



House of Commons
Committee on
Standards and Privileges

Mrs Anne Main

Eighth Report of Session 2009–10

Report and Appendices, together with formal minutes

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The Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/sandp.

Committee staff

The current staff of the Committee are Mr Steve Priestley (Clerk), Miss Rhiannon Hollis (Second Clerk) and Ms Jane Cooper (Committee Assistant).

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Mrs Anne Main

Introduction

1. The Parliamentary Commissioner for Standards has completed his investigation of a complaint against Mrs Anne Main, the Member for St Albans. Mrs Main was first elected in May 2005. Shortly after taking her seat, Mrs Main began renting a two-bedroom flat in the centre of the city of St Albans and claiming against Additional Costs Allowance (ACA) for the costs of the flat, which she later bought. Mrs Main's family home, which is also her designated main home, is in Beaconsfield.¹

2. The complainant in this case was Mr J P Harper of St Albans. The complaint was about four alleged aspects of Mrs Main's claims against ACA between 2005 and 2009 for costs associated with her use of the property in St Albans:

- Mrs Main's main home was only 20 miles from her constituency boundary, so she should not have claimed for a second home in St Albans.²
- Mrs Main's adult daughter breached the rules by living rent-free in the second home.³
- Mrs Main claimed a second home discount on the Council Tax she paid in respect of the St Albans property, although it was her daughter's main home.⁴
- Mrs Main's claims for food were excessive.⁵

As the Commissioner notes, the essence of Mr Harper's complaint was that Mrs Main's claims against Additional Costs Allowance were not wholly, exclusively and necessarily incurred for the purpose of performing her Parliamentary duties.⁶

3. The Commissioner's memorandum is reproduced in full at Appendix 1. We have also received written evidence from Mrs Main, which is reproduced in full at Appendix 2.

The Commissioner's findings

4. The Commissioner has identified four questions to which, in his judgment, answers are necessary in order to conclude whether the various parts of this complaint should be upheld.

Was Mrs Main eligible to claim for a second home in her constituency?

5. The Commissioner notes that the rules appear to define a constituency home as being one within 20 miles of the constituency boundary and that Mrs Main's family home in

¹ Appendix 1, paragraph 142

² Appendix 1, paragraph 2

³ Appendix 1, paragraph 3

⁴ Appendix 1, paragraph 4

⁵ Appendix 1, paragraph 5

⁶ Appendix 1, paragraph 18

Beaconsfield meets that criterion.⁷ He points out, however, that it has already been established that the rules permit a Member to have a second home in the constituency, even if their designated main home is within 20 miles of the constituency boundary.⁸ He has therefore concluded that it was consistent with the interpretation of the rules at the time for Mrs Main to designate the Beaconsfield house as her main home and the St Albans property as her second home for ACA purposes.⁹

Was the St Albans flat necessary in order to fulfil Mrs Main’s Parliamentary duties?

6. The Commissioner notes that, on Mrs Main’s own evidence, she spent “on average between one and two nights a week in her constituency flat.”¹⁰ He accepts that Mrs Main made more frequent use of the flat in the daytime and evenings as a convenient base for her constituency duties, although she often returned to her home in Beaconsfield late in the day, once traffic levels had reduced.

7. The Commissioner accepts Mrs Main’s “firm view” that the flat in St Albans was necessary to enable her to perform her role as a constituency MP.¹¹ He considers that Mrs Main’s exercise of discretion in establishing her St Albans property in support of her constituency work was reasonable in all the circumstances and that it was within the rules for Mrs Main to designate the flat as her second home and to claim against ACA for it.¹²

Were Mrs Main’s accommodation costs wholly and exclusively incurred on her Parliamentary duties?

8. This question is at the heart of the Commissioner’s inquiry. The answer to it turns on the use made by Mrs Main’s constituency property by her adult daughter and the interpretation of the rules on claiming ACA. The Commissioner notes that

I have stated in my report on an earlier complaint, that in my judgement costs are not wholly and exclusively incurred for the purpose of performing a Member’s parliamentary duties if the Member’s claim includes the living costs of someone other than themselves, or if they or someone close to them receive a personal benefit from the arrangement. This latter prohibition was included for the first time in the July 2006 rules, but is in my judgement implicit in the overarching rule that Members may claim only for costs wholly and exclusively incurred on parliamentary duties.¹³

This Committee has previously agreed with the Commissioner that the living costs of another person include the full costs of living in such a property, including fixed costs such as council tax and mortgage interest.¹⁴

⁷ Appendix 1, paragraph 153

⁸ Appendix 1, paragraph 152

⁹ Appendix 1, paragraph 154

¹⁰ Appendix 1, paragraph 156

¹¹ Appendix 1, paragraph 157

¹² Appendix 1, paragraphs 157 and 158

¹³ Appendix 1, paragraph 159

¹⁴ See Tenth Report, Session 2008–09, and Fourth Report, Session 2209–10

9. The evidence of Mrs Main and her daughter suggests that from September 2006 to May 2009, Mrs Main's daughter stayed in the St Albans flat on average more nights than Mrs Main did. Over the period as a whole, according to the evidence, the number of nights Mrs Main's daughter stayed at the flat varied from one to four, but as the Commissioner states "this represented a substantial, regular and sustained usage of the flat."¹⁵ The evidence is that Mrs Main's daughter contributed in kind to the upkeep of the flat by keeping it clean and tidy and that she paid for her own food. She also provided companionship for Mrs Main. However, she paid no rent and she did not contribute to household bills.¹⁶

10. The Commissioner notes that Mrs Main has accepted that she did not reduce her ACA claims to reflect the living costs of her daughter. Mrs Main told the Commissioner that in her view the rules did not require her to do this and that in any case her daughter's use of the flat added nothing to the cost of buying, maintaining and heating the flat.¹⁷ In the Commissioner's view, the test is not whether additional costs were incurred by the daughter's use of the flat, but whether the daughter's living costs were met from Parliamentary allowances and, if so, whether this provided a benefit either to Mrs Main or to her daughter.¹⁸

11. Mrs Main also told the Commissioner that the Fees Office advice had advised her that it was permissible for a Member's children to share a designated second home.¹⁹ The Commissioner accepts that the rules have been interpreted as permitting a Member's partner and their children to share a designated second home with them.²⁰ However, he does not consider that the dispensation applied to Members' partners and children can be held to apply to children regardless of their age. He notes that Mrs Main's daughter is an adult in full time employment and that she regularly spent nights in the flat when her mother was not there.²¹ He has found no evidence that when Mrs Main sought advice from the Fees Office she was explicit about her daughter's status.²² He concludes:

On any interpretation of the evidence, Mrs Main's daughter is an independent adult. She could have been expected to have been responsible for her own living costs. It was entirely a matter for Mrs Main whether she subsidised those costs, for example by not charging her adult daughter rent when she stayed in the family's Beaconsfield home. There was nothing unusual in that: many other parents do the same. But it does not follow that the same principle should apply to parliamentary-funded accommodation. Public funds should not have been expected to meet the living costs of Mrs Main's adult daughter when she stayed in the St Albans flat. That should have been a private matter for the family. It should have not been a matter for public funds.²³

¹⁵ Appendix 1, paragraph 160

¹⁶ Appendix 1, paragraph 161

¹⁷ Appendix 1, paragraph 161

¹⁸ Appendix 1, paragraph 170

¹⁹ Appendix 1, paragraph 161

²⁰ Appendix 1, paragraph 164

²¹ Appendix 1, paragraph 165

²² Appendix 1, paragraph 170

²³ Appendix 1, paragraph 165

12. The Commissioner accepts Mrs Main's evidence that by staying at the St Albans flat her daughter provided Mrs Main with emotional and some practical support and that this enabled Mrs Main to maintain a relationship with her adult daughter while dealing with the pressure of Parliamentary business. He does not conclude that the daughter, who had free use of the family home in Beaconsfield, received any material benefit from the arrangement. Instead, he concludes, "The evidence suggests that the benefit from Mrs Main's daughter staying at her St Albans flat was to Mrs Main herself, not to her daughter."²⁴ In the Commissioner's view, the personal benefit Mrs Main derived from her daughter's use of the flat should not have been paid for from Parliamentary allowances.²⁵ He concludes that Mrs Main breached the rules, because "she should have taken account of the living costs of her daughter arising from her daughter's regular stays in the St Albans flat and reduced her claims against her Additional Costs Allowance accordingly."²⁶

13. In the Commissioner's view, the consequences of Mrs Main allowing her daughter to stay regularly in her St Albans flat for an extended period were serious, because:

given that her daughter was staying there, Mrs Main's claims against parliamentary resources should have been substantially less than they were. But Mrs Main's own responsibility has to be mitigated by the advice she may have received from the House authorities. That is likely to have encouraged her to continue to allow her adult daughter to treat her parliamentary funded home in the way she treated her Beaconsfield home, without recognising, as Mrs Main has not recognised or accepted, the distinction between meeting an adult daughter's living costs from private funds and meeting them from the public purse.²⁷

14. The Commissioner has found nothing to suggest that Mrs Main's ACA claims in respect of her council tax payments exceeded what she paid. He notes that the question of whether a second home discount was properly claimed is a matter for the local authority.²⁸

Were Mrs Main's food claims in accordance with the rules of the House?

15. Between taking her seat in 2005 and May 2008, Mrs Main claimed over £3,000 a year for food consumed while she was away from her main home.²⁹ Mrs Main has told the Commissioner that the sums claimed included £20 a week for evening meals taken while she was working in Westminster. The Commissioner has concluded that in claiming for these meals Mrs Main was in breach of the rules of the House.³⁰ He does not consider that the breach was at the serious end of the spectrum. It was based on an understandable misinterpretation of the rules, which could have been read as allowing a Member to claim against ACA for any meals taken away from the Member's main home.³¹ The Commissioner has no evidence that the claims that Mrs Main made for food consumed

²⁴ Appendix 1, paragraph 167

²⁵ Appendix 1, paragraph 168

²⁶ Appendix 1, paragraph 169

²⁷ Appendix 1, paragraph 176

²⁸ Appendix 1, paragraph 170

²⁹ Appendix 1, paragraph 171

³⁰ Appendix 1, paragraph 174

³¹ Appendix 1, paragraph 176

while she was using her flat in St Albans breached the rules.³² Mrs Main has accepted the Commissioner's finding.

Mrs Main's evidence

16. Mrs Main chose not to give oral evidence to the Committee. Her written evidence is appended in full to this Report.³³

17. Mrs Main welcomes the Commissioner's conclusion that it was within the rules for her to claim against ACA for her second home in her constituency. She is pleased that the Commissioner accepts that Mrs Main's daughter did not receive a benefit from her use of the second home. However, Mrs Main is clearly unhappy with the Commissioner's conclusion that she received a benefit which should not have been funded from Parliamentary allowances, writing:

I am very disappointed that the [Commissioner] does not accept a mother's desire to see her daughter for part of the time as natural but that he chooses to describe it as "an emotional benefit" and that he believes it is a benefit I should somehow pay for.

18. Mrs Main has also asked us "to consider the basic principle that no individual ought to be found guilty by means of retrospectively altering rules and guidance." She states that she "made every effort to consult and follow guidance." Mrs Main feels that the Commissioner has ignored or given insufficient weight to parts of the evidence he received from the Department of Resources. She points out that the Department accepts that its interpretation of the rules in 2006 might have been very different from the current interpretation. She writes that the Commissioner's conclusion that she did not give full information about her daughter's status when consulting the Department "calls in question the veracity of my claims to have fully discussed the matter" with the Department.

19. Finally, Mrs Main welcomes the Commissioner's conclusion that her breach of the rules relating to food costs was "an understandable error, due to poor drafting of the rules."

Conclusions

20. In reaching our own conclusions, we have had regard both to the Commissioner's memorandum and to the evidence submitted by Mrs Main. We note that both the Commissioner and Mrs Main have agreed that under the rules relating to ACA she was entitled to claim for a second home in her constituency, notwithstanding that her main home was less than 20 miles from the constituency boundary. We too agree with this conclusion. As for the Commissioner's findings that Mrs Main breached the rules, we set out our conclusions and the reasoning behind them below.

Mrs Main's daughter's use of her second home

21. We agree with the Commissioner that Mrs Main's daughter neither sought nor received any personal benefit from her use of Mrs Main's second home. There was no

³² Appendix 1, paragraph 173

³³ Appendix 2

particular reason for Mrs Main's daughter to use the flat, other than to support her mother. She had free use of the main family home and her journey to work in London was of similar length and duration from either property. Mrs Main's daughter bought her own food and used her own mobile telephone when staying at the flat in St Albans, so the proportion of the utilities bills that might reasonably be ascribed to her use of the flat would be small.

22. In our view it was, as the Commissioner has concluded, Mrs Main who received a personal benefit arising from her daughter's use of the second home. Mrs Main acknowledged as much in her interview with the Commissioner, when she said that "The benefit was to me." Mrs Main clarified what she meant by this, stating:

There were no additional costs. ... I as a parent got the benefit of some time with my family. The benefit was in emotional terms.

She later added:

The emotional benefit was to me as a parent: we could have a mother and daughter time and spend time together. There was no financial benefit, and she didn't need to be there, but it helped me in my role having her there sometimes, as it freed up my time to serve my constituents.³⁴

In her evidence to us, quoted at paragraph 17 above, Mrs Main has attributed the phrase "emotional benefit" to the Commissioner, although it is clearly a phrase she first used herself.

23. We have to consider whether, as the Commissioner has suggested, the support Mrs Main gained from her daughter's use of a property largely funded from Parliamentary allowances means that she should have claimed substantially less against ACA than she did. Mrs Main has pointed out in her evidence to us that she did not claim for various items for which she could have claimed and which she listed in a letter to the Commissioner.³⁵ Many of these she has not quantified but those that have had a value put on them total well over £1,000, of which £330 relates to utility bills. Mrs Main suggests that this means that she did abate her claims "but not in any formalised fashion."

24. We make three observations on this suggestion. First, Mrs Main appears now to have accepted that abatement of her ACA claims would have been an appropriate action to take in respect of her daughter's use of her second home. Secondly, any abatement should have been formal and should have been notified to the Department of Resources as such. Thirdly, it is not acceptable in our view to trade off claims not made against claims which should have been abated. We conclude that Mrs Main should have abated her ACA claims to take account of the benefit she received from allowing her adult daughter to use, free of charge, her designated second home.

25. We also need to consider the quality of the advice Mrs Main received from the House authorities. No records exist of this advice, which it appears was given over the telephone. Mrs Main's evidence is that she informed the Fees Office that her adult daughter would be

³⁴ Appendix 1, paragraph 129 and WE31

³⁵ Appendix 1, WE32

using her second home and that they raised no objection. The Department of Resources has stated that it cannot rule this out. The Commissioner accepts that, even if Mrs Main had given the Fees Office fuller information about her daughter's status she might have received the same advice. He regards this as a mitigating factor.³⁶ So do we. We do not, however, accept that the rules are being changed retrospectively. They should have been correctly interpreted at the time.

26. It is difficult to put a figure on the sum by which Mrs Main should have abated her ACA claims in order to take account of her daughter's use of her second home. Although we agree with the Commissioner that living costs include mortgage interest payments and other fixed costs, in this case the daughter was not benefiting separately from the payment of those costs from Parliamentary funds—the benefit was entirely Mrs Main's. Moreover, at about £1,500 the variable costs were small as a percentage of the £52,000 claimed over the relevant period as a whole and—as the Commissioner has noted—the variation in those costs would not have been very large, whether Mrs Main's daughter had stayed at the flat or not.³⁷

Mrs Main's food claims

27. The Commissioner's memorandum has exposed flawed drafting of the rules as they were in the period 2005 to 2009: the true meaning of the advice to Members that in respect of food they could claim from ACA for “reasonable additional costs while you are away from your main home” was only apparent when placed in the context of the ACA rules as a whole. These made it clear that if a Member's main home was neither in London nor in the constituency, a Member could choose whether to claim costs in respect of London or the constituency, but not both.³⁸

28. We agree with the Commissioner that Mrs Main breached the rules by claiming for the cost of meals taken while she was away from both her main home and her constituency home. We welcome Mrs Main's acceptance of this. It is unfortunate that the rules were not better drafted but we do not believe that they were so badly drafted as to excuse the breach.

29. During the period 2005 to May 2008, when she ceased to claim for food, Mrs Main claimed a total of £10,000 against ACA in food costs. On what we consider to be the reasonable assumption, based on evidence, that Mrs Main claimed £20 for meals taken in Westminster in each week when the House was sitting during this period—with the exception of a few weeks in 2006 when she was unable to work—the total wrongly claimed was £2,100.

Recommendation

30. We recommend that Mrs Main repay £2,100 in respect of sums wrongly claimed for food in the period 2005 to 2008. We further recommend that Mrs Main repay an additional £5,000, which is one seventh of the sums claimed by her against Additional Costs Allowance (minus food costs) in respect of the period when her adult daughter supported her by staying in her second home, reduced by £1,500 to reflect the evidence

³⁶ Appendix 1, paragraph 176

³⁷ Appendix 1, paragraph 170

³⁸ Appendix 1, paragraphs 13 and 15

that Mrs Main acted in accordance with advice she received from the Fees Office. The total that Mrs Main needs to repay is thus £7,100. Finally, we invite Mrs Main to apologise in writing for these breaches.

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards

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Complaint against Mrs Anne Main MP

Introduction

1. This memorandum reports on my investigation into a complaint that Anne Main, the Member for St Albans, made claims against the Additional Costs Allowance (ACA) which were not wholly, exclusively and necessarily incurred for the purpose of performing her parliamentary duties.

The Complaint

2. On 9 June 2009, Mr J.P. Harper of St Albans wrote to me to make a formal complaint against Mrs Main.¹ He claimed, first, that *“over the four years since becoming an MP she has claimed in excess of £85,000 in Additional Costs Allowance related to the rental and subsequent mortgage interest and associated costs of purchase for a second property in St Albans city centre, plus expenses for furnishings and food.”* Mr Harper alleged that these claims were invalid: Mrs Main was not entitled to claim mortgage interest and associated expenses for a second property because her family home, in Beaconsfield, was less than 20 miles from the boundary of her constituency. He also alleged that, on the basis of information Mrs Main had given in a newspaper interview about the number of nights she had spent in St Albans in 2008, it would have cost the taxpayer significantly less in that year if she had instead on each occasion stayed overnight in *“one of the most expensive 4 star local hotels”* and *“paid the full rack rate”*. Mr Harper maintained that *“such misuse of public funds fell foul of the spirit”* of the principle set out in section 3.3.1 of the Green Book, namely the requirement to bear in mind the need to obtain value for money from accommodation, goods or services funded from the allowances.

3. Second, Mr Harper said that Mrs Main had allowed her adult daughter, Ms Claire Tonks, to live rent-free in the St Albans flat, which he claimed was a breach of the rule set out in section 3.3.2 of the Green Book, namely that Members *“must avoid any arrangement which may give rise to an allegation that you are, or someone close to you is, obtaining an immediate benefit or subsidy from public funds.”* Mr Harper said that the *Daily Telegraph* newspaper had obtained evidence from neighbours and from Companies House that Ms Tonks *“treated the flat as her main residence”*. He added that she was also on the electoral roll at that address and said that Mrs Main had confirmed that no rent was paid. He said that Mrs Main’s defence of the arrangement, as quoted in a *Daily Telegraph* article of 22 May 2009, a copy of which he sent me,² had been that she had been told by the Fees Office that such an arrangement was perfectly acceptable. Mr Harper commented, *“If questioned, I suspect the Fees Office, and any reasonable taxpayer, would accept that occasional overnight stays by family members are acceptable, but allowing a family member, or anyone else for that matter, to stay permanently and for free is not acceptable and outside both the written Rules and their spirit.”*

4. Third, Mr Harper said that Mrs Main had claimed a 10% second-home discount on the local council tax even though, according to Companies House records, her daughter lived

¹ WE 1

² WE 2

there as her main residence. He commented, *“It is probably up to the local Council to investigate the facts, but at the very least Mrs Main has brought her office into disrepute by making such a dubious claim.”*

5. Fourth, Mr Harper said that Mrs Main had claimed a round-sum amount each month for groceries amounting to between £3,000 and £3,600 a year. If she had lived, as claimed, in the second home for only 68 nights in 2008, Mr Harper said that this would mean that she had spent £44 per day on food. He went on to say, *“Even if it is assumed that the claim covers the 165 days or so per annum that Parliament is in session i.e. £18 on average per day, such an amount cannot surely be justified as ‘value for money’ under Principle 3.3.1. The fact that round-sum amounts were claimed is prima facie evidence of a lack of rigour in accounting for the expenditure of public funds and should not be allowed.”*

6. Mr Harper concluded by saying, *“Whether or not Mrs Main has been badly advised or has not read the Rules properly is immaterial. At the very least she has claimed incorrectly and should be made to revise her claims for the last four years on a proper basis ie for the number of overnight stays in London or her constituency when wholly, necessarily and exclusively on Parliamentary business. If she incurred no third-party costs for such stays (ie because she stayed in the St Albans flat she had purchased) then no claims should be entertained and if she cannot support an overnight stay by convincing documentary evidence such claims should be disallowed. This should result in a significant reimbursement of monies to the taxpayer.”*

7. The *Daily Telegraph* article of 22 May 2009, which Mr Harper enclosed with his complaint, alleged that Mrs Main had claimed a 10% second home discount on her council tax for an apartment in her constituency even though her daughter had lived there for up to three years. The article said that Mrs Main's principal home was *“a large detached house in Beaconsfield, Bucks, 25 miles from St Albans. The house is roughly six miles further from Westminster than the St Albans flat.”* The article went on to say that Mrs Main had *“charged the taxpayer £1,095.68 a month in mortgage interest payments for the flat, along with service charges, utility bills and furnishing costs. She has claimed a 10 % discount on council tax since 2004—amounting to £171.09 last year—and submitted the bill on her expenses.”* The article said that *“Two neighbours who live in other flats in the building—who the Telegraph spoke to alongside the MP yesterday—both said that it was the first time they had met her. Several neighbours were familiar, however, with Miss Tonks ... Challenged by the Telegraph as to why Miss Tonks was apparently living at the taxpayer-funded apartment, Mrs Main confirmed that her daughter paid no rent and insisted that she stayed there only ‘two or three times a week’.”* The article also said that Ms Tonks appeared on the electoral roll at the St Albans property and in 2008 had registered the address with Companies House when she took on a company directorship.

8. The article said that, under the rules relating to second home allowances, Members were entitled to claim only for expenses incurred in the course of parliamentary duties and could not claim for anyone other than themselves. The article reported Mrs Main as saying, when asked about her daughter's living arrangements, *“She's looking for a place in London now ... I consulted the [House of Commons] Fees Office, and asked if family members were allowed to stay with me in the flat. I was told it was perfectly acceptable and as a parent, who sees*

very little of her family, it has been enormously supportive to have her there, albeit that this was only ever going to be a temporary measure."

Relevant Rules of the House

9. The Code of Conduct for Members of Parliament provides in paragraph 14 as follows:

"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."

10. The rules in relation to allowances have been set out in successive editions of the Green Book. The rules in force at the time of Mrs Main's election to the House were set out in the April 2005 edition of the Green Book. In his introduction to both this edition and the succeeding July 2006 edition, Mr Speaker Martin wrote:

"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. In cases of doubt or difficulty about any aspect of the allowances or how they can be used, please contact the Department of Finance and Administration. The Members Estimate Committee, which I chair, has recently restated the Department's authority to interpret and enforce these rules."

11. Paragraph 3.1.1 in both the April 2005 and the July 2006 editions sets out the scope of the Additional Costs Allowance as follows:

"The Additional Costs Allowance (ACA) reimburses Members of Parliament for expenses wholly, exclusively and necessarily incurred when staying overnight away from their main UK residence (referred to below as their main home) for the purpose of performing Parliamentary duties. This excludes expenses that have been incurred for purely personal or political purposes."

12. Paragraph 3.2.1 of the April 2005 edition (reproduced in the July 2006 edition) set out the eligibility criteria in the following terms:

"You can claim ACA if:

- a You have stayed overnight in the UK away from your only or main home, and*
- b This was for the purpose of performing your Parliamentary duties, and*
- c You have necessarily incurred additional costs in so doing, and*
- d You represent a constituency in outer London or outside London."*

13. Paragraph 3.3.1 of the April 2005 edition (reproduced as paragraph 3.4.1 of the July 2006 edition) sets out the rules concerning the location of overnight stays as follows:

"If your main home is in the constituency, you can claim ACA for overnight stays in London—or in another part of the constituency if reasonably necessary in view

of the distance from your only or main home. Please contact the Department of Finance and Administration for information on such arrangements.

“If your main home is in London you can claim for overnight stays in the constituency.

“If your main home is neither in London nor the constituency you can choose in which of these areas to claim ACA.”

14. Paragraph 3.9.1 of the April 2005 edition (paragraph 3.11.1 of the July 2006 edition) defines a Member’s main home as follows:

“Main home

When you enter Parliament we will ask you to give the address of your main UK home on form ACA1 for the purposes of ACA and travel entitlements. Members are expected to locate their main homes in the UK. It is your responsibility to tell us if your main home changes. This will remain your main home unless you tell us otherwise.

The location of your main home will normally be a matter of fact. If you have more than one home, your main home will normally be the one where you spend more nights than any other. If there is any doubt about which is your main home, please consult the Department of Finance and Administration.”

“Constituency

For the purpose of the ACA, overnight stays within 20 miles of your constituency boundary are regarded as overnight stays within your constituency.”

“London

Similarly, for the purposes of the ACA, overnight stays within 20 miles of the Palace of Westminster are deemed to be overnight stays within London.”

15. Paragraphs 3.11.1 of the April 2005 edition and 3.13.1 of the July 2006 edition give examples of allowable expenditure including:

- **“Mortgage costs**—for one additional home in either London or the constituency. This is limited to the interest paid on repayment or endowment mortgages, legal and other costs associated with obtaining (and selling) that home (eg: stamp duty, valuation fees, conveyance, land searches, removal expenses)
- **Hotel expenses**—in either London or the constituency. (This may include overnight accommodation and food but no alcohol)...
- **Other food**—reasonable additional costs while you are away from your main home

...

- **Utilities**
 - ❖ *Heat*
 - ❖ *light*
 - ❖ *water*
 - ❖ *council tax*
- **Telecommunications charges**
- **Furnishings**
 - ❖ *white goods*
 - ❖ *electrical equipment*
 - ❖ *other furnishings...*

16. Paragraphs 3.12.1 of the April 2005 edition and 3.14.1 of the July 2006 edition list categories of expenditure which are not allowable, including:

“Living costs for anyone other than yourself”.

17. The July 2006 edition introduced a number of new principles applying to Members’ use of the Additional Costs Allowance. These included, at paragraph 3.3.1 and 3.3.2 respectively:

“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.”

My Inquiries

18. I wrote to Mrs Main on 17 June³ to invite her comments on the complaint. I noted that the essence of the complaint was that her claims against the Additional Costs Allowance (ACA) were not wholly, exclusively and necessarily incurred for the purpose of performing her parliamentary duties.

19. I asked her in particular for the reasons why she had established her apartment in St Albans, and the date on which she did so, a description of the accommodation, and details of her mortgage. I also asked why she considered it was necessary, and within the rules of the Green Book, to establish a property in St Albans when her main home was in

³ WE 3

Beaconsfield and, allegedly, within 20 miles of her constituency. I asked what arrangements she had made for her daughter to stay in the apartment; the extent of her residence there, including the accommodation available to her, whether her daughter kept her clothes and possessions in the apartment and what contribution, if any, she made to the cost of the apartment, and why, allegedly, that apartment was the registered address her daughter had given to Companies House.

20. I asked Mrs Main what claims she had made for the council tax for the apartment, and the reason for those claims. I also asked her how many nights she had herself spent in the apartment in each financial year since she had been elected in 2005, together with the evidence, including any diary entries, on which she relied for this information. I asked what claims she had made against the ACA for this apartment in each financial year since her election, together with copies of her claim forms and supporting documentation if available. I also asked what claims for food she had made against the allowances over this period, whether they were for her sole use and how she explained the amount claimed against the number of nights she had spent in the apartment, together with any receipts she might have for the food.

21. I also asked Mrs Main why she considered that her claims against the ACA were wholly, exclusively and necessarily incurred and provided value for money given the location of her main home, and the use to which she and her daughter had put the apartment, and whether she had consulted the House authorities about any aspects of this arrangement, together with copies of any documentation relating to these consultations.

22. Mrs Main replied on 22 June.⁴ Besides responding to my specific questions, Mrs Main also supplied traffic information and reports⁵ *“which support my need for a home in St Albans”*. She also said *“At all times, as a new MP, I sought advice about my arrangements from the Green Book and the House of Commons Department of Finance and Administration. I believe that my expenses were incurred wholly, exclusively and necessarily for the purpose of performing my parliamentary duties and engagements, whilst serving my constituents and familiarising myself with and immersing myself within my constituency.”* Mrs Main also provided constituency diary entries, transposed from hard copies, *“as comprehensively as I can”*⁶ and drew my attention to the fact that she had had a back operation in 2006 which had prevented her from working for a period of 5–6 weeks.

23. In response to my specific questions, Mrs Main said that, after consulting the Fees Office, who had been made fully aware of the location of her main home in relation to her constituency, she had established a home in St Albans in 2005. This was to ensure that she was *“able to carry out the range of commitments I have in St Albans at all times”*. She said that this applied particularly on Friday, Saturday and Sunday, often early in the morning or late in the evening. She added, *“It is essential that I have a home in St Albans and, indeed, my flat is at the heart of the city”*.

24. Following her election in 2005, Mrs Main had initially rented the flat unfurnished, and had *“set about furnishing it simply, and economically in accordance with the rules”*. In 2006,

⁴ WE 4

⁵ Not included in the written evidence.

⁶ Not included in the written evidence.

the landlord decided to sell the flat and had given her first refusal to purchase it. As she had established a base there and *“it was perfect for my situation”*, she decided to consider this option. She had contacted the Fees Office for guidance as to whether this was acceptable and said she was informed that this was within the rules. She had therefore purchased the property. She obtained a 90% interest-only mortgage (*“therefore I own 10% of the flat”*) and took over ownership. Mrs Main said that the mortgage *“was the lowest cost rate product that I could identify at the time”*. In 2007, when mortgage rates were increasing, she said she had changed the mortgage product to a new rate *“to minimise the cost to the State”*. Mrs Main reiterated that she had consulted the Department of Finance and Administration and was told that it was perfectly acceptable to purchase the flat and to claim for costs incurred. She said that she had claimed within the specific guidelines in force at the time and *“at every level have openly and transparently disclosed my position to the Fees Office”*.

25. Mrs Main told me that she stayed in the flat regularly overnight and used the flat *“when I need to be in St Albans on constituency business which I fulfil assiduously, often until a late hour. Many major functions which I am expected to attend routinely take place on Fridays, Saturdays and Sundays. I not only use the flat to stay over but also as a base for eating/changing between numerous diverse functions, catching up on surgery casework and telephone surgeries, planning and report writing etc.”*. She said that her diary would confirm the amount of time she spent in St Albans and *“the full nature of my workload”*. Mrs Main added that between April 2006 and March 2009 she had attended 569 engagements, meetings and events. She said that she also spent time in her flat whilst regularly getting to know her constituency, *“meeting residents and attending events not in necessarily an official capacity but in order to familiarise myself with the ongoing issues in St Albans ... obviously not all of these are diarised as they are of an informal nature, but essential to my role as an MP.”*

26. Mrs Main said that she spent the other nights of the week in her main home in Beaconsfield *“in order to have a limited time with my family on the nights when the House rises at an earlier time.”* She said that on Mondays and Tuesdays she *“rarely”* got home before 11.30–11.45pm and at 8.30–9pm on Wednesdays and Thursdays. Mrs Main said that, as she sat on four committees, she *“routinely”* had to catch a train at 7.15am in order to make a 9am start *“and have some time in my office to set out tasks for my staff”*. She said that she also made her own private arrangements to stay in London if she needed to stay over due to lateness. She commented, *“My work life means I spend little time in my family home.”*

27. Mrs Main described her St Albans apartment as *“a modest two bedroom flat with lounge/dining area and also a small kitchen and bathroom and designated parking. The location with parking helps ensure that I am not affected by severe traffic problems and parking shortages in St Albans city centre”*. The apartment is *“tucked away off the main ‘high street’ firmly in the heart of the city centre. With all the traffic and restricted parking issues that beset St Albans this location enables me to walk routinely to most events and ensures that I am punctual and reliable in all my duties within the city centre.”* Mrs Main said that driving even a short distance across the centre of St Albans *“can routinely take upwards of half an hour and reaching other parts can take much longer as St Albans has some of the busiest non motorway roads in the county...”* She commented, *“Traffic congestion impacts on my need to be able to be at the heart of my constituency not at the*

mercy of the road conditions which would necessitate my diary needing greater blank spaces simply to allow for travel.”

28. Mrs Main said that, while her main family home in Beaconsfield was 25 miles away from the city of St Albans, it involved “*a journey around some of the most congested parts of the M25*”. She said that the journey could take upwards of an hour or more at peak times “*or even worse as it regularly grinds to a halt*”. She said that this could “*make guaranteed diary scheduling impossible particularly for early engagements such as surgery appointments, school visits, etc. ... On top of any M25 journey, especially on weekdays and recess constituency working days I must confront the St Albans congestion which can severely disrupt timetabling.*” She reiterated that the central location of her flat “*means I can walk to many local functions... Having a flat in St Albans clearly enables me to perform [constituency] duties better*”. She noted that “*even under the recent tightening up of distance claims my situation is still acknowledged to be within the claiming distance criteria for second homes*” even though the tip of her constituency was within 20 miles of London. She continued, “*However, the judgement being applied now in similar situations is that the constituency needs to be ‘bisected’ by the 20 mile rule not just caught on a far edge, so my constituency is still deemed to be outside the 20 mile rule and suitable for an ACA claim.*”

29. In response to my inquiry about the details of her mortgage, Mrs Main said that the title to the flat passed to her on 1 November 2006. She had paid a 10% deposit, and she had an interest-only mortgage.

30. Mrs Main said that she had “*consulted with both the House of Commons and the Green Book*” on her arrangements. She said that she had been told “*after fully disclosing my situation that my arrangement was acceptable within the rules, and I was entitled to claim the ACA as my main home was neither in London nor in my constituency.*” Mrs Main also said that her constituency “*spans a distance of some 11 miles and that the distance to the furthest edge is 29 miles away from my main home*”. The centre of her constituency, where most of her meetings and engagements took place and where she said 87% of her constituents lived, was 25 miles away from her main home. Only one part of one ward, with 977 constituents, was within 20 miles of her main home, and she only did house visits there; she did not hold surgeries and had no office there. She added, “*My flat is in the centre of the city near the majority of places I need to visit in my constituency duties and near London Colney where I hold my surgeries, consultations and meet groups of residents.*”

31. Mrs Main reiterated that journey times on the M25 “*can be considerable. Travel in business hours has taken up to 1.5 hours due to slow moving and congested traffic. Even if I was to travel the ‘backroads’ as might be suggested journey times via Hemel Hempstead can easily average 60 minutes*”. She continued, “*I routinely experience 80 minute commutes using either back roads or motorway routes. In addition, these back roads also become severely impacted when M25 problems occur as commuters use alternative routes to reach their destinations*”. Mrs Main summed the position up thus: “*Traffic is a constant determining factor in and around my constituency*”. She commented, “*As you will see from the congestion hotspot map,⁷ ... the majority of my constituency sits within an area considered to have the highest number of congestion hotspots and is surrounded by other similarly affected areas, which impact on actually reaching St Albans.*” She noted the

⁷ Not included in the written evidence.

statement in the Green Book⁸ that ACA could be claimed in another part of the constituency if reasonably necessary in view of the distance from a Member's only or main home, and commented, *"I believe that my arrangements particularly in light of the accepted congestion and 'real' travel times that beset my constituency satisfy this 'reasonableness' test and I accepted advice from the Fees Office on this matter."*

32. Summing up why she needed a property in St Albans, Mrs Main said, *"I would like to reiterate that every decision with regard to my constituency home has been with the advice of the Fees Office which is fully aware of the location of both homes. In view of the distance calculated, the distance from my main home to my second home is roughly 25 miles. Being located in the heart of my constituency is important, in order that I can access various functions which regularly occur in the town centre or immediate environs and be able to reasonably expect to keep to timetable whilst at all times carrying out my parliamentary duties."*

33. Mrs Main said no formal arrangements had been made for her daughter to stay in the St Albans flat on a full-time basis. After checking with the Department of Finance and Administration she had been *"informed that 'only an MP's spouse and children are supposed to share the second home'"*. She said that her daughter kept no possessions of any significance in the flat, and her clothes were limited to *"a portable amount"*. Her daughter had stayed with her *"in a sporadic fashion with some periods when she was not there at all, other times she stayed more frequently."*

34. Mrs Main said that her daughter made no monetary contribution to the cost of the flat *"as she stayed under the guidance that 'spouses and children may share the second home' and it was not regarded as her main home"*. She said that her daughter always used her own mobile phone, and bought her own food and sundries if needed. However, *"in order to ensure I did not waste valuable time on domestic chores she did contribute in kind by undertaking to do my cleaning, bed changing, laundry and putting out of the rubbish when requested to help me out."* Mrs Main said that *"This help was valuable to me and meant that I had no need to employ a cleaner (as I could have done under the ACA expenses) and I was confident that the flat was not being left totally unattended for more than a few days at a time and importantly my mail and any messages could be picked up sometimes earlier than I might have done so myself."*

35. Mrs Main said that her daughter's personal mail, including bills and bank statements, had always been sent, and continued to be sent, to *"our family home in Buckinghamshire, where she still has her own bedroom and keeps her clothes and possessions and her friendship group still resides"*. She commented that none of her children paid rent when staying at the family home. Mrs Main added that her daughter was now living for the majority of her time in London, and the rest of her time was still spent in Beaconsfield.

