



House of Commons  
Committee on  
Standards and Privileges

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**Additional Costs  
Allowance: Main  
Homes**

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**Fifteenth Report of Session 2007-08**

*Report together with formal minutes*

*Ordered by The House of Commons  
to be printed 21 October 2008*

## 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.

### Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)  
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)  
Rt Hon David Curry MP (*Conservative, Skipton & Ripon*)  
Mr Andrew Dismore MP (*Labour, Hendon*)  
Nick Harvey MP (*Liberal Democrat, North Devon*)  
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)  
Mr Chris Mullin MP (*Labour, Sunderland South*)  
The Hon Nicholas Soames MP (*Conservative, Mid Sussex*)  
Mr Paddy Tipping MP (*Labour, Sherwood*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)

### Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

### 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](http://www.parliament.uk/sandp). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Mrs Sarah Hartwell-Naguib (Second Clerk) and Ms Jane Cooper (Secretary).

### Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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# Additional Costs Allowance: Main Homes

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1. We recently reported on a complaint of incorrect identification of a main home for Additional Costs Allowance (ACA) purposes.<sup>1</sup> In this case, the Commissioner, who dismissed the complaint, took the opportunity to report on some general issues relating to the criteria for identifying a Member's main home, and on whether Members should be entitled to the full ACA allowance if other Members also claim against the ACA in respect of the same property.<sup>2</sup> In our report on the complaint, we undertook to report separately on these matters.<sup>3</sup>

2. The ACA reimburses Members for expenses incurred (other than expenses incurred for purely personal and political purposes) wholly exclusively and necessarily when staying overnight, away from their main United Kingdom residence (also referred to in this context, as their 'main home') for the purpose of performing Parliamentary duties.<sup>4</sup> The correct identification of a Member's main (United Kingdom) home is therefore at the heart of determining what expenditure is eligible for reimbursement through the ACA.

3. The Green Book states that the location of a Member's main home is normally a matter of fact.<sup>5</sup> We have already endorsed the Commissioner's view that, as the Green Book provides, where a Member has more than one home, the primary test for determining their main residence for ACA purposes should normally be that it is the one where he or she spends more nights than any other.<sup>6</sup>

4. The Green Book implicitly recognises that there may be circumstances where this simple objective test may not be the right one to apply, and we agree with the Commissioner that, in cases of doubt, it is reasonable to take account of a much wider range of factors.<sup>7</sup> In such cases, the Commissioner suggests that the Member's decision should reflect their particular circumstances and, having due regard to these, provide value for money for public funds.<sup>8</sup> This latter test reflects one of the overall principles set out in the Green Book as applying to all ACA claims.<sup>9</sup>

5. In proposing that one of the factors used in future to help guide decisions in cases of doubt on which of a Member's homes is their 'main home' for ACA purposes should be

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1 Fourteenth Report, Session 2007–08 (HC 1044).

2 *Ibid*, Appendix 1, paragraphs 88–95.

3 *Ibid*, paragraph 5.

4 Green Book, paragraph 3.1.1.

5 *Ibid*, paragraph 3.11.1.

6 HC 1044, paragraph 4.

7 *Ibid*, Appendix 1, paragraph 91.

8 *Ibid*, Appendix 1, paragraph 92.

9 Green Book, paragraph 3.3.1.

the obligation to obtain value for money in respect of accommodation so funded, the Commissioner comments:<sup>10</sup>

“Where there is genuine doubt about a main home and the considerations are evenly balanced, then the Member and the Department [*of Resources*] should give particular weight to ensuring that the home the Member designates as their main home results in a smaller claim on the ACA than would be the case if they designated the other property.”

