

HOUSE OF LORDS

Committee for Privileges

4th Report of Session 2009–10

The Conduct of Lord Clarke of Hampstead

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The Committee for Privileges

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THE CONDUCT OF LORD CLARKE OF HAMPSTEAD

Introduction

1. The Sub-Committee on Lords' Interests has investigated the conduct of Lord Clarke of Hampstead. The Sub-Committee's report is printed as Appendix 1 to this Report.
2. The investigation relates to allegations that appeared in May 2009 in the *Sunday Times*, regarding Lord Clarke's use of the Members' Reimbursement Scheme ("the Scheme"). Following the appearance of these allegations, Lord Clarke referred himself to the Clerk of the Parliaments for investigation; a complaint was subsequently made against Lord Clarke by a member of the public in November 2009.
3. The *Sunday Times* allegations were the subject of a police investigation, during which time no internal consideration of the complaint was possible. This police investigation continued until February 2010, when the Director of Public Prosecutions announced that no charges would be brought against Lord Clarke. Following that announcement, the Clerk of the Parliaments, who, as Accounting Officer, is responsible under the procedure set out in our 4th Report of 2007-08 for matters relating to the Scheme, sought the assistance of the Sub-Committee on Lords' Interests. This was in accordance with paragraph 11 of the procedure, as described in the 4th report, which states that "In exceptional circumstances [the Clerk of the Parliaments] may request the Sub-Committee to assist him in investigating a complex or serious complaint."¹
4. The Chairman of the Sub-Committee, Baroness Manningham-Buller, sent the Sub-Committee's report on the case to the Clerk of the Parliaments on 22 March. He then circulated the report to members of the House Committee, which oversees the Scheme. That Committee agreed that, as the possibility of disciplinary sanctions arose in this case, the Committee for Privileges should report the matter to the House, with recommendations as appropriate.

The powers of the House in respect of the Members' Reimbursement Scheme

5. We emphasise that the current Code of Conduct does not extend to Members' use of the Scheme. This is clear from the 4th report of 2007-08, already cited, which established that such matters do not, save in exceptional circumstances, fall within the remit of the Sub-Committee on Lords' Interests, and that they are the responsibility of the Clerk of the Parliaments, as Accounting Officer. This will change when the House's new Code of Conduct comes into force at the start of the new Parliament. Paragraph 10 of the new Code states that Members should "act in accordance with any rules agreed by the House in respect of financial support for Members".
6. Even though alleged misuse of the Scheme does not fall within the present Code of Conduct, there can be no doubt that the rules governing the Scheme, having been agreed by resolution of the House, are binding upon Members. In the present case, the Sub-Committee has found that Lord Clarke breached the rule set out in the resolution of the House which entitles

¹ Committee for Privileges, 4th Report, 2007-08 (HL Paper 205).

Members only to claim in respect of “expenses incurred in staying overnight away from their only or main residence”.

7. The House resolved on 20 May 2009 that it “possesses ... an inherent power to discipline its Members; the means by which it chooses to exercise this power falls within the regulation by the House of its own procedures.” The House further resolved that “The duty imposed upon Members, by virtue of the writs of summons, to attend Parliament, is subject to various implied conditions, which are reflected in the many rules governing the conduct of Members which have been adopted over time by the House.”²
8. Thus the House’s resolution of 20 May 2009 was not limited to breaches of the Code of Conduct. The House affirmed its inherent power to discipline any Member guilty of clear and flagrant breaches of the rules adopted over time by the House. The rules governing the Scheme have been adopted by resolution of the House, and are binding upon all Members of the House who make use of the Scheme. **We therefore conclude that the House possesses the same disciplinary powers in respect of breaches of the Members’ Reimbursement Scheme as in respect of breaches of the Code of Conduct or of other rules of conduct adopted by the House.**