36. Mrs Main said that her daughter's giving of the St Albans address to Companies House was *"a genuine mistake on her part, which has now been rectified"*. The reason that she had given the flat address was that she had been asked by her managing director for a mailing address for some documents to be sent urgently for signature. As she had been expecting to stay at the flat for the following few days she gave the flat address. Her daughter had been

⁸ Paragraph 3.3.1

unaware of the official nature that giving the address of the flat would mean and it had simply been a response to the question of where she was staying in the particular week. Mrs Main said that she had been “*completely unaware of her decision and indeed would not have agreed to it*”. Her daughter had been unaware of any implications of giving such an address and, indeed, with all other documentation (such as bank accounts, car insurance, etc) being sent to the family home in Buckinghamshire, “*she recognises that it was a mistake on her part and has corrected it*”.

37. Mrs Main said that she “*checked by phone on whether it was possible for any of my children to stay at my constituency home with the parliamentary Fees Office at the time, and I was advised that it was within the spirit of the rules as expressed within the Green Book. ... At no point was I given any indication of time limits on her stay. I was aware that my setup was not unusual, and that many other MPs also had older children living in their second home. My daughter has no financial interest in the property. She has spent variable and decreasing amounts of time in the flat and has now left completely which was always her intention*”.

38. Mrs Main said that as the flat was neither her own or her daughter’s main residence, it qualified for 10% relief on council tax. She noted that council tax on Members’ second homes was an allowable expense. Mrs Main said that she had received the discount “*in accordance with the forms I received from the local authority, which asked if this was my main home, which it was not, and asked whether we had a main home elsewhere on which we paid full council tax, which we did. As such, as the owner of this property, which was my second home, I was entitled to receive a 10% Council Tax discount*”. She added that the property was not the main home of any other person, and was not regarded as such. She commented, “*Clearly there cannot be any personal gain from this arrangement, I paid 90% of the council tax and claimed the exact amount. If I had paid 100% of the council tax I would have claimed 100%*”.

39. Mrs Main said that she could prove “*through comprehensive hard copy diary entries, tallying with mileage claims some of the nights spent in my second home. But at other times, when I did not claim for mileage expenses incurred, I have less ‘proof’ of my travel arrangements between my homes.*” She said that, where her flat was situated in a small block of four, each with their own front door, all three of the other flats were rented out and had changed hands, sometimes on several occasions, since she originally purchased her flat. She added, “*However, local people and organisations have publicly supported my claim that I try to work 100% for my constituency (see newspaper cutting⁹). I am renowned for my hard work, well known and frequently seen in St Albans.*” Mrs Main reiterated that she also spent “*a significant amount of time in my constituency staying over and attending events/familiarising myself with the constituency and meeting people, chatting to local police etc this type of activity is absolutely vital to ensuring I am fully grounded in all the issues and priorities affecting my constituency. You cannot absorb this sort of information by sitting in a casework surgery or simply being a dignitary at a function*”. She added that “*All information provided shows the absolute bare minimum amount of time I can demonstrate I spent in my second home, but as I did not expect to have to ‘prove’ my presence in St Albans I cannot give ‘proof’ of the other times, however I have estimated this to be of the order of upwards of 20*

⁹ Not included in the written evidence.

nights per year,¹⁰ plus many other times when the flat has been necessary for use during the day (for eating/changing/resting between numerous diverse functions, catching up on surgery casework, making telephone surgeries or liaising with my office.)”

40. Mrs Main enclosed with her letter copies of the claims she had made against the ACA for her St Albans apartment for each financial year since she was elected.¹¹ She also set out her total ACA claims for each of the financial years from 2005–06 to 2007–08, and these are reproduced in the following table:

Financial Year	Total ACA claim (£)
2005–06	20,385
2006–07	22,110
2007–08	22,091

41. Mrs Main said that her food claims were “for my sole use”. She commented, “Food as per paragraph 3.11.1 (other food) in the Green Book, was for reasonable additional costs away from my main home and was not as much as I actually incur whilst eating away from my main home. During a typical seven day week, I usually do not spend more than one or two evenings with my family in Buckinghamshire when meals are available and, as such, incur significant food bills/meals bills”. She did not have any receipts for food bills as, according to the Green Book, these were not required as supporting documents for claims.

42. Mrs Main believed that her “extremely busy” diary and her “heavy work schedule which frequently runs from early morning to late evening reflects the necessity of my maintaining a second home in St Albans. I believe these details show that my second home represents value for money. Without my second home, I would not be able to function at the level that I currently do, in service of my constituents. Even if rules are altered with regard to expenses for second homes I shall at all times continue to endeavour to maintain my home in St Albans as long as I serve as the Member of Parliament, as I believe I cannot carry out my duties without it”. She repeated that she had undertaken 569 individual activities, meetings and engagements over the past three full tax years. The breakdown of these activities which she provided is set out in the following table:

¹⁰ In her letter of 29 June (WE 6), Mrs Main said that “upwards of 20 nights” was not correctly phrased as it should have read “up to 20 nights” and “was referring to an estimate of the additional non-diarised dates when I was in St Albans, which should be added to the total of each year’s diarised dates.”

¹¹ Not included in the written evidence.

Year	Number of engagements	Comments
2006–07	163	5-6 weeks out due to back operation
2007–08	208	
2008–09	198	
TOTAL	569	

43. Mrs Main also said that, prior to her election, she had been selected as the candidate in 2002, and as such had no constituency base. She had needed to commute for three years as she worked to win the seat and in effect shadow and learn the role of a Member. She commented, *“Apart from sometimes being late for functions or unable to accept them due to time issues re the motorway, I regularly had to wash and change between functions in the chairman’s home or local toilets as well as eating takeaways in my car or local cafes. In order to ensure I could meet early and late deadlines I had to leave far earlier than necessary ... It was gruelling and unsustainable and that was without any parliamentary duties in the House, late sittings, etc. It was a tiring and frankly chaotic existence which wrecked our family time and it is not a life I could even envisage sustaining as the elected Member which is why I elected to have a home in St Albans not London”*. Mrs Main added that, had she not chosen to have a home in St Albans *“the complex multiple scheduling I operate means my ability to work would be severely compromised and I would have to undertake to do fewer functions which would obviously not serve my constituents as well as I could .”*

44. Mrs Main summarised the position regarding her use of the St Albans apartment in the following terms: *“I stay in the flat and use it when I need to be in St Albans on constituency business which I fulfil assiduously, often until a late hour. I not only use the flat to stay over which is vital but also as a base for eating/changing between numerous diverse functions, catching up on surgery casework, making telephone surgeries or liaising with my office etc, my diary confirms the amount of time I spend in St Albans.”*

45. As to consultations with the House authorities about her arrangements, Mrs Main said that she had sought advice from the Department of Finance and Administration, and the Green Book regarding these, and had been told that they were in order. She said that these consultations had been conducted over the telephone as suggested in the Green Book, and she was not aware which if any of the calls had been formally logged.

46. I wrote again to Mrs Main on 25 June.¹² I asked how old her daughter was when she was staying in the flat, whether she was financially dependent on Mrs Main at that time, for an estimate of the period during which she was using the apartment and, in each financial year of that period, how many nights her daughter stayed there, and if either Mrs Main or her daughter could confirm why her daughter needed to stay at the St Albans apartment during this time. I also asked Mrs Main if she could give me an estimate of the number of

¹² WE 5

nights a year she believed she had spent in her family home. I noted that I had seen from her letter that she had said: *“My work life means I spend little time in my family home.”* However, earlier in that paragraph, she had said: *“I spend most of the other nights of the week in my main home in Beaconsfield...”*, and elsewhere in her letter she had estimated that she spent *“upwards of 20 nights per year”* in her St Albans apartment. I asked Mrs Main if she could help me to reconcile these statements, taking account of the definition of a main home in the Green Book.

47. Mrs Main responded on 29 June.¹³ She said that her daughter Claire had been 24 years old in 2006 when she started spending some time at Mrs Main’s request in the St Albans flat. Her daughter was not financially dependent on her, but she was at that time living as a family member, not paying rent, in Mrs Main’s Beaconsfield home where she had her own room and facilities. Mrs Main added that *“this arrangement was ongoing and not expected to change”*. Mrs Main said that her Beaconsfield home *“is a substantial six bedroomed family property in proximity (10 minute walking distance) to the Beaconsfield train station with its excellent commuter services into London which is where my daughter works and had worked during the entire period.”* Mrs Main said that her daughter *“spent times in Beaconsfield when it suited her, and when I was principally at home for family times such as Christmas, Easter etc she also spent time with her boyfriend who has his own flat in London.”* She estimated that allowing for holidays, and for periods spent in Beaconsfield and elsewhere when staying in the flat, her daughter had spent typically no more than three nights in a week in the flat starting in 2006, and that this had decreased to *“a more typical”* two nights a week or less. She had ceased staying in the flat in May 2009. Mrs Main repeated what she had said in her previous letter¹⁴ that her daughter had stayed with her in a sporadic fashion with some periods when she was not there at all. She said, *“The total number of nights are hard to calculate but I estimate it to be between 95 and 100 nights per annum.”*

48. Mrs Main said that her daughter *“did not need to stay in the flat as she had a home in Beaconsfield where she lived without paying rent as a family member and that was ongoing, as previously indicated and convenient for her job and travel by train into London.”* Mrs Main said that it was she who felt the arrangement by which her daughter stayed in St Albans *“would not only assist me in my busy role by ensuring that I could carry out my duties as fully and as frequently as I wished to in St Albans with the limited diary time available without worrying about the need to tackle necessary household chores or employ a cleaner, but also it helped me to have occasional companionship and family support when I see so little of my family.”* Mrs Main said that she had consulted the Fees Office about various issues concerning her St Albans flat, and in those conversations she had been told that *“only spouses and children”* were allowed to share the second home. She also said that at no point was she given any indication from the Fees Office in their advice that the age of her children or frequency of staying was a consideration or limiting factor, nor did the rules covering ACA state anything to that effect. Mrs Main reiterated her previous comments that her daughter had supported her by undertaking, whilst staying there, to do her cleaning, bed changing, and laundry, etc., had checked for mail and messages, and had

¹³ WE 6

¹⁴ WE 4

ensured the flat did not sit unattended for security reasons during any of her personal family holiday periods.

49. Mrs Main said that, as she had previously stated, she spent all other nights when not in St Albans in her main home in Beaconsfield, with obvious exceptions such as holidays/social events, occasional business visits, and *“on less than ten occasions in four years the need for overnight stays in London associated with train/travel disruption meaning I was unable to get home after parliamentary duties.”* The spreadsheets she had previously supplied¹⁵ showed her stays in St Albans that she could *“prove”*. She said that these showed that in 2006–07 she had made a minimum of 66 overnight stays plus an estimated up to 20 additional nights for year totalling 86 nights (plus an additional day usage) despite having over 5 weeks off duties due to a serious back operation. For 2007–08, the data showed a minimum of 69 nights plus an estimated up to 20 additional nights totalling 89 nights (plus additional day usage), and for 2008–09 a minimum of 80 nights plus an estimated up to 20 additional nights totalling 100 nights (plus additional day usage). Mrs Main commented, *“If these figures are placed together, then the time I spend or would expect to spend in my main home would be in the region of 265 nights in any one year not taking into account deductions for any periods spent away on family holidays, which typically would average about four weeks holiday time spread through the year, or other brief work-related absences as outlined above.”* Mrs Main also clarified the expression *“upwards of 20 nights”* which she had used in her letter of 22 June¹⁶ with reference to an estimate of the additional non-diarised dates when she was in St Albans. She said that it should have read *“up to 20 nights”*.

50. Mrs Main said that her statement *“my work life means I spend little time in my family home”* referred to *“the amount of day time or ‘waking time’ during a working week when I would expect to be able to join in with family meals, and see my family... I had hoped that the statement referring to ‘my work life’ had made it clear I was referring to day time before 9pm–11.30pm.”* She reiterated that when the House was sitting she commuted by train, often early in the morning, worked the hours needed on parliamentary duties which she said were governed by the House sitting times, *“after which I do indeed return, often at a late hour ... to our main home, where my family lives, to stay overnight for the estimated 265 plus nights as outlined above”*. As to her arrangements when the House was not sitting, Mrs Main commented, *“When the House is not sitting, my travel and work pattern alters and I spend the time I need to in my constituency carrying out my duties, travelling to my constituency by car and staying over there as shown in the spreadsheets, but at all other times during the hours available to me I stay and sleep at our main home with the obvious exceptions for times away on holidays etc.”*

51. I wrote to Mrs Main again on 8 July.¹⁷ I said that I had now completed the work on her diary in respect of her overnight stays in St Albans, I noted that, whilst her diaries indicated the days on which she had engagements in her constituency, the information I needed to establish related to the number of nights she had spent at her St Albans apartment. For that purpose, the record of a constituency engagement in the evening, or first thing in the morning, although not conclusive, might in my view reasonably suggest an overnight stay

¹⁵ Not included in the written evidence.

¹⁶ WE 4

¹⁷ WE 7

in St Albans. In a number of instances, however, it was not clear from the printout of her diaries how the engagements she had listed corroborated her statements about nights spent at her constituency property; nor in some cases was it clear whether the engagement had been of a parliamentary character rather than personal or party political. I sent her a series of questions designed to clarify these points.¹⁸

52. Mrs Main replied on 21 July.¹⁹ She said that her constituents expected her to have a home in her constituency and be seen about not always as the *"special guest"*. She was expected to support businesses, go to local cultural events, to frequent local shops and restaurants and to be able to *"share their concerns by actually spending time being local and part of the community."* Mrs Main said that, in order to serve her constituents fully, it was essential that she learned *"everything about my constituency, keep continuously up to date on: local vandalism/litter/graffiti/fly-tipping hotspots, road and road surface issues, waste collection services and associated issues, river water abstraction/flooding/riparian problems/gulley clearance, speeding/pollution/light phasing alterations/junction problems, planning applications, train/station issues, bus shelter sitings, mobile phone mast sites and locations, street lighting and safety issues, shops/business closures, the appearance of our tourist attractions, buses, disabled access, road signage, the viability of our market, noises/nuisance emanating late at night from licensed premises particularly if a licence extension is being sought etc and indeed all the issues and concerns facing my constituents, which is why I regularly stayed over in my flat."*

53. Mrs Main said that *"as reflects the more usual role of a modern MP I certainly do not just concern myself simply with House duties and formal events but all of the above issues and many more and my residents certainly expect this of me as my post bag and phone calls to my office confirm."* Referring to her entry on the website theyworkforyou.com, Mrs Main said that she ranked highly for her duties in the House with debates, questions etc, but her constituents also expected to get a 100% service from her at a local level. Mrs Main said, *"They regard me as their voice and champion..."* and that she was expected to have an informed view on all the issues she had outlined. Her constituents often required detailed letters of support or objection from her, and only when she had satisfied herself as to the issues involved would she write letters to the Council. Mrs Main said her constituents *"do not expect me to say that it is the duty of the Council, or tell them to contact their local councillor regarding these issues. Many times they have felt unhappy with the response from the Council and they look to me to try to move things forward or to provoke a more positive response and they expect me to be informed."*

54. Mrs Main said that she *"always tried to have some lightly diarised days to give myself flexibility and leave time to do the research I need and formulate my response to the information I have gained"*. She *"always responded to all major consultations ... Clearly, it is impossible to complete a one hundred page multi-option document referring to various specific parts of the district in an informed manner if I had not undertaken in my non diarised time to walk around the various areas etc."* She did not completely fill up her diary *"to allow time for such research and note taking"* before she sent in a *"comprehensive response or before, on planning issues, I decide to add support or otherwise to residents' concerns"*. Inevitably, because she believed in being freely available to her constituents and

¹⁸ Not included in the written evidence.

¹⁹ WE 8

well informed on their behalf, not all the work that she undertook within her constituency on parliamentary business was necessarily diarised in her paper diaries, from which she had taken details of events. Mrs Main said that her paper diary was augmented by diaries kept within her Westminster Office, and although she attempted to keep both diaries in synchronisation that was not necessarily possible or necessary. Also, Mrs Main told me that there would be “*dynamic additions that are just phoned through to me based on requests coming into my Westminster office regarding constituency issues. For example, there are frequent additions to diary events on the day and people will ring me to see if I can meet up with them at short notice to chat about something of concern. Indeed, just walking about my constituency particularly in the city centre often generates several such encounters.*” The Muslim community, for example, would frequently see if they could meet informally outside the mosque hours “*for a chat*” if she was around. Mrs Main said that she did not enter these informal short-notice arrangements in her diary as they were not pre-booked.

55. Mrs Main continued, “*Given the fact that the majority of your questions are asked regarding dates over the past three years, it is clearly difficult if not impossible for me to recall every event on every day in light of the alternative but necessary activities I undertake ... I do not keep a diary in the sense of making a daily record of everything I have done only what I had planned to do or have committed to as formal engagements ... I have provided some answers²⁰ of what I believe occurred and ask you to bear in mind my approach to fact finding, site visits and follow up work. These activities can take up a great deal of time and need to be done in a time appropriate way*”. Mrs Main added that the time she spent at the flat in St Albans “*will also cover preparing case work notes or drafting responses for my staff and other parliamentary work that I undertake wherever I can. I do not have my own constituency office, merely limited use of the Conservative Association area office for which I pay the St Albans Conservative Association.*”

56. I wrote to Mrs Main on 23 July saying that, on the basis of the work she had done on the time she had spent in St Albans, I aimed to produce a schedule which would summarise her pattern of overnight stays there.²¹ I said that, while the diaries and the further information she had given me were inevitably estimates, I hoped that she and I would be able to agree that they provided the best estimate of her likely overnight stays in each of the years in question.

57. I wrote again to Mrs Main on 6 August.²² I told her that I had now completed the diary analysis on the basis of the material she had sent me on 21 July,²³ and that, having studied her diaries, I considered that they helped to support the estimates she had given me of her overnight stays in her St Albans home. I also told her that, given the uncertainties, I did not consider that there were sufficient grounds to add to these estimates the additional undiarised 20 nights a year which she had suggested. I attached to my letter the table set out below as summarising the figures which I proposed to use as a best estimate of her stays in her constituency home. I also said that I considered it would be helpful for me to approach her daughter, Ms Claire Tonks, about the complaint.

²⁰ Not included in the written evidence.

²¹ WE 9

²² WE 10

²³ WE 8

Year	Nights spent in constituency home
2006–07*	66
2007–08	67
2008–09	80
2009–10 (to end of June)	23
Total	236

* Includes back operation and 5 weeks bed rest

58. I wrote to Ms Tonks on 6 August²⁴ and enclosed with my letter extracts²⁵ from Mrs Main’s letters to me of 22 June,²⁶ 29 June,²⁷ and 21 July.²⁸ I asked her why she had stayed in her mother’s flat in St Albans from 2006 to 2009; for an estimate of the number of nights she had stayed there for each financial year in the period; how many nights she spent there at a time; how often she stayed there with her mother; and why the arrangement came to an end in May 2009. I also asked what costs she met when she was staying at the flat; whether her stays at the flat were solely for the purpose of undertaking household chores and how regularly she performed them; why she used one of her mother’s car parking spaces even when she was not herself staying in the flat; how she divided her time between the flat and any other places where she lived and worked; whether it was true that, as reported in the *Daily Telegraph*, her name appeared on the electoral roll for the St Albans address, and if so, exactly how this came about; and why the St Albans address was notified to Companies House on two occasions, how the mistake referred to by her mother had come about, and what she did to correct it.

59. Ms Tonks replied on 18 August.²⁹ She said that “*as a family we knew Mum was finding living and working away from the main family home for long hours quite tiring and stressful. ... Because we were concerned about her work life balance, we all wanted to support her and we discussed what we could do.*” She added that her mother had injured her back, that it was still not completely resolved, found heavy jobs difficult, and needed rest. Because her mother was “*finding the busy job of being an MP and the day to day management of the flat in St Albans tiresome to cope with ... she asked if I would help out.*” Ms Tonks commented, “*Obviously I work full time and certainly was not being ‘employed’ as her cleaner but I did feel I could help her out in whatever way she needed which certainly included managing the upkeep of the flat for her and any other occasional chores she might want sorted just as I would at our home in Beaconsfield.*”

60. Ms Tonks told me that her mother had told her that she had checked the arrangement out with the Fees Office and had been told that spouses and children were “*ok to be in the 2nd home*”. She had therefore “*willingly agreed*” to spend some time in St Albans. Because she worked in London the commute from St Albans was not a problem for her, but she “*would not have stayed there if I had been told it was not allowable as I had no need to be in*

²⁴ WE 11

²⁵ Not included in the written evidence.

²⁶ WE 4

²⁷ WE 6

²⁸ WE 8

²⁹ WE 12

St Albans.” She added that her mother “*was also aware that many other MPs had their children of various ages staying in their second homes so neither of us believed our arrangement was out of the ordinary and neither Mum nor myself attempted to hide the arrangement from anybody.*”

61. Ms Tonks said that her mother was “*extremely busy and works long hours*”, so she helped her by doing all the necessary household chores in the flat when needed, such as, the laundry, bed making, general cleaning up etc. She commented that her mother “*never had to do those things and always left them for me to do*”. Ms Tonks also said that, because she could be flexible in her job, it meant that she “*could also agree to be present in the flat if Mum needed me to be.*” So she arranged to be in the flat if her mother had a delivery, such as a replacement washing machine, and undertook to be present when her mother had “*paid personally for the flat to have a professional ‘spring clean’ which covered tough jobs such as oven cleaning and window cleaning.*” She had also overseen the fitting of a new stair carpet and “*sorted out the putting up of curtains etc.*” She also said that she “*helped out by doing some decorating with [her stepfather] when he came over to sort out maintenance in the flat*”. When she was able to be in the flat she had picked up any messages or mail if her mother had asked her to, and forwarded it on, and collected cleaning and heavy shopping. She commented, “*I was company for her if we overlapped our stays, it freed up her time and enabled her to get on with what she needed to do in St Albans and allowed her time for her paperwork and to frankly get some rest. Because neither of us were there full time sometimes our stays overlapped, but sometimes I only knew she had been there when I hadn't due to things in the fridge or flowers etc in the flat.*” Ms Tonks added that the flat did not have any outside space, so in the summer she had preferred to spend the majority of her time in Beaconsfield “*as we have a large garden with a swimming pool*”. It was also where her social life was based, consequently “*weekends were typically spent either in London or Beaconsfield*”.

62. Ms Tonks said that she could not recall how many nights she had stayed in the St Albans flat “*as I simply wasn't counting*”. She estimated that “*at its most frequent it may have been that I stayed in the flat a maximum of three to four nights in a particular week, but then some weeks I was not there at all or I only stayed maybe one or two nights to get some things done for Mum.*” However, she added that the time that she had been able stay over in St Albans had been “*decreasing to a couple of nights a week at most as I spent increasing amounts of time with my boyfriend who only lives three miles from where I work in London*”. She had told her mother that she “*felt I could not keep up the arrangement for much longer, my own job was getting more time intensive and it was getting difficult for me to travel to and from St Albans to London*”. She had wanted to move in with her boyfriend full time and “*we wanted to buy a flat together near to where we both work, so it would have also been too difficult financially to then keep going over to St Albans.*” As her own circumstances had changed, “*one or two nights in any week had become the norm. Mum and I had discussed this and she said she would have to get a cleaner and [Ms Tonks' stepfather] agreed to try and help out more.*” Ms Tonks added that, in the end, the arrangement “*ended overnight due to the media firestorm that engulfed my Mum*”.

63. Ms Tonks said that when she stayed at the flat she bought all her own food. She had also used her own mobile for phone calls. Her car was usually, but not always, left in St Albans because she did not need it in London. She was not a frequent driver, and could

have had use of one of her parent's cars if she had needed it. She said that *“it was helpful to have use of a car in St Albans however so that I could sometimes drive back to Beaconsfield from the St Albans end if needed, there is no easy train route to do that journey. I used it mostly to go and get the bulky shopping from the supermarket”*. Ms Tonks said that she *“wanted to support my Mum by being able to vote for her if possible”*. Because her time *“was split in varying amounts between Beaconsfield, London and St Albans I nominated to vote in St Albans so I could vote for my Mum.”*

64. Ms Tonks said that *“the Companies House registration was a complete naive mistake on my part and my mum was totally unaware of it until it featured in the Telegraph story”*. She worked for a very small company and instead of a pay rise they had agreed to make her a director. She had been asked *“for a contactable address ...but no mention was made of registering it at Companies House”*. At the time, she was in St Albans for a few days, *“so I gave the flat as the address and this address was just carried over by admin in the office for the registration. I didn't know it had any implication and I could easily have said Beaconsfield but since either Mum or I would have popped in and out of the flat fairly regularly at this period it just seemed as easy to say St Albans as a contactable address.”* Ms Tonks said that this had now been corrected as she had *“notified my company immediately after this error was pointed out that the flat was not to be considered my permanent address and that the only address that should be considered permanent was my main home in Beaconsfield and they notified Companies House to correct the listing. My other mail such as bank statements, phone bills etc were all still going to Beaconsfield and they still do.”*

65. Ms Tonks concluded by stating that *“at no point did I seek to gain advantage from being in the flat. I thought I was there to help out, live as a family member and support my Mum”*.

66. I replied to Ms Tonks on 2 September.³⁰ I said that I appreciated that she did not have precise information about the number of nights she had spent in St Albans, but, subject to any further points she might wish to make, I proposed to proceed on the assumption that she had spent between two and three nights a week in St Albans, with three nights more usual at the beginning of the arrangement and two nights in the final year. I said that I understood from her that the arrangement ended in May 2009, and asked, for the sake of completeness, for her best estimate of the month in 2006 when the arrangement started. I also said that, as I understood it, her evidence was that she acted, in effect, as her mother's part-time housekeeper for the St Albans flat and that she was there for no other purpose. I said that it would appear, however, that she spent more nights in the St Albans apartment than did her mother. While I noted her evidence of the chores Ms Tonks had performed in St Albans, I said it would be helpful to know why she needed to spend so much time there and why it was necessary for her to stay there overnight on so many occasions.

67. Ms Tonks responded on 10 September.³¹ She said that she estimated that she had started staying in St Albans on a regular basis *“from the end of August or early September 2006”*. As to the amount of time she had spent in St Albans, she said that, having been told that she was allowed to stay in the flat after her mother had checked this out with the Fees Office, *“I simply sorted out my own business and personal life around the help I had agreed to give her. I certainly did not think I had some time-limited schedule to follow.”* Ms Tonks

³⁰ WE 13

³¹ WE 14

said that her mother *“felt the arrangement had helped her enormously and the flat was always up and ready whether she stayed overnight or used it in the day for working etc”*. She added, *“Sometimes she and I would try to overlap purposely in order to have some family time together, perhaps go out for a meal and then our evenings would not have to be taken up with routine household jobs. But I do after all work full time in quite a demanding job. I did not feel any need to rush back late in an evening and get all the chores over and done with. I did them in my own time and at my convenience. My mother told me to stay in the flat when it suited me to do this housework or when she needed me to be there, and that is what I did.”*

68. Meanwhile, on 3 September, I had written to the Director of Operations at the Department of Resources, seeking his views on the matter.³² In particular I sought his comments and advice, taking account of the rules of the House, on the acceptability of the Member maintaining and claiming for an apartment in St Albans when her main home was in Beaconsfield, within 20 miles’ distance from her constituency, and on the acceptability of the use of the apartment by Mrs Main’s adult daughter, taking account of the fact that she seemed to have spent more time there than the Member and that no allowance seemed to have been made for her living costs.

69. The Director of Strategic Projects replied to me on 11 September.³³ On the acceptability of a Member maintaining and claiming for an apartment in St Albans when her main home was in Beaconsfield, within 20 miles of her constituency, he said that *“Essentially the rule was (and is) that eligible Members could claim for overnight stays either at a home within 20 miles of the Palace of Westminster, or at a home within the constituency (or within 20 miles of the constituency boundary).”* There had never been a rule that an additional home in the constituency was not permitted if the main home was within 20 miles of the constituency. Mrs Main was therefore *“within the rules of the House to claim for an additional property in her constituency while her main home was in Beaconsfield.”*

70. On the use of the apartment by Mrs Main's adult daughter, the Director said that, in the Green Books which were in force from 2005 to 2009, Members were *“strongly advised”* against subletting or renting out any part of a property on which ACA was claimed. (This rule applied also to paying guests.) If they did so, they were required to notify the Department, who would reduce their claims by the amount of their rental income. He continued, *“However, where rent was not paid, there was no rule which governed who might or might not live in, or stay at, a home on which ACA was claimed.”* He noted that Mrs Main had said in her letter to me of 22 June³⁴ that her daughter made no monetary contribution to the cost of the flat. From this he inferred that Mrs Main had never received any income from her daughter for her occupation of the property. Although Mrs Main had made it clear that she received certain services from her daughter, he was *“not sure whether this should be regarded as a consideration for her occupation to which a monetary value could be ascribed.”*

71. The Director also said that the Green Book made it clear that Members could not claim under the ACA for the living costs of anyone other than themselves. The Director said that it appeared that Mrs Main had not abated the costs which she charged to the House in

³² WE 15

³³ WE 16

³⁴ WE 4

respect of her daughter's occupation of the property. He added that, in his view, *“it would have been appropriate for her to do so in respect of claims for items, such as utility charges, which could be attributable partly to her daughter's occupation.”* The question of mortgage interest was in his view a different one, *“since its level was unaffected by Mrs Main's daughter's occupation of the apartment.”*³⁵

72. I wrote to Mrs Main on 11 September to bring her up to date on the evidence I had received so far, and to invite any comments she might wish to make on it at that stage.³⁶ I said that I would need to come to my own conclusion on the advice given on behalf of the Department of Resources, and would do so once I had all the relevant information.

73. Mrs Main replied to me on 15 September.³⁷ She commented that *“the position as stated by the Fees Office about claiming for the second home exactly concurs with advice I was given at the time which is why I have maintained at all times that my arrangements were completely within the rules. The advice about who may live or stay in the property is the same as that given to me at the time. Because of the advice that I received I told my daughter it was within the rules for her to stay there and people have always been aware of my situation”* Mrs Main noted the Department's comments with regard to utility bills, which in her view *“could only refer to gas and electricity since my water is not metered”*. She reiterated that her daughter had met her own personal costs on food and phone bills. Mrs Main said she *“would find it extremely hard to assess what, if any, portion of any gas or electricity utility bill I should have considered abating given that I am often there in the day even if I do not stay the night.”* Mrs Main said that if her daughter had used appliances or machines for vacuuming, *“I do not understand how it would be possible to calculate her ‘personal usage’ given that the chores would have to be done anyway. In the winter I always have the heating and hot water on a timed switch on for short periods each day to keep the flat aired, warm and ready for my use and this would occur whether anyone was there or not”*.

74. Mrs Main said that she found it *“somewhat puzzling”* that the Department had questioned whether her daughter's help around the flat should be seen as potentially *“receiving services”*. She commented, *“As a family we do not regard such mutual family support as ‘services rendered’.”* Mrs Main said that her daughter's companionship and help were never seen in that light, *“just as such family help and support is not regarded in that ‘commercial light’ in our main home where our family members help out when needed.”* Mrs Main said that she thought that most people would think that it would be somewhat strange if charging for a cleaner and claiming that cost from her expenses was regarded as preferable to her daughter *“acting like a family member and helping out around the house.”* Her husband had also done *“significant maintenance”* in the flat but she *“would not consider those ‘services’ rendered either”*. Nowhere in the Green Book was this *“family support scenario”* outlined as a matter for consideration, nor had she been given any guidance to that effect. She concluded by reiterating that she had, at all times *“tried to work fully within the rules and guidance as set out in the Green Book and with the advice of the Fees Office.”*

³⁵ This letter was written before the publication of the Tenth Report of the Committee on Standards and Privileges, Session 2008-09 (Mr Tony McNulty), HC 1070

³⁶ WE 17

³⁷ WE 18

75. I replied to Mrs Main on 1 October.³⁸ I told her that I had decided, in the light of her response, that it would be helpful in resolving the complaint if I could take oral evidence from her daughter, and was in contact with her to make the necessary arrangements.

76. I interviewed Mrs Main's daughter, Ms Claire Tonks, on 26 October.³⁹ I emphasised that my inquiry was not about her, but about whether her mother was within the rules of the House in the way she used the St Albans flat. Ms Tonks agreed that she had stayed in her mother's flat in St Albans from about August or September 2006 to May 2009 for a number of nights most weeks; that she had initially stayed an average of three to four nights a week, but that this decreased to one or two nights a week towards the end; that she had stayed overnight in order to help with chores and to be a companion to her mother; that she undertook a range of tasks, some requiring her to be at the flat during the day, and others that she did after work in the evening; that she usually left her car in St Albans because the parking space was available and she used the car mostly for shopping trips, or sometimes so that she could drive back to Beaconsfield; and that she gave the St Albans address to her boss but did not know it would be used on the directors' registration form sent to Companies House.

77. Ms Tonks was not sure exactly when in 2006 the arrangement had started. Her mother had been finding it difficult working the hours she did and splitting her time between St Albans and Beaconsfield, and *"she always liked to come back to Beaconsfield at night"*. Her mother had said *"it might be nice for me to spend some time in St Albans and help out in exchange for being able to live there,"* although she later noted that the word *"exchange"* implied a more formal relationship than existed: *"I was simply supporting my mother."* Her stepfather was also concerned and her mother had not been feeling well. She commented, *"It just seemed like a nice thing for me to do"*. When the arrangement started, she had no real idea of how much time she would spend in St Albans, or how long the arrangement would last. She commented, *"It wasn't anything we discussed. It was supposed to be a flexible arrangement. My mum didn't always know if I was there any more than I knew if she was there"*. She had *"a feeling we expected it to be for a few nights per week. I never wanted to spend too long there. If my mum was there I hoped we could go out for dinner or go to the pub or have supper together. But if I had stayed at St Albans I would have had no social life. I would have been on my own. I never wanted to be there full time."*

78. Ms Tonks said that her mother knew that she and her boyfriend wanted to buy a house. She said, *"So as soon as he got a base in London I wanted to move in with him. He lives three miles from my office. I wanted to be there. I didn't want to be at St Albans."* The arrangement *"was always going to be temporary, my living at home after I had gone travelling. I moved back home to get on my feet."* It had nonetheless lasted longer than she thought it might.

79. Ms Tonks agreed that the arrangement by which she stayed in St Albans was a weekday arrangement; she did not stay there at the weekend. She spent more time in Beaconsfield over the summer because there was no garden in St Albans. She commented, *"There were periods of time when I spent more time in St Albans than in Beaconsfield purely because of what was going on with my mum. But overall I spent more time at Beaconsfield in the"*

³⁸ WE 19

³⁹ WE 20

summer". She had usually commuted between the flat and her work in London; the journey was marginally shorter from St Albans than from Beaconsfield. She did not have a season ticket, but bought daily tickets.

