you give the figures for claims submitted and tested but not met and they are set out in the table which is enclosed.

As regards gardening expenses, I can understand the irritation caused to you by their being tested against a limit not known to you when the claims were made, but I am sure that you would accept that anyone required to decide to what extent claimed gardening expenses should be borne by the public would have to draw a line somewhere. The Review has drawn it, for all Members, at £1,000.00 per annum, and my carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment. Leaving aside for a moment your claim to set off any repayment against what I can describe as an un-used credit balance, I can find no special reasons in your individual case showing it would not be fair and reasonable to require repayment. The same applies to sums paid for Council Tax and roof repairs. As you accept, those sums should not have been paid.

As regards mortgage interest I have seen, as I believe that you have, the calculations which led the Review to conclude that there was an overpayment of £759.54, and you have not given me any reason to conclude that those calculations are incorrect.

I now invite your attention to the enclosed schedule, which sets out in tabular form figures supplied to you by the Review on 20 November 2009, and which explained how the Review arrived at its conclusions in your case. I have expanded the table to include, in column A, the maximum ACA available in each year, and in column G the amounts you say that you proved and could have claimed if you had not reached your ACA annual maximum. In 2008/09 the Review found, in column B, items totalling £23,224.50, which only left £781.50 to be attributed to gardening, having regard to the annual ACA limit. For the avoidance of doubt I should explain that the figures in column C include the overclaims in respect of council tax, roof repairs and mortgage interest.

Clearly if you can now draw on the annual un-used credit balance as alleged by you, those balances exceed, year-by-year, what the Review says that you have been overpaid. In some

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

cases where a credit balance or the equivalent has been clearly demonstrated (e.g. where a Member has simply claimed mortgage interest in the wrong financial year, or over-claimed rent in one month but under-claimed in another) I have considered that it would not be fair and equitable to require repayment. But in your case I find the evidence less compelling. I doubt if the Fees Office really tested claims they were not going to meet, and I notice from your letter that at least one reduction (from £7,654.61 to £6,902.00) was made by you to stay within an annual limit. Obviously you would not have had to prove that part of the claim which you decided not to pursue. Many Members have had claims that they could have made if they knew that the claims they did make would be reduced, and in their cases I have had to say that it is too late to claim now. It seems to me that your claim to off-set recommended repayments falls on that side of the line. The un-used credits claimed are not sufficiently firmly established to enable me to find special reasons in your individual case showing that it would not be fair and equitable to require repayment.

The only exception is in 2008-09, where the overpayment of mortgage interest reduced the figure in column C to £22,464.91 and thus enabled you to claim the full £1,000 p.a. gardening allowance in column D and E, so the mortgage interest overpayment of £759.54 can be reduced by the difference between £781.50 and £1,000, namely £218.50.

I would therefore allow your appeal only to the extent of £218.50, and uphold the recommendation for repayment of £13,464.30 less £218.50 = £13,245.80.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Financial Year	A) Maximum ACA Available	B) Claimed by member and paid	C) Found by Review to be substantiated (excluding gardening)	D) Balance attributed by Review to gardening	E) Review's allowable gardening	F) Recommended repayment	G) Allowance claimed by Member as proved but unpaid
2004/5	20,902	20,371.08	17,688.41	2,682.67	1,000	1,682.67	3,874.21
2005/6	21,634	19,926.84	16,907.24	3,019.60	1,000	2,019.60	3,583.45
2006/7	22,110	22,110.00	14,714.45	7,395.55	1,000	6,395.55	7,753.65
2007/8	23,086	23,083	21,669.20	1,413.80	1,000	413.80	2,423.54
2008/9	24,006	24,006	23,224.50	781.50	781.50		1,129.50
Total						10,511.62	

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

Miss Claire Ward

The ACA Review says that in 2004 you were paid £850 for “petty cash”, which was not allowable under the Green Book rules.