The Sub-Committee’s findings

9. Lord Clarke, in his letter dated 21 February 2010, acknowledged that “on some occasions I claimed night subsistence on days when I returned to my main residence ... between sittings” (see Appendix 2). There is no disagreement on this point. It is also clear from the terms of the Scheme that, in the Sub-Committee’s words, “a member may only claim under the scheme i) if they have stayed overnight away from their main residence; and ii) they have attended the House. There is no ambiguity about these conditions”. The Sub-Committee has therefore upheld the allegation that Lord Clarke “was at fault to have claimed night subsistence for nights that he did not spend in London”.
10. In respect of a second allegation, that he claimed the maximum available amount of night subsistence when he had not incurred that much expense, the Sub-Committee has found that there are significant mitigating factors, and that therefore he was not “personally culpable” in this regard.
11. In respect of the first allegation, which has been upheld, the Sub-Committee draws attention to the fact that Lord Clarke has voluntarily repaid a total of £9,190 in respect of his inappropriate claims for night subsistence for nights that he did not spend in London. However, the Sub-Committee notes that while Lord Clarke did initially admit his misconduct and apologise to the House, in his correspondence he stepped back from this position, asserting that he “made the claims, believing [he] was entitled to do so”. The Sub-Committee therefore considers that he should “make a further personal statement to the House to apologise without reservation for his misuse of the members’ reimbursement scheme”.
12. Lord Clarke was given a copy of the Sub-Committee’s report on Friday 26 March. He indicated that he did not wish to appeal against the Sub-Committee’s findings and recommendations.

² Committee for Privileges, First Report, 2008–09 (HL Paper 87).

Conclusion

13. **We uphold the Sub-Committee's conclusions, and find that Lord Clarke of Hampstead breached the rules governing the Members' Reimbursement Scheme, in claiming night subsistence for nights that he did not spend in London. Accordingly, having taken into account his repayment of £9,190 to the House, and his full co-operation with the investigation, we recommend that Lord Clarke make a personal statement of apology to the House, before the end of the present session of Parliament, to apologise without reservation for his misuse of the scheme.**

APPENDIX 1: REPORT FROM THE SUB-COMMITTEE ON LORDS' INTERESTS ON THE CONDUCT OF LORD CLARKE OF HAMPSTEAD

Letter from the Sub-Committee Chairman, Baroness Manningham-Buller, to the Clerk of the Parliaments, dated 22 March 2010

Introduction

1. I am replying to your letter dated 9 February which, pursuant to the Report from the Committee for Privileges on the procedure for considering complaints against Members (4th Report 2007-08), invited the Sub-Committee on Lords' Interests to help you to investigate a complaint about Lord Clarke of Hampstead's use of the members' reimbursement scheme.
2. The facts of the case and our opinion on them are as follows.

Members' reimbursement scheme: the resolution of the House and the available guidance

3. The members' reimbursement scheme is founded on a resolution of the House of 25 July 1991 and is explained in a *General Guide* published by the Finance Department and in a *Quick Guide* set out on the reverse of the claim form. The Clerk of the Parliaments is responsible for administering the scheme, subject to reference to the House Committee on points of particular difficulty or doubt.
4. The resolution of the House says:

“(1) Members of this House, except any Lord who receives a salary under the Ministerial and other Salaries Act 1975 and the Chairman and Principal Deputy Chairman of Committees, shall be entitled to recover (in addition to the costs of travel for which other provision is made) expenses certified by them as—

 - (a) expenses incurred (otherwise than as mentioned in sub-paragraph (b) below) for the purpose of attendance at sittings of this House or of Committees of this House, or
 - (b) expenses incurred in staying overnight away from their only or main residence where it is necessary to do so for that purpose.”
5. The House of Lords Finance Department currently holds records of individual members' claims from March 2006; all members' earlier claims have been disposed of in accordance with the Department's disposal policy. The 4th Report from the Committee for Privileges (2007-08) says that the Sub-Committee will not accept for investigation a complaint going back more than four years. We have thus limited our investigation to the period from March 2006 to July 2009 (“the period”). Lord Clarke of Hampstead claimed night subsistence from the beginning of the period until 29 April 2009.
6. The 2005 edition of the *General Guide*, in force in 2006, read:

“1.2.1 Members of the House of Lords do not, in general, receive a salary in respect of their parliamentary duties. However, Members may be reimbursed actual expenses arising out of these duties, in accordance with the rules of the Members' Reimbursement Allowance Scheme...”