80. Ms Tonks said that she had a wardrobe in the flat and in Beaconsfield as well, so she had clothes in both places. Her mother kept items such as a hairdryer in St Albans. When she came to St Albans she would bring some things with her, but she also washed and left some clothes there. She had a laptop that she would generally keep at St Albans *"because we had a computer at the family home. I kept a couple of books there too. In terms of personal things I had a couple of family photos but not much else"*. She had not decorated her room, but *"left it as it was"*.

81. Ms Tonks said that she had been at the flat *"a handful of times"* during the day to open it for maintenance and deliveries. She commented, *"I am lucky with my work, that I can work from home during the day, if my project allows"*. She added, *"Occasionally on a Saturday I might be in if my mum was in the high street. For things like the delivery of the washing machine my mum might ask me to be there only if my stepdad couldn't be there. It would be unusual."* She said that she would go shopping for groceries for both her mother and herself. She would go to the supermarket for bread and milk because *"she would like me to have those in the house"*. She would also keep the fridge stocked with microwave meals, and would do this on a weekly basis. She usually stopped off at a supermarket on her way home from work.

82. Ms Tonks said that whether her mother ate out on nights when she was at the flat depended on her engagements. She commented, *"Normally she would have either an appointment starting about 9pm or she would get back very late and she would want something light to eat when she got in. There was no routine to her diary."* As regards the scale of her mother's shopping requirements, Ms Tonks commented, *"I was trying to help her in small ways at least. In my job I don't get home until 8 or 9pm so perhaps we would have a pub dinner or something."*

83. Ms Tonks said that the flat had an *en suite* bathroom attached to one of the bedrooms, a lounge and kitchen. She had cleaned *"as and when needed. It wasn't heavy duty cleaning, just running the vacuum cleaner around to keep it looking nice."* Her mother had arranged a professional deep clean because she was *"more particular than me ... in her mind it all looked a bit grubby."*

84. Ms Tonks said that her stepfather had stayed at the flat *"a couple of times"*. Her boyfriend had also stayed a couple of times, on each occasion with the permission of her mother. Ms Tonks did not know how often she had stayed overnight at the flat when her mother was there. She commented, *"She liked to go back to Beaconsfield at 10.30 or 11pm when the M25 cleared. She was at the flat more frequently than she stayed the night."* As to why Ms Tonks needed to be there three nights a week to support her mother when Mrs Main was there on average only one night a week, Ms Tonks commented, *"My mum didn't suggest spending time there so I could do the cleaning. I wasn't there as the cleaner. It was to make the place more lived in. We both thought it was okay for me to be there. We had no reason to think otherwise. For me it didn't make much difference where I lived. But my mum liked the flat feeling lived in."*

85. As to whether Ms Tonks had herself gained a benefit from the arrangement, she commented, *“I suppose I got a benefit in the same way as I got a benefit out of anything at home. I am lucky to be able to live at home and I used it as an extension of my home”*. It *“wasn’t the point”* that it gave her a chance to live in a place largely of her own rather than live in the family home. She said, *“It did feel quite nice to have some peace and quiet some times but that wasn’t the reason for being there. It was a natural consequence of my being there.”*

86. Ms Tonks said that the number of nights she had spent in St Albans dwindled from three to four to one to two a week because her boyfriend had moved to east London, where she worked so she *“started to spend all my time with him then”*. That had happened *“about a year and a bit ago. His job had moved to Buckinghamshire in the autumn of 2007 and I was spending a lot of time there. Then he moved to London, and I pretty much started living full time with him.”* The time she spent in St Albans had tailed off from October 2007. She commented, *“I was still spending some time there but it was tricky to be there very much.”* Ms Tonks said that her mother was aware that she wanted to spend her time with her boyfriend and that they wanted to get a house together. Ms Tonks accepted that this might suggest that she could have undertaken her duties in St Albans staying, say, only one night a week, but commented, *“we wouldn’t have had time together”*.

87. As to why she had chosen to vote in St Albans, Ms Tonks said that her mother had advised her that because her time was split she could choose where to vote. She commented, *“I wanted to vote for my mum, so I registered in St Albans.”*

88. As to why she had given the St Albans address as her *“usual residential address”* on a company registration form she had signed on 7 March 2008, Ms Tonks commented, *“My boss is prepared to vouch that she asked me to give the address to be used for documents in case the company got into trouble. So I gave the St Albans address. At the time I was spending time at the flat. That is where I was, so I gave that address to her; it was where I was best contacted for documents. I now think I shouldn’t have done that. It was only when the Telegraph got hold of it that I thought about it. All my bank and other documents went to Beaconsfield.”* At the time when she signed the document, in March 2008, Ms Tonks said that she *“still spent quite a few days at the flat. It was just one of those stupid things”*. When I asked Ms Tonks if she had noticed that the form asked for her *“usual residential address”*, she said *“I hadn’t looked at [the form]. I don’t recall. I didn’t feel any reason not to use the address. ... I could have given either address. I can’t recall reading ‘usual residential address’. I didn’t pay enough attention to the form”*.

89. On 2 November I wrote to Mrs Main asking her for some final information.⁴⁰ I noted that I did not seem to have received some of the information which I had asked her for in my letter of 17 June.⁴¹ This was her estimate of the number of nights she had spent in the St Albans apartment in 2005–06, together with any evidence including diary entries on which she relied for this information; and details of the claims she had made for food in each financial year, and how she explained the amount claimed against the number of nights spent in her flat. I also told Mrs Main that I had asked the Department of Resources to

⁴⁰ WE 21

⁴¹ WE 3

clarify the rules on food claims in the light of her letter of 22 June.⁴² I also said that she might wish to note the Tenth Report of Session 2008–09 of the Committee on Standards and Privileges⁴³ which I believed was relevant to my consideration of the complaint against her.

90. On 3 November I wrote to the Director of Operations in the Department of Resources.⁴⁴ I asked whether Members' food claims under the rules should be made only for food consumed when it was necessary to stay overnight away from their main home in their residence funded by the Additional Costs Allowance, or whether it was permissible for them to claim for food consumed when they were spending a night away from their main home, wherever its location.

91. The Director of Operations replied on 11 November.⁴⁵ He said that his interpretation of the position on food claims was that Members whose main home was neither in the constituency nor in London could receive an allowance in respect of expenses incurred for overnight stays in London or overnight stays in the constituency. This meant that there was a choice as to whether to establish an additional home in the constituency or London, but having exercised that choice the expenses incurred must be at that location, or en route to that location, for them to be claimable. *“So, for Mrs Main her food expenses must be in relation to costs incurred in St Albans where she had her additional home. The costs must also be associated with an overnight stay.”* The Director said that *“On this last point, if asked, we would interpret this such that the food purchases could be either side of an overnight stay (i.e. stayed overnight Monday; food purchase for which the costs were allowable would be either the Monday or Tuesday).”*

92. The Director also said that in this context both the Resolution of the House on ACA and the Green Book were *“somewhat opaque”*. He said that *“mostly Members would refer to the Green Book, which on the question of food claims in July 2006 said:*

“3.13.1 Examples of expenditure allowable under the additional costs allowance

...

Other food—reasonable additional costs while you are away from your main home.”

The Director commented that he thought *“it is possible for a Member erroneously to infer from the text of the Green Book the notion that food is claimable when he or she was away from their main home providing the costs were necessarily incurred for the purpose of performing his or her Parliamentary duties. Paragraph 3.2.1 of the Green Book (Eligibility) would also give this impression if read on its own, although it is clear here that it would have to have been be in conjunction with an overnight stay.”*

⁴² WE 4

⁴³ HC 1070

⁴⁴ WE 22

⁴⁵ WE 23

93. Meanwhile, on 6 November the complainant, Mr Harper, had written to me again.⁴⁶ With his letter he enclosed a copy of a press release issued by Mrs Main on 5 November.⁴⁷ In his letter, Mr Harper argued that *“Mrs Main’s property purchase was a property speculation, not a pre-requisite for fulfilling her perception of her role as an MP”* and that he quoted figures to demonstrate there were other, more cost effective, alternatives to meeting her requirements. I replied to Mr Harper on 6 November saying that I would take account of the points he had made if necessary in the course of my inquiry into his complaint.

94. Mrs Main responded to my letter of 2 November⁴⁸ on 11 November.⁴⁹ She said that prior to her election she had neither a home in the constituency nor in London. She had not had a home in St Albans before the flat was rented from 10 June 2005. Consequently, despite health issues, she had had to spend a significant amount of time on *“long and tiring”* commutes between those two places and her family home in Beaconsfield, whilst carrying out parliamentary duties and constituency duties. The flat had been *“let unfurnished and it took a few weeks allowing for purchases and delivery of key items such as the beds and sofas for me to move in fully.”* However she had managed to have *“a degree of occupancy”* from around 17 June 2005 when she *“used the flat as a base for getting changed, having a meal, catching up on paper work between engagements etc.”*

95. Mrs Main said that she had done her best to try to give details of her formal diary commitments, despite a long period of time elapsing, and attached a table.⁵⁰ She added that she found it *“somewhat unreasonable that I am being asked to try and prove where I am at all times. As an MP, particularly in a marginal seat I am expected to be seen out and about by my constituents, to live and spend time with them. I also value having spaces/flexibility within my diary to speedily agree to pop in to view issues, or agree to meet up with individual constituents, often at very short notice, not always written down, and all of this is part of my role as the MP”*. Mrs Main said that she knew, having discussed this matter with colleagues, many of whom based themselves full time in London, that *“the frequency of use of my constituency home whilst on purely official diarised duties was typical or even in excess of many. It is clear that other Honourable Members also spent time simply being in their constituencies and being part of the community and expected their family to be able to do likewise. This is all a vital part of community engagement but is difficult to ‘prove’. I continue to maintain that my use of my flat is more frequent than my business diary confirms, both on number of nights spent and also day visits.”*

96. Mrs Main reiterated that diary engagements could not and did not reflect the only times she spent in her flat in the course of her role as the Member for St Albans. She said that her presence in St Albans was *“indeed expected as part of my role as MP and as a member of the community. I use my flat for getting changed and ready for different events, having meals, resting and working, all of which are vital for me to deliver a good service to St Albans.”* Mrs Main said that she had undertaken an average of at least 200 official engagements per year. Apart from holiday weekends *“there are very few weekends a year where I am not engaged on the Friday evening, the Saturday or the Sunday. My office records*

⁴⁶ WE 24

⁴⁷ WE 25

⁴⁸ WE 21

⁴⁹ WE 26

⁵⁰ Not included in the written evidence

show I have contacted and dealt with over 18,000 separate constituents, some on multiple issues that have been raised by them ... Being an MP is not a 'family friendly' 9 to 5 Monday through Friday; it is often a 7 day per week job with long hours and I pride myself in the diligence that I apply to it."

97. Mrs Main said she had had a serious fall and injury in February 2005, which resulted in a total severance of her anterior cruciate ligament, and damage to cartilage in her right knee. It also transpired that she had a herniated disc in her back as a result of the fall but it took a year of severe pain and progressively worsening symptoms for that positive diagnosis of her condition and it resulted in the major operation on her back in May 2006. *"I still suffer periods of severe backache, which makes prolonged standing difficult. My numerous engagements and these health issues meant that I found my flat vital in order to help me [to] be able to carry out my duties and as I have previously stated I used my flat regularly in the day well as staying overnight."*

98. Mrs Main said that I might *"wish to consider the question as to where I was supposed to be in between engagements, where could I work and catch up with paper work, how was I supposed to rest with my back if I had nowhere to go and how was I supposed to get changed or showered if I needed to"*. She continued, *"This is why regardless of the new regulations that may now come into force under the Legg review I shall have to maintain a base in St Albans as I cannot have my main home in my constituency. We are a fortunate but not a wealthy family and it will not be easy to do this. I already commute into London, routinely getting back to our main home at 11.45 pm on Mondays and Tuesdays and 8.45 on Wednesdays and Thursdays. I sit on three committees and often have a 9.15 start which means I catch a train at 7.10 am so to spend the other days of the week commuting on the M25 at all hours and living out of my car is not reasonable or possible."*

99. Mrs Main said that as she was a woman with a husband whose own life and work was not centred in the constituency and with a young child at school the *"triangulation"* of maintaining her role in all three areas was quite difficult and not family friendly, but it was made easier with support from her family. At all times Mrs Main said, she had consulted the Department of Finance and Administration for advice and guidance. *"I consider myself a law abiding citizen who as a new Member of Parliament was anxious to ensure that I fully complied with any rules and regulations surrounding the use of resources."* She reiterated that, to ensure she was fully complying with the rules, *"I rang up the DFA for advice and guidance about any of my arrangements before I made any of them."* Mrs Main accepted that this advice and guidance was now being questioned, but she drew my attention to Mr Speaker's note in the front of the Green Books of April 2005 and June 2006 which was in force until March 2009, and which stated:

"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. In cases of doubt or difficulty about any aspect of the allowances or how they can be used, please contact the Department of Finance and Administration (DFA). The Members Estimate Committee, which I chair, has recently restated the Department's authority to interpret and enforce these rules."

100. Mrs Main said she had *"fully complied with that firm ruling that it was the Department's views and authority I should seek and comply with."* Consequently she had

“sought advice on my eligibility for renting/purchasing the flat and my daughter's presence in the flat. If I had not been given that guidance, I should have had to consider my options.” In her discussions at the time with the DFA she had *“queried if the age of my daughter was relevant and I was informed that it was within the rules for my daughter to live or stay in the second home as a non-renting family member.”*

101. Mrs Main said she noted my comments that I considered that *“the case on Mr McNulty's household”* might be relevant in some way to my consideration of her situation. She commented, *“I strongly maintain that this is not and should not be the case. His case appeared to centre on his parents, complete I assume with their possessions, living full time in his second home since at least 2001. It appears they were treating it completely as their own home, which Mr McNulty visited from time to time and which they had no intention of leaving. It is only reasonable to assume that they over a lifetime would have had and maintained at their own expense a separate household. If the house, funded by the ACA, had been sold by Mr McNulty logically it would have meant they were then homeless and so needing to take up accommodation at their own expense and move all their possessions elsewhere.”*

102. Mrs Main said her situation was *“very different”*. Her daughter had *“always lived at our main home in a continuous fashion as part of the family unit, except for the term times spent away as a student in [...] before graduating in 2004. After graduation Claire had, whilst living at home, undertaken a short period of work experience ...before travelling as planned with a student friend to Australia in April 2005 for four months. She then returned to our home to take up her current full time position with [her employer]. At no time has she left to form her own household nor was she expected to do so. ... There was and is no time limit on my children being able to stay at home.”* Mrs Main continued, *“I do not see any guidance from the DFA which suggests that after a certain age older children must either leave, not use or must be seen to contribute to the second home and as I stated I clarified this with the DFA when I requested their guidance.”*

103. Mrs Main also said that her daughter *“did not live in St Albans full time, nor was she going to; in fact her time spent there diminished”*. When her daughter was not in St Albans or visiting her boyfriend *“she could and would at any time return to our main home where her possessions, the majority of her clothes and our pets, including her own cat Min were”*. Mrs Main said that her daughter's bedroom in her main home *“was decorated and personalised by her, her mail was delivered there and her friendship group was centred there. Other than her involvement with me as her mother her life and work were not centred in any way on St Albans, nor could she do anything in the flat with out my permission, whereas our main home she treated as and regarded as her home and like her siblings could do as she pleased.”*

104. Mrs Main said that her daughter *“did help me in various small ways by spending time in St Albans as a family member, but I particularly wanted to have some family time, support, and occasional companionship, which is why I checked with the DFA if this was permissible before proceeding”*. Her husband *“supported me in my demanding role as the Member for St Albans by giving up full time work and working from our main home in order to look after their our youngest son.”* He had *“carried out many of the parenting roles that as a mother I could no longer fulfil due to my busy scheduling and long work hours on behalf of*

my constituents.” Mrs Main’s daughter had been “there in St Albans as my daughter and part of my family; there was no additional cost to the taxpayer for my daughter to be there for a few days at a time in order to support me and I maintain it was fully within the rules and interpretation of the rules as confirmed by the DFA in their response to yourself and given to me at the time.”

105. Mrs Main said that she had no details of food receipts for the periods in question, “nor was I required to have them”. She said that, “in St Albans, my daughter at all times paid for her own food and I paid for mine when I was there. ... The costs claimed reflect those for my own meals, beverages (non-alcoholic) and food purchased and eaten away from my **main** home during the course of my duties”. She drew my attention to the provision in section 3 of the Green Book relating to “OTHER FOOD ‘reasonable additional costs while you are away from your main home’”. She added, “As has been proved by my extensive work schedule in St Albans and taking into account my parliamentary duties, other than going to sleep, I spend very little time actually in my main home particularly at any family meal times when the House was sitting. I need to eat at reasonable meal-times which for me therefore means eating meals outside our main home.” Mrs Main commented that the figure I had given for her total food claim in 2007–08 was incorrect. She had noticed an error in the spreadsheet that she used for expense reconciliation, and had contacted the Department of Finance and Administration in 2008 to make them aware of it. She had repaid the sum due in 2009. She said that between 5th April 2008 and 20th May 2008 she had claimed £300 for food. She “then took a personal decision not to claim food after this date although clearly I have still incurred significant daily costs for eating away from my main home since.”

106. Mrs Main concluded by noting that in my original letter to her,⁵¹ I had drawn her attention to the Speaker's introduction on the Department's authority in guidance and interpretation of the rules in the relevant Green Book, which she said had “been pivotal in my decision making. I am aware that the Fees Office, in their letter to you, confirmed that it was within the rules for me to claim for the second home and that there was no ruling which prohibited who could stay, or live in the second home.”

107. I replied to Mrs Main on 12 November.⁵² I noted that, as she herself had recognised, the summary of her diary appointments for 2005–06 did not provide the basis on which I could estimate how many nights she had been in St Albans over that year. I said I would need, therefore, to rely on her estimates in her letter of 29 June⁵³ that she had spent between one and two nights a week in her St Albans flat. I added that I had noted the wider points she had made about her use of the flat. I noted that she had said that she had rung up the Department of Finance and Administration for advice and guidance about her arrangements before she had made them, and had been given advice at the time about who might live or stay in her property. I said I was assuming, therefore, that this conversation took place with the Department shortly before August 2006. I also noted that she had consulted the DFA about the purchase of her flat, and asked if she had any further details of these conversations, including the dates, and who she had spoken to. I also said that, in any event, I was asking the Department of Resources whether they had any record of these conversations.

⁵¹ WE 3

⁵² WE 27

⁵³ WE 6

108. I attached for her consideration a revised schedule of her food claims, reflecting the correction she had made,⁵⁴ and this is summarised in the table below:

Financial Year	Total food claims (£)
2005–06	3,119
2006–07	3,300
2007–08	3,300
2008–09	300

I also enclosed a copy of my letter to the Department of Resources of 3 November⁵⁵ and their response of 11 November.⁵⁶ I noted that the Department interpreted the rules as requiring food claims to relate only to food costs incurred by the overnight stays in the home for which the Member was making an ACA claim. I offered her the opportunity to give me a written response to this advice before we met for our interview, or to respond at the interview. I said either way that it would be helpful if possible to have an indication of what proportion of Mrs Main’s food claims related to her overnight stays in the flat in St Albans.

109. On 12 November I wrote again to the Director of Operations at the Department of Resources.⁵⁷ I asked whether the Department had any record or recollection of conversations which Mrs Main reported that she had had with the DFA about her arrangements. I noted that there appeared to have been two occasions when Mrs Main had sought the advice of the House Authorities, and asked whether the Department had any record of these conversations and for any comments on these two exchanges and the terms in which Mrs Main recalled them having been conducted.

110. The Director of Operations replied to me on 17 November.⁵⁸ He confirmed that there was no record held by the Department of any conversations with Mrs Main about her ACA. He continued, *“However, it is also the case that only a minority of calls are documented on our logging system, mainly those which sought substantive advice. Whilst I would have expected, therefore, Mrs Main’s enquiries to be reflected in a record of some sort, I cannot rule out that it simply was not recorded by staff at the time.”* The Director also commented that Mrs Main was of the 2005 intake and *“I recall that she attended the induction process for new Members shortly after the election. At this election Members received comprehensive briefing about the parliamentary allowances and they were alerted to the need to seek guidance when in doubt about the Green Book rules.”* The Director also expressed the view, which he said was shared by his senior managers, that *“the advice Mrs Main says she received could not be ruled out. It has always been an arguable point about the interpretation of the Green Book in respect of children, including young adults, living with their parents in an additional home. An interpretation given in 2009 is very different from*

⁵⁴ WE 28

⁵⁵ WE 22

⁵⁶ WE 23

⁵⁷ WE 29

⁵⁸ WE 30

what might have been advised in 2006. It is my belief that had Mrs Main put the basic question and issue to one of our helpline staff she might well have received the answer she has offered to you in evidence." On 18 November, I sent Mrs Main a copy of my exchange of correspondence with the Department.

111. I interviewed Mrs Main on 30 November.⁵⁹ She agreed that when she came into the House in May 2005, she had rented her St Albans flat, and subsequently bought it from the landlord in November 2006. From August or September 2006 until May 2009, when the arrangement ended, her daughter, Ms Claire Tonks, had stayed in the flat, at Mrs Main's suggestion, during the week. Her daughter did not pay rent, and Mrs Main's best estimate was that her daughter had initially stayed there on three to four nights a week, but by the time she left it had fallen to one to two nights a week. During the same period Mrs Main herself had stayed at the flat on average between one and two nights each week. Mrs Main agreed that her daughter had done some cleaning, shopping and other chores for her when she stayed at the flat, but commented that *"we never thought of the chores as having been done in return for the accommodation"*. Mrs Main also agreed that her ACA claims from 2005–06 to 2007–08 amounted in all to £65,000, which included food claims of about £10,000 over that period.

112. Mrs Main said she had decided to buy the flat in 2006 because the landlord had told her that he was considering selling it, and had said he would give her the first option to buy. She had checked with the Fees Office, and they had said it was within the rules to do so. She commented, *"Until then I had had no thought of buying."* Mrs Main said that the flat was rented unfurnished. She *"had just made it comfortable and it would have been an upheaval to move. And it is also very convenient for my job: right opposite the cathedral and next to the council offices, and you can walk all around the centre from there. I spent three years as the prospective parliamentary candidate. I am aware of the difficulties of the traffic flows and parking restrictions."* She said that could not have continued to rent in another flat in the complex because *"There are only four. It is a small block."*

113. As to the frequency of occasions when she would be in St Albans in the evening and then drive back to Beaconsfield after the traffic had eased, Mrs Main said, *"Sometimes that might be the case. It was not the case when the House was sitting, but it was more likely in the summertime when I might spend my evenings at the flat or have an engagement in St Albans."* She said that her family was based in her main home and *"I like to get home and see my husband in the evening. So it would vary."* She said that it happened more if the House was in recess. *"On Tuesday, Wednesday, Thursday—or Wednesday, Thursday, Friday—I would need to spend some evenings in St Albans. If my husband had been at home with our son I could have stayed over."* As to how often this was, Mrs Main said, *"I would spend my days in St Albans. Then there was the relentless driving up and down the M25—it is one of those stretches which is always congested. I wouldn't choose to sit in traffic jams but if my son had a parents' evening or other similar family event I would drive back."* She subsequently commented, *"Even on a Sunday it is really busy—but sometimes I would go back to Beaconsfield after carrying out my constituency duties in St Albans during the day"*. She summarised the position thus: *"I wanted a reasonable degree of regularity for my family*

⁵⁹ WE 31

life. Sometimes if I didn't need to go back or if I was just too tired after a long day, I would stay over. I might make the decision ad hoc."

114. Mrs Main said that she had not considered staying in a hotel when she could not get back to Beaconsfield. She commented, *"It is pretty soulless, staying in a hotel. It wouldn't feel like home. It would be harder to have my family there. It also wouldn't provide the flexibility for me to come and go: you would have to pre-plan"*. She added, *"When I joined the House I attended the induction course and they told us MPs weren't expected to live life out of a suitcase"*. She continued, *"hotels don't allow you to dip in and out, or to shower, rest or park if you are not staying there, or to keep a change of clothes there"*. She subsequently commented, *"I set up the arrangements which best suited my family and my duties to my constituents"*.

115. I asked Mrs Main how she had arrived at the estimate that there could have been another 20 nights beyond those recorded in her diary when she had stayed over in St Albans. She said, *"I know I did a lot of things which are not in my diary, even though I write nearly all my engagements in there. People might say during an engagement 'Are you free after this?' and I would say 'I can be', and pick up the phone to my husband. But looking at a particular time several years ago now, I can't say that I did something else or that I didn't. Going back nearly five years is a long time and many people would not remember ... I didn't know back then that I was going to be sitting here, so my diary doesn't usually show overnight stays. You'll find 'Stay overnight' written in my diary occasionally, but that is so that my husband would know if he looked at it whether he could go out."* Mrs Main said that she was trying to give me *"a feel for what I do. Sometimes I'll find the traffic report and say 'Okay, I'll go up to St Albans tonight for an early engagement—or at ten a.m. tomorrow...' There were times when for various reasons I couldn't guarantee getting to St Albans in a timely fashion unless I stayed overnight."*

116. As to the office facilities she had in the flat, Mrs Main said that she had a computer and a desk in the second bedroom. She also said that the Conservative Association had an office in the constituency, within the regional offices of the Conservative Party in London Colney. She paid £300 a month, which gave her the use of a small room there, with a desk and a computer terminal supplied by the House, and use of various pieces of office equipment. She added, *"When the voluntary workers are in, that room is their office and I can't just use it. I can't just drop in, and there is no soft furniture, no hanging space and no changing rooms"*. She subsequently added that *"...this would never be a substitute for a flat"*. In the flat, she *"would work from home using the phone"*. She commented, *"For example, on a Friday, I would dictate to my caseworker, explaining what letters or actions I wanted. I would do this after my surgeries so that by Saturday my constituents would have a letter from the MP saying what action was taken in their case."* She subsequently added that she *"would work from home replying to e mails, drafting speeches, using the phone to speak to my staff or return calls to my constituents. In other words whatever needed doing at that time"*.

117. Mrs Main said that she claimed against the IEP for her constituency office. She paid for *"a proportion of staff time for the person who helps me when I am working in the constituency office, and for telephones, things like use of the printer and copier, use of the waiting areas."* Her staff were based wholly in Westminster, and she had no full-time staff based in St Albans. Her computer could get access to the parliamentary network, but she

was “not a great one for using laptops. I would use it primarily for typing documents mainly and emailing. I would dictate down the phone. If someone brought in original documents I might copy their documents and fax them from the St Albans office. Sometimes I would ring the Westminster office from the flat and say, ‘I want you to write a letter saying...’”. She “absolutely never” used the flat for party political activities.

118. I asked Mrs Main how she responded to the suggestion that the expenses she claimed on the flat were not necessarily incurred because she was regularly able to get back to Beaconsfield in the evening. She said, “*Having the flat helped me to serve my constituents better. Before, I had a long and tiring commute—I could spend several hours a day commuting and there was no flexibility. My constituents expected me to be in St Albans. Having the flat helped me do my job, it really really did.*”

119. Mrs Main agreed that it had been at her suggestion that her daughter went and stayed at the St Albans flat. She had talked it over with her husband. There had been an overlap for six months when he and she were both working full time and then her husband had had the opportunity to work from home. Mrs Main said that her husband had said that “*I could be freed up more ... to concentrate on being an MP and serving St Albans.*” She added, “*We felt I was missing out on family life. At that time my daughter was living at home, so my husband said that Claire could stay over in St Albans. Claire thought it would be quite nice.*” Mrs Main said that “*everyone knew about the arrangement. They thought it was quite nice, that my daughter could spend time with me, go out shopping with me. Claire had roughly the same length of commute from Beaconsfield and St Albans, because she worked in London, so she said, ‘I don’t mind doing that.’ I spoke to the Fees Office and I was told that spouses and children were fine to stay in the second home ‘... if she is living in your home, if she is your daughter and you don’t charge her rent.’*” She continued, “*We are not talking about her playing at house—but it makes a huge difference having someone living in the second home, especially a member of your family. If I bought a bunch of flowers, for example, I didn’t have to worry about it two or three days later. I might ring up my daughter and say, ‘I’m over tonight, shall we go out for a meal?’ It is not easy to go out on your own, but it made a huge difference that I could do that—it felt more like home.*” Mrs Main said that her husband and her other three children were unable to spend much time at the flat. Her husband would spend small amounts of time there when he could. Her younger son might come over in the day and come with her round the market; or her elder son might come over to see his sister. She commented, “*Claire was not as tied up as the others.*”

120. As to the work done by her daughter in the flat, Mrs Main said, “*she did small chores but she certainly wasn’t the cleaner. I am quite happy to say that I never expected her to clean cookers, the fronts of cupboards or the insides of windows. If I wanted a cleaner I paid for it, but I didn’t charge any cleaning to my expenses.*” She said that her daughter also helped in small ways, such as staying in for a delivery when the washing machine had broken. Mrs Main said it was “*absolutely not*” accurate to say that her daughter did this work in return for her accommodation. She commented, “*She was not a Mrs Mop. It wasn’t true of my husband either when he painted the flat. I tried to think of it as my second home.*” She said that her daughter “*didn’t have to be there at all. My daughter went there and organised her life around the times when I was likely to be there. The times she was there provided a form of continuity for her.*” Mrs Main subsequently added that these also provided a form of continuity for both of them, and that she had never thought that there was any

requirement in respect of Members' second homes that "*my family could only be in it if I was there*".

121. Mrs Main said that her daughter kept "*some personal stuff*" in the St Albans flat "*a capsule wardrobe. Stuff she found useful. But in our main home she had a bedroom filled with her personal things.*" She commented, "*We didn't think we had to justify her use of the home; we were just in a rhythm where I would ring up and say 'Are you there tonight?' and she would say 'Yes I am' or 'No I'm not.'*". Mrs Main said that her daughter did not treat the flat in the same way as their main home. She commented, "*She knew there was a set of regulations which applied to the St Albans home.*" She did not ask permission to go there each time as "*it was taken as read that she could go there. We had already agreed she could go there. I had got permission from the Fees Office*". Mrs Main said that she "*would have loved*" her daughter to be there the whole time, as much as possible—or her husband, if he could have come more often. She commented, "*But St Albans elected me not a package deal. And if her elder sister had wanted to come at that time I would have said 'Great'.*"

122. Mrs Main said that her daughter did not come back with her from the flat when she drove back to Beaconsfield after the M25 had cleared. She did not think that her daughter "*benefited other than from seeing me and feeling she was helping me. There was no material benefit: she had her own home in Beaconsfield with a comfortable room there. She can have her boyfriend and other friends to come to stay. The benefit was to me: we could spend time together. There was no financial benefit, and she didn't need to be there*". Mrs Main subsequently added that "*the emotional benefit was to me as a parent: we could have a mother and daughter time and spend time together. ... it helped me in my role having her there sometimes, as it freed up my time to serve my constituents*". She said that her daughter had previously lived away from home whilst at university and whilst travelling for a few months, and commented, "*So she wasn't just practising living away from home. I suggested it. If she had wanted to move out of our home we could have helped her*".

123. On the question as to whether her daughter in effect had two residences, as shown by her registration as a voter in St Albans and her use of the St Albans address on her registration forms sent to Companies House, Mrs Main noted that a voter can register in more than one place. Her daughter had registered as a voter in St Albans "*because she wanted to vote for me...*" Her inclusion of the St Albans address on the form for Companies House was "*a stupid naive mistake*". Mrs Main said she had not known about it at the time, and that her daughter "*just didn't think about it at all*". Mrs Main said that her daughter "*thought she had two homes*". She commented, "*It is very common: half my friends have adult children staying in their homes. So do other Members. But the St Albans home is temporary—it finishes the minute I finish. Beaconsfield is our real home. If she wanted to hold say a birthday party, it would be in Beaconsfield. That would have been the difference*".

124. Mrs Main said that her daughter had not met any of the utility bills which could be assigned to her use of the flat. She herself had not claimed against the ACA for a range of costs, including cleaning, maintenance, mileage, a stair carpet, a boiler service and some decorating costs. She commented "*I have always tried to ensure my claims are modest. I never felt I had anything to hide ... My purchases were not luxurious. I tried to shop carefully at budget and low cost stores. I do not max out my expenses. I did not claim everything I could, and when I did claim my claims were modest.*" She estimated that the

expenses she did not claim could be about £1,000 or more in total.⁶⁰ She also claimed for full utility costs from the ACA: gas, electricity, water, and for service charges that she paid on the flat. She said that there was no charge associated with parking at the flat. She had claimed the 10% discount from the council tax because she paid full council tax elsewhere and that qualified her flat for the discount. She commented, *“I could only have claimed the single person’s discount if no-one else was ever in the flat.”* Her husband and other children had stayed in the flat *“on occasions, and I couldn’t know when I paid the council tax which members of my family were going to stay there.”* She subsequently added that, as a result, *“the only accurate position was the fact that I paid full council tax and was therefore entitled automatically to the 10% discount, which was all I claimed back from the Fees Office.”*

125. Mrs Main confirmed that the purchase price of the flat was £250,000 and her mortgage was £225,000. She claimed the full mortgage interest, and did not make any allowance in her mortgage interest claim for her daughter’s use of the flat. She commented, *“Why would I? If my husband was there I wouldn’t have made an allowance”.* She added, *“Let me tell you that I am a rule follower. ... At all times if in doubt I will try to ask, to do what is reasonable. If anyone had said do things differently I would have, but no-one ever did”.* Mrs Main confirmed that her daughter had bought all her own food whilst living in the flat.

126. Mrs Main said that she had discussed with the Fees Office the question of her daughter living in the St Albans flat before she had done so. I asked her, in the light of what she had said on the subject in her letters to me of 29 June⁶¹ and 11 November,⁶² about her discussions with the Fees Office. Mrs Main said, *“I know I rang them up and asked ‘Who can stay in the second home?’ They said ‘The MP’s spouse and children.’ I rang another time saying ‘I’m thinking of my daughter staying in my second home. She lives at home and is over 18.’ When I asked if that was a problem, they said ‘No’. I can’t remember if anyone asked how old she was, although I am sure I made it clear to them at the time. But I remember clearly asking before doing it.”* Mrs Main said that she *“definitely said she was an adult. ‘Is it okay for my daughter to be in my second home? I would like to share it with my daughter.’”* She could not remember whether she referred to her daughter’s work, commenting, *“I would like to think I said she was working but I really can’t remember. I would not have thought to write down the conversation. But I gave the clear impression she was an adult daughter in my second call.”* She subsequently said that *“I always gave the clear impression she was my adult daughter. The logical conclusion may have been that she was working.”*

127. Mrs Main said that she was not asked if her daughter would be spending a significant number of nights there by herself. She commented, *“I agree that there were times when she was there and I wasn’t. But I was at the flat a lot of time when she wasn’t there. I was in the flat in the day considerably more than she was, especially in recess times. There were times when she was there just to sleep. I never said ‘I want you to be there on Thursday’. I just set up a rhythm for her. It was nice for me to be flexible about coming and going—and it wasn’t reasonable to expect her to match my movements”.* Her daughter was at the flat in the week

⁶⁰ Mrs Main later sent a list of items she believed she could have claimed for and had not. See WE 32.

⁶¹ WE 6

⁶² WE 26

when Mrs Main was not “*mainly during the week, when the House was sitting, and when there was voting*”.

128. Mrs Main did not think that there should be a maximum age beyond which a Member’s children should no longer be able to benefit from the “*spouse and family*” arrangement. She said that every case, and every family, was different, and commented, “*The companionship of older children is something that many parents would like.*” She had not considered charging her daughter rent when she stayed at the St Albans flat, and said “*We were discouraged from having rental agreements*”. She added, “*If she had been paying rent at home I would have thought about it. But she didn’t pay rent. She was there as a family member. I would not have considered charging rent. And the flat cost the same whether she was there or not: there were no extra costs on the mortgage or service charge*”. Mrs Main said that she “*wouldn’t necessarily make a distinction between my husband and my daughter who shared the accommodation. It is not for me to say if there is a point when an older child should get thrown out or charged rent.*”

129. Mrs Main did not agree that the House was subsidising her daughter’s living costs. She said “*I would dispute that. There were no additional costs. I don’t believe you can put it in those terms. I as a parent got the benefit of some time with my family. The benefit was in emotional terms.*” She subsequently added, “*The benefit was solely and entirely in emotional terms, no other.*” Mrs Main also commented, “*The previous Member for St Albans had a flat in London. I could have had a flat in London. If I had wanted to benefit my children, as the complaint suggests—since my son and both my daughters work in London I would have set up my flat in London and provided them with accommodation there. I regularly work late in London, so I could have also stayed there. But the best benefit for my constituents since we don’t have a home in St Albans, was to have the flat there.*” She subsequently added, “*the benefit was for my constituents—who I was elected to serve—since we don’t have a house in St Albans, and I needed a home in St Albans the flat was located there.*”

130. As to the Department of Resources’ advice to me in their letter of 11 September⁶³ that she should have absorbed some of the costs of her daughter staying in the flat, such as utility charges, Mrs Main commented, “*I thought about that when I read it. My heating, hot water and lights are on a timer ... How would I try to work out the small time when my daughter was there and the lights and heating would not have been on? I am not sure how I could have done that*”. When I asked Mrs Main if she was arguing that the costs of her daughter’s use of utilities should in principle have been met by herself, but not the fixed costs, she said “*I don’t know that I am. Would you say the same if it was my husband who was there? And I don’t believe there was any electricity or utilities I can ascribe to my daughter’s use, since she was there so little time in the day*”.

