



House of Commons
Committee on
Standards and Privileges

Bill Wiggin

Third Report of Session 2010–11

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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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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Bill Wiggin

Introduction

1. We have received from the Commissioner for Parliamentary Standards a memorandum, reporting on his investigation into a complaint that for much of the period 2004 to 2006 Bill Wiggin, the Member for North Herefordshire,¹ made fixed monthly claims against his Parliamentary second homes allowance (the Additional Costs Allowance (ACA)) which were not justified by the costs he had incurred. The complaint was made by Mr Jim Miller of Leominster in November 2009.

2. The Commissioner completed his investigation on 1 July 2010. His memorandum is published at Appendix 1 to this Report. In accordance with our usual procedure, we supplied Mr Wiggin with a copy of the Commissioner's memorandum and invited him to give evidence. Mr Wiggin submitted written evidence, which is published at Appendices 2, 3 and 4.

The Commissioner's findings

3. Mr Wiggin has a home in his constituency and a home in London. From January 2004, Mr Wiggin made monthly Additional Costs Allowance claims in respect of his London home for council tax and telephone, utilities, service and maintenance costs. In financial years 2004–05 and 2005–06, most of these claims were for the sum of £240. Mr Wiggin also claimed for other items, including mortgage interest.²

4. The Commissioner identifies as the principal issue for him to resolve the question of “whether, over the financial years 2004–05 and 2005–06, Mr Wiggin acted within the rules in claiming routinely £240 a month from his Additional Costs Allowance for a range of services.” As the Commissioner points out, “That amount was just £10 below the limit established by the Department for claims not backed by invoices or receipts.”³ The rules in force at the time (2004 to 2006) stated that invoices or receipts must be provided for all items of expenditure of £250 or more.⁴ This meant that Members were able to claim sums under £250 without producing invoices or receipts, an arrangement which the Commissioner describes as “clearly unsatisfactory” and which was discontinued in 2008.⁵

5. As the Commissioner has found, Members were in effect able to choose between claiming the full amount with invoices where the sum exceeded £250, or claiming less than £250 even when the actual costs were higher, without having to justify their claims. This meant that substantial sums of money were claimed and paid to Mr Wiggin and to other Members without any test of the validity of the claims. The Commissioner points out that the lax nature of the allowances system before 2008 has meant that neither the House

¹ Prior to the 2010 General Election, the constituency was known as Leominster

² Appendix 1, paragraph 112

³ Appendix 1, paragraph 123

⁴ Appendix 1, paragraph 128

⁵ Appendix 1, paragraph 130

authorities nor Mr Wiggin have evidence of the costs Mr Wiggin actually incurred. He continues:

If Mr Wiggin made these claims when his actual costs were in fact less than £240 a month, or they were not incurred as a result of his parliamentary duties, then Mr Wiggin was in breach of the rules.⁶

6. The Commissioner acknowledges that, although Mr Wiggin’s decision to claim routinely £240 a month for a range of items was probably influenced by the fact that he was not required to produce invoices for claims at that level, it would not be right for him to find that Mr Wiggin was thereby in breach of the rules of the House.⁷ The rules clearly allowed Mr Wiggin and other Members to do this—but only if they had actually incurred the costs for which they were claiming in each month.

7. The Commissioner finds that, with the exception of council tax, it is not possible for him to give a definitive answer to the question of whether Mr Wiggin actually incurred the costs he routinely claimed (£240 a month each for utilities costs, for telephone costs, and for service and maintenance costs). This is because Mr Wiggin provided very little evidence to substantiate his claims. Although the Commissioner suggested that Mr Wiggin check with his service providers and his bank to see whether any relevant records existed, Mr Wiggin chose not to do so.⁸

8. The Commissioner finds that Mr Wiggin over-claimed on his second home council tax bill for 2005–06 by £716, of which he was paid £285 because his overall claims for that year had reached the maximum allowed. Although the Department of Resources took the view that other claims by Mr Wiggin could have been met had there been sufficient headroom, the Commissioner concludes that:

... the result of Mr Wiggin routinely claiming £240 a month for council tax whenever he considered the ACA budget would allow it, meant that he received £285 more for this item than he should have done. He was, therefore, in my judgement, in breach of the rules in receiving this amount for his council tax in 2005–06. I therefore uphold this part of the complaint.⁹

9. On the basis of what he describes as “the limited and largely circumstantial evidence” available to him on Mr Wiggin’s other costs, the Commissioner has nonetheless been able to reach a judgment on the balance of probabilities as to whether it is more likely than not that Mr Wiggin actually incurred the costs for which he claimed.

10. Mr Wiggin claimed a total of £1,856 for his second home’s utility costs in 2004–05, and £2,880 in 2005–06 (of which he was paid £2,449 after a reduction to take account of the Dissolution period, in respect of which allowances are not payable). On the balance of

⁶ Appendix 1, paragraph 124

⁷ Appendix 1, paragraphs 132 and 133

⁸ Appendix 1, paragraph 135

⁹ Appendix 1, paragraph 136

probabilities, the Commissioner finds that there is insufficient evidence to conclude that Mr Wiggin over-claimed in 2004–05 but that it is more likely than not that he did so in 2005–06. He therefore upholds the complaint in respect of the £2,449 Mr Wiggin received for his utilities bills in 2005–06.

11. Mr Wiggin’s claims for his second home’s telephone costs amounted to £240 a month for seven months in 2004–05 (a total of £1,680 over the year) and £240 a month for each month in 2005–06 (a total of £2,880, of which he was paid £2,449 after a reduction to take account of the Dissolution period). The Commissioner notes that Mr Wiggin had three telephone lines to his second home and that he shared them with a business run by his wife, Wiggin Public Relations. He comments that “It would have made much more sense for there to have been separate lines separately billed and charged.”¹⁰ He points out that Mr Wiggin made “considerably lower” telephone claims in 2007–08, when he claimed for five months at £190, two months at £75, one month at £60 and one month at £50. On the balance of probabilities, the Commissioner concludes that Mr Wiggin’s share of his second home’s telephone bills was more likely than not to have amounted to less than the £240 he claimed in each of the 19 months. He therefore upholds this part of the complaint.

12. In 2004–05, Mr Wiggin claimed and received £240 a month for six months (a total of £1,440) for service and maintenance of his second home, in addition to some major items for which he claimed a total of £4,458. In 2005–06, he claimed £240 a month (a total of £2,880, of which he was paid £2,449 after a reduction to take account of the Dissolution period). Mr Wiggin did not submit any evidence in support of the monthly claims, instead telling the Commissioner that they related to work carried out by plumbers, electricians and service engineers or to the purchase of DiY materials and that he was entitled to make them. The Commissioner finds it hard to accept that, on the balance of probabilities, the costs of such incidental and routine maintenance could or should have come every month to at least £240. He therefore concludes that Mr Wiggin’s service and maintenance bills were more likely than not to have cost less than the sums he claimed and received in 2004–05 and in 2005–06. As the Commissioner points out, Mr Miller did not refer to the service and maintenance claims in his complaint. However, the issues are the same and the Commissioner has, in accordance with precedent, included these claims in his investigation.

13. The Commissioner has also considered whether Mr Wiggin wrongly designated his London home as his main home for a period of three years. Again, this matter did not form part of the original complaint but emerged in the course of the investigation and was followed up. The Commissioner notes that the evidence is that Mr Wiggin’s designation of his main home during this period “was handled by him in a chaotic way.”¹¹ In January 2004, Mr Wiggin designated his constituency property as his second home. This designation remained in place until January 2007, after the Department had drawn to Mr Wiggin’s attention that he had been claiming for costs incurred in relation to his designated main home. The Commissioner has found that Mr Wiggin’s monthly claim forms were “a muddle.” Mr Wiggin did not deliberately breach the rules. However, the

¹⁰ Appendix 1, paragraph 136

¹¹ Appendix 1, paragraph 137

Commissioner finds that Mr Wiggin made “a careless—but repeated—mistake”.¹² He concludes that Mr Wiggin was in breach of the rules of the House in wrongly designating his London home as his main home from January 2004 to January 2007.

14. In his assessment of the seriousness of the various breaches that, on the balance of probabilities, he has concluded occurred, the Commissioner describes Mr Wiggin’s designation of his London home as his main home as “an unfortunate and unintended muddle.” He identifies as a strong mitigating factor the Department’s failure to pick up the error much earlier than they did. However, the Commissioner considers Mr Wiggin’s other breaches to have been serious.

This is because his claims for some items were, on the balance of probabilities, above the costs he was reasonably likely actually to have incurred. I consider that, even by the standards of the time, the way Mr Wiggin handled his claims was not acceptable since a too casual approach led to him making some excessive claims for his second home costs in 2004–05 and 2005–06. In my judgement, these claims could not be justified by what was likely to have been the actual expenditure he necessarily incurred in support of his parliamentary duties. It is difficult to avoid the conclusion that Mr Wiggin believed that he was entitled to receive the full ACA allowance each year, and submitted his claims accordingly, without always checking that each monthly claim was justified by the expenditure he had actually incurred in each category.¹³

15. The Commissioner records in his memorandum that in January 2007, a Departmental official had made a file note, in which he described Mr Wiggin as giving the impression that he applied the ACA rules “in a fairly cavalier manner.”¹⁴ He considers that “there have been remnants of that attitude in the information [Mr Wiggin] has given in my inquiry.”¹⁵ The Commissioner adds that “It is disappointing that Mr Wiggin did not make a greater effort to identify what he actually paid for the various services for which he claimed.”

Mr Wiggin’s evidence

16. In his initial written evidence to the Committee, Mr Wiggin welcomed the Commissioner’s conclusion that he did not breach the rules by claiming £240 each month for utility and other bills without receipts (so long as the expenditure was actually incurred). He apologised for over-claiming for Council Tax in 2005–06 and for his “casual” administration of Parliamentary allowance claims in 2004.¹⁶ However, Mr Wiggin took issue with several of the Commissioner’s findings:

- Mr Wiggin does not accept that he failed to “check for records” which might have substantiated his claims

¹² Appendix 1, paragraph 138

¹³ Appendix 1, paragraph 140

¹⁴ Appendix 1, paragraph 64 and WE23

¹⁵ Appendix 1, paragraph 131

¹⁶ Appendix 2

- Mr Wiggin suggests that the Commissioner’s finding in respect of his claims for utility bills in 2004–05 and 2005–06 are inconsistent
- Mr Wiggin defends his apportionment of his telephone bills between Parliamentary use and his wife’s business use
- Mr Wiggin maintains that he spent more than he claimed
- Mr Wiggin describes the Commissioner’s decision to base his conclusions on a balance of probability as “deeply worrying given that he has admitted to having insufficient evidence”

17. We considered Mr Wiggin’s evidence at our meeting on 7 September. We noted, in particular, that Mr Wiggin had not taken up the Commissioner’s suggestion that he approach his service providers and others for evidence of the bills he actually paid. It appeared to us that, if he had acted in accordance with the Commissioner’s suggestion, Mr Wiggin would have been able to demonstrate that his ACA claims were, as he had consistently maintained, for sums below the expenditure he had actually incurred—or not, as the case may be. We therefore offered Mr Wiggin a further opportunity to obtain this evidence.