1.3 Taxable status

1.3.1 All amounts paid in settlement of claims as detailed in this guide represent reimbursement of actual expenses arising out of unpaid parliamentary duty, rather than income from employment. Consequently, they are not subject to income tax, and need not be included on a tax return ...

4 ATTENDANCE AT SITTINGS AT WESTMINSTER

4.1 General - Expenses Related to Attendance ...

4.1.3 Members who wish to claim attendance expenses must complete and sign the attendance expenses claim form and forward it as soon as convenient after the end of each month, or period of claim, to the Members' Expenses Section. A Member's signature effectively certifies that the amount claimed has been spent for the purposes of parliamentary duties as set out above. Receipts are not required ...

4.4 Night Subsistence

4.4.1 Members whose main residence is outside Greater London may claim for expenses of overnight accommodation in London while away from their only or main residence. The maximum daily limit is £154.50.

4.4.2 A Member whose main residence is outside Greater London and who maintains a residence in London for the purpose of attending sittings of the House may claim this allowance towards the cost of maintaining such a residence.

4.4.3 Claims for night subsistence are only permissible in respect of nights actually spent in London either immediately preceding or following attendance at a sitting or meeting described in paragraph 4.1.1 above. For example, a Member who necessarily travels to London on a Sunday and attends sittings of the House on Monday, Tuesday, Wednesday and Thursday and then returns home on Friday or later may claim night subsistence for a maximum of 5 nights at up to a maximum of £154.50 per night (i.e. a maximum of £772.50 for the week). However, if the Member returned home on the Thursday evening, the maximum claim for night subsistence would be 4 nights at up to a maximum of £154.50 per night (i.e. a maximum of £618 for the week).

4.4.4 Members who choose to travel home each night or whose main residence is within Greater London cannot claim the night subsistence allowance.”

7. The *General Guide* was updated in January 2007, October 2008 and April 2009. The language used to describe the scheme was the same in each edition until 2009, which left out the word “allowance” in several places, including in the title of the guide and in paragraph 4.4.2 in relation to night subsistence.

8. The claim form throughout the period read:

“I certify that during the month of I have attended a sitting of the House or of a Committee of the House on the under-mentioned dates and claim reimbursement of:

- (a) Night subsistence incurred in such attendance or in respect of the maintenance of a London residence (other than a main

residence) used for the purposes of attending the House (see note (i)).”

9. Note (i) refers to the *Quick Guide* printed on the reverse of the claim form which in 2005 read:

“**Night Subsistence** – Members whose main residence is outside Greater London may claim expenses, within a daily limit of £154.50 (from 1 August 2005 to 31 July 2006), for nights spent away from their only or main residence for the purpose of attending sittings of the House a) where they have incurred expenses of overnight accommodation in London or; b) as a contribution towards the costs of maintaining a London residence in connection with their parliamentary duties. Claims can only be made in respect of days of attendance.”

Lord Clarke of Hampstead

The allegations

10. On 31 May 2009, Lord Clarke of Hampstead was reported by the *Sunday Times* newspaper as having admitted that he “fiddled” his expenses:

i) by claiming night subsistence on days when he had not spent the night in London but had instead returned to his main residence in Hertfordshire; and

ii) on nights which he did spend in London, by claiming the maximum amount of night subsistence when he had not incurred that expense because he had stayed for free with family or friends.

11. The *Sunday Times* has provided us with the records on which the article was based: recordings of telephone conversations and an interview with Lord Clarke. The records confirm the contents of the article.

12. Lord Clarke made a personal statement to the House on 2 June 2009 in which he referred his own conduct to the Clerk of the Parliaments as the Accounting Officer of the House. A member of the public, Mr Frank Cannings, complained about Lord Clarke’s reported conduct on 17 November 2009.