131. On the advice of the Department of Resources that variable costs but not fixed costs should have been taken into account to reflect her daughter’s living costs in St Albans, Mrs Main commented, “*I have always been prepared to accept the Fees Office’s advice and interpretations. But no one at the time suggested that we should think like that. I thought I had checked out my arrangement fully with the Fees Office. So many Members have their family in their second home, I don’t know anyone who does this. But if that was the ruling at the time I would have accepted it*”. As to whether Mrs Main now accepted the Department’s

⁶³ WE 16

view, she said, *“If that is their view, then I may have to accept it. But it is impossible to say which bit of the utility bill was wholly down to my daughter’s use and which was down to mine”*. She subsequently commented, *“I regard this observation in their response to you as retrospective, and this possible scenario was never raised at the time”*. When I asked her if she would have accepted the Department’s view as set out in their letter to me had it been expressed to her at the time she sought advice, she said, *“I didn’t have that guidance at the time. I don’t even see how you could do this. I would challenge this view if it was given to me now”*. She subsequently added, *“But it certainly wasn’t given to me then”*. She also said *“I always accept the Fees Office guidance, but I would have also had to ask how to fulfil it. You can’t be given guidance retrospectively. My daughter came over to St Albans because my husband couldn’t spend much time there. I maintain that there were no extra utility costs that we wouldn’t have had anyway”*.

132. When I asked Mrs Main if she accepted the principle that she should have tried to identify the costs partly attributable to her daughter’s stays in St Albans, she said, *“I don’t accept it. Members were and are entitled to have spouses and children in their second homes, without apportioning the costs. The House must surely expect us to live as a family in our second home. I don’t believe anyone said that I should be trying to apportion the costs of my husband.”* She subsequently added, *“nor do I believe they would suggest it.”* Mrs Main also said *“And in any case there were no extra costs. I am trying to think of examples of extra costs which could have arisen. I accepted that my daughter should meet her own food costs. And if for example there had been a cost for her parking permit I would have expected to pay that. I think it was reasonable for my family to be there. I believe it is in the spirit of the rules to have a family life at the same time as Members carry out their parliamentary duties. If not, Members would need no more than a single bedsit to stay in.”* She subsequently added *“and no members of their family living with them.”* Mrs Main also did not accept any comparison between her own case and the case of Mr McNulty.⁶⁴ She commented, *“That case was not at all the same as my daughter staying with me. I understand in Mr McNulty’s case it concerned two independent adults, living full time in the house as their main home. My daughter had not taken on that role of having her own home and forming a second household.”* Mrs Main subsequently added, *“my daughter has always lived at our main home. I decided with the Fees Office that she could stay as an adult in the second home and I do not believe that it is fair or reasonable to compare my situation with Mr McNulty’s.”*

133. I asked Mrs Main, in the context of the addition made to the rules in 2006 that Members must avoid any arrangements which might give rise to an accusation that someone close to them was obtaining an immediate benefit or subsidy from public funds,⁶⁵ what she would say to those who suggested that living without paying mortgage interest, utilities, or council tax (or rent) as her daughter had done in St Albans, represented an immediate benefit to her daughter. She said, *“Would she see it as a benefit? Would I? There was no need for her to stay there. There was no financial benefit. In our main home she lived as a member of our family in a large house with plenty of car parking and a better commute at least at some times. It was not like her giving up renting somewhere. The benefit was solely for me.”* She subsequently added, *“It was not like her giving up renting to go and live somewhere rent free and so save herself some money.”* Mrs Main did not think that there

⁶⁴ Committee on Standards and Privileges, Tenth Report of Session 2008-09, HC 1070

⁶⁵ Paragraph 3.3.2. See paragraph 17 above.

was a personal benefit to her daughter. She said, “No. It was an emotional benefit to me, to have my family around me. It made me happier to spend my time in St Albans. It didn’t feel so arduous.” As to the requirement to avoid any arrangement which would lead to an accusation that someone close to her had obtained an immediate benefit, Mrs Main commented, “The story had appeared in the local press ages ago, in 2006, well before the complaint arose. My Association were fully aware of the arrangement as were other people. No-one complained until the complainant recently did, after media comment on all MPs’ expenses. But in the political world you can always be accused. Accusations are not difficult to make. I have 70,000 constituents—and one chose to complain. I have never sought to hide my arrangements, that I was trying to be both a mother and a good MP. But no-one accused me before the Telegraph story”.

134. I asked Mrs Main if, in the light of the report of the Committee on Standards and Privileges on Mr Tony McNulty,⁶⁶ she considered that it would have been wise for her to have made a formal arrangement regarding the terms of her daughter living in St Albans, set out in writing and lodged with the House authorities. She said, “I wouldn’t know what arrangement to formalise. I have no formal arrangement of this sort for my husband. My family is my family”. She subsequently added, “I believe we are entitled to family life”.

135. As regards Mrs Main’s food claims, I asked her if she accepted the ruling of the Department of Resources, set out in their letter to me of 11 November,⁶⁷ which said that her food costs must be “in relation to costs associated with your overnight stays in St Albans”. She said, “I have the Green Book of 2006. If you look at paragraph 3.13.1. it seems very clear. You claim for reasonable additional food costs while you are away from your home. I don’t know why the Director thinks the rules are opaque. I have claimed for Monday and Tuesday evening meals in London whilst on parliamentary duties, and evening meals on other nights if I was late in St Albans”. She subsequently added “I have claimed for Monday and Tuesday evening meals in London whilst on parliamentary duties, and evening meals and breakfasts on other nights if I was late and staying over in St Albans”. She also said, “I have never claimed for all my food, or for mileage. I worked on the system of around £10 per meal on Mondays and Tuesdays: the food in Parliament is subsidised. The rest of my food was in St Albans. I would also eat out some of the time. I like good quality food.” When Mrs Main asked her daughter to get some food, “I would want something of a decent quality.” She continued, “I used to try and eat out in St Albans. As an MP particularly in a marginal seat, I need to be out and about. I have to get to know the butcher and the market stallholders. I was on the panel to judge local restaurants: I needed to eat at them. I have to get to know local people”. I asked Mrs Main if she took some of these meals before she went home to Beaconsfield. She commented, “Not really. I always felt I underclaimed”.

136. I pointed out to Mrs Main that, according to the Department’s advice, she should not have claimed for some of the meals she had claimed. She said, “I always believed my food claims were modest. I claimed only what I thought was reasonable. But I have in any case not claimed for the last 18 months. I thought I could claim for Monday and Tuesday whilst on parliamentary duties but now I am told that I can’t.” She subsequently added that the Department “believe I may have claimed those meals in error”. Mrs Main also said that,

⁶⁶ Committee on Standards and Privileges, Tenth Report of Session 2008-09, HC 1070.

⁶⁷ WE 23

when she and her daughter went out for a meal, she sometimes paid personally for her daughter's food and always paid personally for any wine.

137. I asked Mrs Main if she accepted that some of her food claims were not permissible under the rules, in particular the food she ate when in London. She said, *"I went by the rules set out in 3.2.1.(b) of the 2006 Green Book which refer to claims being for the purpose of performing parliamentary duties. It says that you can claim for food if it is for the purpose of performing your parliamentary duties ...It says in 3.13.1 that you can claim for 'reasonable additional costs while away from your main home'. It is set out as a separate allowance. I had interpreted it to cover two main meals each week at the House of Commons and the rest of the time in St Albans."*

138. Mrs Main said that, of her claims for food between 2005–06 and 2007–08, *"£20 per week when the House was sitting was for food in London. But I haven't claimed any food for 18 months."* She added, *"I have no wish to big up my expenses, quite the opposite. A lot of the time I don't claim for things when I could"*. She said that she had not consulted the House authorities at any time about her food claims, and commented, *"I thought the wording was quite clear. I would have checked if it wasn't."*

139. At the end of the interview, after I had summarised the allegations against her, and invited her to make any further points she wished, Mrs Main said that she served her constituents to the best of her ability, and that there was no dispute in the rules about the location of her home. She commented, *"If I had any wish to have a property benefit I could have had a second home in London. But I needed the flat to serve my constituents. I took guidance and followed it. This is a very very important point."* Mrs Main also said that she had *"underclaimed on many things"*, and her claims were *"modest, within the rules and ... made after consultation. I accept the point about the food bills but, as the Fees Office said, the rule could be seen as opaque"* although she subsequently added that she *"felt the wording was clear."* She added that she had *"never had any intention to deceive or maximise my expenses."* Mrs Main continued: *"My only thought was to be the best and hardest working MP for my constituents. I was quite horrified to find myself in this position. Nobody forced me to have the flat, but after three years as prospective parliamentary candidate working hard, living life on the road, driving to and from my home and experiencing the stress and tension I just knew that it wasn't going to work. Whatever happens with the allowances in future I will maintain a base in St Albans. I don't feel that I incurred any extra costs for the taxpayer. I always tried to keep my claims low and modest, and to follow the spirit of the rules."*

140. Finally, Mrs Main noted that there was no record within the Fees Office of her consultations with them. She said, *"I understand that, but there is no record of other things I have discussed with them too, although I didn't know that at the time when I responded to your enquiries. When I said to you that I took advice I didn't know what they recorded and what they didn't. So, if I had not been confident that I was telling you the truth, then they could have made a liar out of me."* She subsequently added *"but they confirmed that the guidance would have reflected what I have always said."*

141. Mrs Main sent me on 14 December 2009 a list of items which she could have claimed against her Additional Costs Allowance and had not.⁶⁸

Findings of Fact

142. Mrs Main became the Member for the St Albans constituency in the general election of May 2005. Her main home is in Beaconsfield, where she also lived before she was elected. A small part of her constituency is within 20 miles of her main home. In June 2005, Mrs Main began renting a two-bedroom flat in the centre of the city of St Albans, which is more than 20 miles from her main home, and in November 2006 she purchased it using a 90% interest-only mortgage. She has claimed against the Additional Cost Allowance for the costs of the flat since she began renting it. Mrs Main claims a 10% second home discount in respect of council tax on her St Albans flat.

143. The total of nights that Mrs Main has spent in the St Albans flat for which there is reliable evidence from her diaries is set out in the table below:

Year	Nights spent in constituency home
2006-07*	66
2007-08	67
2008-09	80
2009-10 (to end of June)	23
Total	236

* Includes back operation and 5 weeks bed rest

Mrs Main considers that she has also spent up to a further 20 nights a year in her St Albans flat in connection with her parliamentary duties.

144. In August or early September 2006, Mrs Main's adult daughter, Ms Claire Tonks, began staying regularly in the St Albans flat, at her mother's invitation. This arrangement finished in May 2009. She did not pay rent, nor did she contribute to other costs incurred by Mrs Main on the property such as service charges and utility charges. Ms Tonks initially stayed in the flat for three to four nights a week but by the time she had left it had fallen to one or two nights a week. Ms Tonks had a full-time job in London. When not staying at the flat, Ms Tonks lived either at Mrs Main's main home in Beaconsfield, or with her boyfriend in London.

145. Mrs Main made claims against the ACA for food from 2005-06 to 20 May 2008, when she decided to make no further claims. The breakdown of her claims by financial year is given in the table below:

⁶⁸ WE 32

Financial Year	Total food claims (£)
2005–06	3,119
2006–07	3,300
2007–08	3,300
2008–09	300

146. The Department of Resources consider that Mrs Main was within the rules of the House to claim for an additional property in her constituency while her main home was in Beaconsfield. The Department consider that, at the time when Mrs Main's daughter stayed in the St Albans flat, where rent was not paid there was no rule which governed who might or might not live in or stay at a home on which ACA was claimed. The Department also consider that Mrs Main should have abated the costs which she charged to her allowances to take account of her daughter's occupation of the property in respect of items, such as utility charges, which could be attributable partly to her daughter's occupation.⁶⁹ The Department consider that the rules relating to food claims against the ACA allow Mrs Main to claim for food costs only if they are incurred in St Albans where she has her additional home, and if they are associated with an overnight stay; she should not have claimed for food costs incurred in London.

147. Mrs Main believes that all her expenses she has claimed against the ACA in respect of the St Albans flat were incurred wholly, exclusively and necessarily for the purpose of performing her parliamentary duties and engagements. In her view, she needs the flat in St Albans to enable her to perform her constituency duties, and she intends to retain a base there whatever happens to the allowances. Mrs Main says that, on a number of occasions, she consulted the then Department of Finance and Administration, including about her arrangements in St Albans before she began renting and before she invited her daughter to stay at the flat on a regular basis: the Department was content with what she intended to do on each occasion. She does not believe that the rules impose any upper limit on the age of qualifying family members who can occupy a Member's second home funded from the ACA without any allowance being made for that person's living costs. Mrs Main considers that her daughter provided her with the benefit of emotional support. The household chores which her daughter undertook were to support her and were only the sort of help which any family member would provide. Mrs Main considers that the emotional and practical support received from her daughter helped her perform her constituency duties and made it easier for her to combine her constituency work with her family life. Mrs Main does not believe that her daughter's occupancy of the St Albans flat incurred any costs to the public purse through her ACA claims that would not have been incurred had she alone used the property. She believes that it would in practice be impossible to identify costs, such as utility costs, specifically attributable to her daughter's occupancy of the property.

⁶⁹ The Department's evidence predates the publication of the Tenth Report of the Committee on Standards and Privileges, Session 2008-09 (Mr Tony McNulty) (HC 1070).

Mrs Main accepts that she should not have claimed against the ACA for meals consumed in London.

Conclusions

148. The principal question I have to consider is whether Mrs Main's claims from 2005 to 2008 for the costs of her second home, a flat in her constituency in St Albans, were wholly, exclusively and necessarily incurred, given that her main home was less than 20 miles away from her constituency boundary and that her adult daughter regularly stayed in the flat.

149. I am also to consider whether Mrs Main's food claims against the Additional Costs Allowance were in accordance with the rules.

150. In seeking to resolve this complaint I have addressed the following matters:

1. Was Mrs Main eligible to claim for a second home in her constituency?
2. Was the St Albans flat necessary in order to fulfil her parliamentary duties?
3. Were her accommodation costs wholly and exclusively incurred on her parliamentary duties?
4. Were her food claims in accordance with the rules of the House?

151. I address these questions in the following sections.

Was Mrs Main eligible to claim for a second home in her constituency?

152. I have established in a previous case that the rules at the time allowed a Member to have a second home in their constituency even if their main home was within 20 miles of that constituency boundary.⁷⁰

153. A literal reading of the rules could suggest that Mrs Main's principal home in Beaconsfield was both her main home and her constituency home. This is because the rules appear to define a constituency home as being one within 20 miles of the constituency boundary and Mrs Main's Beaconsfield home is within that distance. But, as I have previously stated, that is not how the rules have been interpreted or operated. They have been used as a way of identifying whether a Member may claim for a second home once their main home has been identified. Mrs Main's main home is in Beaconsfield. Her constituency home is in St Albans, in her constituency.

154. I conclude, therefore, that it was consistent with the interpretation of the rules at the time, that like other Members of Parliament, Mrs Main could have a home in her constituency despite her main home being within 20 miles of that constituency boundary.

155. It is still necessary, however, to demonstrate that, in those circumstances, the second home in the constituency was necessary in order for Mrs Main to perform her parliamentary duties. And it is to that question I now turn.

⁷⁰ Committee on Standards and Privileges, Tenth Report of Session 2008-09, HC 1070

Was the St Albans flat necessary in order to fulfil Mrs Main's parliamentary duties?

156. Mrs Main has pointed out the difficulty and uncertainty in travelling between her home in Beaconsfield and her home in the constituency. This journey by road took some time and was uncertain because of the weight of traffic. Equally, her daughter's evidence is that Mrs Main liked to return from St Albans to spend the night in Beaconsfield when the road had cleared. The result was that Mrs Main spent on average between one and two nights a week in her constituency flat. In addition, I accept Mrs Main's evidence that she made more regular daytime use of the flat when she was working on her parliamentary duties in her constituency, including on the days when she subsequently returned to her Beaconsfield home.

157. I consider that Mrs Main has established the use she made of her St Albans property. Her firm view is that this was necessary to enable her to serve her constituents as fully as she would wish. She has stated that she would continue to need such a property even if parliamentary funding could not be used to meet its costs. I have said in a previous report that Members should expect to have a considerable degree of discretion in the way that they decide to conduct their constituency and parliamentary duties.⁷¹ I consider that Mrs Main's exercise of discretion in establishing her St Albans property in order to serve her constituents was reasonable in all the circumstances.

158. I therefore conclude that it was within the rules for Mrs Main to have a flat in her constituency and to make claims for that property against her parliamentary allowances. I do not therefore uphold this part of the complaint.

Were Mrs Main's accommodation costs wholly and exclusively incurred on her parliamentary duties?

159. I have stated in my report on an earlier complaint,⁷² that in my judgement costs are not wholly and exclusively incurred for the purpose of performing a Member's parliamentary duties if the Member's claim includes the living costs of someone other than themselves, or if they or someone close to them receive a personal benefit from the arrangement. This latter prohibition was included for the first time in the July 2006 rules, but is in my judgement implicit in the overarching rule that Members may claim only for costs wholly and exclusively incurred on parliamentary duties.

160. From September 2006 to May 2009, Mrs Main's daughter stayed in Mrs Main's flat on average more nights than she herself did. Initially, it was an average of three to four nights per week. This reduced after the first year and, by the end, it was one or two nights a week. But, nevertheless, this represented a substantial, regular and sustained usage of the flat by Mrs Main's daughter over a period of some two years and nine months. Mrs Main made no reduction in her claims for the cost of her daughter's use of the flat over that period, although I accept their evidence that her daughter bought her own food.

161. The Committee on Standards and Privileges have accepted that the living costs of another person include the full costs of living in such a property, including fixed costs such

⁷¹ Tenth Report of Session 2008–09, HC1070

⁷² Tenth Report of Session 2008–09, HC 1070

as council tax and mortgage interest. Mrs Main has accepted that she made no allowance for the living costs of her daughter. But she has argued that she was not required by the rules to do so. This is because she considers that there was no additional cost incurred from her daughter staying in the flat. And, more importantly, because she believed, on the basis of Fees Office advice she received at the time, that it was permissible for a Member's children, including their adult children, to share their ACA-funded home. She has argued that her daughter provided emotional support for her work in the constituency as well as undertaking some domestic chores.

162. I do not accept the argument that Members should take account only of any additional cost associated with somebody else living in their second home. I set out the principle in my memorandum on Mr McNulty which the Committee accepted in its report.⁷³ The rules prevent a Member claiming for the living costs of another person. A person's living costs must cover what it would cost for them to live in that accommodation, rather than the additional cost which a Member might incur. In this respect, this complaint is analogous to those against Mr McNulty⁷⁴ and Mr Hunt.⁷⁵

163. I accept, however, that the complaint raises different issues from those raised in either of those two cases, because, as Mrs Main has fairly argued, this was her daughter who at other times (when she was not in St Albans or elsewhere in London) was living with her in her main home as part of the family.

164. It is true that the rules have been interpreted as permitting a Member's partner and their children to share the second home with them. I have considered whether this interpretation should be applied to Mrs Main's circumstances. If it were, then she would not be in breach of the rule prohibiting claims for other people's living costs or against receiving a personal benefit.

165. I do not consider that the dispensation applied to Members' partners and children can be held to apply to children regardless of their age. Mrs Main's daughter was an adult in full time employment. She was 24 at the time the arrangement started (27 at the end). She had a demanding and responsible job. She became a director of the small company she worked for while she was staying at the flat. She regularly spent nights in the flat when her mother was not there. The evidence shows that she was an independent person, with her own life, her own friends and her own career. On any interpretation of the evidence, Mrs Main's daughter is an independent adult. She could have been expected to have been responsible for her own living costs. It was entirely a matter for Mrs Main whether she subsidised those costs, for example by not charging her adult daughter rent when she stayed in the family's Beaconsfield home. There was nothing unusual in that: many other parents do the same. But it does not follow that the same principle should apply to parliamentary-funded accommodation. Public funds should not have been expected to meet the living costs of Mrs Main's adult daughter when she stayed in the St Albans flat. That should have been a private matter for the family. It should have not been a matter for public funds.

⁷³ Tenth Report of Session 2008–09, HC 1070

⁷⁴ Tenth Report of Session 2008–09, HC 1070

⁷⁵ Fourth Report of Session 2009–10, HC 157

166. I am reinforced in this conclusion by the fact that the rules in the Green Book at the time allowed Members to claim travel allowances for children up to the age of 18 (and, by individual arrangement with the then Department of Finance and Administration, for children over 18 who also had a disability). While different considerations might be held to apply for different parts of the expenses regime, to reflect the particular purpose of those expenses, in the absence of alternative guidance, and taking account of the particular circumstances of this case, I consider that the travel rule is a reasonable supporting indication of the overall intention of the Green Book in meeting certain costs incurred by Members' children.

167. Mrs Main has argued that her daughter only stayed at the flat in order to support her in her parliamentary duties. She needed to be there to give Mrs Main emotional (and some practical) support to enable her to carry out those duties better. And it enabled her to maintain a relationship with her adult daughter while dealing with the pressure of parliamentary business. I accept Mrs Main's explanation of why her daughter stayed at the flat. I note that her daughter recognised that it also provided her with some peace and quiet. But I accept too that this was an incidental benefit and not the purpose of her staying there. The evidence suggests that the benefit from Mrs Main's daughter staying at her St Albans flat was to Mrs Main herself, not to her daughter.

168. The question is whether such support for Mrs Main should be met from public resources. I recognise that this is a matter for judgement, but my own judgement is that the support described by Mrs Main provided a personal benefit to the Member. It was not a benefit or service which Mrs Main should have expected to have been met from parliamentary allowances. Mrs Main did accrue such a benefit because she did not take account of the living costs of her daughter in the St Albans flat and, therefore, parliamentary resources met more of the cost than would otherwise have been the case.

169. I conclude, therefore, that under the circumstances which applied to the arrangements established by Mrs Main, she should have taken account of the living costs of her daughter arising from her daughter's regular stays in the St Albans flat and reduced her claims against her Additional Costs Allowance accordingly. She was, in my judgement, in breach of the rules in not doing so. I therefore uphold this part of the complaint.

170. It is fair to make the following additional observations:

- i) I accept that Mrs Main consulted the House authorities before letting her daughter use her St Albans flat. There is no record of those discussions and its precise terms are unclear. It seems likely, however, that the Department agreed that a Member's partner and children could live with them in their second home. That is, of course, true. It is possible that the Department was aware, as Mrs Main has said, that her daughter was over 18 and that the Department continued to raise no objection. I think it is less likely that Mrs Main went into further detail about her daughter—including her age and employment. I think it probable, therefore, that the Department gave advice without full information and that that advice, given on the telephone, was broad in scope. It is not possible at this remove to say what advice the Department would have given if they had had all the relevant information (as on balance I do not believe they had). I accept, however, that they may well have continued to accept the arrangement without advising Mrs Main to abate her

- claims, contrary to my judgement of the way the rules should have been interpreted and operated at the time.
- ii) It is unlikely that the cost of the St Albans flat would have been significantly less had Mrs Main's daughter not used the flat overnight for part of the week. The mortgage interest and other fixed costs would have been the same. The utility costs would, I think, have been less, but the difference would not have been very large on the reasonable assumption that the flat would have continued to be heated as necessary when Mrs Main was not there. But the test in the rules is not whether there have been additional costs but whether the Member's claims covered the living costs of another person and whether those claims provided a personal benefit to the Member (or someone close to them). Inasmuch as those costs should have been identified and used to reduce the Member's claim, the cost to public funds of the Member's use of the property would have been reduced.
 - iii) The complainant suggested that Mrs Main should not have paid a discounted council tax rate because of her daughter's use of the property. The complainant also pointed out that this was likely to be a matter for the local authority concerned. I agree. I do not believe that Mrs Main's council tax payments provide additional evidence about her or her daughter's use of the property. I note Mrs Main's evidence that she believes that she was eligible to pay a reduced council tax for her flat in St Albans on the basis that she paid a full council tax on another home. There is no suggestion that Mrs Main's council tax claims exceeded what she paid.

Were Mrs Main's food claims in accordance with the rules of the House?

171. Mrs Main claimed over £3,000 a year for her food from 2005–06 to 2007–08 inclusive. Mrs Main's evidence is that this covered meals taken in her constituency and two evening meals a week at a total cost of £20, while she was working in Westminster. Mrs Main believed that it was permissible under the rules for a Member to claim for all food costs which were not taken at their main home during the course of their parliamentary duties, but accepts the judgement made by the Department during the course of this inquiry that this was an incorrect interpretation of the rules. Mrs Main should have claimed only for food costs associated with her overnight stays in St Albans.

172. I accept the Department's judgement as, on reflection, does Mrs Main. The wording of the Green Book was phrased in a way which could catch a Member out because, as an example of allowable expenditure, it states that a Member may claim for reasonable additional costs of food while they are away from their main home. But a full reading of the section makes reasonably clear that all claims under the Additional Costs Allowance must be as a result of costs incurred as a result of the Member staying overnight away from their main home, and that such overnight stays must be for the purpose of performing their parliamentary duties. Furthermore, a Member whose main home is neither in London nor in the constituency can choose in which of these areas to claim for ACA (including food) but they cannot claim in both. It follows that Mrs Main's claims for each of the relevant years should not have included the cost of the two weekly meals which she has said she ate in Westminster when she attended Parliament.

173. Mrs Main's evidence is that all the rest of the food she consumed and claimed for, other than the food she ate when attending Parliament, was associated with her overnight stays in St Albans. For instance, she says that she did not claim for her daughter's meals, even when they ate out, and she did not claim for any food eaten in St Albans when she drove back in the evening to Beaconsfield. I have no evidence to suggest that any of the rest of her food claims were outside the rules.

174. I conclude, therefore, that Mrs Main was in breach of the rules of the House in including in her claims under the Additional Costs Allowance the costs of food which she consumed other than in the course of her overnight stays in St Albans, namely her meals in Westminster. Mrs Main has accepted this finding.

Overall conclusion

175. I conclude, therefore, that Mrs Main was not in breach of the rules in establishing and claiming for a flat in St Albans in her constituency, even though her main home was less than 20 miles from her constituency boundary. I do not therefore uphold this part of the complaint. I have found, however, that Mrs Main was in breach of the rules of the House in permitting her adult daughter to stay regularly over a period of two years and nine months in her parliamentary-funded flat in St Albans, without reflecting the full living costs of those stays in the claims she made against her Additional Costs Allowance. As a result her claims were not wholly and exclusively incurred in the performance of her parliamentary duties: Mrs Main received a personal benefit from the arrangement. Mrs Main was also in breach of the rules in claiming for some food which was not consumed as a consequence of her overnight stays in St Albans. I therefore uphold both these parts of this complaint.

176. I do not consider Mrs Main's breach of the food rules to be at the serious end of the spectrum. It was clearly based on a misinterpretation of the rules which, given the way this section was drafted, was in my judgement understandable. The consequences of Mrs Main allowing her daughter to stay regularly in her St Albans flat for an extended period were more serious in that, given that her daughter was staying there, Mrs Main's claims against parliamentary resources should have been substantially less than they were. But Mrs Main's own responsibility has to be mitigated by the advice she may have received from the House authorities. That is likely to have encouraged her to continue to allow her adult daughter to treat her parliamentary funded home in the way she treated her Beaconsfield home, without recognising, as Mrs Main has not recognised or accepted, the distinction between meeting an adult daughter's living costs from private funds and meeting them from the public purse.

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr JP Harper, 9 June 2009

I wish to make a formal complaint against Mrs Anne Main MP for St Albans on several counts:

1. Over the four years since becoming an MP she has claimed in excess of £85,000 in Additional Costs Allowance related to the rental and subsequent mortgage interest and associated costs of purchase for a second property in St Albans city centre, plus expenses for furnishings and food, and these claims are invalid.

a. The Green Book Rules (both 2006 and 2009 editions para 3.1.1) allow for such claims only where the MP's main home (in this case Mrs Main's family home in Beaconsfield, Berkshire) is **MORE THAN 20 miles** from the boundary of her constituency. **Mrs Main's family home is, in fact, LESS THAN 20 miles from the boundary of her constituency**, whether measured in a straight line or if travelling by road [see attached map and directions indicating a road trip of 16.7 miles from Beaconsfield to Abbots Langley, a town that is well within the constituency boundary¹]. **She is therefore WITHIN the constituency for ACA purposes** (see Green Book Definition 3.11.1 "*For the purpose of the ACA, overnight stays within 20 miles of your constituency boundary are regarded as overnight stays within your constituency*" and she is therefore not entitled under Rule 3.1.1 to make a valid ACA mortgage interest and associated expenses claim for a second property. Both the previous MPs for St Albans, Mr Kerry Pollard (Lab) and Mr Peter Lilley (Con) commuted to Westminster and did not claim for a second home.

b. As she is not entitled to claim ACA for a second property Rule 3.2.2 states that she may make a claim for an overnight stay when she "*performs parliamentary duties in an area of (her) constituency where a stay overnight is reasonably necessary in view of the distance from his or her main home*". Principle 3.3.1 of the Green Book states "*Members should bear in mind the need to obtain value for money from accommodation, goods or services funded from the allowances.*" Mrs Main stayed about 68 nights in St Albans during 2008 according to an interview she gave to the *Herts Advertiser* of May 28). If she had stayed in one of the most expensive 4 star local hotels the cost to the taxpayer would have been no more than £10,000 in 2008 even if she paid the full rack rate. Another 3 star Choice Hotel in the city centre **one minute walk** from the property she charged for under the ACA would have cost no more than £5,000 in 2008. She would have needed to stay **272 nights of the year** (ie every week day and some weekends) at the hotel next to her taxpayer-funded apartment to charge the taxpayer as much as she has. Such misuse of public funds falls foul of the spirit of the Principle 3.3.1.

2. Mrs Main allowed her adult daughter to live rent-free in the St Albans flat—a breach of Rule 3.3.2 which states "*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.*"

a. The *Daily Telegraph* newspaper has obtained evidence from neighbours, and Companies House that Mrs Main's daughter—Claire Tonks—treated the flat as her main residence. She was also on the St Albans Electoral Roll at the St Albans address, and Mrs Main has confirmed that no rent was paid.

b. Mrs Main's defence of this use of public funds, as quoted in the *Daily Telegraph* of May 22 (see attached article) is "*I consulted the [Commons] Fees Office, and asked if family members were allowed to stay with me in the flat. I was told it was perfectly acceptable*". If questioned, I suspect the Fees Office, and any reasonable taxpayer, would accept that **occasional** overnight stays by family members are acceptable, but allowing a family member, or anyone else for that matter, to stay **permanently** and for free is not acceptable and outside both the written Rules and their spirit.

¹ Not included in the written evidence.

3. Mrs Main claimed a 10% second-home discount on the local Council Tax even though her daughter lived there, according to official Companies House records, as her main residence. It is probably up to the local Council to investigate the facts, but at the very least Mrs Main has brought her office into disrepute by making such a dubious claim.

4. Mrs Main claimed a round-sum amount each month for groceries amounting to between £3,000 and £3,600 a year. If she lived, as claimed, in the second-home for only 68 nights in 2008 this would mean that on average she spent **£44 per day on food**. Even if it is assumed that the claim covers the 165 days or so per annum that Parliament is in session ie £18 on average per day, such an amount cannot surely be justified as 'value for money' under Principle 3.3.1. The fact that round-sum amounts were claimed is prima facie evidence of a lack of rigour in accounting for the expenditure of public funds and should not be allowed.

Whether or not Mrs Main has been badly-advised or has not read the Rules properly is immaterial. At the very least she has claimed incorrectly and should be made to revise her claims for the last four years on a proper basis ie for the number of overnight stays in London or her constituency when wholly, necessarily and exclusively on Parliamentary business. If she incurred no third-party costs for such stays (ie because she stayed in the St Albans flat she had purchased) then no claims should be entertained and if she cannot support an overnight stay by convincing documentary evidence such claims should be disallowed. This should result in a significant re-imburement of monies to the taxpayer.

I look forward to your acknowledgement of this complaint and your subsequent adjudication on the matters involved.

9 June 2009

2. Extract from *Daily Telegraph* article, 22 May 2009

Mrs Main, the MP for St Albans, has claimed a 10 per cent second home discount on her council tax for the apartment in her constituency even though her 27-year-old daughter, Claire Tonks, has lived there for up to three years.

This discount can only be claimed if no one lives at the property full-time.

Mrs Main's principal home is a large detached house in Beaconsfield, Bucks, 25 miles from St Albans. The house is roughly six miles further from Westminster than the St Albans flat. Mrs Main has no regular accommodation in the capital.

The MP charged the taxpayer £1,095.68 a month in mortgage interest payments for the flat, along with service charges, utility bills and furnishing costs. She has claimed a 10 per cent discount on council tax since 2004—amounting to £171.09 last year—and submitted the bill on her expenses.

Two neighbours who live in other flats in the building—who the *Telegraph* spoke to alongside the MP yesterday—both said that it was the first time they had met her.

Several neighbours were familiar, however, with Miss Tonks ... She was ill in bed in the flat yesterday and did not answer telephone calls. Challenged by the *Telegraph* as to why Miss Tonks was apparently living at the taxpayer-funded apartment, Mrs Main confirmed that her daughter paid no rent and insisted that she stayed there only "two or three times a week".

She added: "There is this idea that people have been buying these flats for children to live in, but that's not the case for my daughter, she's moving out."

Miss Tonks, who has kept the surname of her late father, appears on the electoral roll at the St Albans property and, in 2008, registered the address with Companies House when she took on a directorship with Kids Industries. By law, addresses lodged with Companies House must relate to the "usual residential addresses" of the director.

Under the rules relating to second home allowances, MPs are entitled to claim only for expenses incurred in the course of parliamentary duties and cannot claim *“for anyone other than yourself”*.

Mrs Main bought the flat in 2006, putting solicitors' costs and arrangement fees on her allowances. Around the same time, Miss Tonks moved in. Since then, Mrs Main has continued to submit claims for furnishings and repairs for the flat, including a £350 washing machine and laminate flooring at £465. Mrs Main shares her main home with her husband [...] and her three other children. The house has a swimming pool, large gardens and a double garage.

Asked about Miss Tonks's living arrangements, Mrs Main added: *“She's looking for a place in London now; she certainly doesn't want to spend her time rattling around here.”*

“I consulted the [House of Commons] fees office, and asked if family members were allowed to stay with me in the flat. I was told it was perfectly acceptable and as a parent, who sees very little of her family, it has been enormously supportive to have her there, albeit that this was only ever going to be a temporary measure.”

22 May 2009

3. Letter to Mrs Anne Main MP from the Commissioner, 17 June 2009

I would welcome your help on a complaint I have received from Mr J.P. Harper about the claims you have made against the Additional Costs Allowance for overnight stays in St Albans.

I attach a copy of the complainant's letter of 9 June, together with its attachments. In essence, the complaint is that your claims against the Additional Costs Allowance were not wholly, exclusively and necessarily incurred for the purpose of performing your parliamentary duties.

The Code of Conduct for Members of Parliament provides in paragraph 14 as follows:

“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.”

The rules in relation to allowances are set out in the Green Book. I assume that the relevant Green Book is the July 2006 edition, although the provisions of the April 2005 edition may also be relevant.

In Mr Speaker's introduction to the Green Book in July 2006, he wrote as follows:

“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. In cases of doubt or difficulty about any aspect of the allowances or how they can be used, please contact the Department of Finance and Administration. The Members Estimate Committee, which I chair, has recently restated the Department's authority to interpret and enforce these rules.”