18. Mr Wiggin wrote to us on 16 September.¹⁷ He expressed his willingness to comply with our suggestion and he supplied us with copies of letters he had written to his service providers.¹⁸ In early October, he wrote again, enclosing copies of bank statements for most of 2006–07, plus copies of the telephone bills he had previously supplied to the Commissioner, covering much of 2004–05.¹⁹

Conclusions and recommendation

19. The Commissioner concludes, and Mr Wiggin accepts, that Mr Wiggin wrongly designated his main home between 2004 and 2007. We agree with the Commissioner that this was due to carelessness on the part of Mr Wiggin, that there is no evidence of intent and that the failure of the House authorities to notice the error for three years is “a strong mitigating factor.”²⁰

20. We welcome Mr Wiggin’s apology for over-claiming £285 in respect of Council Tax in 2005–06. However, we note that Mr Wiggin has not yet offered to repay the sum.

21. In his evidence, Mr Wiggin has criticised various aspects of the Commissioner’s conclusions. Mr Wiggin states that “The Commissioner is incorrect to say that I did not check for records.” We have found nothing in the Commissioner’s memorandum which amounts to such a broad allegation. The Commissioner accepts that there is “some strength” in the argument that Mr Wiggin did not expect to be asked to produce invoices

¹⁷ Appendix 3

¹⁸ Evidence not printed

¹⁹ Appendix 4, enclosures not printed

²⁰ Appendix 1, paragraph 140

or receipts and that it is now some years after the event.²¹ As summarised above, he suggested to Mr Wiggin that Mr Wiggin check with his service providers and bank to see whether any relevant records existed. The Commissioner does not allege that Mr Wiggin failed to check his own attic, but he has concluded that Mr Wiggin chose not to check with his service providers or his bank, despite having been invited to do so. Mr Wiggin has told us that he is:

willing to apologise ... fully for my poor administration. I regret that my records have not been kept to the standard of scrutiny that in retrospect they should have been ...²²

22. As noted above, it is our view that, had Mr Wiggin asked for and obtained copies of his utility bills and bank statements, it is likely that he would have been able to provide the Commissioner with conclusive evidence, which would have either supported or demolished the allegation that he claimed less than he spent. We are very surprised that Mr Wiggin apparently chose not to write to his service providers until he was invited to do so by us.

23. The evidence eventually supplied by Mr Wiggin is far from complete. However, we are satisfied that it is sufficient for us to reach a conclusion based on the balance of probabilities. This is, as Mr Wiggin noted in his evidence, the same test that the Commissioner applied in reaching his conclusions. We do not agree with Mr Wiggin that the Commissioner was wrong to base his conclusions on a balance of probabilities. The present Commissioner and his predecessors have always used this test when reaching conclusions on cases investigated by them. They have done so with the consistent support of previous Committees on Standards and Privileges.²³ In particularly serious cases, both the Commissioner and the Committee have required the evidence to demonstrate that an allegation is *significantly* more likely to be true than not to be true before it is upheld. However, in our view the complaint against Mr Wiggin is not such a case. We therefore support the Commissioner's decision to base his conclusions on a straightforward balance of probabilities and we note that, in his final piece of written evidence, Mr Wiggin himself used it. We wish to make two additional points:

- First, a balance of probabilities is a stringent test; it means that an allegation must be found to be more likely to be true than not to be true before it may be upheld
- Secondly, had Mr Wiggin sought and obtained when originally invited to do so evidence that was available to him but which was not available directly to the Commissioner, he could at that early stage have put the matter beyond doubt.

24. We turn now to Mr Wiggin's detailed comments on the Commissioner's conclusions and to the evidence he has supplied.

²¹ Appendix 1, paragraph 135

²² Appendix 4

²³ See, eg, Second Report of Session 2000–01, HC 89, paragraphs 16 to 20

Gas and electricity costs

25. Mr Wiggin has described the Commissioner’s finding that the seven monthly claims of £240 he made for his utility costs in 2004–05 did not breach the rules but that the twelve monthly claims of £240 he made in 2005–06 did as an odd and “at best inconsistent conclusion.” Mr Wiggin appears to have based this view on an assumption that the Commissioner’s conclusion related to Mr Wiggin’s claims in respect of each month of those years, whereas it is clear from the Commissioner’s memorandum that he was considering the totality of the claims in each year. It is on this consistent basis that the Commissioner has reached different conclusions in respect of the two financial years, 2004–05 and 2005–06. The Commissioner states that there is insufficient evidence to suggest that the sum claimed in respect of 2004–05 was excessive. It appears to us that, in reaching this conclusion, the Commissioner was in effect giving Mr Wiggin the benefit of the doubt.

26. As we have already noted, this is a matter which we believe Mr Wiggin could have placed beyond doubt, by obtaining the relevant documents. It is disappointing that Mr Wiggin has apparently been unable to obtain copies of his past bills from his gas and electricity supplier. He has, however, supplied us with bank statements for most of the period April 2006 to January 2007. These show that in each month from June 2006 to January 2007, Mr Wiggin was paying £473 by direct debit for the gas and electricity used at his London home. In April 2006, the monthly sum was £486.

27. This new evidence does not relate to the period when, the Commissioner has concluded, Mr Wiggin was probably claiming more than the cost of his gas and electricity. It is also evidence not of the actual cost of the gas and electricity consumed, but of a payment plan intended to even out energy costs over the course of a full year. And as Mr Wiggin acknowledges, the monthly direct debits have varied over time. However, it would be unreasonable for us not to take this new evidence into account in reaching our own judgment on the balance of probabilities. In our view, the new evidence tips the balance sufficiently in Mr Wiggin’s favour to make it unsafe for us to conclude that he claimed more for his utility costs than he incurred. It is worth restating that, had Mr Wiggin obtained copies of his energy bills for the relevant period, he could have put the matter beyond doubt. It is, of course, still open to him to do this.

Telephone and communication costs

28. Mr Wiggin supplied the Commissioner with a number of telephone bills which he found in his attic. The bills related to the three telephone lines that Mr Wiggin shared with his wife’s business. As the Commissioner notes, “These showed that in August 2004 the bills were £597, the bills for November 2004 came to £503, and in February 2005 to £552.”²⁴ There was also a bill for £96, dated October 2004. Mr Wiggin’s evidence was that, when claiming £240 a month for his London home telephone costs, he was estimating his share of the overall bills. He told us that in the absence of guidance about how to apportion the

²⁴ Appendix 1, paragraph 19

costs between his own use and that of his wife’s business, he does not know how he is supposed to work out his share of the bill “except by making a judgement.”²⁵

29. We accept that to go through these bills disentangling his own use of the telephone lines from that of his wife’s business would have been time-consuming for Mr Wiggin, although we note that he appears to have done this in 2007–08. We also assume that his wife faced carrying out a similar exercise when drawing up her business accounts, so we are a little surprised that the breakdown was not readily available. Moreover, we strongly agree with the Commissioner that “It would have made much more sense for there to have been separate lines separately billed and charged.”²⁶ We cannot understand why it would not have occurred to Mr Wiggin to do this.

30. Mr Wiggin has not supplied us with any further evidence of his telephone costs. We therefore looked again at the bills he had already supplied to the Commissioner. Mr Wiggin supplied three bills in relation to one of the three telephone lines to his London home; and he supplied two bills in relation to each of the other two lines. It appears to us that the bills for two of the three lines were prepared on a quarterly basis; the evidence suggests that the bills from another company for the third line were issued monthly. This being so, the cost of the telephone and communication services supplied to Mr Wiggin’s London home—both his own use of the three telephone lines and whatever use of those lines was made by his wife’s business—was as follows:

Line 1	£1,327 over the period June 2004 to February 2005	Equivalent monthly rate: £147
Line 2	£197 over the period September 2004 to February 2005	Equivalent monthly rate: £33
Line 3	£224 in October and November 2004	Equivalent monthly rate: £112
Total equivalent monthly rate:		£292

31. Mr Wiggin told us in written evidence that he was paying “well over £400 even in August 2004” for his telephone bills.²⁷ From the sparse evidence of the few bills which Mr Wiggin has provided, the average monthly figure was less than £300. In the absence of any evidence as to the proportion of the telephone costs which should properly have been borne by Mrs Wiggin’s business, we are unable to calculate how much Mr Wiggin was entitled to claim from Parliamentary allowances during the period covered by these bills, a situation which we find deeply unsatisfactory. But as the Commissioner concluded:

²⁵ Appendix 2

²⁶ Appendix 1, paragraph 136

²⁷ Appendix 4

£240 is a lot to spend on a home telephone in a month. And Mr Wiggin would not have been there for substantial periods—he would have spent a considerable amount of time in his main home in his constituency, particularly in the recesses. And, when Parliament was sitting, he would have been in the House. I therefore find it hard to accept that Mr Wiggin’s telephone costs when staying in his London home on parliamentary duties reached £240 each month. I am reinforced in this conclusion by the considerably lower telephone claims Mr Wiggin made in 2007–08, when he claimed for five months at £190, two months at £75, one month at £60 and one month at £50. He made no claims at all in 2008–09.²⁸

32. On a balance of probabilities, we conclude that Mr Wiggin’s average monthly use in connection with his Parliamentary duties of the three telephone lines to his London home that he shared with his wife’s business was unlikely to have cost as much as £240 in 2004–05 and in 2005–06.

Service and maintenance costs

33. Mr Wiggin has been unable to supply us with any evidence of the costs he incurred in servicing and maintaining his second home, for which over an 18-month period he also claimed £240 monthly, in addition to claiming separately for major items. This is because Mr Wiggin paid cash for work such as redecorating, which he told us cost him about £300 to £500 per room.²⁹ Mr Wiggin’s evidence to the Commissioner was that the monthly costs related to work carried out by plumbers and electricians (he made no mention of decorators), plus some DiY costs (these costs included paint). The Commissioner concluded, on a balance of probabilities, that the actual costs were more likely than not to have been less than the sums claimed. We agree with the Commissioner.

Overall conclusion

34. We agree with the Commissioner that the arrangement under which Members were able to claim for items under £250 “was clearly unsatisfactory.”³⁰ It was never the case that Members were permitted to claim for sums greater than the costs they actually incurred. The evidence shows that it is more likely than not that Mr Wiggin did claim for expenditure he did not incur, in respect both of telephone services and of service and maintenance. However, the new evidence supplied by Mr Wiggin does not support a conclusion that he over-claimed for gas and electricity costs. Although these costs appear to have been remarkably high, we conclude that Mr Wiggin was within the rules in claiming, as he did, £240 each month towards them from his Additional Costs Allowance.

35. The Commissioner has concluded that Mr Wiggin’s muddled failure to designate his main home correctly was unfortunate and unintended. Mr Wiggin gained nothing and the

²⁸ Appendix 1, paragraph 136

²⁹ Appendix 4

³⁰ Appendix 1, paragraph 130

public purse lost nothing from this mistake. However, the Commissioner considers that the rest of Mr Wiggin's breaches were serious.³¹ We agree with these assessments.