The Clerk of the Parliaments’ reference and our investigation

13. The Clerk of the Parliaments started to investigate Lord Clarke’s conduct but suspended his investigation when the Metropolitan Police decided to investigate whether Lord Clarke had committed a criminal offence. When the Crown Prosecution Service decided not to prosecute Lord Clarke, the Clerk of the Parliaments resumed his investigation by referring Lord Clarke to this Sub-Committee for investigation. The Clerk of the Parliaments passed to us Lord Clarke’s claim forms since March 2006, a record of a meeting which Lord Clarke had with the Finance Department on 2 June 2009 and his subsequent correspondence with the Finance Department.

14. The Registrar of Lords’ Interests corresponded with Lord Clarke and that correspondence is attached. We have not interviewed Lord Clarke or taken other evidence.

15. Although we have taken the reported allegations as the basis of our investigation, we have not limited our investigation to those allegations and have considered Lord Clarke’s use of the scheme in general. We consider that there are

two relevant issues: i) whether Lord Clarke wrongly claimed night subsistence for nights which he had not spent in London; and ii) whether Lord Clarke wrongly regularly claimed the maximum available amount of night subsistence when he had not incurred that much expense.

Issue 1: whether Lord Clarke wrongly claimed night subsistence for nights which he had not spent in London

16. The resolution of the House quoted above enables members to recover “expenses incurred in staying overnight away from their only or main residence where it is necessary to do so” for the purpose of attendance at sittings of the House. The *General Guide* quoted above says that “Claims for night subsistence are only permissible in respect of nights actually spent in London either immediately preceding or following attendance at a sitting”. The *Quick Guide* quoted above says that members may claim “for nights spent away from their only or main residence for the purpose of attending sittings”.

17. It is clear to us that a member may only claim under the scheme i) if they have stayed overnight away from their main residence; and ii) they have attended the House. There is no ambiguity about these conditions.

18. Lord Clarke’s designated main residence throughout the period was an address in St Albans, Hertfordshire. He was thus entitled to claim night subsistence for nights spent away from his main residence for the purpose of attending the House.

19. Lord Clarke has admitted that, on occasion, he claimed night subsistence for nights when he in fact returned to his main residence in Hertfordshire. He does not have a comprehensive record of his movements but has, with the assistance of the Finance Department, compiled a list of dates from 1 April 2003 to 23 June 2009 on which he believes he may have incorrectly claimed night subsistence to the amount of £9,190. He has repaid this sum to the House of Lords.

20. In so far as we can make any assessment of the facts in the absence of a full account of Lord Clarke’s real movements, we accept Lord Clarke’s account of the facts of his conduct in relation to this issue. His repayment of £9,190 seems to reimburse the House appropriately for the claims for night subsistence away from his main residence when he did not spend the night away from his main residence. There is no ambiguity in the scheme on this point and in no circumstances should he have believed that he was entitled to make these claims. Lord Clarke was at fault to have claimed night subsistence for nights that he did not spend in London.

21. We consider the question of sanction at the end of our report.

Issue 2: whether Lord Clarke wrongly regularly claimed the maximum available amount of night subsistence when he had not incurred that much expense

Our interpretation of the scheme

22. This issue only arises if the scheme is a reimbursement scheme as opposed to a flat rate allowance scheme.

23. Our interpretation of the resolution, *General Guide* and *Quick Guide* taken together is that a member who maintained a residence in London for the purpose of attending the House could reasonably claim that the night subsistence provision was a flat rate allowance intended to reimburse the member for the costs of maintaining such a residence (*General Guide* paragraph 4.4.2). A member who did not maintain a residence in London was however entitled only to claim for the

recovery of actual expenses (*General Guide* paragraph 4.4.1). The former is no longer the case as the word “allowance” was removed from the guidance in April 2009.

24. Lord Clarke, in correspondence with the Registrar, says that he has at no time maintained a residence in London. In principle, we thus consider that the terms of the scheme applicable to Lord Clarke throughout the period are those only for the recovery of expenses actually incurred.