In your Grounds of Appeal to me you accept that in the fiscal year 2004-05 you made claims for “petty cash” totalling £850. No claim was for more than £250.00. One claim for £250 was for “petty cash—household items” the rest were simply described as petty cash. You accept that petty cash was not available from the ACA, but under the Green Book, invoices/receipts were not required for items of expenditure of £250 or less (except for food). You say that in fact the sums you claimed were to cover expenditure on a range of smaller household items such as linen, bedding and other sundry purchases following a recent move, and they should not have been described as petty cash.

Your explanation to me reflects what you said to the Review team in your letter of 26 October 2009, and I see no reason to doubt it. In normal circumstances it seems to me that the Fees Office should have challenged your claims when they were made. Had they been challenged the description of the claims would have been altered, and the claims would have been paid. It follows that there has been no loss to public funds and I find that there are special reasons in your individual case showing that it would not be fair and equitable to require repayment of any sum.

That conclusion makes it unnecessary for me to consider your further point, namely that at the end of that fiscal year you were paid by the Fees Office ACA claims amounting to £1,421.98 of which £606.45 later had to be repaid by you because you had exceeded the ACA annual limit. You therefore, you submit, had available tested claims to a total of £606.45 which could be set off against the recommendation for repayment, which itself might be reduced because one claim for petty cash was more accurately described.

I would therefore allow your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Robert Wareing MP

The ACA Review says that:

- 1) between April 2004 and April 2009 you were paid cleaning costs of £11,462.58 which exceeds the limit of £2,000 per annum set by the Review by £1,462.58.
- 2) you were paid twice for expenses incurred in the period 24 February to 17 March 2005, resulting in an overpayment of £1,346.30.
- 3) You overstated your payments for mortgage interest in 2004-05 by £574.31, and in 2005-06 by £558.81, resulting in a total overpayment of £1,133.12.

The Review, therefore, recommends repayment of £3,942.

In your Grounds of Appeal to me you say, in relation to cleaning costs, that you knew of no ceiling when the costs were incurred. I accept that, but I am sure that you would accept that

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

anyone charged with deciding how much of claimed cleaning costs should be borne by public funds would have to draw a line somewhere. The Review has drawn that line for all Members at £2,000 per annum. My carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment, and as far as cleaning costs are concerned I find no such reasons.

As to the double payment of expenses, you have asked the Review Team to produce documentary evidence. I enclose copies of 2 ACA Claim forms, both in respect of the same period and both signed by you. You will see that on one form the total is £1,296.30. That is not correct. It should be, as on the other form £1,346.30, so the overpayment was the lower sum. Both claims were paid in full.

You do not seem to challenge that you were overpaid mortgage interest as alleged. You say that after 2006 you claimed no interest because you thought it wrong for the taxpayer to pay interest, having regard to the fact that when you eventually sell the property any profit will be yours. Nevertheless, you now seek to set-off what the Review recommends you should repay against the interest you might have claimed from 2006 onwards, and on the claims you might have made, for example, in respect of service charges and TV licences.

I am afraid that when considering what should be repaid I cannot have regard to claims which might have been made, but which were not made and tested, whatever may have been the reason. However, as you can see, the claim for £1,296.30 mentioned above included mortgage interest of £165.86 which forms part of your overstatement of mortgage interest in 2004-05, so the overstatement figure for that year should be reduced from £574.31 to £408.45. That means that for overstated mortgage interest the total figure should be £967.26 and the overall recommendation for repayment should be £1,462.58 + £1,296.30 = £3,726.14.

I would therefore allow your appeal to a limited extent, the recommendation for repayment being reduced from £3,942 to £3,726.14.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Rt Hon Ann Widdecombe MP

The ACA Review states that in 2004-05 you were paid gardening costs of £1,230, which exceeded by £230 the maximum of £1,000 per annum laid down by the Review. It is acknowledged that you have repaid £172.80, so it is recommended that you repay the balance of £57.22.