**6. In essence, the Commissioner is proposing the use of a ‘value for money’ test as a tie-breaker in cases where there is genuine doubt about which property is a Member’s main home for ACA purposes, and other relevant considerations are evenly balanced. There may well be perfectly legitimate reasons why, for example, the costs of maintaining a second home in London are higher than maintaining a main home in the constituency. However, in the limited context to which the Commissioner refers, where other considerations do not provide an unambiguous answer, we believe it would be reasonable to apply this additional test. We nonetheless take the view that the test already laid out in the Green Book provides an adequate basis for reaching decisions on a Member’s main residence for ACA purposes in the vast majority of cases, and only in exceptional cases should recourse to consideration of other factors, and to this additional test in particular, be necessary.**

7. The Commissioner has recommended that the House consider abating Members’ individual ACA limits where, for any reason, they share accommodation with other Members in respect of which each makes claims against the Allowance.<sup>11</sup> **This is not a matter directly for us, but we draw this recommendation, and the grounds on which the Commissioner has made it, to the attention of the Members’ Estimate Committee.**

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<sup>10</sup> HC 1044, Appendix 1, paragraph 92.

<sup>11</sup> *Ibid*, Appendix 1, paragraph 95.

# Formal minutes

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**Tuesday 21 October.2008**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron

Mr David Curry

Mr Andrew Dismore

Nick Harvey

Mr Elfyn Llwyd

Mr Chris Mullin

The Hon Nicholas Soames

Dr Alan Whitehead

Draft Report [Additional Costs Allowance: Main Homes], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 7 read and agreed to.

Resolved, That the Report be the Fifteenth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Tuesday 28 October at 9.30 am

## Reports from the Committee on Standards and Privileges in the current Parliament

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### Session 2007-08

First Report	Conduct of Mr Elfyn Llwyd, Mr Adam Price and Mr Hywel Williams	HC 94
Second Report	Conduct of Mr Norman Baker, Mr Malcolm Bruce and Mr Sadiq Khan	HC 182
Third Report	Publications funded from the Communications Allowance	HC 232
Fourth Report	Conduct of Mr Derek Conway	HC 280
Fifth Report	Conduct of Mr Peter Hain	HC 324
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Eighth Report	The Complaints System and the Criminal Law	HC 523
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Twelfth Report	Conduct of Sir Nicholas and Lady Winterton	HC 744
Thirteenth Report	Ending Dual Reporting of Donations: Interim Report	HC 989
Fourteenth Report	Conduct of Rt Hon Ed Balls and Rt Hon Yvette Cooper	HC 1044
Fifteenth Report	Additional Costs Allowance: Main Homes	HC 1127

### Session 2006-07

First Report	Evidence to the SSRB Review of Parliamentary pay, pensions and allowances	HC 330
Second Report	Conduct of Mr David Cameron	HC 429
Third Report	Complaints about alleged misuse of Parliamentary dining facilities	HC 431
Fourth Report	Conduct of Mr Julian Brazier	HC 682
Fifth Report	Handling of future complaints on misuse of the private dining facilities	HC 683
Sixth Report	Conduct of Mr George Galloway	HC 909
Seventh Report	Conduct of Mr Gregory Campbell	HC 992
Eighth Report	Conduct of Mr Martin Salter and Mr Rob Wilson	HC 1071

### Session 2005-06

First Report	Conduct of Mr Jonathan Sayeed	HC 419
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Second Report	Conduct of Mr John Horam	HC 420
Third Report	Conduct of Mr Tony Baldry	HC 421
Fourth Report	Pay for Standing Committee Chairmen	HC 568
Fifth Report	Electoral Administration Bill: Simplification of Reporting Requirements	HC 807
Sixth Report	Mr Stephen Byers (Matter referred on 19 October 2005)	HC 854
Seventh Report	Conduct of Mr George Galloway	HC 1067
Eighth Report	Conduct of Mr Mark Lancaster	HC 1144
Ninth Report	Lobbying and All Party Groups	HC 1145
Tenth Report	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh Report	Conduct of Ms Emily Thornberry	HC 1367
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Thirteenth Report	Conduct of Mr John Prescott	HC 1553
Fourteenth Report	Conduct of Dr Desmond Turner	HC 1578
Fifteenth Report	Conduct of Mr Eric Illsley	HC 1579
Sixteenth Report	Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document	HC 1580