25. We accept that supervision of the scheme is a matter for the House Committee, not this Sub-Committee, and that the House Committee might reach a different conclusion on this point.

Mitigating factors

26. Having given our interpretation of the scheme in principle, we now consider whether there are any mitigating factors which reduce or remove Lord Clarke’s personal culpability on this issue. If there are, they must be overwhelming if they are to negate the meaning of the words of the resolution and guidance.

Widespread uncertainty

27. Many members and others in the outside world have long suffered from uncertainty about whether the scheme is a reimbursement scheme or one which provides flat rate amounts. The Review Body on Senior Salaries (SSRB), responsible for advising the Prime Minister on financial support for members of the House of Lords and a body which might be considered to be an authority on the subject, said in January 2008 in its Review of parliamentary pay, pensions and allowances 2007 (Cm 7270-1):

“6.9 It seems to us that the House’s arrangements for reimbursing costs are not clearly understood. The basic day and overnight subsistence are flat rate amounts which are not taxable and are intended to reimburse all out of pocket expenses arising from attendance at the House.”

28. In its November 2009 Review of financial support for members of the House of Lords (Cm 7746), the SSRB said:

“1.10 ... the criteria for claiming are ambiguous and no receipts are required under most headings of expenditure. There is confusion about whether the scheme is intended to reimburse actual expenditure or allows members to claim up to the maximum under each heading regardless of what they have actually spent.”

29. This uncertainty noted by the SSRB reflects wider uncertainty or error and is, in our opinion, a factor which mitigates Lord Clarke’s personal interpretation of the scheme.

Advice from other members

30. In correspondence with the Registrar, Lord Clarke says that he was advised by his Chief Whip (Lord Carter) on his elevation to the peerage in 1998 that he should claim “the full overnight allowance” and that “claims were treated as attendance allowances and were paid as such in lieu of salary”. His mentor, Lord Gladwyn of Clee, and the peer who helped him complete his first claim form, Lord Dean of Beswick, confirmed that position to him. Lord Clarke says that he was “under the honest belief that, notwithstanding the wording of the forms, [he] was entitled to claim... the full allowance for any days when [he] attended”. All three of the members referred to by Lord Clarke are now deceased but we accept his

account. In our opinion, his Chief Whip's and other members' interpretation of the scheme further mitigates Lord Clarke's personal conduct.

Administration of the scheme

31. In correspondence with the Registrar, Lord Clarke says that he understood that his Chief Whip's advice was "an agreement reached and acted upon by the House authorities". We are not aware of any such agreement. The resolution of the House relies on self-certification that each claim was for the recovery of expenses incurred, without vouching. This placed no responsibility on the Finance Department to challenge members' claims, nor did it give them a basis on which to do so; so they did not. We consider that this may have led Lord Clarke to understand that the scheme was one of flat rate allowances and not reimbursement of expenses actually incurred. In our opinion, this further mitigates Lord Clarke's personal conduct.

Conclusion on issue 2

32. Despite our interpretation of the resolution and guidance that the night subsistence scheme as applicable to Lord Clarke is a reimbursement scheme, we consider that the above three factors cumulatively mitigate Lord Clarke's conduct to the extent that we cannot find him personally culpable of breaching the scheme in respect of issue 2. The question of remedial action on issue 2 does not arise.

Sanction

33. We have found that Lord Clarke is in breach of the scheme in relation to issue 1 but not in relation to issue 2.

34. The procedure for dealing with this matter is not straightforward. If the House Committee endorses our report on the facts and breach of the scheme, it is for the Committee for Privileges to recommend to the House whether Lord Clarke needs to take any remedial action and whether he should be sanctioned.

35. We consider that, by repaying £9,190, Lord Clarke has already taken appropriate remedial action for his breach of the scheme.