In your Grounds of Appeal to me you explained that the repayment of £172.80 is irrelevant. It was to repay a hotel bill for which you had claimed once but had been paid twice, so if there was an overpayment for gardening it was £230.

In relation to gardening you say that for the Review to apply a rigid retrospective limit for gardening and cleaning costs was capricious. No such limits were imposed for items such as food, or mortgage interest claims. You emphasise that you only had a second home because you needed one to fulfil your parliamentary duties, and your gardening claim was wholly for basic maintenance. There was no claim for plants, etc. You submit that there should have

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

been no rigid limit, and you explain that there were many expenses you did not claim, particularly after you moved to Devon in anticipation of retirement. You accept that a limit of some sort on gardening claims was always implicit, but say that the limit imposed was far too low, and you produce an invoice of your own gardening expenses in 2005 to support that contention.

I can understand entirely your irritation at having your gardening expenses claimed for one year measured against a limit of which you knew nothing when the claim was made, because it was only created years later by the Review, but you recognise that anyone required to measure the extent to which gardening claims should be paid out of public funds does have to draw a line somewhere, and the Review having drawn it at £1,000 per annum for all Members my carefully restricted Terms of Reference (a copy of which I enclose) only permit me to interfere if I find special reasons in your individual case showing that it would not be fair and equitable to require repayment, either at all or at the level recommended. I find no such reasons, so I dismiss your appeal. It seems to me that to apply the same limit to all Members cannot be said to be unfair, and obviously you cannot pray in aid claims for other expenses which were not made and tested at the relevant time. On the other hand, the facts speak for themselves. To have once exceeded by less than 25% a limit of which you could not have been aware is no evidence of abuse.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Phil Woolas MP

The ACA Review says that in 2008–2009 you were overpaid by £3,350.86 for mortgage interest. It also says that in 2008 you were paid £180.00 for gas standing charges, which were not debited to your account. You accept the overpayment in relation to gas standing charges, and appeal only in relation to mortgage interest.

In your Grounds for Appeal to me you explain, as you did to the Review, that it was your practice, approved by the Fees Office, to claim mortgage interest each year by reference to your mortgage lender's statement of interest for the previous year, because a statement of interest for the current year was not available. Because of the fall in interest rates you did claim more in 2008–2009 than the mortgage interest that you paid in that fiscal year. But over the 5-year period 2008–2009 you say that you have underclaimed by £209.60.

I do not criticise the way in which you presented your claims to the Fees Office, but now that all of the relevant information is to hand it is possible to compare, for the 5-year period covered by the Review, what you paid to your mortgage lender and what you received in response to your claims. The annual figures are shown on the enclosed chart. They show that you underclaimed for each of the first 4 years, but overclaimed by £3,350.86 in the last year. When the underclaims are added up they amount to £2,644.70, but there is still a debit balance over the 5-year period of £706.16, and that is the sum I consider that you should now repay. I therefore find special reasons in your case showing that it would not be fair and equitable to require repayment of £3,350.86, but that it would be fair and equitable to require repayment of £706.16.

To that extent I would allow your appeal.

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Jeremy Wright MP

The ACA Review says that between September 2005 and March 2009 you were paid a total of £769.50 for mobile telephone costs which are not allowable under the Green Book rules. It recommends that you repay £769.50.

In your Grounds of appeal to me you concede that according to the Green Book mobile phone rental and charges have not been allowable as ACA expenses since April 2005, but you say that when elected in May 2005 you rented an unfurnished flat which had no telephone landline. Before arranging for installation you asked the Fees Office if you could claim a small proportion of your mobile telephone costs in lieu of a landline, and that was agreed. Thereafter you claimed £20 per month. The Review has conceded that it was reasonable to claim £20 per month for an initial 3 months, but not thereafter. You say that what you did spared the taxpayer the greater cost of a landline, and you point out that as your mobile phone claims were restricted they could all have been claimed as an Incidental Expenses.