Section 3 of the 2006 edition of the Green Book sets out in paragraph 3.1.1 the scope of the Additional Costs Allowance as follows:

“The Additional Costs Allowance (ACA) reimburses Members of Parliament for expenses wholly, exclusively and necessarily incurred when staying overnight away from their main UK residence (referred to below as their main home) for the purpose of performing Parliamentary duties. This excludes expenses that have been incurred for purely personal or political purposes.”

Paragraph 3.2.1 deals with eligibility as follows:

“You can claim ACA if:

a You have stayed overnight in the UK away from your only or main home,

and

- b This was for the purpose of performing your Parliamentary duties, and*
- c You have necessarily incurred additional costs in so doing, and*
- d You represent a constituency in outer London or outside London.”*

Paragraph 3.3.1 sets out the following principles (which are not included in the April 2005 edition):

“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.”

Paragraph 3.3.2 (again not in the 2005 edition) provides:

“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.”

Paragraph 3.4.1 deals with the location of overnight stays as follows:

“If your main home is in the constituency, you can claim ACA for overnight stays in London—or in another part of the constituency if reasonably necessary in view of the distance from your only or main home. Please contact the Department of Finance and Administration for information on such arrangements.

“If your main home is in London you can claim for overnight stays in the constituency.

“If your main home is neither in London nor the constituency you can choose in which of these areas to claim ACA.”

Paragraph 3.11.1 gives the definition of a main home as follows:

“Main home

When you enter Parliament we will ask you to give the address of your main UK home on form ACA1 for the purposes of ACA and travel entitlements. Members are expected to locate their main homes in the UK. It is your responsibility to tell us if your main home changes. This will remain your main home unless you tell us otherwise.

“The location of your main home will normally be a matter of fact. If you have more than one home, your main home will normally be the one where you spend more nights than any other. If there is any doubt about which is your main home, please consult the Department of Finance and Administration.

“Constituency

For the purpose of the ACA, overnight stays within 20 miles of your constituency boundary are regarded as overnight stays within your constituency.

“London

Similarly, for the purposes of the ACA, overnight stays within 20 miles of the Palace of Westminster are deemed to be overnight stays within London.”

Paragraph 3.13.1 gives examples of allowable expenditure including:

- *“Mortgage costs—for one additional home in either London or the constituency. This is limited to the interest paid on repayment or endowment mortgages, legal and other costs associated with obtaining (and selling) that home (eg: stamp duty, valuation fees, conveyance, land searches, removal expenses)*

...

- *Other food—reasonable additional costs while you are away from your main home*
- ...
- *Utilities*
 - *heat*
 - *light*
 - *water*
 - *council tax*
- *Telecommunications charges*
- *Furnishings*
 - *white goods*
 - *electrical equipment*
 - *other furnishings...*

Paragraph 3.14.1 sets out expenditure which is not allowable, including:

“Living costs for anyone other than yourself.”

I would welcome your comments on this complaint in the light of this summary of the rules. In particular, it would be helpful to know:

1. why you established your apartment in St Albans, including the date you did so, a description of the accommodation, and details of your mortgage;
2. why you considered it was necessary, and within the rules of the Green Book, to establish your property in St Albans when your main home was in Beaconsfield and, allegedly, within 20 miles of your constituency;
3. what arrangements you had made for your daughter to stay in the apartment; the extent of her residence there, including the accommodation available to her, whether she kept her clothes and possessions in the apartment and what contribution, if any, she made to the cost of the apartment, and why, allegedly, this apartment is the registered address she gave to Companies House;
4. what claims you made for the council tax for the apartment, and the reason for those claims;
5. how many nights you yourself spent in the apartment in each financial year since you were elected in 2005, together with the evidence, including any diary entries, on which you rely for this information;
6. the claims you made against the Additional Costs Allowance for this apartment in each financial year since you were elected, together with copies of your claim forms and supporting documentation if available;
7. the claims for food you made against the allowances over this period, whether they were for your sole use and how you explain the amount claimed against the number of nights you spent in your apartment, together with any receipts you may have for the food;
8. why you consider that your claims against the Additional Costs Allowance were wholly, exclusively and necessarily incurred and provided value for money given the location of your main home, and the use to which you and your daughter put the apartment;

9. whether you consulted the House authorities about any aspects of this arrangement, together with copies of any documentation relating to these consultations.

Any other points you may wish to make to help me with this inquiry would, of course, be very welcome.

I attach a note which sets out the procedure I follow. I have written to the complainant to let him know that I have accepted his complaint and that I am writing to you about it. If it were possible, I would be grateful for a response within the next three weeks. If there is any difficulty about that, or you would like to make any other point on this complaint, please contact me at the House.

I would welcome your help on this matter.

17 June 2009

4. Letter to the Commissioner from Mrs Anne Main MP, 22 June 2009

Thank you for your letter of 17th June, further to a complaint you have received from a Mr Harper, who lives in my constituency. Please find attached the answers to your questions, which I have endeavoured to answer as fully as possible. You will note that there are some areas of overlap between the questions. I have also supplied independent traffic information and reports, which support my need for a home in St Albans.

At all times, as a new MP, I sought advice about my arrangements from the Green Book and the House of Commons Department of Finance and Administration. I believe that my expenses were incurred wholly, exclusively and necessarily for the purpose of performing my parliamentary duties and engagements, whilst serving my constituents and familiarising myself with and immersing myself within my constituency.

I have also provided my constituency diary entries, transposed from hard copies, as comprehensively as I can and I would draw attention to the fact that I had a back operation in 2006 which prevented me from working for a period of 5–6 weeks.

- **Why you established your apartment in St Albans, including the date you did so, a description of the accommodation, and details of your mortgage;**

After consulting the Fees Office who were made fully aware of where my main home was in relation to my constituency, I established a home in St Albans in 2005. This was to ensure that I am able to carry out the range of commitments I have in St Albans at all times. This applies particularly on Friday, Saturday and Sunday, often early in the morning or late in the evening. It is essential that I have a home in St Albans and, indeed, my flat is at the heart of the city.

Initially, following my election in 2005, the flat was rented from the owner unfurnished; I set about furnishing it simply, and economically in accordance with the rules. In 2006 the landlord informed me that he had decided to sell the flat and gave me first refusal to purchase it. As I had established a base there and it was perfect for my situation I decided to consider this option. I contacted the Fees Office for guidance as to whether this was acceptable and was informed that this was within the rules. I therefore purchased the property. I obtained a 90% interest only mortgage (therefore I own 10% of the flat) and took over ownership. The mortgage was the lowest cost rate product that I could identify at the time. It should be noted that in 2007 when mortgage rates were on the increase I changed the mortgage product to a new rate to minimise the cost to the State.

I consulted the Department of Finance and Administration and was told it was perfectly acceptable to purchase the flat and claim for costs incurred. The rules at the time stated that I could claim for costs *"For one additional home in either London or the constituency... limited to interest paid... legal and other costs associated with buying that home e.g. stamp duty valuation fees, conveyance, land searches and removal expenses"*. I claimed within those specific guidelines and at every level have openly and transparently disclosed my position to the Fees Office.

I stay in the flat regularly overnight and use the flat when I need to be in St Albans on constituency business which I fulfil assiduously, often until a late hour. Many major functions which I am expected to attend

routinely take place on Fridays, Saturdays and Sundays. I not only use the flat to stay over but also as a base for eating/changing between numerous diverse functions, catching up on surgery casework and telephone surgeries, planning and report writing etc. My diary will confirm the amount of time I spend in St Albans and the full nature of my workload (Between April 06 to March 09 I attended 569 engagements, meetings and events.) I also spend time in my flat whilst regularly "getting to know" my constituency, meeting residents and attending events not in necessarily in an official capacity but in order to familiarise my self with the on going issues in St Albans (eg important cultural or charitable events, talking to market traders, residents meetings where there are contentious local issues etc) obviously not all of these are diarised as they are of an informal nature, but essential to my role as an MP.

I spend most of the other nights of the week in my main home in Beaconsfield in order to have a limited time with my family on the nights when the House rises at an earlier time. But as I am sure you are aware the House routinely sits late on Mondays and Tuesdays meaning that I rarely get home before 11.30–11.45pm on those nights and at 8.30–9pm on Wednesdays and Thursdays. As I am selected to sit on four committees (DECC, DCLG, Speakers Art Committee and Speaker's conference) I routinely have to catch a train at 7.15am in order to make a 9am start and have some time in my office to set out tasks for my staff. I also make my own private arrangements to stay in London if I need to stay over due to lateness. My work life means I spend little time in my family home.

My flat ... [in] St Albans is a modest two bedroom flat with lounge/dining area and also a small kitchen and bathroom and designated parking. The location with parking helps ensure that I am not affected by severe traffic problems and parking shortages in St Albans city centre. It is in a block of only four tucked away off the main "high street" firmly in the heart of the city centre. With all the traffic and restricted parking issues that beset St Albans this location enables me to walk routinely to most events and ensures I am punctual and reliable in all my duties within the city centre. Driving even a short distance across the centre of St Albans can routinely take upwards of half an hour and reaching other parts take much longer as St Albans has some of the busiest non motorway roads in the county such as the A414 and is locally subject to numerous congestion hot spots... Traffic and congestion is recognised as one of the biggest issues affecting my constituency and the surrounding areas particularly when other roads also have accidents and incidents. Traffic congestion impacts on my need to be able to be at the heart of my constituency not at the mercy of the road conditions which would necessitate my diary needing greater blank spaces simply to allow for travel.

According to a joint report by Traffic Master and the RAC Foundation, the Western section of the M25, (which I would use from my main home) Junctions 9–20 is the top congestion hotspot in the country. It is described as *"a section of road where dense, slow moving traffic occurs regularly with average speeds below 20mph"*, and, in 2006–7, this stretch of road was the subject of 154,737 congestion alerts. This congestion is increasing year-on-year with significant road works as an ongoing issue. Junction 21a -22 which encompasses the majority of my constituency (my office is off J22) is equally notoriously problematic particularly when the M1 has problems the section of the M1 South of Luton is another top congestion spot and causes traffic to impact all around these two junctions and indeed St Albans as traffic tries to rat run around hold ups. These traffic issues are continuing as is demonstrated by the recent road works set up between junction 16 and 19 with a stated end date of May 2010 and the anticipated widening of the M25 at junction 21.

Whilst my main family home in Beaconsfield is 25 miles away from St Albans city it involves a journey around some of the most congested parts of the M25 and it can take upwards of 1 hour or more at peak times or even worse as it regularly grinds to a halt. This can make guaranteed diary scheduling impossible particularly for early engagements such as surgery appointments, school visits etc. When the House of Commons is sitting any travelling to St Albans is generally on Thursdays, Fridays and at weekends. On top of any M25 journey, especially on weekdays and recess constituency working days I must confront the St Albans congestion which can severely disrupt time tabling and so the central location of my flat means I can walk to many local functions held in the council offices, Abbey cathedral, schools, local businesses and the like.

I take my duties as a constituency MP extremely seriously, priding myself on punctuality and not letting my constituents down. Having a flat in St Albans clearly enables me to perform these duties better. It should be noted that even under the recent tightening up of distance claims my situation is still acknowledged to be within the claiming distance criteria for second homes. It is worth noting that the new 2009 map of the rules of distances from London re ACA does however show my constituency tip being within 20miles distance. However, the judgement being applied now in similar situations is that the constituency needs to be "bisected"

by the 20 mile rule not just caught on a far edge, so my constituency is still deemed to be outside the 20 mile rule and suitable for an ACA claim.

I would like to point out that I have no other competing outside interests, directorships or any other work. My sole role is to be the Member of Parliament for St Albans.

As to my mortgage details, the title to the flat passed to me on 1st November 2006. I paid a 10% deposit and have an interest only mortgage.

- **Why you considered it was necessary, and within the rules of the Green Book, to establish your property in St Albans when your main home was in Beaconsfield and, allegedly, within 20 miles of your constituency;**

I consulted with both the House of Commons and the Green Book on my arrangements. I was informed, that I was entitled to claim for a home in my constituency as per the April 2005 Green Book (<http://www.parliament.uk/documents/upload/GreenBook2005.pdf> via <http://www.parliament.uk/mpslordsandoffices/finances.cfm>) Section 3.3.1, which stated:

"3.3.1. Location of overnight stays

If your main home is neither in London nor the constituency you can choose in which of these areas to claim ACA."

I was told after fully disclosing my situation that my arrangement was acceptable within the rules, and I was entitled to claim the ACA as my main home was neither in London nor in my constituency.

My constituency spans a distance of some 11 miles and the distance to the furthest edge is 29 miles away from my main home. The centre of my constituency where most meetings/engagements are held and where the vast majority (87% totalling some 114,710 of my residents) live is 25 miles away from my main home. Only 977 constituents (according to the 1 Ordnance Survey election map) live in my share of the Bedmond ward which has been tacked onto the constituency by the Boundary Commission. This ward is described as "*sparsely populated*", is in a different District Council (Three Rivers) and has few natural links with St Albans. (Please refer to Appendix A which shows settlements and populations within my constituency)² I do not hold surgeries there (only house visits) or have an office there and when I have done home visits there I have sometimes taken an hour to get from central St Albans to J20 due to traffic. Recently this notorious traffic congestion spot was raised as a major concern of my residents when the hospital A&E was relocated to Watford—constituents hotly disputed the travel times estimated to access this area and I resolutely supported these concerns out of personal experience of this junction.. My flat is in the centre of the city near the majority of places I need to visit in my constituency duties and near London Colney where I hold my surgeries, consultations and meet groups of residents. (All distances courtesy of Multimaps.com using 'shortest' route selection.)

Journey times on the M25 can be considerable. Travel in business hours has taken up to 1.5 hours due to slow moving and congested traffic. Even if I was to travel the back roads as might be suggested journey times via Hemel Hempstead can easily average 60 minutes. These times are substantiated by using Multimaps to specify back road routings (see Appendix B)³ which take 55 to 56 minutes even to the closest edge of my constituency and these times make no allowance for congestion which will increase those times. I routinely experience 80 minute commutes using either back roads or motorway routes. In addition, these back roads also become severely impacted when M25 problems occur as commuters use alternative routes to reach their destinations.

As I have stated in a previous response, according to a joint report by Traffic Master and the RAC Foundation, the western section of the M25, (which I would use from my main home) Junctions 9–20 is the top congestion hotspot in the country. It is described as "*a section of road where dense, slow moving traffic occurs regularly with average speeds below 20mph*", and, in 2006–7, this stretch of road was the subject of 154,737 congestion alerts. This congestion is increasing year-on-year with significant road works as an ongoing issue. Junction 21a -22 which encompasses the majority of my constituency (my office is off J22) is

² Not included in the written evidence.

³ Not included in the written evidence.

equally notoriously problematic particularly when the M1 has problems the section of the M1 South of Luton is another top congestion spot and causes traffic to impact all around these two junctions and indeed St Albans as traffic tries to rat run around hold ups.

Traffic is a constant determining factor in and around my constituency, which is underlined in Hertfordshire County Council's 2007 report "Tackling Congestion in Hertfordshire", (<http://www.hertsdirect.org/infobase/docs/pdfstore/tacklingcong.pdf>) which states that *"There is a unique set of factors that makes Hertfordshire particularly vulnerable to congestion. There is a total road network of 4,900 km in Hertfordshire within a relatively small geographic area, leading to one of the highest road densities in Britain. This in itself provides conditions for high traffic flows, but the situation is compounded by the settlement pattern. Hertfordshire does not have a dominant settlement unlike many counties (e.g. Cambridge in Cambridgeshire, Norwich in Norfolk) but instead has 25 significant settlements that have a high level of interaction. With other factors listed in the Box 1 below,⁴ the traffic flows in Hertfordshire are almost twice the national level on motorways and 'A' roads, and there are high traffic flows on the supposedly quieter 'B' and 'C' roads."*

The report goes on to note: *"The complexity of traffic movements is compounded by the wider geography. Figure 2⁵ shows that Hertfordshire serves as a transport corridor between London and much of the rest of the country, and is directly affected by the major growth points at Stansted and Luton airports. Every day, 277,000 people commute into or out of the county, and hundreds of thousands simply pass through Hertfordshire. The average motorway and trunk road flows shown in Figure 1⁶ mask the fact that parts of the motorway network carry 140,000 vehicles per day."*

The report also makes the following observations on congestion hotspots in St Albans: *"Congestion Reference Flow is an indicator of likely congestion levels by considering local traffic characteristics (e.g. proportion of heavy goods vehicles, peak period flow, directional split, road width etc). Roads with a Congestion Reference Flow of 0.8–1.0 will experience frequent queueing and congestion during peak hours, and those scoring greater than 1.0 will have serious queueing and congestion on a daily basis, with small incidents causing considerable delays. Figure 3⁷ shows the Congestion Reference Flows calculated in 2005. This shows that large parts of the motorway network have CRFs over 0.8, but the majority of other roads are less than 0.8. The disadvantage of this method is that it calculates conditions for sections of roads between major junctions, but does not assess the junctions themselves. For example, the A120 between the A10 and Bishop's Stortford is shown as being uncongested, but it is known that the traffic signal junction at Little Hadham causes major queueing. The 'Congestion Hotspots' map in Figure 4⁸ is developed from taken a mix of junction modelling and subjective feedback from motorists and local residents. A detailed set of maps by district area is included as Appendix 1. The map shown is a summary of detailed information for individual junctions and stretches of roads within towns that is being used as part of the urban transport plan process."*

As you will see from the congestion hotspot map,⁹ which is based on data from Hertfordshire Highways, the majority of my constituency sits within an area considered to have the highest number of congestion hotspots and is surrounded by other similarly affected areas, which impact on actually reaching St Albans.

The Green Book stated 3.3.1 that ACA could be claimed *"in another part of the constituency if reasonably necessary in view of the distance from your only or main home"*. I believe that my arrangements particularly in light of the accepted congestion and "real" travel times that beset my constituency satisfy this "reasonableness" test and I accepted advice from the Fees Office on this matter.

I would like to reiterate that every decision with regard to my constituency home has been with the advice of the Fees Office which is fully aware of the location of both homes. In view of the distance calculated, the distance from my main home to my second home is roughly 25 miles. Being located in the heart of my constituency is important, in order that I can access various functions which regularly occur in the town

⁴ Not included in the written evidence.

⁵ Not included in the written evidence.

⁶ Not included in the written evidence.

⁷ Not included in the written evidence.

⁸ Not included in the written evidence.

⁹ Not included in the written evidence.

centre or immediate environs and be able to reasonably expect to keep to timetable whilst at all times carrying out my parliamentary duties.

- **What arrangements you had made for your daughter to stay in the apartment; the extent of her residence there, whether she kept her clothes and possessions in the apartment and what contribution, if any, she made to the cost of the apartment, and why, allegedly, this apartment is the registered address she gave to Companies House;**

No formal arrangements were made for my daughter to stay in the flat on a full time basis. After checking with the Department of Finance and Administration, I was informed that *"only an MP's spouse and children are supposed to share the second home"*. She kept no possessions in the flat of any significance, and her clothes were limited to a portable amount. She stayed with me in a sporadic fashion with some periods when she was not there at all, other times she stayed more frequently.

My daughter made no monetary contribution to the cost of the flat as she stayed under the guidance that *"spouses and children may share the second home"* and it was not regarded as her main home. My daughter always used her own mobile phone, bought her own food and sundries if needed. However, in order to ensure I did not waste valuable time on domestic chores she did contribute in kind by undertaking to do my cleaning, bed changing, laundry and putting out of the rubbish when requested to help me out. This help was valuable to me and meant that I had no need to employ a cleaner (as I could have done under the ACA expenses) and I was confident that the flat was not being left totally unattended for more than a few days at a time and importantly my mail and any messages could be picked up sometimes earlier than I might have done so myself. Her personal mail, including bills and bank statements, has always been sent, and continues to be sent, to our family home in Buckinghamshire, where she still has her own bedroom and keeps her clothes and possessions and her friendship group still resides. It should be noted that none of my children pay rent when staying in the family home. She also spends time with her boyfriend in London where she is now living for the majority of her time—the rest of her time is still spent in Beaconsfield.

The giving of the St Albans address to Companies House was a genuine mistake on her part, which has now been rectified. The reason that she gave the flat address was that she had been asked by her managing director for a mailing address for some documents to be sent urgently for signature. As she was expecting to stay at the flat for the following few days she gave the flat address. She was unaware of the official nature that giving the address of the flat would mean and it was simply a response to the question of where she was staying in the particular week. I was completely unaware of her decision and indeed would not have agreed to it. Being young and inexperienced, she was unaware of any implications of giving such an address and, indeed, with all other documentation (such as bank accounts, car insurance, etc) being sent to our family home in Buckinghamshire, she recognises that it was a mistake on her part and has corrected it. Her company (a small husband and wife team) would confirm this version of events.

I checked by phone on whether it was possible for any of my children to stay at my constituency home with the parliamentary Fees Office at the time, and I was advised that it was within the spirit of the rules as expressed within the Green Book. (You may wish to note this aspect of "only spouses and children" guidance re occupancy was widely quoted in the *Sunday Times* when referring to another member's case regarding a brother staying in a second home). At no point was I given any indication of time limits on her stay. I was aware that my setup was not unusual, and that many other MPs also had older children living in their second home. My daughter has no financial interest in the property. She has spent variable and decreasing amounts of time in the flat and has now left completely which was always her intention.

- **What claims you made for the council tax for the apartment, and the reason for those claims;**

As the flat was not the main residence for me or my daughter it qualifies for 10% relief on council tax as shown on SADC web site and forms. Council tax on MPs second homes is an allowable expense. I received a discount for my council tax at the property in accordance with the forms I received from the local authority, which asked if this was my main home, which it was not, and asked whether we had a main home elsewhere on which we paid full council tax, which we did. As such, as the owner of this property, which was my second home, I was entitled to receive a 10% council tax discount. This property is not the main home of any other person, and is not regarded as such. Clearly there cannot be any personal gain from this arrangement, I paid

90% of the council tax and claimed the exact amount. If I had paid 100% of the council tax I would have claimed 100%.

- **How many nights you yourself spent in the apartment in each financial year since you were elected in 2005, together with the evidence, including any diary entries, on which you rely for this information;**

I can prove through comprehensive hard copy diary entries, tallying with mileage claims some of the nights spent in my second home. But at other times, when I did not claim for mileage expenses incurred, I have less "proof" of my travel arrangements between my homes. Where my flat is situated in a small block of four, each with their own front door, all three of the other flats are rented out and have changed hands, sometimes on several occasions, since I originally purchased the flat. However, local people and organisations have publicly supported my claim that I try to work 100% for my constituency (see newspaper cutting¹⁰). I am renowned for my hard work, well known and frequently seen in St Albans.

However as indicated earlier in my response I do also spend a significant amount of time in my constituency staying over and attending events/familiarising myself with the constituency and meeting people, chatting to local police etc this type of activity is absolutely vital to ensuring I am fully grounded in all the issues and priorities affecting my constituency. You cannot absorb this sort of information by sitting in a case work surgery or simply being a dignitary at a function. All information provided shows the absolute bare minimum amount of time I can demonstrate I spent in my second home, but as I did not expect to have to "prove" my presence in St Albans I cannot give "proof" of the other times, however I have estimated this to be of the order of upwards of 20 nights per year, plus many other times when the flat has been necessary for use during the day (for eating/changing/resting between numerous diverse functions, catching up on surgery casework, making telephone surgeries or liaising with my office). Please refer to supplied diary information for my schedule.¹¹

- **The claims you made against the Additional Costs Allowance for this apartment in each financial year since you were elected, together with copies of your claims forms and supporting documentation if available;**

These are available from the House of Commons Department of Resources, and I have attached copies for your information. The total amounts of my claims are as follows:

	2007–08	2006–07	2005–06
Additional Costs Allowance	£22,091	£22,110	£20,385

- **The claims for food you made against the allowances over this period, whether they were for your sole use and how you explain the amount claimed against the number of nights you spent in your apartment, together with any receipts you may have for the food;**

Food claims were for my sole use. Food, as per 3.11.1 (other food) in the Green Book, was for reasonable additional costs away from my main home and was not as much as I actually incur whilst eating away from my main home. During a typical seven day week, I usually do not spend more than one or two evenings with my family in Buckinghamshire when meals are available and, as such, incur significant food bills/meals bills. I do not have receipts for food bills as these were not required as per Green Book "ACA frequently asked questions" regarding supporting documents.

- **Why you consider your claims against the Additional Costs Allowance were wholly, exclusively and necessarily incurred and provided value for money given the location of your main home, and the use to which you and your daughter put the apartment;**

I believe my extremely busy diary and my heavy work schedule which frequently runs from early morning to late evening reflects the necessity of my maintaining a second home in St Albans. I believe these details show that my second home represents value for money. Without my second home, I would not be able to function

¹⁰ Not included in the written evidence.

¹¹ Not included in the written evidence.

at the level that I currently do, in service of my constituents. Even if rules are altered with regard to expenses for second homes I shall at all times continue to endeavour to maintain my home in St Albans as long as I serve as the Member of Parliament, as I believe I cannot carry out my duties without it. For example, I undertook the following numbers of individual activities, meetings and engagements over the past three full tax years:

- 2006/2007 163 (5–6 weeks out due to back operation)
- 2007/2008 208
- 2008/2009 198
- Total 569

Prior to my election I was selected as the candidate in 2002 and as such had no constituency base and needed to commute for 3 years as I worked to win the seat and in effect shadow and learn the role of an MP. Apart from sometimes being late for functions or unable to accept them due to time issues re the motorway, I regularly had to wash and change between functions in the chairman's home or local toilets as well as eating takeaways in my car or local cafes. In order to ensure I could meet early and late deadlines I had to leave far earlier than necessary, sit in lay bys or wait in the association office if it was open or available. It was gruelling and unsustainable and that was without any parliamentary duties in the House, late sittings etc. It was a tiring and frankly chaotic existence which wrecked our family time and it is not a life I could even envisage sustaining as the elected member which is why I elected to have a home in St Albans not London. If I hadn't chosen to have a home in St Albans I would not be able to routinely accept any event regardless of time or location as I would constantly be concerned about the logistics of getting to everything punctually, and mindful of getting parked particularly since central St Albans operates a residents' "controlled parking zone" and that public parking is restricted and often fully occupied in the city. The complex multiple scheduling I operate means my ability to work would be severely compromised and I would have to undertake to do fewer functions which would obviously not serve my constituents as well as I could.

In summary, I stay in the flat and use it when I need to be in St Albans on constituency business which I fulfil assiduously, often until a late hour. I not only use the flat to stay over which is vital but also as a base for eating/changing between numerous diverse functions, catching up on surgery casework, making telephone surgeries or liaising with my office etc, my diary confirms the amount of time I spend in St Albans. I have dealt with my daughter's position in a previous answer.

- **Whether you consulted the House authorities about any aspects of this arrangement, together with copies of any documentation relating to these consultations;**

I sought advice from the Department of Finance and Administration, and the Green Book regarding my arrangements and was told that they were in order. These consultations were conducted over the telephone as suggested in the green book re getting help and advice; I am not aware which if any of the calls were formally logged.

22 June 2009

5. Letter to Mrs Anne Main MP from the Commissioner, 25 June 2009

Thank you for your letter of 22 June responding to mine of 17 June about this complaint in respect of your St Albans apartment.

I was most grateful to receive this full and very prompt response. That is most helpful.

I will be considering more closely the information you have helpfully provided, but, to save further time, I hope it would be acceptable if I ask you one or two immediate supplementary questions based on the information you have given.

1. Could you let me know how old your daughter was when she was staying in your apartment? Was she financially dependent on you at the time? And could you or she give me an estimate of the period during which she was using the apartment and, in each financial year of that period, how many nights she stayed there?
2. Could you or she confirm why she needed to stay at your St Albans apartment during this time?
3. Could you give me an estimate of the number of nights a year you believe you spent in your family home? I see from your letter that you say: *"My work life means I spend little time in my family home."* Earlier in that paragraph, however, you say: *"I spend most of the other nights of the week in my main home in Beaconsfield..."* And, elsewhere in your letter, you estimate that you spend *"upwards of 20 nights per year"* in your St Albans apartment. Could you help me reconcile these statements, taking account of the definition of a main home in the Green Book?

Subject to any additional points which may come out of my further reading of the material attached to your letter, once I receive your response I would propose to consult the Department of Resources. Thank you again for your help.

25 June 2009

6. Letter to the Commissioner from Mrs Anne Main MP, 29 June 2009

Further to your letter of 25 June regarding the complaint made by Mr J Harper, please find enclosed answers and additional copy of my diary and nights spent in St Albans spreadsheet.¹²

I have tried to answer these additional questions as fully as possible, but if you need any further information or clarification, please do not hesitate to contact me.

1. My daughter Claire was 24 years old in 2006 when she started spending some time at my request in the flat. She was not financially dependant on me but she was at that time living as a family member, not paying rent, in our Beaconsfield home where she has her own room and facilities, this arrangement was ongoing and not expected to change. Our home is a substantial six bed roomed family property in proximity (10 minute walking distance) to the Beaconsfield train station with its excellent commuter services into London which is where my daughter works and had worked during the entire period.

She spent times in Beaconsfield when it suited her, and when I was principally at home for family times such as Christmas, Easter etc she also spent time with her boyfriend who has his own flat in London. I have estimated that allowing for holidays, periods spent in Beaconsfield and times spent with her boyfriend that when staying in the flat she spent typically no more than three nights in a week in the flat starting in 2006, this decreased to a more typical two nights a week or less and ceasing in May 2009. I repeat my previous comments Page 6 paragraph 5 *"She stayed with me in a sporadic fashion with some periods when she was not there at all."* The total number of nights are hard to calculate but I estimate it to be between 95 and 100 nights per annum.

2. My daughter did not need to stay in the flat as she had a home in Beaconsfield where she lived without paying rent as a family member and that was ongoing, as previously indicated and convenient for her job and travel by train into London. It was I who felt this arrangement would not only assist me in my busy role by ensuring that I could carry out my duties as fully and as frequently as I wished to in St Albans with the limited diary time available without worrying about the need to tackle necessary household chores or employ a cleaner, but also it helped me to have occasional companionship and family support when I see so little of my family.

I have consulted the Fees Office about various issues concerning my flat, and in those conversations I was told that *"only spouses and children"* were allowed to share the second home, at no point was I given any indication from the fees office in their advice that the age of my children or frequency of staying was a consideration or limiting factor, nor did it state anything to that effect in the rules covering ACA. As I indicated in my previous

¹² Not included in the written evidence.

response on page 6 she supported me by undertaking whilst staying there "to do my cleaning, bed changing, laundry" etc checked for mail, messages and ensured the flat did not sit unattended for security reasons during any of my personal family holiday periods.

3 As indicated on page 1 Paragraph 5 of my previous comments I spend all other nights when not in St Albans in my main home Beaconsfield, with obvious exceptions not explicitly outlined such as holidays/social events or occasional business visits (which over four years have included 2 short two day parliamentary committee trips away and on less than 10 occasions in 4 years the need for over night stays in London associated with train/travel disruptions meaning I was unable to get home after parliamentary duties) etc.

I refer you to the comprehensive diary spread sheets with separate columns broken down into date, days/nights, description and times of activity undertaken, number of meetings/activities events necessitating overnight stays (these were previously included and are resubmitted with these answers).

These spreadsheets¹³ show my stays in St Albans that I can "prove" where I have submitted evidence for:

- In 2006/07 a minimum 66 over night stays plus an estimated up to 20 additional nights for year totalling 86 nights (plus additional day usage) despite having over 5 weeks off duties due to a serious back operation.
- In 2007/08 a minimum 69 nights plus an estimated up to 20 additional nights totalling 89 nights (plus additional day usage).
- In 2008/09 a minimum 80 nights plus an estimated up to 20 additional nights totalling 100 nights (plus additional day usage).

If these figures are placed together, then the time I spend or would expect to spend in my main home would be in the region of 265 nights in any one year not taking into account deductions for any periods spent away on family holidays, which typically would average about 4 weeks holiday time spread through the year, or other brief work related absences as outlined previously.

The "upwards of 20 nights" is not correctly phrased as it should have read "up to 20 nights" and was referring to an estimate of the additional non diarised dates where I was in St Albans which should be added to the total of each year's diarised dates supplied in the spread sheet as outlined above.

The statement that you refer to for clarification "my work life means I spend little time in my family home" referred to the amount of day time or "waking time" during a working week when I would expect to be able to join in with family meals, and see my family, particularly our youngest son who is only 13 years old. I had hoped that the statement referring to "my work life" had made it clear I was referring to day time before 9pm–11.30pm particularly when it is read in conjunction with the commuting times and house sitting hours referred to page 1 paragraph 5 and taking into account the spread sheets of time spent in St Albans.

I reiterate that when the House is sitting I commute by train often early in the morning from our main home in Beaconsfield, my season ticket confirms this, and I work the hours needed on parliamentary duties which are governed by the House sitting times, after which I do indeed return, often at a late hour usually around 11.30pm on Mondays and Tuesdays and 8.45pm on Wednesdays and Thursdays, to our main home where my family live, to stay overnight for the estimated 265 plus nights as outlined above.

When the House is not sitting my travel and work pattern alters and I spend the time I need to in my constituency carrying out my duties, travelling to my constituency by car and staying over there as shown in the spreadsheets, but at all other times during the hours available to me I stay and sleep at our main home with the obvious exceptions for times away on holidays etc.

29 June 2009

¹³ Not included in the written evidence.

7. Letter to Mrs Anne Main MP from the Commissioner, 8 July 2009

I have now completed the work on your diary in respect of your overnight stays in your St Albans apartment which I referred to in my letter of 1 July.

I should perhaps make clear at the outset that, whilst your diaries indicate the days on which you had engagements in your St Albans constituency, the information I need to establish relates to the number of nights you spent at your St Albans apartment. For that purpose the record of a constituency engagement in the evening, or first thing in the morning, although not conclusive, might reasonably suggest an overnight stay in St Albans.

In a number of instances it is not clear from the printout of your diaries how the engagements you have listed corroborate your statements about nights spent at your constituency property; nor in some cases is it clear whether the engagement is of a parliamentary character rather than personal or party political. I would be grateful if you could look at the questions I have prepared, a copy of which I enclose, and where further information is requested I would be grateful if you could provide it.

...¹⁴

It would be very helpful if you could let me have a response to this within the next two weeks. I will then produce a summary of your overnight stays in St Albans which I will show you. I then propose to seek advice and comments from the Department of Resources.

Thank you for your help in this matter.

8 July 2009

8. Letter to the Commissioner from Mrs Anne Main MP, 21 July 2009

Thank you for your letter of the 8th July. I have set out my response to your further questions below, and in the attached documents.

My constituents expect me to have a home in my constituency and be seen about not always as the "special guest", I am expected to support businesses, go to local cultural events, to frequent local shops and restaurants and to be able share their concerns by actually spending time being local and part of the community. For example, I was recently a judge on the food festival panel in St Albans. We sought, over several meetings, to establish a short list of five nominees in each of the following categories, before asking the public to vote for the winners: Best Cafe, Best Bar, Best Casual Dining Experience, Best Pub, Best Restaurant and Best Hidden Gem (sample email included). Each judge was expected to bring forth up to five of their own nominations with reasons for their choices then after a series of panel votes and discussions about our choices to whittle down the nominations. Between votes we were encouraged to try to visit any establishments that were "tied" in the category to help eliminate one, this we did where possible before finalising the five in each category for the public to vote on.

The winners of the Food Festival categories were presented with prizes by the judges including myself, at a gala dinner on July 3rd at Sopwell House Hotel—obviously if you hardly ever shopped or eat locally on a reasonably regular basis then this sort of activity is impossible to do, but my constituents would find it surprising if I could not give views on local businesses and dining establishments. I do not believe in taking long breaks away from my constituency during recess and family holidays away are typically for one week at a time. To support the diarised formal appointments there are numerous non diarised activities associated with my role as a local Member of Parliament, some examples of which I have attached in the accompanying documents. These activities are vital to my role and people alert me to them by phone, conversation, email etc.