36. In his personal statement, Lord Clarke said "I accept that my conduct may have fallen short of the high standard that this House demands of its Members. I tender my humble apologies to the House". He is the only member of the House to have admitted misconduct. In correspondence with the Registrar however, Lord Clarke steps back from the apology in his personal statement and says that his "claims might well be described as 'fiddled' by outside commentators in the midst of a hostile public mood" and that he "made the claims, believing [he] was entitled to do so". **We consider that Lord Clarke should make a further personal statement to the House to apologise without reservation for his misuse of the members' reimbursement scheme. The limited sanction is appropriate in the light of Lord Clarke's self-reference to the Clerk of the Parliaments and his cooperation with the subsequent investigations.**

APPENDIX 2: CORRESPONDENCE BETWEEN THE REGISTRAR OF LORDS' INTERESTS AND LORD CLARKE OF HAMPSTEAD

Letter from the Registrar to Lord Clarke of Hampstead, 11 February 2010

As you may know, the Clerk of the Parliaments has asked the Sub-Committee on Lords' interests for advice on the facts of your use of the members' reimbursement scheme in the light of your own reference of 2 June 2009 and a complaint from a member of the public of 17 November 2009. The procedure for considering complaints against members of the House is set out in a report from the Committee for Privileges and I enclose a copy of that report. The report is specifically about breaches of the Code of Conduct: this case is not about the Code of Conduct but I expect that the Sub-Committee will follow a similar procedure.

The first step is for me to put to you the allegations and to invite you to provide the Sub-Committee with a full and accurate written account of the matter. On 31 May 2009 the *Sunday Times* newspaper reported you as having admitted to have "fiddled" [your] expenses":

- i) by claiming night subsistence on days when you in fact returned to your main residence in Hertfordshire; and
- ii) on days when you did stay in London, by claiming the full amount of night subsistence when you may not have incurred that much expense.

On 2 June 2009 you made a personal statement to the House in which you apologised to the House but said that the newspaper reports were not accurate in every respect. You then met and corresponded with the House of Lords Finance Department, correspondence which concluded on 25 June 2009 with you sending them a cheque for £9,190 to reimburse the House for claims for night subsistence on days when you "may have incorrectly claimed" (the quote is from your letter to the Finance Department dated 23 June 2009). I enclose a copy of the records the House holds about your claims. We hold records from April 2006 and the Sub-Committee will not investigate conduct before that date.

May I please ask you to respond to the allegations at (i) and (ii) above.

I enclose a copy of the resolution of the House on which the members' reimbursement scheme is founded and a copy of the *General Guide* to that scheme.

Baroness Manningham-Buller, the Chairman of the Sub-Committee, has asked me to acknowledge that you are the only member to have apologised to the House for your conduct and to have referred yourself to the Clerk of the Parliaments; and to say that the Sub-Committee will bear this in mind during its investigation.

I should be grateful for your response by 22 February, to enable the Sub-Committee to consider the matter at its next meeting and to dispose of the matter if possible before the dissolution of Parliament.

Letter from Lord Clarke of Hampstead to the Registrar, 21 February 2010

Thank you for your letter with enclosures of 11th February 2010. Thank you also for extending the date for my reply to the 23rd February 2010

Your letter was forwarded to my home address from the House of Lords and arrived on 16th February 2010. You have asked me to respond to the allegations at (i) and (ii) in your letter of 11th February 2010.

After I was invited to become a Life Peer by the Prime Minister in 1998, I was invited to meet the then Chief Whip in the House of Lords, Lord Carter of Devizes. In our meeting, Lord Carter told me that Peers were not paid a salary. Instead a Peer was entitled to claim various “allowances” when he or she attended the House of Lords. He enquired where I lived and I told him that I lived in St Albans. He asked whether this was outside the M25. When I confirmed that it was, he said, “That’s good you are entitled to claim the full overnight allowance as well”.

He indicated that whenever I attended the House of Lords, I should claim the allowances in full and that I was entitled to claim the overnight allowance whenever I attended consecutive days’ sittings of the House of Lords because I lived outside the M25. Lord Carter explicitly stated that the claims were treated as attendance allowances and were paid as such in lieu of salary.