36. We also note with disappointment the Commissioner's remarks about Mr Wiggin's attitude towards cooperating with his inquiry and we take this opportunity to remind all Members of their obligations under paragraph 18 of the Code of Conduct:

Members shall cooperate, at all stages, with any investigation into their conduct by or under the authority of the House.³²

Recommendation

We recommend that Bill Wiggin apologise to the House through this Committee in writing for wrongly designating his main home from 2004 to 2007. We further recommend that Mr Wiggin repay the £285 he over-claimed in respect of council tax in 2005–06. Finally, we recommend that Mr Wiggin apologise to the House through this Committee in writing for claiming from Parliamentary allowances costs that we have concluded he did not actually incur and that he repay £4,009, representing half of the sum he was paid from Parliamentary allowances in respect of telephone and communication costs and service and maintenance costs for his second home in financial years 2004–05 and 2005–06.

³¹ Appendix 1, paragraph 140

³² HC, 2008–09, 735

Appendix 1: Memorandum submitted by the Parliamentary Commissioner for Standards

Mr Bill Wiggin MP

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Complaint against Mr Bill Wiggin MP

Introduction

1. This memorandum reports on my investigation into a complaint that in 2004–05 and 2005–06, Mr Bill Wiggin, the Member for North Herefordshire, made fixed monthly claims against the Additional Costs Allowance (ACA) which were not justified by the costs he had incurred.

The Complaint

2. On 6 November 2009, Mr Jim Miller of Leominster wrote to me with his complaint against Mr Wiggin.³³ Mr Miller alleged that Mr Wiggin had claimed for costs which were not incurred at his second home in London for the purposes of his parliamentary duties, and that he had claimed for costs which he had not actually paid.

3. The complainant sent me redacted copies of all the Additional Costs Allowance claims made by Mr Wiggin for 2004–05 and 2005–06.³⁴ He said that on the 12 monthly claims for the year from 1 April 2005 to 1 April 2006 Mr Wiggin had claimed the following costs:

<i>“Utilities</i>	£240
<i>Council Tax</i>	£240
<i>Telephone</i>	£240

These exact figures are claimed every month for 12 months. They are plainly made-up figures, chosen to avoid the instruction on the form: ‘Please list all items costing £250 or more and include receipts’.

4. In the year 2005–06, the complainant said, Mr Wiggin had claimed £240 a month for 12 months for council tax at his London home in the Borough of Hammersmith and Fulham, making a yearly claim of £2,880. However the amount Hammersmith and Fulham Council asked of its highest, Band H, households for that year had been £2,316. He enclosed a record of the council’s charges for the relevant period.³⁵ Moreover, he said that this was Mr Wiggin’s second home, subject to that Council’s 10% second home discount, “*so the highest possible figure Mr Wiggin could have been billed for that year was £2,085, yet he has claimed £2,880. Assuming that the Fees Office paid Mr Wiggin’s claim, he personally received £795: money he had never actually paid ...*”

5. The complainant said that the claims for the other year he had submitted (2004–05) were slightly less clear cut, in that 4 months—December 2005, and January, February and

³³ WE 1

³⁴ Not included in the written evidence.

³⁵ WE 2

March of 2006—were missing from the MPs’ Allowances website.³⁶ With the eight monthly forms that did exist, the complainant said, Mr Wiggin had claimed £1,896 in council tax. The Band H charge in Hammersmith and Fulham for that year had been £2,262. However, Hammersmith and Fulham Council still had a 50% discount on second homes and so the maximum Mr Wiggin could have been charged was £1,131. *“He has therefore claimed at the very least £765 which he did not owe to that Council. However, if he claimed £240 a month for the currently missing four months—quite likely, as he did so for every subsequent month in 2006—he actually over-claimed £1,725.”*

6. The complainant said that the £2,880 a year for utilities claimed by Mr Wiggin seemed in his view *“very excessive”*, and for telephone bills at a second home, *“hugely excessive”*. He said that Mr Wiggin had publicly stated that he spent more than half the year at his main, Herefordshire, home. The complainant said he was sure, for example, that Mr Wiggin would not claim to have spent the parliamentary summer recess of 2005 at his second, London home, yet he, Mr Wiggin, had claimed £240 a month for the months of July, August and September for phone calls *“which simply cannot have been made. That is £720 in one year alone, a sizeable sum and in violation of his signed declaration that these are for costs he has actually paid, and which were necessary in performance of his parliamentary duties.”*

Relevant Rules of the House

7. 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.”

8. The rules in relation to parliamentary expenses and allowances relevant at the time in question include those in the Green Book published in 2003. In the introduction, the then Speaker 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. The Finance and Administration Department is there to relieve Members of the bulk of the day to day administration of Parliamentary allowances whilst helping Members to provide the necessary accountability.”

9. Section 3 set out the provisions in relation to claims against the Additional Costs Allowance. Paragraph 3.1.1 set out the scope of the 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 residence (referred to below as their main home) for the purpose of

³⁶ Presumably December 2004 and January, February and March 2005. Mr Wiggin’s evidence is that he made no claims for these months (see paragraph 22).

performing Parliamentary duties. This excludes expenses that have been incurred for purely personal or political purposes.”

10. Paragraph 3.2.1 set out eligibility provisions as follows:

“You can claim ACA if:

- a You have stayed overnight 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.”*

11. Paragraph 3.6.1. set out the documentation to be supplied by the Member to the Department of Finance and Administration when making ACA claims, including

“ ❖ Invoices/receipts for all items of expenditure of £250 or more (except for food).”

12. Paragraph 3.7.2 set out the following on making a claim:

“If you wish to claim a fixed sum per month in order to cover council tax, mortgage interest or rental costs, you may submit a statement of expected expenditure at the beginning of the allowance year, along with a copy of your latest council tax statement, mortgage interest statement or rental agreement as appropriate. Each month we will pay you a fixed sum, which will not exceed 1/12 of the annual allowance. You must then submit a statement of actual spend at the end of the year, together with documentation (as listed in paragraph 3.6.1.) This will mean that you do not have to submit monthly claims. However, this arrangement is conditional on your providing the required documentary evidence at the end of the year. You cannot claim a fixed sum per month for items other than council tax, mortgage interest or rental costs.”

13. Paragraph 3.11.1 gave examples of allowable expenditure including:

“• Service Charges

• Utilities

- ❖ *heat*
- ❖ *light*
- ❖ *water*

• *Council tax*

• *Telecommunication charges”.*

14. A subsequent edition of the Green Book was published in April 2005. It contained similar provisions to those set out above, except that paragraph 3.7.2 of the 2003 rules was not reproduced in the April 2005 Green Book.

My Inquiries

15. I wrote to Mr Wiggin on 12 November to invite his comments on the complaint.³⁷ I noted that the essence of the complaint was that he had made claims against his Additional Costs Allowance for utilities, council tax and telephone costs which were not wholly, exclusively and necessarily incurred on his parliamentary duties.

16. I asked Mr Wiggin in particular: why he had made claims for utilities, council tax and telephone at the same rate of £240 for each month over the financial years 2004–05 and 2005–06; whether he had invoices in support of these claims, and if so whether he could forward them to me. If he did not have such invoices, I asked him to let me know how his utility charges were broken down between each of the utilities. I said I realised that at this remove he might need to rely on his best estimate. I also asked him how he had incurred the same telephone costs for each of the 24 months in question, including during parliamentary recesses; whether he could provide me with details of his council tax liability for the second home during the years in question, whether he had a second home or single person discount for his council tax and, if not, why not; how on the basis of the complainant's evidence, he had apparently claimed for council tax in excess of the maximum charged by Hammersmith and Fulham Council; whether he had at any time consulted the Department of Resources about these matters, and, in particular, whether his council tax claims were subject to the arrangements for claiming fixed sums a month set out in paragraph 3.7.2 of the 2003 rules. I also asked Mr Wiggin to forward copies of the claims relating to the period December 2005 to March 2006 which appeared to be missing from the parliamentary website.³⁸

17. Mr Wiggin replied on 16 November.³⁹ He said that he had made claims for utilities, council tax and telephone *“because to the best of my knowledge, these were what I thought were the right amounts and which fell within the rules which were also wholly, exclusively and necessarily incurred within my parliamentary duties.”*

18. Mr Wiggin said that he did not have the invoices which I had requested. However to try to guide me as to how much he had been spending, he told me his current utility bills were:

Gas	£174.00
Electricity	£80.00
Water	£50
Gas service	£25

³⁷ WE 3

³⁸ See footnote 4.

³⁹ WE 4

Total £257⁴⁰

19. Mr Wiggin said that while this was more than he had claimed in the past, fuel prices had risen while his home had become more energy efficient. He said that his wife and others had also used the telephones. His wife had paid the bills and there was more than one supplier. Mr Wiggin sent me copies of some telephone bills which he had been able to find from 2004–05.⁴¹ These showed that in August 2004 the bills were £597, the bills for November 2004 came to £503, and in February 2005 to £552. *“Therefore in order to fall within the rules, I estimated my usage incurred for parliamentary duties was £240 per month. While I can understand how this estimate could be considered too high in recesses it is much too low at other times of the year.”*

20. Mr Wiggin said that his house in London was in Band H. He did not receive a discount of any sort for council tax; he lived with his family and so was not eligible for the single occupancy discount. Mr Wiggin told me that he could not claim the second home discount because Hammersmith and Fulham Council did not allow residents’ parking permits for second homes.

21. Mr Wiggin apologised for accidentally submitting claims for eleven months rather than ten months council tax.⁴² However, he said, these claims had not been paid. He enclosed a table setting out his council tax claims from 2004–05 to 2008–09, *“demonstrating that although I have put in claims for more than the total amount, I did not receive from the Fees Office that amount, indeed I could not because my allowances ran out before all the claims could be paid.”*⁴³

22. Mr Wiggin said that he had always been willing to repay any money which he had received in error. However his mortgage claims were not paid in full either and *“any error on my part in claiming is more than offset against my mortgage which was unpaid.”* On the question of consulting the Department of Resources, Mr Wiggin said he had made mistakes in the past for which he had apologised. So in 2006 he had asked the Fees Office to check his ACA and ensure that his claims were in order. He said that they had done this in 2007.⁴⁴ Mr Wiggin enclosed copies of all his claims between December 2005 and March 2006.⁴⁵ He had made no claims for the same period in the previous year (December 2004 to March 2005).

23. Mr Wiggin also enclosed a series of articles, one of which had appeared in the *Daily Telegraph* following the receipt of my letter by Mr Miller.⁴⁶ Mr Wiggin concluded his letter by saying: *“If I have in any way claimed more than I should, I am very willing to pay back*

⁴⁰ Actually £329, including gas services. Mr Wiggin has informed me that this was a typing error.

⁴¹ Not included in the written evidence.

⁴² The Director of Strategic Projects later said that Mr Wiggin had claimed for 12 months in 2005–06, although he had not been paid for the twelfth month. See WE 13.

⁴³ Reproduced for 2004–05 and 2005–06 at WE 5.