In order to serve my constituents 100%, it is essential that I learn everything about my constituency, keep continuously up to date on: local vandalism/litter/graffiti/fly-tipping hotspots, road and road surface issues, waste collection services and associated issues, river water abstraction/ flooding/ riparian problems/ gully clearance, speeding/pollution/light phasing alterations/junction problems, planning applications, train/station

¹⁴ Matter not part of the inquiry.

issues, bus shelter sitings, mobile phone mast sites and locations, street lighting and safety issues, shops/business closures, the appearance of our tourist attractions, buses, disabled access, road signage, the viability of our market, noises/ nuisance emanating late at night from licensed premises particularly if a licence extension is being sought etc and indeed all the issues and concerns facing my constituents, which is why I regularly stayed over in my flat.

As reflects the more usual role of a modern MP I certainly do not just concern myself simply with House duties and formal events but all of the above issues and many more and my residents certainly expect this of me as my post bag and phone calls to my office confirm. As you will see from my entry on the *"They Work For You"* website, which compares the work of Members of Parliament, I rank highly for my duties in the House with debates, questions etc but my constituents also expect to get a 100% service from me at a local level. They regard me as their voice and champion and I am expected to have an informed view on all these issues I have outlined. My constituents often require detailed letters of support or objection from me, and only when I have satisfied myself to the issues involved will I write letters into the Council. They do not expect me to say that it is the duty of the Council, or tell them to contact their local Councillor regarding these issues. Many times they have felt unhappy with the response from the Council and they look to me to try to move things forward or to provoke a more positive response and they expect me to be informed.

Many of these activities are extremely time consuming. For example, on one issue alone—an application which has been submitted for a 3.5 million square foot Strategic Rail Freight Interchange at the former Radlett Aerodrome site—I undertook numerous site and associated fact finding visits that included not only seeing where entrances and exits would be, how the views of the Abbey would be affected, which junctions would be impacted, where the site perimeters were etc, but also trying to locate which residents, not near the site but close to the line carrying night freight would be potentially adversely affected who may not realise the threat to themselves. By being informed I was able to formulate my detailed response to the planning application, I could work with the team from STRiFE, a pressure group set up to fight the application, to help find lines of attack and was able to respond to residents all around the site perimeter who all had a multitude of concerns. This planning application has now been resubmitted, and results in me sending out 1200 letters at every stage to residents all of whom I have either met or who have written to me and at the time. Because I am so well informed about the application I can answer detailed specific questions from residents when manning protest stalls, I was able to address the appeal at quite a technical level, and it helped when reporting back to residents from the days I spent on their behalf either at the appeal or during informal discussions with the STRiFE as the appeal moved into different phases.

I always fully involve myself in local high profile planning issues, or even reasonably large domestic ones, if they seem contentious and will always, if it is not a site or road very familiar to me, personally go out to the site to take a look and I will even attend some planning meetings occasionally by dropping in if I am available in St Albans to see how the decision goes. I have gained a reputation for doing this and people regularly ring my office or mobile number asking me to investigate a planning matter on their behalf. I will also seek to be informed of any issue drawn to my attention by post, phone call or through a casual encounter whilst I am out and about. For example, the sudden withdrawal of local ante-natal classes was brought to my attention in such a way whilst chatting to a mum to be in the market. When I was told about this issue I then checked out the situation, undertook some research and challenged the Prime Minister in Prime Minister's Questions, and this has resulted in the classes being reinstated.

For the reasons above, I always try to have some lightly diarised days to give myself flexibility and leave time to do the research I need and formulate my response to the information I have gained.

I always respond to all major consultations such as: Post Office closures, District housing reviews, Citywide Issues and Options consultations, travel route consultations, and the emerging District Local Plans. Clearly, it is impossible to complete a one hundred page multi-option document referring to various specific parts of the district in an informed manner if I had not undertaken in my non diarised time to walk around the various areas etc.

I do not completely fill up my diary to allow time for such research and note taking before I send in comprehensive response or before on planning issues, I decide to add support or otherwise to residents concerns.

Inevitably, because I believe in being freely available to my constituents and well informed on their behalf not all the work that I undertake within my constituency on parliamentary business is necessarily diarised in my paper diaries which I have given details of events from. My paper diary is augmented by diaries kept within my Westminster Office and although I attempt to keep both diaries in synchronisation that is not necessarily possible or necessary. Also, there will be dynamic additions that are just phoned through to me based on requests coming into my Westminster Office regarding constituency issues. For example, there are frequent additions to diary events on the day and people will ring me to see if I can meet up with them at short notice to chat about something of concern. Indeed, just walking about my constituency particularly in the city centre often generates several such encounters. The Muslim community, for example, will frequently see if they can meet informally outside the mosque hours for a chat if I am around. I do not enter these informal short notice arrangements in my diary as they were not pre booked.

Given the fact that the majority of your questions are asked regarding dates over the past three years, it is clearly difficult if not impossible for me to recall every event on every day in light of the alternative but necessary activities I undertake, I can read notes to myself such as "*bring wellies*" or "*take camera*", etc but I do not keep a diary in the sense of making a daily record of everything I have done only what I had planned to do or have committed to as formal engagements. Sometimes, but certainly not always I make a note or mark that I am planning to stay over mostly as a note to self to ensure that my childcare is in order (we have an *au pair* that will cover my husband's occasional absences, but as my husband [...] works from our main home in order to support me this is not often required). I have provided some answers of what I believe occurred and ask you to bear in mind my approach to fact finding, site visits and follow up work. These activities can take up a great deal of time and need to be done in a time appropriate way.

In addition, the time I spend at the flat in St Albans will also cover preparing case work notes or drafting responses for my staff and other parliamentary work that I undertake wherever I can. I do not have my own constituency office, merely limited use of the Conservative Association Area office for which I pay the St Albans Conservative Association.

Responses to queries on specific dates in diary provided

...¹⁵

...¹⁶

21 July 2009

9. Letter to Mrs Anne Main MP from the Commissioner, 23 July 2009

Thank you for your letter of 21 July responding to my letter of 8 July about your overnight stays in your St Albans apartment and some further correspondence from the complainant.

Thank you for the work you have done on the time you spent in St Albans. I will now work through these responses. I will aim to produce a schedule which will summarise your pattern of overnight stays in St Albans, on the basis of your diaries and the further information you have given me. While these are inevitably estimates, I hope we will be able to agree that they provide the best estimate of your likely overnight stays in each of the years in question. I am grateful for your help with this and will write to you as soon as I have completed this work.

[...]

23 July 2009

¹⁵ Not included in the written evidence.

¹⁶ Matter not part of the inquiry.

10. Letter to Mrs Anne Main MP from the Commissioner, 6 August 2009

Thank you for your further letter of 21 July about this complaint. I was most grateful for this additional information.

I have now completed the diary analysis on the basis of the material which you sent me on 21 July. Having now studied your diaries, I consider that they help to support the estimates you have given me of your overnight stays, but given the uncertainties, I do not consider that there are sufficient grounds to add to these estimates the additional undiarysed 20 nights a year which you have suggested. I attach a table which summarises the figures and which I propose to use as a best estimate of your overnight stays in St Albans.

I now consider that it would be helpful for me to approach your daughter, Claire Tonks. I have therefore written to her. When I hear back from her, I shall expect to approach the Department of Resources for their advice.

Thank you for your help with this inquiry.

6 August 2009

11. Letter to Ms Claire Tonks from the Commissioner, 6 August 2009

I am writing to you in confidence to invite you to help me in my consideration of a complaint I have received about the use made by your mother, Mrs Anne Main MP, of her Additional Costs Allowance.

In essence, the complaint is that certain of your mother's claims against the Allowance were not wholly, exclusively and necessarily incurred for the purpose of performing her parliamentary duties.

I enclose a note which sets out the procedures I follow when I seek help from witnesses in respect of particular complaints. As you will see, this letter and your response will be confidential to my inquiry and subject to parliamentary privilege. It should not be disclosed to others. If I decide that I need in due course to prepare a memorandum for the House of Commons Committee on Standards and Privileges, then I would expect to include your response with my memorandum as evidence. That would subsequently be likely to be published by the Committee with any report that it produces. If I decide not to prepare a memorandum, then I would retain your response for my records.

I should be grateful for your help in relation to your use of your mother's flat ... in St Albans. I attach excerpts from your mother's letters which are relevant to your use of the flat. I should be most grateful if you would let me know:

1. The reasons why you stayed in your mother's flat in St Albans from 2006 to 2009; the number of nights you estimate you stayed there for each financial year in the period, how many nights you spent there at a time, how often you stayed there with your mother, and why the arrangement came to an end in May 2009;
2. What costs you met when you were staying at the flat;
3. Whether your stays at the flat were solely for the purpose of undertaking household chores and how regularly you performed them;
4. Why you used one of your mother's car parking spaces even when you were not yourself staying in the flat;
5. How you divided your time between the flat and any other places where you live and work;
6. Whether it is true that as reported in the Daily Telegraph on 22 May 2009, your name appears on the electoral roll for this address, and if so, exactly how this came about, and
7. Why the St Albans address was notified to Companies House on two occasions, how the mistake referred to by your mother came about, and what you did to correct it.

Any further comments you may wish to make to help me with the inquiry would be most welcome.

I would appreciate your help on this. I would be most grateful for a reply by the end of August.

6 August 2009

12. Letter to the Commissioner from Ms Claire Tonks, 18 August 2009

I have tried to answer the questions you have asked me as fully as possible and to the best of my recollection. I have been away on holiday so I apologise for the delay in replying.

Q1 As a family we knew mum was finding living and working away from the main family home for long hours quite tiring and stressful. She was commuting from our main home in Beaconsfield to Westminster every day often returning at 11.45pm at the latest and then spending as much time as she could in St Albans. Because we were concerned about her work life balance, we all wanted to support her and we discussed what we could do. At the time, as now, we had a live-in *au pair* who did the housework in our Beaconsfield home.

She had injured her back very badly and it is still not completely resolved, she finds heavy jobs difficult and importantly does need to get rest.

Because she was finding the busy job of being an MP and the day to day management of the flat in St Albans tiresome to cope with and she asked if I would help out. Obviously I work full time and certainly was not being "employed" as her cleaner but I did feel I could help her out in what ever way she needed which certainly included managing the upkeep of the flat for her and any other occasional chores she might want sorted just as I would at our home in Beaconsfield.

She told me she had checked it out with the Fees Office and that they had told her "*spouses and children*" were OK to be in the second home so I willingly agreed to spend some time in St Albans as well as time in Beaconsfield and in London with my boyfriend. Because I worked in London the commute was not a problem for me if I went from the St Albans address or from our main home to work. I would not have stayed there if I had been told it was not allowable as I had no need to be in St Albans. She was also aware that many other MPs had their children of various ages staying in their second homes so neither of us believed our arrangement was out of the ordinary and neither mum nor myself attempted to hide the arrangement from anybody.

My Mum is extremely busy and works long hours, so I helped her by doing all the necessary household chores in the flat when needed such as; the laundry, bed making, general cleaning up etc, she never had to do those things and always left them for me to do.

Because I can be flexible in my job it meant I could also agree to be present in the flat if Mum needed me to be. So I arranged to be in if she had a delivery such as a replacement washing machine when the one in the flat broke, and I undertook to be present when she paid personally for the flat to have a professional "*spring clean*" which covered tough jobs such as oven cleaning and window cleaning. I also over saw the fitting of a new stair carpet she bought when the old one was way past its best, and sorted out the putting up of curtains etc. I also helped out by doing some decorating with my step dad [...] when he came over to sort out maintenance in the flat.

When I was able to be in the flat I picked up any messages or mail if she asked me to and forwarded it on. I went to collect her dry cleaning, get her heavy shopping and ensured that things were not left mouldering for days on end in the fridge. I was company for her if we overlapped our stays, it freed up her time and enabled her to get on with what she needed to do in St Albans and allowed her time for her paperwork and to frankly get some rest.

Because neither of us were there full time sometimes our stays overlapped, but sometimes I only knew she had been there when I hadn't due to things in the fridge or flowers etc in the flat.

The flat doesn't have any outside space so in the summer I prefer to spend the majority of my time in Beaconsfield as we have a large garden with a swimming pool. All my friends, the rest of my family and my

boyfriend's parents have a house in Beaconsfield so my social life is based there, consequently weekends, were typically spent either in London or Beaconsfield.

I cannot recall how many nights I stayed as I simply wasn't counting. I estimate at its most frequent it may have been that I stayed in the flat a maximum of three to four nights in a particular week, but then some weeks I was not there at all or I only stayed maybe one or two nights to get some things done for Mum. However the time that I was able stay over in St Albans was decreasing to a couple of nights a week at most as I spent increasing amounts of time with my boyfriend who only lives three miles from where I work in London. I had told my Mum that I felt I could not keep up the arrangement for much longer, my own job was getting more time intensive and it was getting difficult for me to travel to and from St Albans to London. I wanted to move in with my boyfriend full time and we wanted to buy a flat together near to where we both work, so it would have also been too difficult financially to then keep going over to St Albans.

As my own circumstances had changed, one or two nights in any week had become the norm. Mum and I had discussed this and she said she would have to get a cleaner and Andy agreed to try and help out more.

The arrangement as I said was coming to an end but it ended overnight due to the media firestorm that engulfed my mum. The *Telegraph* paparazzi surrounded the flat and our Beaconsfield home and I felt frightened and intimidated by it all. I was shocked as did not think that I or she had been doing anything wrong. I was her daughter and I knew it had been OK'd by the fees office. I felt I was supporting her in her role as MP and I knew that she had always been up front about everything. But as a result of the press story my work office was contacted repeatedly by the *Telegraph* and Mum was hounded and we were both worried about our own security. I had few possessions in the flat so it was easy for me to simply pack my overnight bag that very day and go back to Beaconsfield and we agreed that it was what I should do, especially since at the time Andy was away and only the *au pair* was at home in Beaconsfield with my 13 year old brother Alex and she had told us the press was camped out on our doorstep with loads of cameras.

Q2 When I stayed at the flat I bought all my own food, this is especially important to me as I have a health condition, which means I need to balance my blood sugars and am particularly careful about what I can eat. I also used my own mobile for phone calls.

Q3 See answers to Q1

Q4 My car was usually, but not always, left in St Albans because I do not need it in London where I use public transport and parking is a nightmare. I am not a frequent driver, with my boyfriend doing the bulk of the driving in his car in the evenings and weekends, and I could have had use of one of my parent's cars if I had needed it. It was helpful to have use of a car in St Albans however so that I could sometimes drive back to Beaconsfield from the St Albans end if needed, there is no easy train route to do that journey. I used it mostly to go and get the bulky shopping from the supermarket. I used my car very infrequently at best over that period and it is now up for sale as I have no real use for it. In fact it has only done about 4000 miles in the last 22 months.

Q5 I believe I have covered this as fully as I can in other Qs

Q6 I wanted to support my Mum by being able to vote for her if possible. Because I spread my time between three locations she had checked out the web site on registering for elections and it said that it was recognised that people could live at more than one address and may wish to choose where to vote. Because my time was split in varying amounts between Beaconsfield, London and St Albans I nominated to vote in St Albans so I could vote for my Mum.

Q7 The Companies House registration was a complete naive mistake on my part and my mum was totally unaware of it until it featured in the *Telegraph* story. I work for a very small company and instead of a pay rise they had agreed to make me a "director" so I was asked for a contactable address by my boss for some documents, but no mention was made of registering it at Companies House. At the time I was asked I was in St Albans for a few days, so I gave the flat as the address and this address was just carried over by admin in the office for the registration. I didn't know it had any implication and I could easily have said Beaconsfield but since either Mum or I would have popped in and out of the flat fairly regularly at this period it just seemed as easy to say St Albans as a contactable address. This has now been corrected as I notified my company immediately after this error was pointed out that the flat was not to be considered my permanent address and

that the only address that should be considered permanent was my main home in Beaconsfield and they notified Companies House to correct the listing. My other mail such as bank statements, phone bills etc were all still going to Beaconsfield and they still do.

I hope that answers your questions. I should like to point out that at no point did I seek to gain advantage from being in the flat. I thought I was there to help out, live as a family member and support my Mum.

18 August 2009

13. Letter to Ms Claire Tonks from the Commissioner, 2 September 2009

Thank you very much for your letter of 18 August responding to my letter of 6 August about my inquiry into the use of your mother's flat in St Albans.

It was most helpful to have this response. I appreciate that you do not have precise information about the number of nights you spent in St Albans, but, subject to any further points you may wish to make, I propose to proceed on the assumption that you spent between two and three nights a week in St Albans, with three nights more usual at the beginning of the arrangement and two nights in the final year. I understand from you that the arrangement ended in May 2009. For the sake of completeness, it would be very helpful if you could let me have your best estimate of the month in 2006 when the arrangement started.

As I understand it, your evidence is that you acted, in effect, as your mother's part-time housekeeper for the St Albans flat and were there for no other purpose. It would appear, however, that you spent more nights in the St Albans apartment than did your mother. While I note your evidence of the chores you performed in St Albans, it would be helpful to know why you needed to spend so much time there and why it was necessary for you to stay there overnight on so many occasions.

It would be very helpful if you could let me have a response to this letter by 24 September, if at all possible. I am most grateful for your help.

2 September 2009

14. Letter to the Commissioner from Ms Claire Tonks, 10 September 2009

Further to your letter of the 2/09/09.

You ask for a best estimate date of the month when I started staying in over St Albans. My mother had her back operation in the May 2006 and she did not go over to St Albans for a period of several weeks so my step dad Andy and I took the opportunity over the following weeks to do some decorating and organising of the flat over the summer for her. When Mum was fit enough to go back to work in St Albans, and after her summer holiday I started staying in the flat as we agreed on a regular basis. So I estimate that to be from the end of August or early September 2006.

You ask why I spent so much time in St Albans but frankly since I was told that I was allowed to stay in the flat after my mum had checked this out with the Fees Office, I simply sorted out my own business and personal life around the help I had agreed to give her. I certainly did not think I had some time-limited schedule to follow. She felt the arrangement helped her enormously and the flat was always up and ready whether she stayed overnight or used it in the day for working etc. Sometimes she and I would try to overlap purposely in order to have some family time together, perhaps go out for a meal and then our evenings would not have to be taken up with routine household jobs. But I do after all work full time in quite a demanding job. I did not feel any need to rush back late in an evening and get all the chores over and done with, I did them in my own time and at my convenience. My mother told me to stay in the flat when it suited me to do this housework or when she needed me to be there, and that is what I did.

I hope this answers your questions. Please contact me again if you require any further information.

Thanks and kind regards

10 September 2009

15. Letter to the Director of Operations, Department of Resources, from the Commissioner, 3 September 2009

I would welcome your comments and advice on a complaint I have received against Mrs Anne Main MP about her use of the Additional Costs Allowance in relation to a flat in her St Albans constituency.

I attach a copy of the complainant's letter of 9 June; a copy of my letter to Mrs Main of 17 June; a copy of Mrs Main's reply to me of 22 June; my response to her of 25 June; a copy of her letter of 29 June; a copy of my letter of 8 July; a copy of Mrs Main's response of 21 July; a copy of my letter to Mrs Main of 6 August, a copy of my letter to Ms Claire Tonks of 6 August; and a copy of Ms Tonks' reply of 18 August. I attach also a copy of my letter to Ms Tonks of 2 September. I hope it will be possible for you to advise in this matter in advance of her reply.

You will see that in essence the complaint against Mrs Main is that she made claims against the Additional Costs Allowance which were not wholly, exclusively and necessarily incurred for the purpose of performing her parliamentary duties.

I would welcome your comments and advice on this complaint. In particular, it would be helpful, taking account of the rules of the House, to have your views on the acceptability of the Member maintaining and claiming for an apartment in St Albans when her main home is in Beaconsfield, within 20 miles distance from her constituency. I would welcome also your comments on the acceptability of the use of the apartment by Mrs Main's adult daughter, taking account of the fact that she seems to have spent more time there than the Member and that no allowance seems to have been made for her living costs.

Any other points you may wish to make to help me with this inquiry would, of course, be most welcome.

I would be most grateful if it were possible to let me have a response to this within the next three weeks. Thank you for your help.

3 September 2009

16. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 11 September 2009

Thank you for your letter of 3 September to [the Director of Operations]. I am replying on behalf of the Department of Resources.

You ask for our views on the acceptability of a Member maintaining and claiming for an apartment in St Albans when her main home is in Beaconsfield, within 20 miles of her constituency. Essentially the rule was (and is) that eligible Members could claim for overnight stays either at a home within 20 miles of the Palace of Westminster, or at a home within the constituency (or within 20 miles of the constituency boundary). There was never a rule that an additional home in the constituency was not permitted if the main home was within 20 miles of the constituency. Mrs Main was therefore within the rules of the House to claim for an additional property in her constituency while her main home was in Beaconsfield.

You also ask about the acceptability of the use of the apartment by Mrs Main's adult daughter. In the Green Books which were in force from 2005 to 2009, Members were "*strongly advised*" against subletting or renting out any part of a property on which ACA was claimed. (This rule applied also to paying guests.) If they did so, they were required to notify the Department, who would reduce their claims by the amount of their rental income. However, where rent was not paid, there was no rule which governed who might or might not live in, or stay at, a home on which ACA was claimed. I note that Mrs Main has said in her letter to you of 22 June that her daughter made no monetary contribution to the cost of the flat. From this I infer that Mrs Main has never received any income from her daughter for her occupation of the property. Although Mrs Main has

made it clear that she received certain services from her daughter, I am not sure whether this should be regarded as a consideration for her occupation to which a monetary value could be ascribed.

The Green Book made it clear that Members could not claim under the ACA for the living costs of anyone other than themselves. It appears that Mrs Main did not abate the costs which she charged to the House in respect of his daughter's occupation of the property. In my view, it would have been appropriate for her to do so in respect of claims for items, such as utility charges, which could be attributable partly to her daughter's occupation. The question of mortgage interest is a different one since its level was unaffected by Mrs Main's daughter's occupation of the apartment.

Please let me know if we can provide any further assistance.

11 September 2009

17. Letter to Mrs Anne Main MP from the Commissioner, 11 September 2009

When I wrote to you on 6 August, I said that I was approaching your daughter for help with this inquiry and would then expect to approach the Department of Resources for their advice.

This letter is to bring you up to date on the evidence I have received so far, and to invite any comments you may wish to make on it at this stage.

I enclose also a copy of a letter of 6 August to your daughter, together with the extracts from your letters which I sent her; her response of 18 August; and my letter to her of 2 September asking for some further help. I will let you have a copy of her response when I receive it.

I enclose a letter of 3 September to the Department of Resources and a copy of their response of 11 September. As you will see, the Department advise that you were within the rules of the House to claim for an additional property in your constituency while your main home was in Beaconsfield; they raise the issue of whether the services your daughter provided should be regarded as a consideration for her occupation of the property; and they suggest that it would have been appropriate for you to have abated the cost of items which could be attributable partly to your daughter's occupation of the property.

I will need to come to my own conclusion on the advice given on behalf of the Department of Resources. I will do that once I have all the relevant information. In the meantime, I would of course be very grateful for any comments you may wish to make on the Department's advice.

If you could let me have any comments by the end of the month, that would be most helpful. I will then consider whether I need to take further evidence on any of the points raised, whether I need to invite you for interview and whether I should prepare a memorandum for the Committee on Standards and Privileges. I would hope to come to a view on these matters once I have received any response from you to this letter and your daughter's further evidence.

Thank you again for your help with all this.

11 September 2009

18. Letter to the Commissioner from Mrs Anne Main MP, 15 September 2009

Thank you for your letter of the 11 September. I note your correspondence from the Fees Department that refers to my expenses in relation to my second home in St Albans. I also note that you have not yet received the second response from my daughter. She has given me to understand that she responded to you last week, and you should have received her letter by now subject to the limitations of the postal delivery service. I will ask her to re-send her response.

The position as stated by the Fees Office about claiming for the second home exactly concurs with advice I was given at the time which is why I have maintained at all times that my arrangements were completely within the rules.

The advice about who may live or stay in the property is the same as that given to me at the time. Because of the advice that I received I told my daughter it was within the rules for her to stay there and people have always been aware of my situation.

I note the Fees Office's comments with regard to utility bills, which would only refer to gas and electricity since my water is not metered. As I have said, my daughter met her own personal costs on food and phone bills. I would find it extremely hard to assess what, if any, portion of any gas or electricity utility bill I should have considered abating given that I am often there in the day even if I do not stay the night. Sometimes my husband would visit to undertake maintenance, such as fitting a new machines for vacuuming I do not understand how it would be possible to calculate her "*personal usage*" given that the chores would have to be done anyway? In the winter I always have the heating and hot water on a timed switch on for short periods each day to keep the flat aired, warm and ready for my use and this would occur whether anyone was there or not.

I find it somewhat puzzling that the Fees Office questions whether my daughter's help around the flat should be seen as potentially "*receiving services*". As a family we do not regard such mutual family support as "*services rendered*". Her companionship and help were never seen in that light, just as such family help and support is not regarded in that commercial light in our main home where our family members help out when needed. I think most people would think that it would be somewhat strange if charging for a cleaner and claiming that cost from my expenses is regarded as preferable to my daughter acting like a family member and helping out around the house. My husband has also done significant maintenance in the flat but I would not consider those "*services*" rendered either. Nowhere in the Green book is this family support scenario outlined as a matter for consideration, nor was I given any guidance given to that effect.

At all times I tried to work fully within the rules and guidance as set out in the Green Book and with the advice of the fees office. Given the public interest there has been in this matter and the ongoing uncertainty and stress for my family I should appreciate having this resolved in the near future.

15 September 2009

19. Letter to Mrs Anne Main MP from the Commissioner, 1 October 2009

Thank you for your letter of 15 September, which I regret to say only reached my office on 1 October. I can confirm that I have indeed received your daughter's letter to me of 10 September and I hope you have yourself received my office's letter to you of 17 September showing you a copy of her response.

I was very grateful for your comments on the Department of Resources' letter to me of 11 September. I wrote to your daughter on 22 September to thank her for her follow up letter and let her know that I was considering whether I should take oral evidence from her. I suggested I would decide that once I had received your letter. I have now decided that it would be helpful in resolving this complaint if I could take oral evidence from your daughter. I am, therefore, in contact with her to make the necessary arrangements. I may need then to take oral evidence from you. Subject to what may arise in those discussions, I would hope that would then enable me to conclude my work on this inquiry.

I will be back in touch once I have had the opportunity to discuss her role with your daughter.

Thank you for your help.

1 October 2009

20. Agreed Note of Interview with Ms Claire Tonks, 26 October 2009

Present:

Mr John Lyon (JL)

Ms Claire Tonks (CT)

Notetaker

Introduction

JL Thank you for coming in. I am very grateful. I do realise this can be daunting. I will do my best to make it less so. If you would like a break at any time, please let me know.

CT That's fine. I understand.

JL Thank you. I wrote to you on 19 October to set out the procedure and to give you the main areas I wanted us to cover. This is [the note taker]. She will take a note of our discussion and show it to you so you can be satisfied as to its accuracy. It will be reasonably full but will not be verbatim.

The note would be included with any memorandum I decide to submit to the Committee on the complaint and you could then expect it to be published with the Committee's Report.

May I emphasise that this inquiry is not about you. It is about whether your mother was within the rules of the House in the way she used the St Albans flat. You are here to help me with that inquiry, and I am grateful for the evidence that you've already given and for coming here today.

Are you clear about the process and ready to begin?

CT Yes.

The Facts

JL Can I first summarise what you have told me?

You stayed in your mother's flat in St Albans from about August or September 2006 to May 2009 for a number of nights most weeks.

CT Yes.

JL You initially stayed an average of three to four nights a week, but this decreased to one or two nights a week towards the end.

CT Yes.

JL You stayed overnight in order to help with chores and to be a companion to your mother.

CT Yes.

JL You undertook a range of tasks, some requiring you to be at the flat during the day; others you did after work in the evening.

CT Yes.

JL You usually left your car in St Albans because the parking space was available and you used it mostly for shopping trips, or sometimes so that you could drive back to Beaconsfield.

CT Yes.

JL You gave the St Albans address to your boss but did not know it would be used on the directors' registration form sent to Companies House.

CT Yes.

JL Is that a correct summary of what you have told me?

CT Yes, that is correct.

Start of the arrangement

JL May I ask you now how the arrangement started?

CT I am not sure exactly when in 2006 it started. My mum was finding it difficult working the hours she did and splitting her time between St Albans and Beaconsfield. She always liked to come back to Beaconsfield at night. She said it might be nice for me to spend some time in St Albans and help out in exchange for being able to live there.¹⁷

JL Is it right, as your mother suggested, that this was her idea?

CT Yes, it was her suggestion.

JL You say in your letter of 18 August that "we discussed what we could do" to help your mother. Who did you discuss this with?

CT Well, my stepdad was also concerned; my mum hadn't been feeling well.

It just seemed like a nice thing for me to do.

JL Did you have any idea then of how much time you would spend there or how long this arrangement would last?

CT Not really. It wasn't anything we discussed. It was supposed to be a flexible arrangement.

My mum didn't always know if I was there any more than I knew if she was there.

JL Your mother has said it was intended to be a temporary arrangement. Was that your expectation?

CT I have a feeling we expected it to be for a few nights per week. I never wanted to spend too long there. If my mum was there I hoped we could go out for dinner or go to the pub or have supper together. But if I had stayed at St Albans I would have had no social life. I would have been on my own. I never wanted to be there full time.

JL How long did you expect it to last?

CT Well, my mother knew that my boyfriend and I wanted to buy a house. So as soon as he got a base in London I wanted to move in with him. He lives three miles from my office. I wanted to be there. I didn't want to be at St Albans.

JL Why was it intended to be temporary?

CT Well, it was always going to be temporary, my living at home after I had gone travelling. I moved back home to get on my feet.

JL In fact the arrangement lasted three months short of three years and was brought to an end by the media coverage.

¹⁷ Ms Tonks commented in an email of 30 October "I feel the word 'exchange' suggests a more formal relationship than existed. There was no consideration of a transaction which this word implies, I was simply supporting my mother."

CT Yes. It lasted longer than I had thought it might. I hadn't really mapped it out.

How it worked in practice

JL Let me now turn to how this arrangement worked in practice. Was it, as I understand your evidence, a weekday arrangement? That is, you did not stay there at the weekend?

CT Yes.

JL Were there times of year when you were at St Albans more or less than others?

CT I spent more time in Beaconsfield over the summer because there was no garden in St Albans. There were periods of time when I spent more time in St Albans than in Beaconsfield purely because of what was going on with my mum.

But overall I spent more time at Beaconsfield in the summer.

JL Did you usually commute between the flat and your work in London?

CT Yes. The journey was marginally shorter from St Albans, but both journeys were about one hour.

JL Did you have a season ticket?

CT No, I bought daily tickets.

JL You say in your letter of 18 August that you had only a few possessions in the flat. Where then did you keep your clothes for work?

CT I had a wardrobe in the flat and in Beaconsfield as well. So I had clothes in both places. My mum kept items such as a hairdryer there.

When I came to St Albans I would bring some things with me, but I also washed and left some clothes there.

JL Did you have any other possessions there—books, work things, laptop, pictures or any other personal items?

CT Yes, I had a laptop that I would generally keep there because we had a computer at the family home. I kept a couple of books there too.

In terms of personal things I had a couple of family photos but not much else.

JL Did you decorate your room as you wanted it?

CT No, I left it as it was.

JL Roughly how often were you there during the day to open the flat for maintenance and deliveries?

CT A handful of times.

I am lucky with my work, that I can work from home during the day, if my project allows.

Occasionally on a Saturday I might be in if my mum was in the High Street.

For things like the delivery of the washing machine my mum might ask me to be there only if my stepdad couldn't be there. It would be unusual.

JL How often did you go shopping for your mother?

- CT I would go shopping for groceries for both of us. I would go to the supermarket for bread and milk because she would like me to have those in the house. And I would keep the fridge stocked with microwave meals. I would do this on a weekly basis.
- JL Did you shop during the day or after work?
- CT Usually I would stop off at a supermarket on my way home from work.
- JL Your mother's evidence is that she was in the flat just over one night a week. Did your mother eat out on any of these nights?
- CT It depends. Normally she would have either an appointment starting about 9pm or she would get back very late and she would want something light to eat when she got in.
- There was no routine to her diary.
- JL Does that suggest there was not much need for a large shop, for her at least?
- CT I was trying to help her in small ways at least. In my job I don't get home until 8 or 9pm so perhaps we would have a pub dinner or something.
- JL Can I now ask you about your cleaning duties? I understand it is a two bedroom flat. How many other rooms does it have?
- CT There is an *en suite* bathroom attached to one of the bedrooms, a lounge and kitchen.
- JL How often did you clean it?
- CT I cleaned as and when needed. It wasn't heavy duty cleaning, just running the vacuum cleaner around to keep it looking nice.
- JL Why was a professional spring-clean needed for it as reported in your letter of 18 August? Did it gather a lot of dust?
- CT Not really. But my mum is more particular than me. That is why she had the deep clean.
- JL Did the flat get heavy wear?
- CT Well, in her mind it all looked a bit grubby.
- JL Did anyone else, apart from yourself or your mother, stay in the flat?
- CT My stepdad stayed a couple of times. And my boyfriend stayed a couple of times. I asked my Mum each time if he could, and she said it was alright.
- JL You say you sometimes stayed overnight, when your mother was there. How often did that happen?
- CT I don't know. She liked to go back to Beaconsfield at 10.30 or 11pm when the M25 cleared. She was at the flat more frequently than she stayed the night.
- JL Why did you need to be there three nights a week to support her when she was there on average only one night a week?
- CT My mum didn't suggest spending time there so I could do the cleaning. I wasn't there as the cleaner. It was to make the place more lived in.
- We both thought it was okay for me to be there. We had no reason to think otherwise. For me it didn't make much difference where I lived. But my mum liked the flat feeling lived in.

JL Do you think you got any benefit at all from the arrangement? Please take your time to think about your answer.

CT I suppose I got a benefit in the same way as I got a benefit out of anything at home. I am lucky to be able to live at home and I used it as an extension of my home.

JL What would you say to the suggestion that here was a chance for you to have a place largely of your own rather than live in your mother's house in Beaconsfield?

CT That wasn't the point. It did feel quite nice to have some peace and quiet some times but that wasn't the reason for being there. It was a natural consequence of my being there.

End of Arrangement

JL Can I now turn to the final period of the arrangement? You say the number of nights you spent there dwindled from three to four to one to two a week. Why was that?

CT My boyfriend moved to east London. I work in east London so I started to spend all my time with him then.

JL When was that?

CT About a year and a bit ago. His job had moved to Buckinghamshire in the autumn of 2007 and I was spending a lot of time there. Then he moved to London, and I pretty much started living full time with him.

JL So when did you start spending less time in St Albans?

CT It tailed off from October 2007. I was still spending some time there but it was tricky to be there very much.

JL What impact did this have on what you did for your mother?

CT Well she was aware that I wanted to spend my time with my boyfriend and that we wanted to get a house together.

JL Would this not suggest you could have undertaken those duties staying, say, only one night a week?

CT Yes, but we wouldn't have had time together.

Voter Registration

JL Can I now ask you about your voter registration? Why do you think it is reasonable to vote in a place where, on the basis of what you have told me, you were not really a resident?

CT My mum advised me that because my time was split I could choose where to vote. I wanted to vote for my mum, so I registered in St Albans.

Companies House Registration

JL And finally, may I ask you about your registration with Companies House? You say in your letter of 18 August that you were asked by your boss for a contactable address for some documents, but no mention was made of registering "it"—by which I assume that is your address—at Companies House.

I am having trouble reconciling that with the registration form 288A which is here and which I sent you with my letter of 19 October. As you will see, you signed that form on 7 March 2008. It is a single sheet of paper. Did you notice the address above your signature was the St Albans flat? And that the form asks (in bold in the margin) for your "usual residential address"? Were

you not confirming in signing this form that this was your usual residential address?

CT My boss is prepared to vouch that she asked me to give the address to be used for documents in case the company got into trouble. So I gave the St Albans address. At the time I was spending time at the flat. That is where I was, so I gave that address to her; it was where I was best contacted for documents.

I now think I shouldn't have done that. It was only when the *Telegraph* got hold of it that I thought about it. All my bank and other documents went to Beaconsfield.

JL But when you signed it, in March 2008, the time you spent at the flat was reducing. Why did you think that was the best address to use?

CT I still spent quite a few days at the flat. It was just one of those stupid things.

JL But did you not notice that the form asks you for your usual residential address?

CT I hadn't looked at it. I don't recall. I didn't feel any reason not to use the address.

JL But your usual residential address means where you usually live. Did you notice that you were asked for your usual residential address?

CT I could have given either address. I can't recall reading "usual residential address". I didn't pay enough attention to the form.

