



HOUSE OF LORDS

Members' expenses: investigation of complaints

The Clerk of the Parliaments spoke to his memorandum (H/09-10/8) [RESERVED].

As detailed in the paper, he reported that he had already come to decisions on a number of complaints. He emphasised that he was operating under the current scheme, one of the weaknesses of which was that there was no clear definition of a main residence. He had however taken the view, within the context of the individual assessment of each case, that there needed to be a minimum threshold beyond which it would be inappropriate for a Member to designate a property as a main or only residence, and consequently claim overnight subsistence when staying in London.

He sought the endorsement of the Committee of the criteria which he was incorporating into his assessment of cases where frequency of visits was an issue: i.e. that the main residence had to be visited for a minimum of one weekend per month over the year when the House was sitting and for periods during recesses. These factors would be taken into account, along with other evidence, when assessing the validity of the designation of a main residence. He drew the attention of the Committee to the fact that it was probable that more stringent requirements would be a feature of the new scheme for Members' expenses.

He also raised the issue of whether a property that was occupied by a relative other than a spouse or partner could in any circumstances be designated as a main residence under the current scheme. It was felt that this could in very specific circumstances be appropriate, subject to the thresholds established and depending on the detail of the Member's connection with the property, including relevant financial responsibilities.

The Committee considered the extent to which the Clerk of the Parliaments should rely on written assurances given by Members in respect of his enquiries, especially when there was significant disparity between the assurances given by Members and the allegations made against them. The Committee acknowledged the limitations on the investigative powers of the Clerk of the Parliaments and concluded that the Clerk was justified in relying on explicit written assurances from Members, noting that the consequences for a Member found to have misled the Clerk would be serious. If, however, a Member was not able to give the Clerk the assurances he sought, it would be appropriate to refer the case to the Sub-Committee on Lords' Interests.

There were still a number of outstanding complaints but the Clerk of the Parliaments now proposed to publish in the near future his conclusions on all the cases on which he had reached decisions.

The Committee *took note*.