⁴⁴ The Director of Strategic Projects later said that he believed that this was a reference to a discussion which the Department had with Mr Wiggin in January 2007 about his nomination of his Herefordshire home as his second home and which led to the regularisation of his affairs. See WE 10.

⁴⁵ Not included in the written evidence.

⁴⁶ Articles not included in the written evidence.

any money due. However, I do not believe this to be the case and I hope you will confirm this.”

24. On 3 December I wrote to Mr Wiggin, asking him whether he could explain a little more about how he had arrived at the figures of £240 a month as being “*the right amounts*” for his claims in each of the categories of utilities, council tax and telephones.⁴⁷

25. I also asked him to provide the same information for his service/maintenance claims, which were not part of the complaint, but which were identified on his ACA claim forms, along with what those claims covered. I asked Mr Wiggin to clarify the period covered by the figures in his letter for his recent gas, electricity and water bills. I noted that the telephone bills for 2004–05 appeared to relate to a public relations consultancy,⁴⁸ and appeared to cover three different telephone lines. I asked Mr Wiggin to confirm that these were the lines that he had used, and if they had indeed been shared with a business, how his share of the usage was calculated.

26. I asked Mr Wiggin for his response to the suggestion that it was his practice to claim £240 for different categories of ACA expenditure even when his bills were in excess of that figure, so that he did not have to produce invoices for each of his claims. In view of Mr Wiggin’s reference to his mortgage payments, I asked him how much mortgage interest he had paid for the relevant years 2004–05 and 2005–06; what he had claimed for mortgage interest in those years and how far these claims were met. In relation to his council tax, I asked Mr Wiggin to tell me how much council tax he had been charged for each year covered by the complaint. I noted that Mr Wiggin believed that he had accidentally claimed for eleven months rather than ten months, and asked him in which year this happened, and whether he had claimed a fixed sum each month for his council tax, with a statement of actual spend at the end of the year as set out in paragraph 3.7.2 of the Green Book rules. I noted that Mr Wiggin no longer had the invoices for his utilities, telephone and council tax charges. But I asked Mr Wiggin whether it might be possible to provide me with copies of any of these or other evidence of payments made. I suggested that these details might be obtained from bank statements or business records.

27. Mr Wiggin replied on 7 December, saying that he had nothing further to add to his previous answers to me on how he had arrived at the figures of £240 a month as being “*the right amounts*” for his claims.⁴⁹ He continued, “*I respectfully draw your attention to point 11 of the Procedural Note*”. This Note, Procedural Note 3, accompanied my first letter.⁵⁰ Point 11 of the Note includes the following, “*The Commissioner will ask for the Member’s response (preferably in writing). What is asked of the Member is to give a full and truthful account of the matters which have given rise to the complaint: there is no question of them being required to prove their innocence.*”

⁴⁷ WE 6

⁴⁸ Wiggin Public Relations

⁴⁹ WE 7

⁵⁰ WE 3

28. Mr Wiggin told me that the figures he had given in his letter of 16 November⁵¹ for his utility bills were monthly, and confirmed that “*all and any*” of the phone lines referred to in that letter were used by him. He explained that the amount expressed on the spreadsheet he had sent was the amount of council tax which I had enquired about. Mr Wiggin continued: “*I think the Fees Office would be better placed to explain the ACA claim forms and this is true for my mortgage payments and receipts too.*”

29. As to the suggestion that it had been his practice to claim £240 for different categories of ACA expenditure even when his bills were in excess of that figure, so that he did not have to produce invoices for each of his claims, Mr Wiggin said, “*I am sure that is what my constituent wrongly believes. However I have shown that I have not claimed more than the phone and utility bills or received more council tax than I should.*” Mr Wiggin said that information about his mortgage interest claims and council tax payments was held by the Fees Office or was in the public domain.⁵²

30. I wrote to Mr Wiggin on 10 December, explaining that the purpose of my letter of 3 December had been to ask for information and relevant explanations to assist me in the resolution of this inquiry.⁵³ I noted Mr Wiggin’s reference to paragraph 11 of Procedural Note 3 which I had sent him, and said that I was, I believed, acting within the expectations of that paragraph in asking for his account of matters which had given rise to the complaint. I said that I knew that he was ready to cooperate at all stages with my inquiry, as provided for in the Guide to the Rules at paragraph 110.⁵⁴

31. I said that I would, therefore, take it from his letter of 16 November that he had arrived at the figures of £240 a month, even though on occasions the bills came to more than that, because he considered that that figure was the right amount, but that he was not able to help me with any more detailed recollection of why he had come to this conclusion. I said that I assumed also that he was not able to provide the documentary evidence I requested about the payments he had actually made to these suppliers, because he could not obtain this information from his own records, from the suppliers, or from his bank.

32. Having reviewed the evidence I had received from Mr Wiggin, I decided that it would be helpful to seek the advice of the Department of Resources. Accordingly, I wrote on 10 December to the Director of Operations in the Department.⁵⁵ I asked for his comments on Mr Wiggin’s explanation of his decision to claim £240 a month for utilities (gas, water, electricity), council tax, telephones, and service/maintenance. I also asked the Director to

⁵¹ WE 4

⁵² In his letters of 11 and 25 January (WE 10 and WE 13), the Director of Strategic Projects said that the Department did not hold mortgage interest statements from Mr Wiggin, although a file note from 2007 suggested that mortgage interest documentation was held at the time. A file note from 2007 indicated that no records on council tax were held at the time. They were therefore unable to confirm the amounts Mr Wiggin actually paid on mortgage interest or council tax.

⁵³ WE 8

⁵⁴ “The Code of Conduct together with The Guide to the Rules Relating to the Conduct of Members”, 23 June 2009 HC 735 provides at paragraph 110: “*It is a requirement of the Code of Conduct that Members cooperate at all stages with any inquiry by the Committee on Standards and Privileges or the Commissioner into their conduct. It is also a requirement that Members do not lobby members of the Committee on Standards and Privileges or the Commissioner in a manner calculated to influence their consideration of complaints.*”

⁵⁵ WE 9

let me have any information he held about Mr Wiggin's mortgage interest claims for the relevant financial years, including how much mortgage interest he had paid and how much he had claimed in those years, and to confirm Mr Wiggin's council tax claims, including the amount of council tax Mr Wiggin had been charged for each year covered by the complaint, and whether he had lodged a statement of actual spend at the end of the year, as apparently required by paragraph 3.7.2 of the Green Book rules at the time.

33. I also asked about any discussions Mr Wiggin might have had with the Department about the ACA claims he made for 2004–05 and 2005–06. I noted that Mr Wiggin had said in his letter to me of 16 November that at his request, the Fees Office had checked his claims in 2007. And I also pointed out that Mr Wiggin noted on the spreadsheet which he forwarded with that letter that £133 from his council tax claim had been set against his mortgage for 2005–06.

34. On 11 January 2010 the Director of Strategic Projects at the Department of Resources replied to me on behalf of the Department.⁵⁶ The Director said that, during 2004–05 and 2005–06, receipts were required for any item of expenditure greater than £250. Some Members, he said, had been in the habit of submitting regular rounded monthly claims at a lower level than £250 because they had considered that they had spent that amount or more in total on the service in question in that month. The Director said that in so doing the Members were certifying that they had incurred at least that cost in that month for that service.

35. On Mr Wiggin's statement that the amounts he had claimed were the "right amounts", the Director said that *"If Mr Wiggin means that he incurred costs of at least £240 per month on the services for which he claimed £240, then those were indeed 'right' amounts for him to claim. However, from Mr Wiggin's letter to you of 16 November, I infer that he may not have incurred telephone charges of £240 during recess months for which he claimed this amount, though, averaged over the year, his costs would have been £240 per month. Strictly this was not in accordance with the rules, though I can understand why he may have thought this acceptable if his cumulative totals exceeded a monthly £240 average."*

36. The Director said that the rules on mortgage interest and council tax had been slightly different at the time. Members had been permitted to claim a fixed sum per month in order to cover these costs. The Director explained that, to benefit from this, Members had to submit a statement of expected expenditure at the beginning of the allowance year, along with a copy of their latest council tax statement or mortgage interest statement, and to provide statements showing actual spend at the end of the year. The Director said that each month the Department would pay a fixed sum, which would not exceed one twelfth of the annual allowance.⁵⁷

⁵⁶ WE 10

⁵⁷ The Director subsequently explained in his letter of 25 January (WE 13) that, under this arrangement, Members did not need to submit monthly claims for these items, provided the documentation was in place. He said that Mr Wiggin was not in this category because he claimed monthly. His letter ought not to have implied, therefore, that these statements were required of him. The Director said that Mr Wiggin would still have been required to provide annual mortgage statements. He said that the Department did not have such documentation on file for the years in question, although they had held mortgage documentation in January 2007.

37. On council tax, the Director confirmed the figures which Mr Wiggin had provided to me for the claims he had made and the amounts he had received. The Department had, however, no record of what Mr Wiggin had actually paid, and a file note from 2007 indicated that no such records had been held at the time. Furthermore, the Director said that Mr Wiggin *“should not have claimed for more council tax than his liability, as he appears to have done in 2005–06, albeit that the excess of what was claimed over what was paid was offset against other costs which he properly incurred.”*

38. The Director enclosed a table setting out the amounts claimed by Mr Wiggin on mortgage interest and council tax during the two financial years 2004–05 and 2005–06.⁵⁸ This showed that he had submitted monthly claims in 2004–05 until his allowance ran out in November 2005, and in 2005–06 until his allowance ran out in March 2006. The Department did not have on file any of the statements required at the beginning and end of the year, in respect of either of the two years in question.⁵⁹ However, the Director said that a file note from 2007 suggested that mortgage interest documentation was held at the time, and that approximate monthly mortgage payments of £500 were being made. He was unable to confirm the mortgage interest Mr Wiggin had actually paid.

39. The Director continued: *“There is a further complication: Mr Wiggin nominated his Herefordshire home as his second home from January 2004 to January 2007 and his claims were made in respect of that home (except in respect of April 2004: we do not hold the forms for January to March 2004).⁶⁰ However, following a discussion with Mr Wiggin in January 2007, the Department accepted that this had been an administrative error, and that the nomination should have been for his London address in respect of which the costs were in fact incurred, and in respect of which the claims should have been made.”*

40. As to the question of Mr Wiggin’s contacts with the Department about his claims for 2004–05 and 2005–06 under ACA, the Director said: *“We have no records of such contacts, but this does not mean that they did not occur. You also ask about Mr Wiggin’s request to the Department to check his claims in 2007. I believe this is a reference to the discussion which led to the regularisation of his affairs to which I refer in the previous paragraph.”*

41. On 14 January I wrote again to the Director of Strategic Projects.⁶¹ I asked him to confirm my understanding of the way the Department operated the rules at the time. I said that my understanding was that it was allowable for Members to claim up to £250 monthly on each of their utilities, without producing receipts, provided they had spent this amount or more on the relevant service that month. I understood also that Mr Wiggin was in breach of the rules in apparently claiming during recesses for telephone calls which he did not make at that time. I asked the Director if he could confirm my assumption that it would have been open to Mr Wiggin to have claimed in excess of £250 for his telephone bills at other times as long as these were supported by invoices and as long as he had incurred those costs in the performance of his parliamentary duties. I said that my

⁵⁸ WE 10

⁵⁹ See note 25 above.