JL Thank you. Are there any other points you would like to make?

CT No.

Conclusion

JL Thank you for your help. [The notetaker] will now prepare a note of our discussion and send it to you so you can comment on its accuracy.

As you know, you can expect the note to be included with any memorandum I will prepare for the Committee and if I do so, it would subsequently be published with the Report.

Thank you again for coming in.

Interview concluded at 3.25pm.

26 October 2009

21. Letter to Mrs Anne Main MP from the Commissioner, 2 November 2009

I am writing to ask you for some final information in preparation for our interview about this complaint in respect of your ACA claims on your St Albans flat.

Our meeting had been provisionally planned for 9 November, but for the reasons which follow, I think I will now need to put it back a little. This is because I have been reviewing the evidence you have kindly provided to me in the light of your daughter's evidence. I enclose a copy of the agreed note of my interview with your daughter on 26 October. I was most grateful for her assistance.

I see that I do not seem to have received some of the information which I asked you for in my letter of 17 June and which I do need to have before we meet. The outstanding information which I need is as follows:

1. Your estimate of the number of nights you spent in the apartment in 2005–06, together with any evidence including diary entries on which you rely for this information. With your letter of 22 June you kindly supplied me with information about the years from 2006–07, but I do also need the information relating to 2005–06.

2. Details of the claims you made for food in each financial year, and how you explain the amount claimed against the number of nights spent in your flat. I attach a note of your food claims for 2005–06 to 2007–08, based on your published claims. I would be grateful if you could confirm that these are correct, and supply equivalent figures for 2008–09 and 2009–10.

I have asked the Department of Resources to clarify the rules on food claims in the light of your letter of 22 June. I will send you their advice when I receive it

You may wish also to note the Tenth Report of Session 2008–09 of the Committee on Standards and Privileges in the case of Mr McNulty (HC 1070), which I believe is relevant to my consideration of this complaint. It is available to download from the parliamentary website.

I hope you might be able to let me have a response to this letter within the next two weeks.

In the meantime I will ask my office to agree with you a new provisional date for our interview.

Thank you for your help with all this.

2 November 2009

22. Letter to the Director of Operations, Department of Resources, from the Commissioner, 3 November 2009

This is just to confirm the conversation my office had with you yesterday about the interpretation of the rules on food claims against the Additional Costs Allowance. This relates to the complaint I am considering against Mrs Anne Main MP in respect of her ACA claims for her St Albans flat.

I copied to you on 3 September the evidence Mrs Main had given me about the food claims which she has made. This was included in the attachment to her letter to me of 22 June. The question on which I need your help is whether Members' food claims under the rules should be made only for food consumed when it is necessary to stay overnight away from their main home in their residence funded by the Additional Costs Allowance, or whether it is permissible for them to claim for food consumed when they are spending a night away from their main home, wherever its location.

I would be very grateful if you could let me have this guidance within the next day or so, so that I may pass it to Mrs Main in advance of my interview with her.

Thank you for your help.

3 November 2009

23. Letter to the Commissioner from the Director of Operations, Department of Resources, 11 November 2009

Thank you for your letter of 3 November about the above case. You are seeking clarification of the rules on food claims against the Additional Costs Allowance.

My interpretation of the position is that Members whose main home is neither in the constituency nor in London can receive an allowance in respect of expenses incurred for overnight stays in London or overnight stays in the constituency. This means that there is choice as to whether to establish an additional home in the constituency or London, but having exercised that choice the expenses incurred must be at that location, or en route to that location, for them to be claimable. So, for Mrs Main her food expenses must be in relation to costs incurred in St Albans where she had her additional home. The costs must also be associated with an overnight stay. On this last point, if asked, we would interpret this such that the food purchases could be either

side of an overnight stay (i.e. stayed overnight Monday; food purchase for which the costs were allowable would be either the Monday or Tuesday).

One point I would make in this context is that both the Resolution of the House on ACA and the Green Book are somewhat opaque. Mostly Members would refer to the Green Book, which on the question of food claims in July 2006 said

"3.13.1 Examples of expenditure allowable under the additional costs allowance

- ***Other food***—*reasonable additional costs while you are away from your main home"*

I think it is possible for a Member erroneously to infer from the text of the Green Book the notion that food is claimable when he or she was away from their main home providing the costs were necessarily incurred for the purpose of performing his or her Parliamentary duties. Paragraph 3.2.1 of the Green Book (Eligibility) would also give this impression if read on its own, although it is clear here that it would have to have been in conjunction with an overnight stay.

11 November 2009

24. Letter to the Commissioner from Mr J P Harper, 6 November 2009

I apologise if this letter covers ground already addressed in previous correspondence, but I felt it necessary to attempt to counter any arguments Mrs Main may be making to justify her use of public funds.

In her most recent Press Release dated November 5 (attached) Mrs Main makes a vacuous statement that *"My flat in St Albans has proved extremely useful in my role of serving my constituents, maintaining close contact with residents and attending up to 200 events a year in the constituency"*.

I would argue that Mrs Main's property purchase was a property speculation, not a pre-requisite for fulfilling her perception of her role as an MP. If it were not a personal financial speculation, she had no valid reason I can think of to change from renting it or a similar property at a lower cost to the taxpayer, as I understand she did when first elected.

As she has the use of other taxpayer-funded premises for constituency surgeries and meetings I can only surmise that she argues she finds it personally convenient to stay in her flat overnight after late- night constituency events.

The arithmetic of the choices facing her in this situation is simple:

Cost of charging the taxpayer for a flat and associated costs = £22,000+ per annum, on average.

Cost of an overnight B&B stay in the hotel next door to Mrs Main's flat = £80 (max) x 100 nights = £8,000 per annum. The cost of the hotel has been checked with them. She would then have to justify the expense as being 'reasonably necessary' because of some specific difficulty in travelling the short distance to her main home.

Cost of charging expenses for a 35 minute, 25 mile taxi journey back home times a (generous) average of 100 late evening events per annum = £50 x 100 journeys = £5,000. The taxi fare figure has been checked with the main taxi firm in St Albans. Perhaps she thought such a cost was not a valid claim under Green Book rules because it is simply a short commute home??

Cost to the taxpayer of driving herself home, like any other commuter—Nil

By her own admission the number of nights Mrs Main spent overnight in St Albans is much less than 100, so the cost of her ACA claims at three or more times the cost of perfectly acceptable alternatives fails the tests of value for money and reasonableness contained in the Green Book.

The Kelly Report has determined that the St Albans constituency is "*within reasonable commuting distance*" of Westminster, and has sensibly recommended the stopping of ACA claims for London properties for those representing constituencies that fit this description. Mrs Main's main home is also within 'reasonable commuting distance' of St Albans city—it is as near St Albans as St Albans is to Westminster—so any

justification for buying a second home at public expense in the constituency in which she already lives must surely fail all tests of reasonableness and necessity and conformance with the Green Book rules.

I hope that you will take these points into consideration in your adjudication (if you have not already done so).

6 November 2009

25. Press Release from Mrs Anne Main MP, 5 November 2009

Responding to the publication of the Kelly Report on MPs' expenses, Anne Main, MP for St Albans said:

"My flat in St Albans has proved extremely useful in my role of serving my constituents, maintaining close contact with the citizens of St Albans and attending up to 200 events a year in the constituency.

"Obviously, we all need to digest the detail of the report which will go before the Independent Parliamentary Standards Authority for scrutiny and fine tuning. I will of course comply with any new regulations which come in to force and within the time scales as they are set down. I do not employ any members of my family so will be unaffected by any detailed recommendations on this aspect.

"At this stage, all I can say is that it is my firm intention to keep a base in the city as I believe it is the only way I can give my constituents the level of service and commitment they require and I will also continue to commute using public transport. Whilst we are fortunate, we are not a wealthy family, so as a family we will have to give careful consideration as to how we will be able to do this, but I will fully comply with the rules as they are laid out."

5 November 2009

26. Letter to the Commissioner from Mrs Anne Main MP, 11 November 2009

I am disappointed that my meeting of the 9th November has been cancelled as I feel that this prolonged timescale is very stressful to myself and my family and potentially takes any decision on this matter extremely close to the announcement of the next election which is of concern.

Question 1

As you will be aware prior to my election I had neither a home in the Constituency or London. I did not have a home in St Albans before the flat was rented from [...] from 10th June 2005. Consequently, despite health issues, I had to spend a significant amount of time on long and tiring commutes between those two places and my family home in Beaconsfield, whilst carrying out parliamentary duties and constituency duties.

The flat was let unfurnished by [...] and it took a few weeks allowing for purchases and delivery of key items such as the beds and sofas for me to move in fully. However I did manage to have a degree of occupancy from around the 17/06/05 when I used the flat as a base for getting changed, having a meal, catching up on paper work between engagements etc.

I have done my best to try to give details of my formal diary commitments, despite a long period of time elapsing, See Table 1.¹⁸

But I find it somewhat unreasonable that I am being asked to try and prove where I am at all times. As an MP, particularly in a marginal seat I am expected to be seen out and about by my constituents, to live and spend time with them. I also value having spaces/flexibility within my diary to speedily agree to pop in to view issues, or agree to meet up with individual constituents, often at very short notice, not always written down, and all of this is part of my role as the MP. I know that having discussed this matter with colleagues, many of whom base themselves full time in London, that the frequency of use of my constituency home whilst on purely official diarised duties is typical or even in excess of many. It is clear that other Honourable Members also

¹⁸ Not included in the written evidence.

spend time simply being in their constituencies and being part of the community and expect their family to be able to do likewise. This is all a vital part of community engagement but is difficult to "prove". I continue to maintain that my use of my flat is more frequent than my business diary confirms, both on number of nights spent and also day visits.

As I have previously stated, diary engagements cannot and do not reflect the only times I spent in my flat in the course of my role as the Member for St Albans. My presence in St Albans is indeed expected as part of my role as MP and as a member of the community. I use my flat for getting changed and ready for different events, having meals, resting and working all of which are vital for me to deliver a good service to St Albans. I have undertaken an average of at least 200 official engagements per year. Apart from holiday weekends there are very few weekends a year where I am not engaged on the Friday evening, the Saturday or the Sunday. My office records show I have contacted and dealt with over 18,000 separate constituents, some on multiple issues that have been raised by them. (This does not include any of the "standard communication letters" as that would cover my whole constituency.) Being an MP is not a "family friendly" 9 to 5 Monday through Friday it is often a 7 day per week job with long hours and I pride myself in the diligence that I apply to it.

I had a serious fall and injury in Feb 2005, which resulted in a total severance of my anterior cruciate ligament, and damage to cartilage in my right knee. It also transpired that I had a herniated disc in my back a result of the fall but it took a year of severe pain and progressively worsening symptoms for that positive diagnosis of my condition and it resulted in the major operation on my back in May 2006. I still suffer periods of severe backache, which makes prolonged standing difficult. My numerous engagements and these health issues meant that I found my flat vital in order to help me be able to carry out my duties and as I have previously stated I used my flat regularly in the day well as staying overnight.

You may wish to consider the question as to where I was supposed to be in between engagements, where could I work and catch up with paper work, how was I supposed to rest with my back if I had nowhere to go and how was I supposed to get changed or showered if I needed to?

This is why regardless of the new regulations that may now come into force under the Legg review I shall have to maintain a base in St Albans as I cannot have my main home in my constituency. We are a fortunate but not a wealthy family and it will not be easy to do this. I already commute into London, routinely getting back to our main home at 11.45 pm on Mondays and Tuesdays and 8.45 on Wednesdays and Thursdays. I sit on three committees and often have a 9.15 start which means I catch a train at 7.10am so to spend the other days of the week commuting on the M25 at all hours and living out of my car is not reasonable or possible.

As a woman with a husband whose own life and work was not centred in the constituency and with a young child at school the triangulation of maintaining my role in all three areas is quite difficult and not family friendly but it was made easier with support from my family.

At all times I consulted the DFA for advice and guidance. I consider myself a law abiding citizen who as a new Member of Parliament was anxious to ensure that I fully complied with any rules and regulations surrounding the use of resources. As I have previously stated, to ensure I was fully complying with the rules, I rang up the DFA for advice and guidance about any of my arrangements before I made any of them. I accept that now that advice and guidance is being questioned but I wish to draw your attention to the note in the front of the Green Book April 2005 and June 2006 which was in force and continued to be in force until March 2009 which clearly states:

"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. In cases of doubt or difficulty about any aspect of the allowances or how they can be used, please contact the Department of Finance and Administration (DFA). The Members Estimate Committee, which I chair, has recently restated the Department's authority to interpret and enforce these rules. "

I fully complied with that firm ruling that it was the Department's views and authority I should seek and comply with. Consequently I sought advice on my eligibility for renting/ purchasing the flat and my daughter's presence in the flat, if I had not been given that guidance, I should have had to consider my options. In my discussions at the time with the DFA I queried if the of the age of my daughter was relevant and I was informed that it was within the rules for my daughter to live or stay in the second home as a non renting family member. In your letter to me of the 18th June you yourself pointed out the introduction from

the Green Book and its injunction to seek advice on the rules and their interpretation and I am sure you would therefore have expected me to take note and abide by its advice at the time, as I have done so on all occasions.

I note your comments that you consider that the case on Mr McNulty's household may be relevant in some way to your consideration of my situation. I strongly maintain that this is not and should not be the case. His case appeared to centre on his parents, complete I assume with their possessions, living full time in his second home since at least 2001. It appears they were treating it completely as their own home, which Mr McNulty visited from time to time and which they had no intention of leaving. It is only reasonable to assume that they over a lifetime would have had and maintained at their own expense a separate household. If the house, funded by the ACA, had been sold by Mr McNulty logically it would have meant they were then homeless and so needing to take up accommodation at their own expense and move all their possessions elsewhere.

My situation is very different:

- My daughter Claire has always lived at our main home in a continuous fashion as part of our family unit, except for the term times spent away as a student in [...] before graduating in 2004.

After graduation Claire had, whilst living at home, undertaken a short period of work experience at [...] with my husband, before travelling as planned with a student friend to Australia in April 2005 for 4months. She then returned to our home to take up her current full time position with Kids Industries. At no time has she left to form her own household nor was she expected to do so. Our family home was also home to her younger sister and her younger brother and, until 2006 her older brother [...] as well. There was and is no time limit on my children being able to stay at home. We are a close knit family, with a home large enough to accommodate everyone comfortably and in this day and age having such a family with older children still at home, particularly around the South and East, is perfectly usual. I do not see any guidance from the DFA which suggests that after a certain age older children must either leave, not use or must be seen to contribute to the second home and as I stated I clarified this with the DFA when I requested their guidance.

- My daughter did not live in St Albans full time, nor was she going to, in fact her time spent there diminished. When my daughter was not in St Albans or visiting her boyfriend she could and would at any time return to our main home where her possessions, the majority of her clothes and our pets, including her own cat Min were. Her large en suite bedroom in our main home was decorated and personalised by her, her mail was delivered there and her friendship group was centred there. Other than her involvement with me as her mother her life and work were not centred in any way on St Albans, nor could she do anything in the flat without my permission, where as our main home she treated as and regarded as her home and like her siblings could do as she pleased.

- My daughter did help me in various small ways by spending time in St Albans as a family member, but I particularly wanted to have some family time, support, and occasional companionship, which is why I checked with the DFA if this was permissible before proceeding. If it had been my husband, rather than my daughter, who had spent time in the second home, such as for example the spouses and families of other Honourable Members, including the Hon. Member for Redditch, I do not believe it would have been the source of such comment. But unlike the Hon. Member for Redditch whose family, appeared to have lived full time in the second home when the Minister was "away" living in the main home and who could not possibly lived in the designated main home, namely a single bedroom in her sister's home, my main family home truly was a family home with all my children living in it. In my case, my husband supported me in my demanding role as the Member for St Albans by giving up full time work and working from our main home in order to look after our youngest son [...]. He carried out many of the parenting roles that as a mother I could no longer fulfil due to my busy scheduling and long work hours on behalf of my constituents. My daughter was there in St Albans as my daughter and part of my family, there was no additional cost to the taxpayer for my daughter to be there for a few days at a time in order to support me and I maintain it was fully within the rules and interpretation of the rules as confirmed by the DFA in their response to yourself and given to me at the time.

Question 2

I have no details of food receipts for the periods in question nor was I required to have them. In St Albans my daughter at all times paid for her own food and I paid for mine when I was there as I have previously made

clear. The costs claimed reflect those for my own meals, beverages (non-alcoholic) and food purchased and eaten away from my main home during the course of my duties.

May I draw your attention to the Green Book rules section 3 covering this : OTHER FOOD

"reasonable additional costs while you are away from your main home". As has been proven by my extensive work schedule in St Albans and taking into account my parliamentary duties, other than going to sleep, I spend very little time actually in my main home particularly at any family meal times when the House is sitting. I need to eat at reasonable meal-times which for me therefore means eating meals outside our main home.

Please note that the actual sum claimed in 2007/2008 is incorrect and has since been corrected although the figures that you have referred to do not, as yet reflect this. The true figure is £3300. I noticed an error in the spreadsheet that I use for expense reconciliation. I contacted the DFA in 2008 and made them aware of it, but it took a while for that payment to be repaid as the cheque was not received and cashed. Because the Fees Office does not always send out receipts we were unaware of the situation for some time.

The actual repayment was made in 2009 as the previous cheque that had been sent in was lost in the system and I only noticed that it had not been cashed when my husband and I were reconciling our bank statements for end of tax year 08/09. Thus a second new cheque was re-presented in person to the Fees Office, dated 17th May in the tax year 09/10 to be set against the 2007/08 figure. However as you will see in order to answer your enquiries I now have had to request a receipt to confirm this (dated 10/11/09) because as on the previous occasion they had not sent a receipt to acknowledge the second payment either.

You asked for food claims for 2008–09 and 2009–10

Between 5th April 2008 and 20th May 2008 I claimed £300. I then took a personal decision not to claim food after this date although clearly I have still incurred significant daily costs for eating away from my main home since. (The recent subsistence allowance of £25 per day at Westminster was to allow for meals away from the main home but I have also not claimed that. Neither did I choose to claim for cleaners, routine maintenance, decorating and indeed family travel costs.)

I hope that you now have all the information you require to proceed in this matter. The original complaint focussed on my actually being eligible to claim for a flat and on whether or not I should have allowed my daughter to spend time in the flat. However that has been expanded in your letters to me into asking me to account for my engagements within St Albans over the last four and a half years including my use of the flat and food eaten during that period of time.

In your correspondence with me on June 18th I note you drew my attention to the Speaker's introduction, on the department's authority in guidance and interpretation of the rules in the relevant Green Book, which has, as it appears you would have expected of me, been pivotal in my decision making. I am aware that the Fees Office, in their letter to you, confirmed that it was within the rules for me to claim for the second home and that there was no ruling which prohibited who could stay, or live in the second home.

I have at all times tried to assist you with these enquiries.

11 November 2009

27. Letter to Mrs Anne Main MP from the Commissioner, 12 November 2009

Thank you for your letter of 11 November responding to mine of 2 November in which I ask for information about your overnight stays in 2005–06 and for your food claims for 2008–09 and 2009–10.

I was most grateful for your response on your overnight stays. I recognise the difficulty of identifying overnight stays from some years ago and I had asked for your best estimates for 2005–06. I have noted all the points you have made in your letter, and the summary of your diary appointments for 2005–06. I am most grateful for these. As you yourself recognise, they do not, of course, provide the basis on which I can estimate how many nights you were in St Albans over that year. I will need, therefore, to rely on your estimates in your

letter of 29 June 2009 that you spent between one and two nights a week in your St Albans flat. I have, of course, noted your wider points about your use of the flat and we may touch on that again when we meet.

Your letter of 11 November states that you rang up the DFA for advice and guidance about your arrangements before you made them. I note that you said in your letter of 15 September that you were given advice at the time about who may live or stay in your property. I am assuming, therefore, that this conversation took place with the DFA shortly before August 2006. You also noted in your letter of 22 June that you consulted the DFA about the purchase of your flat. If you had any further details of these conversations—including the dates, and who you spoke to, that would be helpful. In any event, I am asking the Department of Resources whether they have any record of these conversations.

Thank you, too, for the additional information about your food claim for 2008–09. And thank you also for the information about the error in the figures for 2007–08. I attach a revised schedule which I hope is now accurate.

I mentioned in my letter to you of 2 November that I was asking the Department of Resources to clarify the rules on food claims in the light of your letter of 22 June. I enclose a copy of the letter to the Department of Resources of 3 November and their response of 11 November. You will see that they interpret the rules as requiring food claims to relate only to food costs incurred by the overnight stays in the home for which the Member is making an ACA claim. If you wish to let me have a written response to this advice, then I would need it before we meet for our interview. Alternatively, you may wish to respond to it at the interview. Either way, it would be helpful if possible to have an indication of what proportion of your food claims related to your overnight stays in your flat in St Albans.

I well recognise the stress which this inquiry is unavoidably causing. I have done my best to minimise it, but I do recognise that inquiries of this sort put Members and their families under considerable pressure. I am very sorry that it was not possible to have our interview on 9 November as initially provisionally arranged. But I hope you will understand that it was necessary for me to make sure that I had all the information I had initially asked of you so that I could, following our interview, conclude my work on this complaint. It would not, in my judgement, have been prudent to have held the interview and then to have found some loose but important ends.

I have noted your point about the scope of the inquiry. In response, I can only refer you to the complainant's letter of 9 June which identifies the following issues:

1. the proximity of your main home to your constituency in St Albans;
2. the cost of your stays in St Albans given the number of nights you were reported to have spent there;
3. permitting your daughter to live rent-free in the St Albans flat;
4. claiming a second home discount on the council tax, even though your daughter allegedly lived there;
5. the size of your food claims.

I believe that my questions about the number of nights you have spent in the St Albans flat are relevant to the second part of the complainant's letter; and those about your food claims are relevant to the last part.

I hope that this has helped clarify the position. I am asking my office to arrange a time for our interview which is convenient for you and which I hope will mark the end of this inquiry.

12 November 2009

28. Table showing Mrs Anne Main MP's food claims 2005–06 to 2008–09

Financial year	Total food claims (£)
2005–06	3,119
2006–07	3,300
2007–08	3,300
2008–09*	300

*Note: Mrs Main has said (WE 26) that she decided not to claim for food after 20 May 2008.

2 November 2009

29. Letter to the Director of Operations, Department of Resources, from the Commissioner, 12 November 2009

I would welcome some further help from you on the complaint against Mrs Anne Main MP in respect of the use of her St Albans flat.

It would be very helpful to know whether the Department has any record or recollection of conversations which Mrs Main reports that she had with the DFA about her arrangements. You will have her previous letters to me on your file since I sent them to you on 3 September, but I now enclose an additional letter of 11 November which has prompted this request

As you will see, Mrs Main has reported that she consulted the DFA for advice and guidance about her arrangements. I attach a schedule summarising the relevant references from her evidence. It would appear there were two occasions when she sought the advice of the House Authorities. First, sometime in 2006 when she was considering buying her flat; and second sometime before August the same year when she was considering allowing her daughter to stay in the flat.

It would be very helpful to know whether the Department has any record of these conversations and to have any comments you may be able to make on these two exchanges and the terms in which Mrs Main recalls them having been conducted.

Any other comment you may be able to make about these reported conversations would also be helpful.

As you know, I am now bringing this inquiry to a conclusion and I will be interviewing Mrs Main shortly. It would be very helpful, therefore, if you could let me have a response to this letter within the next two weeks.

12 November 2009

30. Letter to the Commissioner from the Director of Operations, Department of Resources, 17 November 2009

Thank you for your letter of 12 November in which you asked whether any records were held on conversations with Mrs Anne Main about her ACA. Specifically, you wished to know whether she sought advice on the partial occupancy of her flat by her daughter.

I can confirm that no such record is held by the Department. However, it is also the case that only a minority of calls are documented on our logging system, mainly those which sought substantive advice. Whilst I would have expected, therefore, Mrs Main's enquiries to be reflected in a record of some sort, I cannot rule out that it simply was not recorded by staff at the time.

In this context, I would wish to make two further points. First, Mrs Main is of the 2005 intake and I recall that she attended the induction process for new Members shortly after the election. At this election Members received comprehensive briefing about the Parliamentary allowances and they were alerted to the need to seek guidance when in doubt about the Green Book rules.

Secondly, my own view, shared by my senior managers here is that the advice Mrs Main says she received could not be ruled out. It has always been an arguable point about the interpretation of the Green Book in respect of children, including young adults, living with their parents in an additional home. An interpretation given in 2009 is very different from what might have been advised in 2006. It is my belief that had Mrs Main put the basic question and issue to one of our helpline staff she might well have received the answer she has offered to you in evidence.

17 November 2009

31. Agreed Note of interview with Mrs Anne Main MP, 30 November 2009

Present:

Mr John Lyon (JL)

Mrs Anne Main MP (AM)

Friend of Mrs Main

Notetaker

JL Thank you for coming in. And I'm grateful to your friend for accompanying you today. This is [the notetaker]. She will take a note of our discussion and show it to you so you can comment on it and so that you can be satisfied as to its accuracy.

The note will be included in the memorandum I will submit to the Committee on the complaint and you can expect it to be published with the Committee's Report.

You have had my letter of 3 November in which I set out the main areas I wanted us to cover. Other matters may arise during the course of the interview.

Are you happy for me to go ahead?

AM Certainly.

The facts

JL Can I first confirm the facts? When you came into the House in May 2005, you rented your St Albans flat. You then bought it from your landlord in November 2006.

AM That's right. I did look this up for you.

JL Thank you. From August or September 2006 until May 2009, at your suggestion your daughter Claire Tonks stayed in your flat during the week. Your daughter did not pay you rent. Your daughter initially stayed there three to four nights a week, but by the time she left it had fallen to one to two nights a week.

AM Yes. I didn't keep a diary of her stays at the time, but that is my best estimate.

JL During the same period you stayed at the flat on average between one and two nights each week. Your daughter did some cleaning, shopping and other chores for you when she stayed at the flat.

- AM I have seen your letter to my daughter.
- May I say that we never thought of the chores as having been done in return for the accommodation—no more than I would think of it when asking my fourteen year old to empty the dishwasher, or when my husband checks the oil and the tyre pressure on my car. Hopefully I have given you some idea of the kind of family role that she played.
- JL Thank you. Your ACA claims from 2005–06 to 2007–08 amounted in all to £65,000, which included your food claims of about £10,000 over that period.
- AM Yes, assuming those are based on the revised figures I gave you.
- JL The arrangement with your daughter came to an end in May 2009.
- AM Yes.
- JL Is that a reasonable summary of the facts?
- AM Yes.
- Need for the flat**
- JL May I start by asking you about your flat in St Albans? What made you decide to buy the flat in 2006, having started to rent it?
- AM The landlord told me that he was considering selling it. But he told me he would give me the first option to buy, and I checked with the Fees Office. They said it was within the rules to do so. Until then I had had no thought of buying.
- It was an unfurnished flat. I had just made it comfortable and it would have been an upheaval to move. And it is also very convenient for my job: right opposite the cathedral and next to the council offices, and you can walk all around the centre from there. I spent three years as the prospective parliamentary candidate. I am aware of the difficulties of the traffic flows and parking restrictions.
- JL Could you have continued to rent in, say, another flat in the complex?
- AM No. There are only four. It is a small block.
- JL Your daughter's evidence is that you would often be in St Albans in the evening and then drive back to Beaconsfield after the traffic had eased. Is that broadly right?
- AM Sometimes that might be the case. It was not the case when the House was sitting, but it was more likely in the summertime when I might spend my evenings at the flat or have an engagement in St Albans.
- My family are based in our main home and I like to get home and see my husband in the evening. So it would vary.
- JL How often did you drive back?
- AM It happened more if the House was in recess. On Tuesday, Wednesday, Thursday—or Wednesday, Thursday, Friday—I would need to spend some evenings in St Albans. If my husband had been at home with our son I could have stayed over.
- JL But can you help me on how often that was?
- AM I would spend my days in St Albans. Then there was the relentless driving up and down the M25—it is one of those stretches which is always congested. I wouldn't choose to sit in traffic jams but if my son had a parents' evening or other similar family event I would drive back.
- JL But your daughter was speaking about you driving back at the end of the evening, after your

constituency engagements.

AM Even on a Sunday it is really busy—but sometimes I braved it to get back to Beaconsfield.¹⁹

I wanted a reasonable degree of regularity for my family life. Sometimes if I didn't need to go back or if I was just too tired after a long day, I would stay over. I might make the decision *ad hoc*.

JL Given that so often you could get back to Beaconsfield, did you consider staying in a hotel when you could not?

AM It is pretty soulless, staying in a hotel. It wouldn't feel like home. It would be harder to have my family there. It also wouldn't provide the flexibility for me to come and go: you would have to pre-plan.²⁰

When I joined the House I attended the induction course and they told us MPs weren't expected to live life out of a suitcase. So I set up the arrangements which best suited my family.²¹

I note the complainant has researched a hotel near my flat. It would be pretty soulless to stay in a hotel. And hotels don't allow you to dip in and out, or to shower, rest or park if you are not staying there, or to keep a change of clothes there.

JL I am trying to establish how often you drove back to Beaconsfield. I am grateful for the help you gave me on your diary, but it doesn't always provide evidence to show whether or not you stayed the night in St Albans. You have said that there could have been another 20 nights when you stayed over. Can you help me on how you arrived at that estimate?

AM I know I did a lot of things which are not in my diary, even though I write nearly all my engagements in there. People might say during an engagement "Are you free after this?" and I would say "I can be," and pick up the phone to my husband. But looking at a particular time several years ago now, I can't say that I did something else or that I didn't. Going back nearly five years is a long time and many people would not remember.

And not many MPs could produce hard copy diaries like these, but I can. Here is what it looks like, so that you can see how I gave you all the data I did.

JL We are not looking for arithmetical perfection in the numbers: but I hope we can establish a reasonable estimate of the number of nights you spent in St Albans.

AM I understand. But of course I didn't know back then that I was going to be sitting here, so my diary doesn't usually show overnight stays.

You'll find "Stay overnight" written in my diary occasionally, but that is so that my husband would know if he looked at it whether he could go out.

JL I am trying to find out how broad your estimate is.

AM I am trying to give you a feel for what I do. Sometimes I'll find the traffic report and say "Okay, I'll go up to St Albans tonight for an early engagement—or at ten a.m. tomorrow..." There were times when for various reasons I couldn't guarantee getting to St Albans in a timely fashion unless I stayed overnight.

JL Yes, I hope we have captured those in the summary I sent you. That suggests you were in St Albans anywhere between one and two nights a week: that allows for some of the margin you

¹⁹ In her comments of 14 December on the note of this meeting, Mrs Main said "Even on a Sunday it is really busy—but sometimes I would go back to Beaconsfield after carrying out my constituency duties in St Albans during the day."

²⁰ In her comments of 14 December on the note of this meeting, Mrs Main pointed out that she would also have had to pre-book.

²¹ In her comments of 14 December on the note of this meeting, Mrs Main said "I set up the arrangements which best suited my family and my duties to my constituents."

have suggested was needed to cover the uncertainties in your diary. I have proposed to accept that as your best estimate.

AM I understand.

JL I am grateful. In your letter of 21 July you say that you used your flat for “preparing case work notes, drafting responses for my own staff and other parliamentary work”. What office facilities do you have in the flat?

AM I have a computer and desk in the second bedroom.

The Conservative Association has an office in the constituency, within the regional offices of the Conservative Party in London Colney. I pay £300 a month. That gives me the use of a small room, with a desk and a computer terminal supplied by the House, and use of various pieces of office equipment. When the voluntary workers are in, that room is their office and I can’t just use it.²² I can’t just drop in, and there is no soft furniture, no hanging space and no changing rooms.²³ You might think, like the complainant, that I could do all these things elsewhere, but the reality is that I cannot.

JL What work would you do in your flat?

AM I would work from home using the phone.²⁴ For example, on a Friday, I would dictate to my caseworker, explaining what letters or actions I wanted. I would do this after my surgeries so that by Saturday my constituents would have a letter from the MP saying what action was taken in their case.

JL Did you claim IEP for your constituency office?

AM Yes. I pay for a proportion of staff time for the person who helps me when I am working in the constituency office, and for telephones, things like use of the printer and copier, use of the waiting areas.

JL Did this mean that your caseworker worked in your flat?

AM No. My staff are based wholly in Westminster. I have no staff in St Albans.²⁵ I would dictate case work over the phone.

JL Was your computer linked to the parliamentary network?

AM We could get access, but I am not a great one for using laptops. I would use it primarily for typing documents mainly and emailing. I would dictate down the phone. If someone brought in original documents I might copy their documents and fax them from the St Albans office. Sometimes I would ring the Westminster office from the flat and say “I want you to write a letter saying...”

JL Did you use your flat at any time for party political activities?

AM Absolutely never.

JL How do you respond to the suggestion that the expenses you claimed on the flat weren’t necessarily incurred because you were regularly able to get back to Beaconsfield in the evening?

²² In her comments of 14 December on the note of this meeting, Mrs Main added “I must plan and book my surgeries.”

²³ In her comments of 14 December on the note of this meeting, Mrs Main added “...there is no soft furniture, no hanging space and no changing rooms, so this would never be a substitute for a flat.”

²⁴ In her comments of 14 December on the note of this meeting Mrs Main said “I would work from home replying to emails, drafting speeches, using the phone to speak to my staff or return calls to my constituents. In other words whatever needed doing at that time.”

²⁵ In her comments of 14 December on the note of this meeting, Mrs Main added “I have no full time staff that are based in St Albans.”

AM Having the flat helped me to serve my constituents better. Before, I had a long and tiring commute—I could spend several hours a day commuting and there was no flexibility. My constituents expected me to be in St Albans. Having the flat helped me do my job, it really really did.

Benefit

JL Could I now ask you about your daughter's use of the flat? As I understand it, it was your suggestion that she should go and stay there. Is that right?

AM Yes. I talked it over with my husband. There was an overlap for six months when we were both working full time and then he had the opportunity to work from home. He said that I could be freed up more, emotionally, to concentrate on being an MP and serving St Albans.²⁶

We felt I was missing out on family life. At that time my daughter was living at home, so my husband said that Claire could stay over in St Albans.²⁷ Claire thought it would be quite nice.

Everyone knew about the arrangement. They thought it was quite nice, that my daughter could spend time with me, go out shopping with me. Claire had roughly the same length of commute from Beaconsfield and St Albans, because she worked in London, so she said, "I don't mind doing that."

I spoke to the Fees Office and I was told that spouses and children were fine to stay in the second home "...if she is living in your home, if she is your daughter and you don't charge her rent."

We are not talking about her playing at house—but it makes a huge difference having someone living in the second home, especially a member of your family. If I bought a bunch of flowers, for example, I didn't have to worry about it two or three days later. I might ring up my daughter and say "I'm over tonight, shall we go out for a meal?" It is not easy to go out on your own, but it made a huge difference that I could do that—it felt more like home.²⁸

JL Did your husband and your three other children spend much time at the flat?

AM It was not something any of them could do. My husband would spend small amounts of time there when he could. My younger son might come over in the day and come with me round the market; or my elder son might come over to see his sister.

Claire was not as tied up as the others.

JL You mentioned the chores she did.

AM She did small chores but she certainly wasn't the cleaner. I am quite happy to say that I never expected her to clean cookers, the fronts of cupboards or the insides of windows. If I wanted a cleaner I paid for it, but I didn't charge any cleaning to my expenses. And she stayed in for a delivery when my washing machine broke.²⁹

JL Was it accurate that she did this in return for her accommodation?

AM Absolutely not. She was not a Mrs Mop. It wasn't true of my husband either when he painted the flat. I tried to think of it as my second home.

JL Your daughter's evidence is that each week she did some light cleaning and other chores, and

²⁶ In her comments of 14 December on the note of this meeting, Mrs Main said "He said that I could be freed up more, emotionally and time wise, to concentrate on being an MP and serving St Albans."

²⁷ In her comments of 14 December on the note of this meeting, Mrs Main said "... so my husband and I discussed that Claire could stay over with me in St Albans."

²⁸ In her comments of 14 December on the note of this meeting, Mrs Main said "...but it made a huge difference that I could do that with my daughter - it felt more like home."

²⁹ In her comments of 14 December on the note of this meeting, Mrs Main said "And she helped in small ways, for example she stayed in for a delivery when my washing machine broke."

some shopping on her way home from work. And she spent time with you when you were there. On the basis of this evidence, can you help me on why it was necessary for her to be there between one and four nights a week to provide you with this sort of support when you were yourself there between one and two nights a week?