I was paired with a “mentor”, Lord Gladwin of Clee. He, in turn, confirmed that the House authorities paid the allowances on the basis described by Lord Carter. The position was further confirmed by Lord Dean [of Beswick], who assisted me in completing my first claim form.

I was therefore under the honest belief that, notwithstanding the wording of the forms, I was entitled to claim the night subsistence to the full allowance for any days when I attended consecutive sittings of the House. I understood that this was an agreement reached and acted upon by the House authorities.

I have not been alone in believing that the Members’ Reimbursement Scheme is operated as an “allowance” scheme. I note that whilst the April 2009 “general guide” is headed “Members’ Reimbursement Scheme”, earlier versions describe it as a “Members’ Reimbursement [and?] Allowance Scheme”. I refer also to the Review Body on Senior Salaries Consultation document of the 29th June 2009 at paras 9.2, 9.3, 9.4 and the report in November 2009 (Report No. 71, Cm 7746) at paragraphs 1.4, 1.10 and 3.4.

So far as paragraph 2 of your letter of 11th February 2010 is concerned:

1. I do not accept that I “fiddled” my expenses. I believed that I was entitled to make the claims because of what I had been told by the Chief Whip and other Peers.

I understood that this was the agreed basis of claims between the Authorities and members of the government and Whips. I realised when I spoke to the journalist from the Sunday Times that my claims might well be described as “fiddled” by outside commentators in the midst of a hostile public mood.

2. I accept that on some occasions I claimed night subsistence on days when I returned to my main residence in Hertfordshire between sittings. I made the claims, believing I was entitled to do so. In the light of the evolving “expenses furore” I realised that those claims would not be supported by the wider public. I went through my diary and attempted to identify every occasion when I might have returned to my home to sleep between sittings while claiming the overnight allowance. I am by no means certain that I did indeed sleep at home on those nights in question since I have no direct record of my movements. I base this only on a possible pattern of behaviour. Where there is doubt in my mind I have included the occasion in the calculation, and repaid a total of £9,190 to the Finance Department of the House of Lords for the period

from 2003. This must represent the very maximum possible amount that has been claimed since 2003 under the arrangements on occasions when I returned home between sittings.

3. So far as (ii) is concerned, I was told that I should claim the full amount of the allowance for night subsistence and that I was entitled to do so.

Letter from the Registrar to Lord Clarke of Hampstead, 4 March 2010

The Sub-Committee on Lords' Interests today considered the allegations about your use of the members' reimbursement scheme. Before they determine your case, they have asked me to find out what arrangements you made to stay in London away from your main residence for the purpose of attending the House between March 2006 and today. Did you "maintain a residence in London" or did you make other arrangements?

In considering whether you maintained a residence in London, I should draw your attention to the threshold set by the House Committee for the definition of "main residence". The House Committee decided that ownership was not a requirement but a factor in each case.

I should be grateful for your response by 11 March, to enable the Sub-Committee to consider the matter at its next meeting and to dispose of the matter before the dissolution of Parliament.

Letter from Lord Clarke of Hampstead to the Registrar, 11 March 2010

Thank you for your letter dated 4th March. As I said in our telephone conversation yesterday, I am writing to confirm that your letter, although dated 4th March, arrived in my internal post only yesterday afternoon.

I have enclosed the envelope for your information. It bears the first class postage authority from the Clerk of the Parliaments office and was screened by the Houses of Parliament Contractor only on Wednesday 10th March.

May I respectfully point out that every day since the Sub-Committee sat on 4th of March I have been making enquiries as to the outcome and have been anxiously awaiting news of what the Sub-Committee had decided. To receive your letter six days late has added to my anxiety. Given the deadline that you have set, I would have thought a telephone call to me on 4th March as a courtesy would have avoided the present situation.

As to the substantive enquiry, please advise the Sub-Committee that at no time have I "maintained a residence in London" but have made other arrangements for accommodation on the occasions when I spent a night in London.

I have noted the definition of a main residence; I can only add that I have never owned or maintained any residence other than my present home in St Albans.