⁶⁰ Mr Wiggin’s last claim under his Herefordshire nomination was in December 2006.

⁶¹ WE 12

understanding was that the Department had no record of any council tax invoice or statement for the two financial years in question. I asked the Director to confirm that they would have expected to have retained such statements on their files. Finally I said I understood that Mr Wiggin was correct in saying that the Department did not in fact meet his council tax claim for the eleventh month in 2005–06,⁶² and that, as the Department had no record or knowledge of Mr Wiggin’s council tax bills during this period, it was not possible to say with certainty how Mr Wiggin’s annual payment from the allowance related to his actual council tax liabilities.

42. I noted that, with the exception of April 2004, Mr Wiggin’s ACA forms from January 2004 to January 2007 had stated that his claims were for the costs of his Herefordshire home which he had nominated as his second home. I asked the Director to let me know why he considered that Mr Wiggin’s claims for utilities, telephone and council tax were made in respect of the costs incurred on his London property which he had intended to nominate as his second home; if he had any information he could give me about how this mistake occurred; who was responsible for the administrative error he referred to; how it had been resolved; and whether the Director considered that Mr Wiggin was in breach of the Green Book rules in making these claims over that period.

43. The Director of Strategic Projects responded to me on 25 January.⁶³ He confirmed that it was allowable for Members to claim up to £250 monthly on each of their utilities without producing receipts, provided that they had spent this amount or more on the relevant service that month. He confirmed my assumption that it would have been open to Mr Wiggin to claim in excess of £250 for his telephone bills as long as the claim was accompanied by the telephone company’s invoice and as long as the costs had been incurred in the performance of his parliamentary duties.

44. The Director also confirmed that the Department had no record of Mr Wiggin’s council tax invoices or end-of-year statements. These should have been retained on file for four years. The Department could not say whether they had ever been submitted. The Director added, however, that he now understood that paragraph 3.7.2 of the Green Book at the time had only been applied to Members who did not submit monthly claims. Mr Wiggin had not been in this category—he had claimed monthly—and therefore statements under this paragraph were not in fact expected from him. The Director said that Mr Wiggin would, however, have been required to produce annual mortgage statements (and other documentation) required under paragraph 3.6.1. He confirmed that the Department did not have on file any mortgage documentation from the two years in question, although they did hold mortgage documentation in January 2007.

45. The Director said that in 2005–06 Mr Wiggin submitted claims for council tax every month. However, the Department had not met his total ACA claim in the twelfth month of that year because the ACA limit had been reached: he had claimed £2,077 that month but £437 had been paid. The Director said that, as the Department had no record or knowledge

⁶² The Director confirmed in his letter of 25 January (WE 13) that the Department had not met Mr Wiggin’s council tax claims for the twelfth month of 2005–06.

⁶³ WE 13

of the council tax bills which the local authority sent Mr Wiggin during this period it was not possible to say with certainty how Mr Wiggin's annual payment from the allowance related to his actual council tax liabilities.

46. The Director commented on Mr Wiggin's apparent nomination of his Herefordshire property as his main home. He told me that *"A file note indicates that a discrepancy was noticed between the second home address nominated by Mr Wiggin (Herefordshire) and the location of the claims which could be geographically identified (London)."* These geographically identifiable claims had been in respect of mortgage interest and works. Utility and telephone claims had not been geographically identifiable. This discrepancy had been discussed with Mr Wiggin in January 2007 *"and the position was rectified."* Mr Wiggin had confirmed the accuracy of his claims in respect of his London home. *"The administrative error was on the part of the Department in not noticing this discrepancy earlier, and on the part of Mr Wiggin in not aligning his address with the claims. In strict terms, Mr Wiggin could be said to have been in breach of Green Book rules, but the view was taken that his actions were inadvertent and that the Department's failure to question those actions had given him security that he was doing nothing wrong."*

47. I wrote to Mr Wiggin on 27 January.⁶⁴ I told him that I had now heard back from the Department of Resources with their advice. I noted that, according to the Director's letter, Mr Wiggin might have been making his claims for utilities and telephone costs on a home, his London home, which he had designated as his main home. If so, this would appear to have been in breach of the rules of the House. I also noted that the Department had no information relating to the amount of council tax Mr Wiggin had been charged in each of the years in question. I said I was asking the Department for copies of the relevant nomination and claim forms.

48. In the meantime, I asked Mr Wiggin for his explanation of why he had identified his main home as being in London when he had intended to claim against his ACA for that property; whether he could provide me with any evidence to substantiate his belief that his claims for utilities and for telephone bills for 2004–05 and 2005–06 were for his London property; whether he accepted the council tax figures given by the complainant in the annex to his letter of 6 November⁶⁵ which, when compared with the figures he himself had provided,⁶⁶ suggested that he had over-claimed on this tax by £133 in 2005–06; and whether the Department was correct in noting that, for some months at least of the period covered by this complaint, his claims (for example, for telephone bills) were likely to have been greater than the amount he had actually incurred that month.

49. I said to Mr Wiggin that I needed this information because I needed to be able to form a conclusion on whether his claims were made against his London property (despite his having nominated that property as his main home) and whether any claims he had made in 2004–05 and 2005–06 had been greater than the amount he had in fact been charged in each relevant month.

⁶⁴ WE 14

⁶⁵ WE 2

⁶⁶ WE 5

50. On 28 January I received an e-mail from Mr Wiggin, in which he said that he had filled in the nomination forms wrongly.⁶⁷ He continued, *“I have always and only claimed for my London house.”* Mr Wiggin said that the telephone bills he had submitted to me showed that address. On council tax, Mr Wiggin told me, *“Mr Miller wrongly accused me of over-claiming several thousand pounds. I provided you with the correct and accurate figures in my spreadsheet and while apologising for over-claiming £133 it is clear from the letters from the Department that I did not get the money.”*⁶⁸

51. Mr Wiggin also confirmed that the Department was incorrect in suggesting that, for some months at least of the period covered by this complaint, his claims (for example, for telephone bills) were likely to have been greater than the amount he had actually incurred that month.⁶⁹ Mr Wiggin concluded his email by stating: *“In [the 27 January letter] you asked if I have claimed greater amounts than I spent and the answer is no.”*⁷⁰

52. The Director of Strategic Projects at the Department of Resources wrote to me on 28 January,⁷¹ enclosing Mr Wiggin’s ACA nomination forms for July 2003, January 2004 and January 2007, together with his ACA claim forms for April 2004 to March 2006.⁷² These confirmed Mr Wiggin’s ACA claims as summarised in the schedule the Department had sent me.⁷³ They showed that Mr Wiggin had nominated his London property as his second home in July 2003, his Herefordshire property as his second home in January 2004 and his London property as his second home in January 2007.

53. The Director also enclosed a copy of a letter which Mr Wiggin had sent to an official in the Department, together with his January 2007 ACA nomination form.⁷⁴ In the 2007 letter Mr Wiggin told the official: *“Following our discussion it is clear that I should have filled this [the form] out earlier as my mortgage is on [the London property] and not on my [Herefordshire] home. I am sorry and realise that I cannot claim mileage for travel in London.”*

54. I decided that I needed further information from the Department. On 2 February, therefore, I sent the Director of Strategic Projects a copy of my letter to Mr Wiggin of 27 January and his e-mail response of the following day.⁷⁵ I noted that the Director had included with the forms he had sent me on 28 January a copy of a letter from Mr Wiggin which the Department had received on 12 January 2007 about his ACA nomination forms. This referred to a discussion with House officials. I asked whether there was any record of

⁶⁷ WE 15

⁶⁸ The Director of Strategic Projects said in his letter to me of 23 February (WE 22) that the Department did not know at the time that Mr Wiggin was claiming more in respect of council tax than he had expended. However, they were aware that his annual allowance would have been exceeded by his March claims and, therefore, allowed him the total remaining to him for that month, but did not determine the services to which that amount should be applied.

⁶⁹ Mr Wiggin subsequently confirmed that he intended to say that he had not claimed more in any month than the amounts he had incurred: his one-word answer to my question on this should therefore have been “No”, not “Yes”.

⁷⁰ WE 14

⁷¹ Not included in the written evidence.

⁷² Not included in the written evidence

⁷³ WE 11

⁷⁴ WE 16

⁷⁵ WE 17, 14, 15

that discussion. I also asked the Director whether he could throw any light on the words in Mr Wiggin's letter of January 2007: "... *it is clear that I should have filled this out earlier as my mortgage is on [the London property]*".

55. I noted that on the second page of the ACA claim forms for October and November 2004, the address of Mr Wiggin's second home had twice been changed in manuscript, and it appeared that the mortgage claim had been disallowed. I asked the Director about the circumstances in which those changes had been made, whether they were made by officials or the Member, and whether there had been any discussions with the Member at that stage about his nomination. I asked whether, in the Director's view, the statement in Mr Wiggin's letter of 12 January 2007, together with the alterations made to the ACA claim forms of October and November 2004, could be taken as evidence to suggest that in these months at least Mr Wiggin had made claims or intended to make claims for his Herefordshire home.

56. The Director replied to me on 15 February.⁷⁶ He told me that the only correspondence between Mr Wiggin and the Department about his nominated main or second homes which the Department had on file was the letter received by the Department on 12 January 2007.⁷⁷ The Department also held a file note from January 2007 which partially recorded discussions with Mr Wiggin on this matter, drew inferences from those discussions, and recorded actions taken and to be taken. The Director confirmed my analysis of the identification of his second homes made by Mr Wiggin between July 2003 and January 2007. He said that he believed that the Department had identified the official who had dealt with the October and November 2004 claim forms. However the Director said that the official could not be sure of what had happened six years previously.

57. The Director said that, on the back of his October 2004 claim form, Mr Wiggin had given his London address as his second home and added "*unchanged*". Given that in his earlier claims Mr Wiggin had entered his constituency address, which was the address on his most recent nomination form, "*the official believes that he [the official] manually crossed through the London address and entered the constituency address. We do not know whether or not Mr Wiggin was consulted about this change.*"

58. The Director went on to say that the recollection of the official who processed the claims was that the mortgage amount of £576 for October 2004 was crossed through by him (or a colleague) because there had been uncertainty over how much money remained in the budget. "*This was compounded by the fact the two claims had been submitted at the same time*". Although the amount was crossed through, the full amount of mortgage interest had, in fact, been paid as part of a total payment of £2,036.

59. On the back of the November 2004 claim form, the Director said, Mr Wiggin had entered both the London and constituency addresses, further adding "*unchanged*". As with the October claim, the official believed that he had manually amended the address on the form. "*The reason for the alterations to the front of the form is unclear. I cannot confirm for*

⁷⁶ WE 18

⁷⁷ WE 16

certain whether or not Mr Wiggin was consulted about these changes, though the official concerned believes that, if he made the alterations, he would have been.”