AM She didn't *have* to be there at all. My daughter went there and organised her life around the times when I was likely to be there. The times she was there provided a form of continuity for her.³⁰

I never thought that was how second homes operated. If it was my husband supporting me in the same way, no-one would have asked questions.³¹

JL Did she keep many belongings at the flat?

AM She kept some personal stuff; a capsule wardrobe. Stuff she found useful. But in our main home she had a bedroom filled with her personal things.

We didn't think we had to justify her use of the home;³² we were just in a rhythm where I would ring up and say "Are you there tonight?" and she would say "Yes I am" or "No I'm not."

JL Was the arrangement that she needed your permission to do certain things in your second home?

AM She didn't treat it in the same way as our main home. She knew there was a set of regulations which applied to the St Albans home. For example if I go away on holiday I might leave my elder daughter in our main home. She is responsible, and I would be happy for her to throw a party. And she has brought home rolls of wallpaper to put up.³³

JL If the St Albans flat is your home what is the distinction?

AM When it was a rental flat she knew there were certain rules, and things I couldn't do. She also knew it wasn't appropriate to change the carpet—she would have to ask me. Changing the carpet or bedspreads or having friends to stay is more what she could do in her own home. But in the second home she would be more careful, and ask me, "Is it all right Mum?"

JL Did she ask permission to go there each time?

AM No, it was taken as read that she could go there. We had already agreed she could go there. I had got permission from the Fees Office.

JL Your daughter reduced the number of nights she spent at the flat from October 2007 because she wanted to spend more time with her boyfriend. Does that not suggest that she did not really need to spend so much time there earlier to provide you with support ?

AM You keep asking me why she needed to be there.³⁴ I would have loved her to be there the whole time, as much as possible—or my husband, if he could have come more often. But St Albans elected me not a package deal.

³⁰ In her comments of 14 December on the note of this meeting, Mrs Main said "The times she was there simply provided a form of continuity for her and me."

³¹ In her comments of 14 December on the note of this meeting, Mrs Main said "I was never under any impression that was how we were expected to operate our second homes. Namely, that my family could only be in it if I was there. If it was my husband supporting me in the same way, no-one would have questioned it, would they?"

³² In her comments of 14 December on the note of this meeting, Mrs Main said "We didn't think we had to justify her use of the home after having checked the arrangement prior to her spending any time there, with the Fees Office..."

³³ In her comments of 14 December on the note of this meeting, Mrs Main said "Of course she didn't treat it in the same way as our main home" ... "She is responsible and I would be happy for her to throw a party, but obviously I would not expect her to treat the second home in the same manner. And she could personalise her room, or do what she wanted."

³⁴ In her comments of 14 December on the note of this meeting, Mrs Main added "As a mother I would have loved her to be there the whole time, as much as possible – or my husband, if he could have come more often."

And if her elder sister had wanted to come at that time I would have said “Great.”

JL Did your daughter come back with you from the flat when you drove back to Beaconsfield after the M25 had cleared?

AM No. And after this none of my children want to go near the flat.

JL What benefits did you get from your daughter living in the flat?

AM I saw that you suggested she got peace and quiet.

JL I hope I did not suggest that.

AM I don't think she benefited other than from seeing me and feeling she was helping me. There was no material benefit: she had her own home in Beaconsfield with a comfortable room there. She can have her boyfriend and other friends to come to stay. The benefit was to me: we could spend time together. There was no financial benefit, and she didn't need to be there.³⁵

JL What do you say to the suggestion that, as an adult young woman hoping shortly to leave home, it was a benefit for her to have some time living in the flat, away from the rest of the family?

AM She had lived away from our home whilst at university, including in the second year of her university course when she had to undertake a company placement, also when she was travelling in Australia for a few months before returning to the family home. So she wasn't just practising living away from home. I suggested it. If she had wanted to move out of our home we could have helped her.

JL Did she not in effect have two residences, Beaconsfield and St Albans, as shown by her use of St Albans in her registration forms sent to Companies House and her voter's registration in St Albans?

AM On the voter registration, you can register in more than one place. She registered there because she wanted to vote for me, which she never did because we haven't had an election. Companies House: that was a stupid naive mistake: when the press got hold of it she said, “I didn't realise what I had done.” I didn't know about it at the time. She just didn't think about it at all.

She thought she had two homes. It is very common : half my friends have adult children staying in their homes. So do other Members. But the St Albans home is temporary—it finishes the minute I finish. Beaconsfield is our real home. If she wanted to hold say a birthday party, it would be in Beaconsfield. That would have been the difference.

Costs

JL I drew your attention to the Committee's report on Rt Hon Tony McNulty MP³⁶ when I wrote to you about this interview. My next questions follow up on that report. They relate to the costs incurred by your daughter living at the flat.

AM I have not studied the report so it would not be appropriate for me to comment on it. But from the press reports—which I take with a pinch of salt—his situation was not remotely like my situation. I am not even sure that the Member checked with the Fees Office.³⁷

JL In the first year at least, your daughter's use would seem to have been more than your use. Did she meet any of the utility bills which could be assigned to her use of the flat?³⁸

³⁵ In her comments of 14 December on the note of this meeting, Mrs Main added “The emotional benefit was to me as a parent: we could have a mother and daughter time and spend time together. There was no financial benefit, and she didn't need to be there, but it helped me in my role having her there sometimes, as it freed up my time to serve my constituents.”

³⁶ Committee on Standards and Privilege, Tenth Report of Session 2008-09, HC 1070.

³⁷ In her comments of 14 December on the note of this meeting, Mrs Main added “I certainly did.”

- AM No.
- JL Were there any costs for which you did not claim against your ACA?
- AM Cleaning, maintenance, mileage, a stair carpet; some purchases which went beyond the purely serviceable... I'm trying to remember. There was a boiler service. And my husband painted the flat and fitted bits and pieces. I have always tried to ensure my claims are modest. I never felt I had anything to hide. My local newspaper had my unredacted claims before the redacted ones were published.
- Much has been made of the John Lewis list. I was not even aware that there was a John Lewis list. My purchases were not luxurious. I tried to shop carefully at budget and low cost stores. I do not max out my expenses. I did not claim everything I could, and when I did claim my claims were modest.
- JL Could you produce annual figures for these expenses that you did not claim?
- AM I have no idea what they amount to but I could try to work it out. It could be about £1,000 in total.³⁹ The carpet I replaced on the stairs was about 15 years old.
- JL Did you claim for full utility costs from the ACA: gas, electricity, water?
- AM Yes.
- JL What about service charges or car parking—did you claim for those?
- AM Yes, I paid service charges. But the car parking came with the flat: I had two designated places and a guest parking area. There is no charge associated with parking at the flat.
- JL And you claimed for all of the discounted council tax, as I understand it.
- AM Yes. I claimed 10% discount because I paid full council tax elsewhere. That qualified my flat for the discount. I could only have claimed the single person's discount if no-one else was ever in the flat.
- JL But your husband and other children didn't stay there.
- AM Yes they did on occasions, and I couldn't know when I paid the council tax which members of my family were going to stay there.⁴⁰
- JL Let me now ask about the mortgage. I believe from looking at your ACA claims that the purchase price of the flat was £250k. Your mortgage was £225k. Is that right?
- AM Yes.
- JL Did you claim the full mortgage interest?
- AM Yes. It has been accepted by Sir Thomas Legg.

³⁸ In her comments of 14 December on the note of this meeting, Mrs Main added "I have never accepted that my daughter had more use of the flat than me, although on occasions she may have slept the night there when I did not. I do not recall you placing this assertion next to the question which I, according to this transcript, have replied to. I have repeatedly pointed out that my flat served many purposes and as I have said it is impossible for me to calculate exactly how many nights I slept there and believe this assertion as written is not accurate and was not worded to me as a question on this day. Therefore, my response refers only to consideration of the utility bills and we have no recorded response to the first part of this sentence."

³⁹ In her comments of 14 December on the note of the meeting, Mrs Main said "It could be about £1,000 or more in total." She later sent a list of items she believed she could have claimed for but had not. See WE 32.

⁴⁰ In her comments of 14 December on the note of this meeting, Mrs Main said "Yes they did on occasions and I couldn't know when I paid the council tax which members of my family were going to stay there with me, so the only accurate position was the fact that I paid full council tax and was therefore entitled automatically to the 10% discount, which was all I claimed back from the Fees Office."

JL Did you make any allowance in your mortgage interest claim for your daughter's use of the flat?

AM No. Why would I? If my husband was there I wouldn't have made an allowance.

Let me tell you that I am a rule follower. When I came in to the House I had never had expense accounts. I had been a teacher and worked in the voluntary sector. When I went on the induction course they told us to use the allowances properly and wisely. You don't expect to find yourself in trouble when you do that.⁴¹ Even my parliamentary reports—I always run them through the Fees Office. At all times if in doubt I will try to ask, to do what is reasonable.⁴² If anyone had said do things differently I would have, but no-one ever did.

JL I understand from your daughter's evidence that she bought all her own food. Is that correct?

AM She did.

JL Can I now turn to the application of the rules to your arrangements? The first issue is the requirement that you may not claim for the living costs of anyone other than yourself. You say that that rule is modified by the fact that it was your daughter whose living costs were being met and Members are allowed to have their spouse and children living with them in their second home. Is that right?

AM I discussed it with the Fees Office.⁴³

JL The Fees Office say that you might well have received the answer you have given me. But I want to be clear about your recollection of what that answer was. You have given me two differing versions:

On 29 June you told me that, while you had been told by the Fees Office that "only spouses and children" were allowed to share the second home, "at no point was I given any indication from the Fees Office in their advice that the age of my children or frequency of staying was a consideration or limiting factor".

In your 11 November letter, you said that in your discussions with the Fees Office "I queried if the age of my daughter was relevant and I was informed that it was within the rules for my daughter to live or stay in the second home as a non-renting family member."

Can you help me to reconcile these two accounts? The first implies that the Department made no mention of age or frequency of staying. The second implies that they specifically addressed both those points.

AM I am trying to recall exactly what I said.⁴⁴

I know I rang them up and asked "Who can stay in the second home?" They said "The MP's spouse and children." I rang another time saying "I'm thinking of my daughter staying in my second home. She lives at home and is over 18."⁴⁵ When I asked if that was a problem, they said "No."

I can't remember if anyone asked how old she was, although I am sure I made it clear to them at

⁴¹ In her comments of 14 December on the note of this meeting, Mrs Main said "I abided by the introduction in the Green Book which was to seek guidance if in doubt and abide by their interpretation of the rules."

⁴² In her comments of 14 December on the note of this meeting, Mrs Main added "At all times if in doubt I will ask, to do what is reasonable and right."

⁴³ In her comments of 14 December on the note of this meeting, Mrs Main said "I discussed it before doing so with the Fees Office."

⁴⁴ In her comments of 14 December on the note of the meeting, Mrs Main added "I am trying to recall exactly what I said but obviously that is difficult.... I made it quite clear at all times that she was an adult living at our main home. I can't remember if anyone asked how old she was, although I am sure I made it clear to them at the time. But I remember clearly asking about her being able to stay in the flat before doing it."

⁴⁵ In her comments of 14 December on the note of this meeting, Mrs Main said "I made it quite clear at all times that she was an adult living in our main home."

the time. But I remember clearly asking before doing it.

JL I am trying to establish exactly what you asked.

AM I definitely said she was an adult. “Is it okay for my daughter to be in my second home? I would like to share it with my daughter.”

JL Did you refer to her work?

AM I can’t remember. It was 4½ years ago. Why would I have thought it was relevant?

I would like to think I said she was working but I really can’t remember. I would not have thought to write down the conversation. But I gave the clear impression she was an adult daughter in my second call. The logical conclusion would have been that she was working.⁴⁶

JL Did you mention that your daughter would be spending a significant number of nights there by herself?

AM I was not asked. I agree that there were times when she was there and I wasn’t. But I was at the flat a lot of time when she wasn’t there. I was in the flat in the day considerably more than she was, especially in recess times. There were times when she was there just to sleep.

I never said “I want you to be there on Thursday”. I just set up a rhythm for her. It was nice for me to be flexible about coming and going—and it wasn’t reasonable to expect her to match my movements.

JL How often was she there in the evenings when you weren’t?

AM It would be mainly during the week, when the House was sitting, and when there was voting.

JL Is there in your view any point at which a Member’s children should no longer to be able to benefit from the “spouse and family” arrangement—when they are too old? When, for example, they are in their 30s or 40s?

AM No, I wouldn’t say there should be a maximum age. Every case is different.⁴⁷ The companionship of older children is something that many parents would like.

JL Your daughter was 24 when the arrangement started and was in full-time employment. It was a matter for you of course whether you charged her rent when she stayed at your home in Beaconsfield. But did you consider charging her rent for her stays in the St Albans flat, since the costs were met from public funds?

AM No. We were discouraged from having rental agreements.

If she had been paying rent at home I would have thought about it.⁴⁸ But she didn’t pay rent. She was there as a family member. I would not have considered charging rent. And the flat cost the same whether she was there or not: there were no extra costs on the mortgage or service charge.

JL In the report on Mr McNulty⁴⁹ the Committee suggested that it is not the additional costs that matter. It is the full living costs of another person that should be taken into account.

Since an adult who was not your husband was staying in the flat, would you make a distinction

⁴⁶ In her comments of 14 December on the note of this meeting, Mrs Main said “But I always gave the clear impression she was my adult daughter. The logical conclusion may have been that she was working.”

⁴⁷ In her comments of 14 December on the note of the meeting, Mrs Main added “and every family is also different.”

⁴⁸ In her comments of 14 December on the note of the meeting, Mrs Main said “If she had been paying rent at home I suppose I might have thought about whether I needed to check it out. But she didn’t pay rent. She was there as a family member, and we were discouraged from renting as well. Why should I have considered charging rent? She was there as my daughter.”

⁴⁹ Committee on Standards and Privileges, Tenth Report of Session 2008-09, HC 1070.

between your husband and your adult children in this respect?

AM I wouldn't necessarily make a distinction between my husband and my daughter who shared the accommodation.

It is not for me to say if there is a point when an older child should get thrown out or charged rent.

JL Would you agree that the House was subsidising her living costs?

AM No, I would dispute that. There were no additional costs. I don't believe you can put it in those terms. I as a parent got the benefit of some time with my family. The benefit was in emotional terms.⁵⁰

The previous Member for St Albans had a flat in London. I could have had a flat in London. If I had wanted to benefit my children, as the complaint suggests—since my son and both my daughters work in London I would have set up my flat in London and provided them with accommodation there. I regularly work late in London, so I could have also stayed there.

But the best benefit for my constituents since we don't have a home in St Albans, was to have the flat there.⁵¹

JL What do you say to the Department of Resources' advice to me in their letter of 11 September that you should have absorbed some of the costs of your daughter staying in the flat, such as utility charges?

AM I thought about that when I read it. My heating, hot water and lights are on a timer. I don't want the flat looking as if no-one is in it. How would I try to work out the small time when my daughter was there and the lights and heating would not have been on? I am not sure how I could have done that.

JL I would like to be clear on the principle you are following. Are you arguing that the costs of your daughter's use of utilities should in principle have been met by you, but not the fixed costs?

AM I don't know that I am. Would you say the same if it was my husband who was there? And I don't believe there was any electricity or utilities I can ascribe to my daughter's use, since she was there so little time in the day.

JL Do you agree with the Department of Resources when they said that variable costs but not fixed costs should be taken into account to reflect your daughter's living costs?

AM I have always been prepared to accept the Fees Office's advice and interpretations. But no one at the time suggested that we should think like that.⁵² I thought I had checked out my arrangement fully with the Fees Office. So many Members have their family in their second home, I don't know anyone who does this.⁵³

But if that was the ruling at the time I would have accepted it.

JL Do you accept it now ?

⁵⁰ In her comments of 14 December on the note of this meeting, Mrs Main said "I as a parent got the benefit of some time with my family. The benefit was solely and entirely in emotional terms, no other."

⁵¹ In her comments of 14 December on the note of the meeting, Mrs Main said "But the benefit was for my constituents - who I was elected to serve - since we don't have a home in St Albans, and I needed a home in St Albans the flat was located there."

⁵² In her comments of 14 December on the note of this meeting, Mrs Main said "But no one at the time suggested that we as a family should think like that."

⁵³ In her comments of 14 December on the note of this meeting, Mrs Main said "I don't know anyone who operates in this way."

AM If that is their view, then I may have to accept it. But it is impossible to say which bit of the utility bill was wholly down to my daughter's use and which was down to mine.⁵⁴

JL You say you weren't told this at the time. If you had been, would you have accepted it?

AM I didn't have that guidance at the time. I don't even see how you could do this.

I would challenge this view if it was given to me now.⁵⁵ I always accept the Fees Office guidance, but I would have also had to ask how to fulfil it. You can't be given guidance retrospectively.

My daughter came over to St Albans because my husband couldn't spend much time there. I maintain that there were no extra utility costs that we wouldn't have had anyway.

JL But do you accept the principle that you should have tried to identify the costs partly attributable to your daughter's stays?

AM I don't accept it. Members were and are entitled to have spouses and children in their second homes, without apportioning the costs. The House must surely expect us to live as a family in our second home.

I don't believe anyone said that I should be trying to apportion the costs of my husband.⁵⁶ And in any case there were no extra costs.

I am trying to think of examples of extra costs which could have arisen. I accepted that my daughter should meet her own food costs.⁵⁷ And if for example there had been a cost for her parking permit I would have expected to pay that.

I think it was reasonable for my family to be there. I believe it is in the spirit of the rules to have a family life at the same time as Members carry out their parliamentary duties. If not, Members would need no more than a single bedsit to stay in.⁵⁸

JL In the case of Mr McNulty⁵⁹ the Committee decided that the House should not meet the living costs of another person.

AM I do not accept the comparison. That case was not at all the same as my daughter staying with me. I understand in Mr McNulty's case it concerned two independent adults, living full time in the house as their main home. My daughter had not taken on that role of having her own home and forming a second household.⁶⁰

The rules

JL In 2006, the rules were added to by specifically providing that you must avoid any arrangements which may give rise to an accusation that someone close to you is obtaining an immediate benefit or subsidy from public funds (3.3.2). What do you say to those who suggest that living without paying mortgage interest, utilities, or council tax (or rent) as your daughter did, represents an immediate benefit to her?

⁵⁴ In her comments of 14 December on the note of this meeting, Mrs Main said "I regard this observation in their response to you as retrospective, and this possible scenario was never raised at the time."

⁵⁵ In her comments of 14 December on the note of this meeting, Mrs Main said "But it certainly wasn't given to me then."

⁵⁶ In her comments of 14 December on the note of this meeting, Mrs Main said "I don't believe anyone said that I should be trying to apportion the costs of my husband, nor do I believe they would suggest it."

⁵⁷ In her comments of 14 December on the note of this meeting, Mrs Main added "and she did".

⁵⁸ In her comments of 14 December on the note of this meeting, Mrs Main said "and no members of their family living with them."

⁵⁹ Committee on Standards and Privilege, Tenth Report of Session 2008-09, HC 1070.

⁶⁰ In her further comments of 23 December on the note of this meeting, Mrs Main added, "my daughter has always lived at our main home. I decided with the Fees Office that she could stay as an adult in the second home and I do not believe that it is fair or reasonable to compare my situation with Mr McNulty's."

- AM Would she see it as a benefit? Would I? There was no need for her to stay there. There was no financial benefit. In our main home she lived as a member of our family in a large house with plenty of car parking and a better commute at least at some times. It was not like her giving up renting somewhere.⁶¹ The benefit was solely for me.
- JL Do you think that there was a personal benefit to her?
- AM No. It was an emotional benefit to me, to have my family around me. It made me happier to spend my time in St Albans. It didn't feel so arduous.⁶²
- JL What about the suggestion that you were required by the rules to avoid any arrangement which would lead to the accusation that someone close to you obtained an immediate benefit?
- AM The story had appeared in the local press ages ago, in 2006, well before the complaint arose. My Association were fully aware of the arrangement as were other people. No-one complained until the complainant recently did, after media comment on all MPs' expenses. But in the political world you can always be accused. Accusations are not difficult to make. I have 70,000 constituents—and one chose to complain.
- I have never sought to hide my arrangements, that I was trying to be both a mother and a good MP. But no-one accused me before the *Telegraph* story.
- JL In the light of the Committee's report on Mr McNulty's case,⁶³ do you consider that it would have been wise for you to have made a formal arrangement, even though she was your daughter, so that the terms of her living in St Albans were set out in writing and lodged with the House authorities?
- AM I wouldn't know what arrangement to formalise. I have no formal arrangement of this sort for my husband,⁶⁴ My family is my family.⁶⁵

Food

- JL Finally, could I ask you about your food claims? In your letter of 11 November, you told me that you claimed for your meals and beverages "eaten away from your main home" during the course of your duties. You will have seen the Department's letter, also of 11 November, which says that your food costs must be "in relation to costs associated with your overnight stays in St Albans." Do you accept the Department's ruling?
- AM I have the Green Book of 2006. If you look at paragraph 3.13.1, it seems very clear. You claim for reasonable additional food costs while you are away from your home. I don't know why the Director thinks the rules are opaque.
- I have claimed for Monday and Tuesday evening meals in London whilst on parliamentary duties, and evening meals on other nights if I was late in St Albans.⁶⁶
- I have never claimed for all my food, or for mileage.⁶⁷ I worked on the system of around £10 per meal on Mondays and Tuesdays: the food in Parliament is subsidised. The rest of my food was

⁶¹ In her comments of 14 December on the note of this meeting, Mrs Main said "It was not like her giving up renting to go and live somewhere rent free and so save herself some money."

⁶² In her comments of 14 December on the note of this meeting, Mrs Main added "No it was an emotional benefit to me, to have my family around me. It made me happier to spend my time in St Albans serving my constituents. It didn't feel so arduous spending so much time away from my main home and the family."

⁶³ Committee on Standards and Privileges, Tenth Report of Session 2008-09, HC 1070.

⁶⁴ In her comments of 14 December on the note of this meeting, Mrs Main added "nor would I have considered it..."

⁶⁵ In her comments of 14 December on the note of this meeting, Mrs Main added "I believe we are entitled to family life."

⁶⁶ In her comments of 14 December on the note of this meeting, Mrs Main added "I have claimed for Monday and Tuesday evening meals in London whilst on parliamentary duties, and evening meals and breakfasts on other nights if I was late and staying over in St Albans."

in St Albans. I would also eat out some of the time. I like good quality food.

JL Your daughter said she bought readymade food.

AM She was a bit bemused to be asked about food. If I asked her to get food I would want something of a decent quality.⁶⁸

I used to try and eat out in St Albans. As an MP particularly in a marginal seat, I need to be out and about. I have to get to know the butcher and the market stallholders. I was on the panel to judge local restaurants: I needed to eat at them. I have to get to know local people.⁶⁹

JL Did you take some of these meals before you went home to Beaconsfield?

AM Not really. I always felt I underclaimed.⁷⁰

JL But, according to the Department's advice, you shouldn't have claimed for some of these meals. Their advice is that you were allowed to claim for food either side of your nights in St Albans: between one and two nights a week.

AM I always believed my food claims were modest. I claimed only what I thought was reasonable. But I have in any case not claimed for the last 18 months.

I thought I could claim for Monday and Tuesday whilst on parliamentary duties but now I am told that I can't.⁷¹

JL If you and your daughter went out for a meal, who paid for her?

AM I did. I would pay for her food and for the wine.⁷²

JL The Director of Operations letter talks about the opacity of the rules. The scope of the Additional Costs Allowance is set out in paragraph 3.1.1. of the Green Book. The argument is that all the rules which follow must be taken as coming within that scope. The scope of the ACA is to reimburse Members for expenses incurred when staying overnight away from their main UK residence. In your case, that was expenses incurred in your overnight stays in St Albans. Do you therefore accept that some of your food claims were not permissible under the rules, in particular the food you ate when in London?

AM I went by the rules set out in 3.2.1.(b) of the 2006 Green Book which refer to claims being for the purpose of performing parliamentary duties. It says that you can claim for food if it is for the purpose of performing your parliamentary duties.

JL But 3.2.1 (a) provides that you can claim if you have stayed overnight away from your main home, and (b) says it has to be for your parliamentary duties. The "and" means that both conditions must be met.

AM It says in 3.13.1 that you can claim for "reasonable additional costs while away from your main home". It is set out as a separate allowance.

I had interpreted it to cover two main meals each week at the House of Commons and the rest of the time in St Albans.

⁶⁷ In her comments of 14 December on the note of this meeting, Mrs Main said "or for some other things."

⁶⁸ In her comments of 14 December on the note of this meeting, Mrs Main said "If I asked her to get food I would want her to buy the sort of food I usually buy."

⁶⁹ In her comments of 14 December on the note of this meeting, Mrs Main said "So I would try to eat out sometimes."

⁷⁰ In her comments of 14 December on the note of this meeting, Mrs Main said "No. I always felt I underclaimed."

⁷¹ In her comments of 14 December on the note of this meeting, Mrs Main added " ... "and that they believe I may have claimed those meals in error."

⁷² In her comments of 14 December on the note of this meeting, Mrs Main added "Sometimes I did personally pay for her food and I always personally paid for any wine."

- JL I am not sure why you say it is a separate allowance. Is it not part of the ACA?
- AM It doesn't specify food elsewhere in the chapter. You are allowed "*reasonable additional costs while you are away from your main home.*" I interpreted this as two main meals a week in the House and for the rest, my food in St Albans.⁷³
- JL You claimed between £3,100 and £3,300 a year for food between 2005–06 and 2007–08. Broadly, what proportion of these claims were related to your overnight stays in St Albans?
- AM Well, £20 per week when the House was sitting was for food in London. But I haven't claimed any food for 18 months.
- I have no wish to big up my expenses, quite the opposite. A lot of the time I don't claim for things when I could.
- JL Did you at any time consult the House authorities about your food claims?
- AM No. I thought the wording was quite clear. I would have checked if it wasn't.

Conclusion

- JL In conclusion, may I summarise the allegations against you? First, that it was not necessary for you to have a flat in St Albans since you did not spend a sufficient number of nights there and have shown that you could return to your main home in Beaconsfield after your constituency commitments had concluded.

Second, that your claims did not take sufficient account of the living costs of your daughter in the flat, and that as a result either you or she, or both, got a personal benefit from the arrangement?

And finally, that you made claims from 2005–06 to 2007–08 for food which was not related to your overnight stays in St Albans and was therefore in breach of the rules?

Are there any further points you wish to make on any of these allegations?

- AM Yes. I would like to say that I serve my constituents to the best of my ability. There is no dispute in the rules about the location of my home. If I had any wish to have a property benefit I could have had a second home in London. But I needed the flat to serve my constituents. I took guidance and followed it. This is a very very important point: even when it comes to issuing parliamentary reports I get a definite ruling on them before they go out. Also I have underclaimed on many things.

My claims are modest, within the rules and are made after consultation. I accept the point about the food bills but, as the Fees Office said, the rule could be seen as opaque.⁷⁴ I have never had any intention to deceive or maximise my expenses.

My only thought was to be the best and hardest working MP for my constituents. I was quite horrified to find myself in this position. Nobody forced me to have the flat, but after three years as prospective parliamentary candidate working hard, living life on the road, driving to and from my home and experiencing the stress and tension I just knew that it wasn't going to work. Whatever happens with the allowances in future I will maintain a base in St Albans.⁷⁵

⁷³ In her comments of 14 December on the note of this meeting, Mrs Main added "At the time I interpreted this as two main meals a week in the House and for the rest, my food in St Albans."

⁷⁴ In her comments of 14 December on the note of this meeting, Mrs Main said "although I felt the wording was clear."

⁷⁵ In her comments of 14 December on the note of this meeting, Mrs Main said ". Nobody forced me to have the flat, but after three years as prospective parliamentary candidate working hard living life on the road, driving to and from my home and experiencing the stress and tension and timetabling delays I just knew that it wasn't going to work without a flat in St Albans. Whatever happens with the allowances in future I will maintain a base in St Albans in order to fully serve my constituents."

I don't feel that I incurred any extra costs for the taxpayer. I always tried to keep my claims low and modest, and to follow the spirit of the rules.

JL Thank you. In view of the emphasis you have put on guidance from the Fees Office, I should say that there is no record within the Fees Office of your consultations.

AM I understand that, but there is no record of other things I have discussed with them too, although I didn't know that at the time when I responded to your enquiries. When I said to you that I took advice I didn't know what they recorded and what they didn't. So, if I had not been confident that I was telling you the truth, then they could have made a liar out of me.⁷⁶

JL Thank you. Any final points you would like to make?

AM No, thank you.

JL Thank you very much, both for your oral evidence and for responding to my enquiries with your written evidence. I am very grateful to your daughter for her assistance, and to your friend for accompanying you to this interview. I do appreciate it. As you know, you can expect the note to be included with the memorandum I will prepare for the Committee and it will be subsequently published with the report.

Once I have the note of the meeting I shall prepare the factual sections of my memorandum which again I will show you to check its accuracy. I will then add my conclusions and submit the full memorandum to the Committee. The Clerk will show you it and invite any comments you want to make about it and any comments will be submitted to the Committee with my memorandum.

Thank you for coming in.

AM Thank you.

Interview finished 4pm

30 November 2009

32. List of items not claimed for by Mrs Anne Main MP, 14 December 2009

The following represents a representative but non exhaustive list of things not claimed but eligible for claims:

Utilities

Having reviewed my utility bills for the period under consideration, I wish to draw your attention to the following:

- There is no claim for a gas bill of £106.23 for a bill dated 13.07.08.
- There are no claims for three quarterly bills of electricity from August 2006 to May 2007 (you may wish to note that the average 2008 per quarter bill was £63.95).
- There is also no claim for an electricity bill dated 04.02.08 for a total of £45.69, and no claim for an electricity bill dated 29.01.09 for a total of £81.46.

All my utility bills, as can be confirmed by British Gas, who supply both gas and electricity to my second home, are fully paid and up to date.

⁷⁶ In her comments of 14 December on the note of this meeting, Mrs Main added "...they could have made a liar out of me when they responded to you, but they confirmed that the guidance would have reflected what I have always said."

Others

- Three annual “spring cleans” to include all internal windows, cleaning of the oven, shampooing of original (cream) carpets. £220 per visit.
- Numerous BT telephone bills including some line rental charges.
- Any mobile phone bills and charges even when used repeatedly for constituency business.
- All decorating including: painting, plastering of wall and area of ceiling where lights needed refitting after old fittings had been removed.
- Fitting/wiring up of replacement wall lights, ceiling lights dimmer switches and timers, plumbing in a new wash basin and toilet, re tiling and making good where needed of original bathroom and making good surfaces due to repairs, fitting of curtain poles in living areas. Repair to faulty external security access light.
- Some jobs were paid for but some were carried out by my husband where he was able to (he is not a plumber, plasterer or an electrician). As claims show the materials for these jobs were claimed but no bills were submitted for workmanship/installation with the exception of the floor repair.
- A DVD recorder and other small electrical items such as changing the flat to low energy light bulbs and an alarm clock radio.
- The supply and fitting of new coir foot wiping area inside hall way to replace one that had gone mouldy: £45.
- Two new roller blinds kitchen and bathroom £50.00

14 December 2009

Appendix 2: Letter from Anne Main MP to the Clerk of the Committee, 1 February 2010

Thank you for your letter of 28th January, and for giving me the opportunity to express my opinion on the views of Mr Lyon. I have found this protracted inquiry stressful. I have therefore chosen not to delay matters by representing my opinions before the Committee.

I request that my statement be distributed to all members of the Committee. I urge the Committee to consider the basic principle that no individual ought to be found guilty by means of retrospectively altering rules and guidance. I hope the Committee will give due weight to the fact that the Inspector accepts that I sought and was given the advice that my adult daughter could stay part time in my flat and that at all times I made every effort to consult and follow guidance. He also accepts that they had sanctioned the arrangement but he asserts that it was “*contrary to my judgement of the way the rules should have been interpreted and operated at the time.*”

I co-operated fully and frankly with the Commissioner at all times and I am sure that I have no need to tell you how important the outcome in this matter is to my family and me and indeed my constituents. I have at all times endeavoured to serve my constituents in St Albans to the best of my ability, to be an active and effective parliamentarian and still have a modicum of family life.

I am pleased that the Inspector accepts I was fully within the rules when I established my second home in St Albans in order to serve my constituents. I am also pleased that Mr Lyon accepts my daughter did not and was not intended to benefit from the arrangements I put in place and that I did consult with the Department of Resources before taking any action.

I am very disappointed that the Inspector does not accept a mother's desire to see her daughter for part of the time as natural but that he chooses to describe it as “an emotional benefit” and that he believes it is a benefit that I should somehow pay for.

As a new Member of Parliament I tried at all times to work fully within the rules and the spirit of the rules. I attended the new Member induction course to ensure that I was briefed on the use of allowances and mindful of the need to check in the case of doubt.

I took to heart the injunction at the front of the Green book 2006 the firm guidance from Speaker Martin to “*seek advice in cases of doubt and read the green book with care. In cases of doubt or difficulty about any aspect of allowances or how they can be used please contact the Department of Finance and Administration. The Members Estimate Committee, which I chair, has recently restated the Department's authority to interpret and enforce the rules.*” Because of that clear guidance in the Green book I routinely checked out many arrangements or decisions on my use of the ACA and other allowances with the finance department before embarking on any course of action and have always relied on the opinions given to me.

During my interview Mr Lyon asked me if I had specifically stated my daughter's age in my conversations with the Department. I did point out that he was asking me to confirm exactly what I said four years ago and I said very honestly that I couldn't actually recall whether I stated her actual age but that I may have done. However the whole purpose of my checking the situation with the Department was because my daughter was an adult.

It is most worrying that Mr Lyon in his conclusion chooses to ignore the views from the Director of Operations at the Department of Resources, namely that it was likely I was given that advice and that new interpretations should not be put on that advice. The final letter from the Department to Mr Lyon said that: "*An interpretation given in 2009 is very different from what might have been advised in 2006*".

He also gave little weight to the response from the Director to his question entitled "*the use of the apartment by Mrs Main's adult daughter*". At no point in his letter does the Director comment on my daughter's in-eligibility because of her age or employment. At no point does he make reference to another set of guidance such as the travel allowance criteria to give a view although he must be familiar with the travel guidance. However in the same letter when discussing food claims he does cross-reference different sections which he thinks have a bearing on the matter.

The observation that: "*I think it probable therefore that the department gave the advice without full information*" calls in question the veracity of my claims to have fully discussed the matter and flies in the face of the Director's observations in his final letter of response to Mr Lyon.

I have made it clear in my evidence that I did not think to abate utility costs in a calculated fashion. However I also pointed out in my evidence that I routinely did not claim many items and bills (list supplied letter 32) including utility bills adding up to over £330 for the period in question, all cleaning bills and some maintenance bills. As the commissioner pointed out: "*The utility costs would I think have been less, but the difference would not have been very large on the reasonable assumption that the flat would have continued to be heated as necessary when Mrs Main was not there.*" I maintain that based on significant number of unclaimed utility bills that abatement already occurred but not in any formalised fashion.

Mr Lyon suggests that I should not have claimed for meals in both Westminster and St Albans whilst on parliamentary duties, but I was unaware of that at the time. Before being made aware of this fact, I had, in May 2008, already ceased claiming for any meal costs incurred whilst away from my main home. I am pleased the Commissioner accepts this was an understandable error, due to poor drafting of the rules.

I look forward to your judgement and a rapid conclusion to this matter so that I can concentrate wholly on my parliamentary duties and on fighting the forthcoming election.

Formal minutes

Tuesday 2 February 2010

Members present:

Mr Kevin Barron	Mr Chris Mullin
Mr Andrew Dismore	Mr Paddy Tipping
Mr Greg Knight	Dr Alan Whitehead

In the absence of the Chairman, Mr Chris Mullin was called to the Chair.

Draft Report (Mrs Anne Main), proposed by Mr Mullin, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 23 read and agreed to.

Paragraph 24 read, amended and agreed to.

Paragraph 25 read and agreed to.

Paragraph 26 read, amended and agreed to.

Paragraphs 27 to 29 read and agreed to.

Paragraph 30 read, amended and agreed to.

Two papers were appended to the Report.

Resolved, That the Report, as amended, be the Eighth Report of the Committee to the House.

Ordered, That Mr Mullin make the Report to the House.

[Adjourned till Tuesday 23 February at 9.30 am