I accept that what you claimed for telecommunications charges was less than you would have claimed if you had arranged for a landline, but it seems to me that, having regard to the change in the rules made in April 2005 you should have been advised in May 2005 that claims for mobile telephone charges could not be met out of ACA for long. Obviously you did not receive that advice, but on the other hand the statement in the Green Book is clear, and, as stated in the Speaker's Introduction, it was your responsibility to ensure that your use of allowances was above reproach.

I turn now to consider whether there are special reasons in your individual case showing that it would not be fair and equitable to require repayment. I consider that there are. You did not claim more than a proportion of your mobile phone charges. That proportion cannot have exceeded costs incurred on your parliamentary duties. The sums claimed were therefore recoverable as IEP and, as you point out, there was headroom each year within your IEP allowance for those claims to have been made. Finally, and significantly, there was no loss to public funds.

I would therefore allow your appeal and do not recommend any repayment.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Mr Derek Wyatt MP

The ACA Review says that:-

- 1) In 2004–2005 you were overpaid in respect of service charges by £776.76.
- 2) In 2005–2006 and 2008–2009 you were paid twice a total of £666.43 for

ACA Repayment Appeals

The Rt Hon Sir Paul Kennedy

- various items (home insurance, electricity and telephone bills)
- 3) In 4 years you were overpaid a total of £1290.30 for council tax (£139.39 in 2004–2005; £99.00 in 2006–2007; £22.68 in 2007–2008 and £129.23 in 2008–2009) and
 - 4) In November 2008 you were paid £160.00 twice for cleaning and ironing.

You are therefore recommended to repay a total of £2,893.49.

In your Grounds of Appeal to me you do not address the allegations made by the Review. I therefore conclude that you accept them. What you say in your e-mail of 9 December 2009 is that:-

- a) over the past 5 years you have submitted claims worth £3,787.20 over the annual limit allowed by Parliament;
- b) on 21 July 2009, being aware that you have been overpaid in relation to council tax, you went to the Fees Office to seek a reconciliation;
- c) you were then allowed to set-off your overclaim against part of the £3,787.20 you had not previously been able to claim, and
- d) you should now be permitted to set-off the other discrepancies identified by the Review against the balance of the £3,787.20.

Unfortunately, as you know, your recollection of what took place in July 2009 differs from the recollection of the Fees Office staff. They say, in effect, that no agreement was reached and no adjustment was made.

In your letter to the Head of Operations at the Fees Office dated 18 January 2010, which you copied to me, you draw attention to the End of Year Adjustment of £1,776.88 on your page of the ACA Report for 2008–2009, which you say was “taken from the £3,787.20”. That is not how I read what appears in that page of the ACA Report. The £1,776.88 is simply a balancing adjustment to keep the total within the annual ACA allowance of £24,006.00

In some cases where, for example, a claim for monthly mortgage interest has been proved and accepted by the Fees Office but disallowed because of the existence of the annual ACA cap, I have considered it fair and equitable to treat that unpaid mortgage interest claim as a credit which can offset an overpayment in that fiscal year, but in your case I do not have sufficient proof of your claimed £3787.20 credit to enable me to operate in that way. I am therefore unable to find special reasons in your individual case showing that it would not be fair and equitable to require repayment and I would dismiss your appeal.

My report to the MEC will be in the form of an introductory section, followed by copies of my replies to the individual appellants, so this reply will form part of my report.

Formal Minutes

Monday 1 February 2010

Members present:

Mr Speaker, in the Chair

Sir Stuart Bell
Ms Harriet Harman

Nick Harvey
David Maclean

Draft Report (Review of past ACA payments), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 5 read and agreed to.

Paragraph 6 read, amended and agreed to.

Papers were appended to the Report as Appendices 1 and 2.

Resolved, That the Report be the First Report of the Committee to the House.

[Adjourned till Monday 8 February at 4.30 pm]