60. On the question of whether Mr Wiggin’s letter of 12 January 2007 and the alterations referred to could suggest that he had been intending to make claims against his Herefordshire home, the Director said: *“I do not think that this inference can be drawn. The alterations to the amounts do not seem to me to give any reason for such a conclusion. The alterations to the addresses, so far as they were made with Mr Wiggin’s agreement or by him, tend to confirm the view that he continued to confuse his designations of second and main homes. Evidence which corroborates the view that claims made for these months were for the London property is that the amounts claimed for mortgage interest in October and November 2004 were identical to [the] mortgage interest claim made in September 2004.”*

61. On 18 February I responded to the Director of Strategic Projects, asking him to let me have sight of the Department’s file note of January 2007 recording discussions with Mr Wiggin about his second home designation.⁷⁸ I also asked the Director for a fuller explanation of the process by which Mr Wiggin’s over-claim of £133 in his council tax claim for 2005–06 had been offset against other costs—according to Mr Wiggin, his mortgage interest. I asked whether this was the normal practice in the Department at the time the action was taken, and whether it had been suggested by the Department or by Mr Wiggin.

62. The Director of Strategic Projects replied to me on 23 February.⁷⁹ He told me the note had been written by two officials of the Department (one responsible for the original typescript; the other for some manuscript additions). The Director said the Department had not known at the time that Mr Wiggin was claiming more in respect of council tax than he had expended. However, the Department had been aware that his annual ACA would have been exceeded by his March claim. The Department had therefore allowed Mr Wiggin the total sum remaining to him for that month, but had not determined the services to which that amount should be applied. The Director said that £133 was not, therefore, offset against Mr Wiggin’s mortgage claims. But he emphasised that *“Mr Wiggin was not paid any more than he was entitled to have received.”*

63. The Director said that the process described was one for which the Department was responsible and that Mr Wiggin was very unlikely to have been informed of anything other than the total payable. Had Mr Wiggin made the Department aware that his claim for council tax was greater than the amount he actually paid, the Department would have looked at his total claims and would have determined that the amount he was over-claiming was offset by the significantly greater difference between his legitimate claims for March 2006 and the amount of the allowance remaining to him. The Director continued: *“In these circumstances, for the convenience of all concerned, it would not have been the practice to ask a Member to refund an overpayment and then to pay the same amount to the Member.”*

⁷⁸ WE 19

⁷⁹ WE 22

64. The Director enclosed the file note which I had requested.⁸⁰ The typescript part of the note was dated 12 January 2007. It said that Mr Wiggin had had his main home registered as London and his second home in the constituency. All the Department's records reflected this. The note then continued, "*However, all ACA documentation (mortgage interest statements etc) relate to his London address. Although this appears to have been on file for a number of years, the discrepancy has not been noticed until recently.*" The note said that Mr Wiggin had given the impression that he had applied the ACA rule "*in a fairly cavalier manner*" and that he believed that as he used both homes on an equal basis, he could, in effect, "*claim for both of them*".⁸¹ The note also said that there were some items on Mr Wiggin's claim forms, such as food, utilities and council tax, for which no documentation had been provided and which totalled around £1,500 a month. The official said that there could be no guarantee that the additional costs claimed all related to Mr Wiggin's London home.

65. On 25 January 2007 a manuscript note had been added to the typescript file note. It recorded that another official in the Department had spoken to Mr Wiggin. The note said that Mr Wiggin was paying off his mortgage early and that the official had explained to Mr Wiggin that his claims must exclude any additional payments. It said that Mr Wiggin's interest claim for October, November and December would be reduced to match his building society statements. The note said that Mr Wiggin had confirmed that all other expenditure claimed was accurate and represented the minimum sums he had paid each month.

66. Meanwhile, I had written to Mr Wiggin on 18 February to let him know that the Department had sent me the relevant ACA nomination and claim forms,⁸² and that I was asking them for a copy of the file note of January 2007 and for a little more information about the process for off-setting his council tax over-claim in 2005–06 against his mortgage interest costs. I also enclosed a note summarising the facts as I understood them.⁸³

67. I wrote again to Mr Wiggin on 3 March, enclosing a copy of the Department's response of 23 February, together with a copy of the file note from January 2007.⁸⁴ I noted the Department's explanation that Mr Wiggin's over-claim for council tax in 2005–06 was deemed to have been offset by his other, legitimate claims.

68. Mr Wiggin wrote to me on 4 March (before he had received my letter of the previous day),⁸⁵ responding to the statement of facts I had sent him with my letter of 18 February.⁸⁶ He said, "*Given that it is possible such a document will find its way into the public domain and given the proximity of the General Election I hope you will accept some additions so that*

⁸⁰ WE 23

⁸¹ In commenting on 28 June 2010 on the factual sections of this draft memorandum, Mr Wiggin told me, 'I believe that it was actually the National Audit Office who picked up my error and that this quote is being used to defend the Fees Office who failed to spot my error. It is a personal comment about me from a file note which I feel is being given more weight than it deserves.'

⁸² WE 20

⁸³ WE 21

⁸⁴ WE 24, 22, 23

⁸⁵ WE 25

⁸⁶ WE 20, 21

you can proceed with your report.” He said that fortunately there were some points on which he had been able to add to assist me. He also sent me his two water bills for the years 2008–09 and 2009–10.⁸⁷ These were for annual totals of £386 and £402 respectively.

69. Mr Wiggin enclosed with his letter his amended version of my statement of facts of 18 February.⁸⁸ The statement summarised the facts as Mr Wiggin understood them, and amended my earlier statement. In this statement Mr Wiggin said that, in 2004–05, according to the rules, he was not expected to produce receipts or records for claims below £250. His claims of £240 were below the maximum allowable without receipts. He was not challenged at any time on what he claimed and six years later it was hard to find evidence which was not required at the time.

70. In relation to his designation of his London home as his main home on his ACA1 nomination form of January 2004 and each month in his ACA2 claim form throughout the period of my inquiry, Mr Wiggin said that this had been recognised in 2006 and corrected. This was a “*form filling mistake*” which gave him no financial benefit. He added that, in 2006–07, he had asked the Fees Office to ensure that he had not taken any money to which he was not entitled. He said that this was done.⁸⁹ He had apologised for his “*form filling error*”. All the money claimed was spent on his London house and his [building society] mortgage.

71. Mr Wiggin said that six years ago he was not required to produce utility bills and so had not kept helpful records. The sort of corroboratory evidence which might assist in this enquiry was simply not available. He gave the following information on property maintenance. He said that he was entitled to claim for electricians or plumbers who did work on electrical or plumbing incidents, leaks, heating repairs, gas repairs, etc. There was a burglar alarm and similar items which required maintenance. He believed such repairs were “*both worthwhile and sensible*”. Major jobs which required a receipt were reported and were shown in the records.⁹⁰ He did not have records for items under £250. Mr Wiggin carried out some maintenance jobs himself and would have been entitled to claim items such as paint, wall filler and materials for ensuring repairs were done.

72. Mr Wiggin said that he had stated that he had not claimed for more than the sums necessary to meet his telephone and utility bills or received more payment for his council tax than necessary to cover his costs. He said that his claims for utilities (in 2004–05 and 2005–06) were significantly less than he currently paid which included gas services (£25 per month), water (£402 per annum), gas (£174 per month) and electricity (£80 per month) and accurately reflected what he believed he was charged six years ago.

73. Mr Wiggin said that the amount he claimed for telephone bills was £240. He was able to find some telephone bills from that period which showed monthly figures of £597, £503

⁸⁷ Not included in the written evidence.

⁸⁸ WE 26

⁸⁹ In his letter of 11 January (WE10) the Director of Strategic Projects said that this appeared to be a reference to the discussion which the Department had with Mr Wiggin in January 2007 about his nomination of his Herefordshire home as his second home and which led to the regularisation of his affairs.

⁹⁰ See WE 42, first footnote. The cost of this work claimed for in May 2004 was £4,458.

and £552, “a great deal more than the amount claimed”. Because his wife also used the telephone for her business Mr Wiggin estimated his usage and did not vary it. It would have been “deceptive” to have varied the amount and while the figures could have been altered to reflect recesses this would have been as difficult to justify as altering the amount. As it was impossible to give exact figures, Mr Wiggin claimed what he believed was “the right amount”.

74. Mr Wiggin said that his council tax bill for his Band H property was £2,263 in 2004–05 and £2,316 in 2005–06. He claimed no discounts.

75. On 10 March I wrote to Mr Wiggin, noting that, in reviewing the statement of facts, he had provided additional information which I would treat as evidence for my inquiry.⁹¹ I noted that Mr Wiggin had provided me with information about his property maintenance claims, and asked him if he could confirm the implication of the final sentence in his paragraph on property maintenance, which was that he did not claim for the materials for the maintenance jobs which he had carried out himself.

76. I said that I thought I now had a clear enough understanding of the circumstances of his claims to give him the opportunity to respond briefly to the principal points which had been raised during the inquiry. I asked him: whether he accepted that he was in breach of the rules of the House in identifying his London home as his main home when he made claims for that property against his Additional Costs Allowance; whether he accepted that the reason that he decided that £240 was the right amount to claim for each of these items was because it avoided him having to keep or submit receipts for this expenditure; whether he accepted that it was not possible at that remove and in the absence of receipts to say for certain whether his expenditure on utilities, telephone and property maintenance in each case exceeded the £240 which he had claimed each month for each item; whether he accepted that his telephone usage did not come to £240 a month in the recesses (some four months of the year), although he believed that it exceeded that sum in other months, thus evening it out over the 12 month period; and whether he accepted that he should have reduced his utility, council tax and maintenance claims (as well as his claims for telephone bills) to take account of the apparent use of the London property by Wiggin Public Relations—and if not, why not.

77. I said I was putting these points to Mr Wiggin not to suggest that I had myself come to a conclusion, but because I needed to be clear whether or not he accepted that he was in breach of the rules in respect to any of the allegations which had arisen from this inquiry.

78. The complainant wrote to me again on 23 March, before Mr Wiggin had responded to my letter.⁹² He explained that he wished to make a complaint against Mr Wiggin “for claiming money from the parliamentary Fees Office to which he was not entitled. These claims were not for monies actually paid as the rules require, and were not wholly and necessarily incurred in pursuit of his parliamentary duties as the rules also require.”

⁹¹ WE 27

⁹² WE 28

79. The complainant said that the complaint related specifically to 29 monthly claims made for “utilities” in the three years 2004–05, 2005–06 and 2006–07. In these years, he said, Mr Wiggin had habitually claimed £240 a month for utilities. The complainant said that *“This figure is clearly not the true amount of his utilities bills for those months: he has claimed this figure in order to benefit from the parliamentary rule which requires no receipts be provided for any claim less than £250.”*

80. The complainant said that in 2004–05 Mr Wiggin made the claim of £240 a month for eight months, in 2005–06 he made the £240 claim for twelve months, and in 2006–07 he made the £240 claim for the first nine months. The complainant attached with his letter a printout taken from the parliamentary website of what he said were typical months from each of these years,⁹³ and from April 2007. The complainant said that the first time that Mr Wiggin actually itemised what he *“really paid for utilities”* was in the first few months of 2007–08.

81. The complainant said that Mr Wiggin specified the following costs in the first of those claims:

Gas	£72
Electricity	£47
Water	£30
Total utilities	£149.

82. The complainant commented, *“I have no reason not to believe these were the true amounts Mr Wiggin was paying per month for his utilities at his second home. Now it is of course likely that Mr Wiggin’s utilities bills in years previous to 2007–08 would have been somewhat less than this (gas, electricity and water charges do tend to rise over time!) My own belief is that the best thing Mr Wiggin could do would be to hand his Additional Costs claims and all his utilities bills to an auditor who might then assess exactly how much he has over-claimed by.”*

83. But, the complainant said, it was easy to calculate the very least Mr Wiggin had over-claimed by. On the assumption that Mr Wiggin’s utilities bills did not increase over these three years, and instead assuming that he was charged £149 per month for utilities, as he was in 2007–08, the minimum discrepancy could be calculated. Summarising his calculations, he said that Mr Wiggin had in the three years 2004–05, 2005–06 and 2006–07 *“claimed at least £2,647 more for utilities than he was entitled to. Since the rules require that expenses are only claimed for monies paid, and Mr Wiggin was never asked by the utilities companies to pay this excess of £2,647, I hope you will understand why I am requesting you to instruct Mr Wiggin to pay this sum back.”*

⁹³ Not included in the written evidence

84. I replied to the complainant on 30 March.⁹⁴ I noted that his letter appeared to seek to extend my inquiry to 2006–07. I told the complainant that I did not propose to extend my inquiry beyond the two years covered in his original complaint, because I thought that it would be right for me to conclude my work on that complaint without the inevitable delay which would occur if I were to extend it into further years. I told the complainant that his letter did however compare Mr Wiggin’s claims for 2007–08 to his claims for earlier years. Since that might be relevant to my current inquiry, I was copying his letter to Mr Wiggin for his comments.

85. The complainant wrote to me again on 31 March.⁹⁵ He said that he wished to amend his complaint about Mr Wiggin’s utilities claims to cover just 2004–05 and 2005–06. He said that in these twenty months (four months were missing from the MPs’ allowances website) Mr Wiggin had claimed £4,800 for utilities. He said that if Mr Wiggin had claimed for the actual bills as he revealed them to be in 2007 (not £240 a month but £149) he would have claimed, at most, £2,974. He said that his complaint was that Mr Wiggin had therefore over-claimed at least £1,826 in the period concerned.

86. The complainant also observed that in 2008–09 Mr Wiggin made *“absolutely no claim for telephone costs. This is in fact honest and correct as the amount of calls made on parliamentary duty at one’s second home and out of parliamentary hours must be negligible.”* He said he hoped the fact that Mr Wiggin had now honestly ceased to claim telephone costs at his second home reinforced his (the complainant’s) original complaint that he had been wrong in 2004–2006 to claim £4,800 for this.

87. Meanwhile, Mr Wiggin had written to me on 25 March in response to my letter of 10 March.⁹⁶ He accepted what he described as my *“conclusion”* that due to offsetting he had not *“benefited from [his] error on council tax.”* Mr Wiggin said that he was not in breach of the rules. His main home had always been in Herefordshire and his second home on which he claimed the ACA had always been in London. *“This has not changed from 2001 to the present day. No claims have ever been made for Herefordshire at any time, on anything. All mortgage statements and my receipts support this. All claims were made on my house in London.”*

88. Mr Wiggin described as *“a smear”* the suggestion that he decided that £240 was the right amount to claim for each of these items was because it avoided his having to keep or submit receipts for this expenditure. *“The rules were clear and were not broken. I did not claim the maximum amount. I did not seek to alter amounts or to deceive.”* Mr Wiggin said that it was *“clear from the telephone bills which [he] had been able to find and from the utility bills which [he was] currently paying”* that his expenditure on these items exceeded £240 per month. He said that he did not accept that his claims for telephone usage should have been altered: *“Just as any good MP should, of course, I love to spend as much time as possible in my constituency however it is not always possible to stay there for every recess day. I still have to return to London during recesses and so it would not have been accurate to*

⁹⁴ WE 29

⁹⁵ WE 30

⁹⁶ WE 31

alter the bills. You might also note that recesses do not fit exactly within calendar or billing months therefore to alter the amounts accurately could be misconstrued as deception.”

89. Mr Wiggin said that he did not accept that he should have reduced his utility, council tax and maintenance claims, as well as his claims for telephone bills, to take account of the apparent use of the London property by Wiggin Public Relations. He said that his wife’s professional activity was on the telephone. The temperature, council tax, water usage and electricity were not in any way affected by her work. *“However it is still clear ... that my bills are higher than the amount I claimed. When my wife was not on the telephone at home she would have been looking after my baby daughter. There is no possible taxpayer contribution towards my wife’s business.”*

90. Mr Wiggin then provided a number of comments on the statement of facts which I had attached to my letter of 18 February.⁹⁷ He asked me to withdraw my comment that he had “apparently” made ACA claims against his London home as he had “not claimed for any other house.” He said “apparently” was a word which created doubt. In my statement I had said that he had retained no evidence of his utility costs and had not responded to my suggestion that he could seek it from the utility companies or his bank. Mr Wiggin said, *“I do not have the sort of detail which you ask for from my bank or utility company.”* I had also said that he had declined to give information on claims for property maintenance and services. Mr Wiggin said that he had provided more information on maintenance, and had been helpful.

91. In my statement I had said that there was no direct evidence to support his utility claims. Mr Wiggin observed that that he had found some water bills which he had sent to me. He said I was wrong to say that he believed that his telephone costs did not come to £240 a month during recess, commenting *“I did not say that my bills were less during recess.”* In answer to my point that he did not appear to have taken any account of the use of his home by Wiggin Public Relations in his claims for utilities and council tax (or for service and maintenance), Mr Wiggin said the only relevant cost was the telephone bill which he had taken into account in making his ACA claims.

92. Mr Wiggin told me that *“While you ask me to draw no conclusions from your comment that you are minded to write a report for the committee. I confess my thought is that you are now seeking to justify your inquiry. Because I feel that this is a very one sided attack on me, through you, by my political opponent.”* Mr Wiggin said that *“Despite all the tricky questions I have not broken the rules, the spirit of the rules, Nolan principles or taken money to which I was not entitled. I have apologised for my administration and I therefore hope that you will dismiss this inquiry.”*

93. I wrote again to Mr Wiggin on 30 March.⁹⁸ I said that I should make clear that I had myself come to no conclusion on this matter and would not do so until I had completed work on the factual sections of my memorandum to the Committee. I had not, therefore, come to any conclusions about his council tax claims. I said that it was for me to judge

⁹⁷ WE 20, 21

⁹⁸ WE 32

whether I should prepare a draft memorandum for the Committee on any particular matter, and I assured Mr Wiggin that that my decision had nothing to do with any need to justify the inquiry itself, or with the identity of the complainant. The statement in my letter of 3 March was intended to be a statement of the facts as I understood them: Mr Wiggin's over-claim was deemed (by the Department) to have been offset by his other legitimate claims. I said I would need to come to a view on that decision. I said I would take account of Mr Wiggin's comments on the original statement of facts which I had sent him on 18 February in preparing the factual sections of my draft memorandum.

94. I asked Mr Wiggin to clarify two of the points he made in relation to his telephone bills. First, he had said in his letter of 25 March, "*I did not say that my bills were less during recess.*"⁹⁹ I said that I had some difficulty in reconciling this with Mr Wiggin's letter of 16 November, where he said, "*While I can understand how this estimate could be considered too high in recesses it is much too low at other times of the year.*"¹⁰⁰ I asked Mr Wiggin therefore to confirm whether he believed that his telephone usage for parliamentary purposes amounted to £240 each month during all recesses in 2004–05 and 2005–06. Secondly, I noted that in his letter of 25 March Mr Wiggin said that the temperature, council tax, water usage and electricity were not in any way affected by his wife's work; when not on the telephone at home, she would have been looking after their baby daughter. In his letter of 16 November, however, Mr Wiggin had said that his wife "*and others*" also used the phones. If there had been others in Mr Wiggin's home using the phones, I said that it could follow that they—and therefore the business—benefited from the various services on which he had made his claims. I noted that Mr Wiggin had said that he believed he had taken full account of the company's telephone usage in making his claims for the telephone bill and I said I would need to come to a conclusion on that. I said that it would appear from Mr Wiggin's evidence that he took no account of the business's other usage of utilities—council tax and maintenance and services—and, if so, I would need also to come to a conclusion on that.

95. I also enclosed a copy of the letter of 23 March which I had received from the complainant.¹⁰¹ I said that he had identified evidence from Mr Wiggin's later claims which could be relevant to the levels on which he had made his claims for the previous two years. In particular, I asked Mr Wiggin why his monthly claims for utility bills (which appeared to be for £149 a month from April to August 2007, followed by £150 un-itemised for two months, and £240 for two further months) were, in all but the final two cases, lower than the monthly claims of £240 he had submitted for utilities in 2004–05 and 2005–06. I also asked him to explain why his 2007–08 claims for telephone and telecommunications charges (which, from April to December 2007, were for between £50 and £200 a month) appeared to be significantly less than the monthly claims for £240 which he had put in for these items in 2004–05 and 2005–06.

96. Having first informed the complainant that I was doing so, I wrote again to Mr Wiggin on 6 April, enclosing my letter to the complainant of 30 March and his letter to me of 31

⁹⁹ WE 31

¹⁰⁰ WE 4

¹⁰¹ WE 28

March.¹⁰² I noted that the complainant had also compared Mr Wiggin's claims for telephone bills in 2004–05 and 2005–06 with the claims he made in 2008–09. According to the complainant, Mr Wiggin had made no claims for telephone calls from his London home that year. I asked Mr Wiggin to comment on this comparison.

97. After Parliament was dissolved on 12 April, I reviewed all the evidence I had received. I noted that Mr Wiggin's claims for council tax in 2005–06 might not have taken sufficient account of the Dissolution of Parliament for the General Election of May 2005. Members were not able to claim against their Additional Costs Allowance for costs incurred during the Dissolution period. I therefore wrote to the Director of Strategic Projects at the Department of Resources on 15 April.¹⁰³ I said that it seemed to me that Mr Wiggin's calculation of his over-claim in 2005–06 did not take account of the effect on his claims of the Dissolution period in the first two months of that year. Taking this into account, I said it would seem to me that the over-claim was £368. I attached a table showing my calculations,¹⁰⁴ which I had based on the figures which Mr Wiggin had sent me with his letter of 16 November. I asked the Director whether he agreed with this recalculation and, if so, whether it was his view that Mr Wiggin had legitimate unmet claims of at least £368 for 2005–06.

98. The Director of Strategic Projects replied to me on 28 April.¹⁰⁵ He confirmed that Members were not entitled to claim ACA for the period of Dissolution up to and including polling day. Entitlement recommenced on the day after polling day.

99. The Director said that, having done his own calculations, the total council tax claimable by Mr Wiggin for 2005–06 should have been reduced by 24/365, to £2,164. This meant that Mr Wiggin had claimed an excess of £716 and had been paid an excess of £285. He also pointed out that Mr Wiggin's March 2006 ACA claim of £2,077 had not been met in full. Only £437 was paid. £1,639 had not been paid. "*So even allowing for the increased over-claim for council tax, Mr Wiggin's legitimate costs still exceeded the maximum of the allowance.*" The Director said that he therefore believed that all the arguments presented in his letter of 23rd February¹⁰⁶ still stood, but that the figure of £285 should be substituted for the figure of £133 in that letter.

100. I wrote again to the Director on 4 May,¹⁰⁷ seeking clarification of one further point. I asked the Director to provide me with the basis on which he had formed the assessment that Mr Wiggin's "*legitimate costs*" still exceeded the maximum of the allowance in 2005–06. Given the absence of documentation to support Mr Wiggin's claims, I asked the Director to identify how he had established that in 2005–06 at least £285 of Mr Wiggin's claims which exceeded his allowances could otherwise have been met.

¹⁰² WE 34, 29, 30

¹⁰³ WE 35

¹⁰⁴ Not included in the written evidence.

¹⁰⁵ WE 36

¹⁰⁶ WE 22

¹⁰⁷ WE 37

101. The Director of Strategic Projects replied to me on 6 May.¹⁰⁸ He said that all Mr Wiggin's claims in the last month of 2005–06 (except for council tax and food) had been below the level at which receipts were required. The Director said that these would therefore have been regarded as legitimate claims. The claim for food did not require receipts but did not exceed the level permitted. The Director said that again, this would have been regarded as legitimate. These claims had amounted to £1,510 and were what he had referred to as "*legitimate costs*". He said that he did not intend the adjective "*legitimate*" to presuppose any finding which the Committee might make about whether Mr Wiggin did, in fact, incur the costs for which he claimed.

102. Following the General Election, Mr Wiggin wrote to me on 10 May, replying to points I had made in my letter of 30 March.¹⁰⁹ He said he believed that his telephone bills had been £240 throughout the year irrespective of the recess. "*That is why I claimed this amount. I can understand why Mr Miller [the complainant] would want you to think otherwise but I think he is wrong.*"

103. Next, Mr Wiggin said that he noted that I was concerned that "[his] wife's fledgling business might have had some sort of financial advantage from the taxpayer." He said that he really did not think that was possible "*given that we are talking about three telephone lines one of which is used for the burglar alarm and fax machine. When I meant 'others' I meant that we had a nanny who may also have used the phone. I guess that you might have been worried that there were huge numbers of staff which sadly there were not. I am very sorry if I misled you with any such delusions of grandeur. My wife started her little business from home and I cannot imagine how I could have charged her any meaningful amount for our council tax. It is my wife who is allowed to live in our home, not some large multinational firm.*" He said that the same was true for maintenance and service. If there had been any sort of financial benefit to his wife's business like the telephone bill then he would have made deductions in the same way.

104. Mr Wiggin said he had read the complainant's letters which seemed "*to focus on mathematical amounts rather than providing any new evidence of any error.*" Mr Wiggin said that the complainant's further complaint seemed to depend on the assumption that he (Mr Wiggin) should claim more in later months, although "*this does not actually need to happen as the allowances are fixed amounts.*" Mr Wiggin said he was now paying considerably more than £240, which he said meant that he should perhaps have claimed larger amounts in the previous periods. The same was true for telephone bills. "*The Nolan principles suggest that under claiming is preferable. I am certain that I have under claimed a great deal in the later years. I know that I cannot now claim the difference because the years are closed and the full amount of the allowance was used in each year ... I am sure you will confirm that I am not in the wrong by claiming too little?*"

105. I wrote to Mr Wiggin on 18 May.¹¹⁰ I noted that in the complainant's letters of 23 March¹¹¹ and 31 March¹¹² he made comparisons between Mr Wiggin's utility claims for

¹⁰⁸ WE 38

¹⁰⁹ WE 39, 27

¹¹⁰ WE 40

2004–05 and 2005–06 and those for the first few months of 2007–08. I said the complainant had pointed out that some of these claims for utilities in 2007–08 were itemised. I noted that the parliamentary webpages showed that in 2007–08, in each of the months in which Mr Wiggin’s utility costs were itemised, he had claimed a total of £149 for utilities (gas, electricity, water), and that his claims were supported by an annual bill of £366 for his water charges, which divided by twelve gave a monthly charge for water of £30, the figure which appeared on five of Mr Wiggin’s monthly bills. I said that the webpages also showed that in 2008–09 Mr Wiggin’s claims for utilities increased to £203 in each month in which they were supported by evidence of his direct debit charges and that they were supported by the invoice for his gas and electricity charges for August 2008 to February 2009.

106. I noted that the complainant believed that it was likely that Mr Wiggin’s utility bills for 2004–05 and 2005–06 were less than his later bills. I said that, in the light of the evidence, it might be difficult to reconcile the detail of these later utility claims with Mr Wiggin’s suggestion that he had under-claimed in these years (2007–08 and 2008–09) at least for utilities. In relation to Mr Wiggin’s telephone bills, I said I noted from his letter of 10 May¹¹³ that one of his telephone lines—presumably one of his business lines—was used for a burglar alarm and fax machine. I asked him whether that fax machine had been used for his wife’s business as well as any parliamentary duties, and if so, broadly what had been the split between the two.

107. I also attached copies of relevant correspondence with the Department of Resources.¹¹⁴ I noted that the Department had recalculated the council tax due to Mr Wiggin in 2005–06. This was because his original calculations, set out in the table which he had sent me with his letter of 16 November,¹¹⁵ had not taken account of the fact that he was not entitled to reimbursement of council tax incurred during the Dissolution of the House in 2005. I said that the Department now believed that in 2005–06 the amount of Mr Wiggin’s over-claim had been £716, and that he had been overpaid by £285 for council tax incurred in that year.

108. Mr Wiggin replied to me in an e-mail on 26 May.¹¹⁶ On the question of his bills, he said that he still believed that his later bills were too low. His direct debit payments had always been drawn on estimated usage. He was currently paying £329 through direct debits for his utilities.¹¹⁷ *“Even though my house is more energy efficient than it previously was, this sum exceeds the previous £240 per month I was claiming in the months you have questioned following Mr Miller’s letters to you.”*

109. On the use of his telephone line for faxes, he said that he did not remember nearly seven years later what faxes were sent or received. Mr Wiggin noted that the council tax

¹¹¹ WE 28

¹¹² WE 30

¹¹³ WE 39

¹¹⁴ WE 35, 36, 37, 38

¹¹⁵ WE 4, 5

¹¹⁶ WE 41

¹¹⁷ Excluding gas services, the figure was £304: see WE 4

figures had been checked again although he had already apologised for inadvertently over-claiming. *“Having seen your own difficulties with the calculations it would seem that the amount I received is still less than a single mortgage payment which I forwent due to the allowance having been used up.”* His mortgage interest payment for March 2006 had been £567, far exceeding the £285 figure which it now appeared he had over-claimed and had been inadvertently over-paid in respect of the council tax element of his ACA. He said that the Department *“accepts that any over-payment inadvertently received in respect of council tax claims offsets other legitimate claims made by me which were reduced due to the ACA running out.”*

110. Furthermore, having looked at a sample of claims made by other Members of Parliament, he said that over-claiming due to the Dissolution period appeared to have happened inadvertently to other colleagues *“but not in all circumstances have the amounts been automatically adjusted by the Fees Office.”*

111. Finally, in preparing the factual sections of my memorandum, I drew up a table summarising the ACA claims which Mr Wiggin had made, and the sums he received for 2004–05 and 2005–06 for utilities, telephone, service/maintenance and council tax.¹¹⁸ I sent this to Mr Wiggin on 16 June.

Findings of Fact

112. Mr Wiggin has a home in his constituency and a home in London. From January 2004 he made Additional Costs Allowance claims for council tax and telephone, utilities, service and maintenance costs, as well as other items, including mortgage interest.

113. In July 2003 Mr Wiggin had identified his London home as being his second home. In January 2004 he changed his second home designation to his constituency home. He did not change it back again to the London home until January 2007. The change in January 2007 followed a discussion with the Department of Resources, who had noticed that Mr Wiggin’s main home address for his ACA claims did not match the documentation provided with those claims. Mr Wiggin had identified his constituency home as his second home each month in his ACA claim form throughout the period from May 2004 to December 2006, except for October and November 2004 where the London address had been entered and crossed out. Mr Wiggin’s evidence, however, is that all his claims against the ACA related to the costs of his London home.

114. Mr Wiggin’s council tax bill for his Band H property in London was £2,263 in 2004–05 and £2,316 in 2005–06. He claimed no discounts. Mr Wiggin made seven monthly council tax claims of £240 for 2004–05 (and one for £217 in the eighth month, when the budget ran out). He therefore received £1,897. He made 12 monthly claims of £240 in 2005–06, one month of which was not met because the ACA budget had run out, and so received £2,449.¹¹⁹ Taking account of the Dissolution, during which Members were not

¹¹⁸ WE 42

¹¹⁹ WE 42

permitted to claim, in 2005–06 Mr Wiggin over-claimed for council tax by £716 and was overpaid by £285.

115. The telephone bills for Mr Wiggin’s London home were in the name of Wiggin Public Relations. There were three lines. They were also used by his wife in the course of her business. Mr Wiggin estimated that his share of the use of the telephone amounted to £240 a month. He claimed £240 each month for seven months in 2004–05 and so received £1,680. He claimed £240 each month for 12 months in 2005–06. After a reduction to take account of the Dissolution period, he received £2,449.¹²⁰ In respect of these claims, Mr Wiggin has provided six telephone bills showing monthly costs of £503, £552 and £597 in three months of 2004–05.

116. Mr Wiggin made seven monthly claims of £240 for his utility bills in 2004–05 (and one for £176 in the eighth month, when the budget ran out). As a result, he received £1,856. He made 12 monthly claims of £240 in 2005–06. After a reduction to take account of the Dissolution period, he received £2,449.¹²¹ There is no direct evidence of the size of the utility bills which he incurred, but his itemised claims in 2007–08 show that in that year his combined monthly standing order charges for gas, water and electricity were £149. In 2008–09 his monthly claims for utilities were £203 in each month in which they were supported by evidence of his direct debit charges, and in November 2009 they were £304.¹²² Mr Wiggin’s published claims show that his annual water bill for 2007–08 was £366, and he himself provided his water bills for 2008–09 and 2009–10, which amounted respectively to £386 and £402 a year (giving a monthly charge of £30.50, £32 and £33.50 in each of these three years).

117. Mr Wiggin claimed a monthly sum of £240 under the heading of service and maintenance for six months in 2004–05 and for 12 months in 2005–06. In 2004–05 he received £1,440 (in addition to reimbursement for major works, for which he claimed £4,458). After a reduction to take account of the Dissolution period, he received £2,449 in 2005–06.¹²³

118. The Department of Resources says that there was an administrative error on Mr Wiggin’s part in not aligning his second home designation with his claims from January 2004 to December 2006, and on the part of the Department in not noticing the discrepancy earlier. The Department’s view is that, while in strict terms Mr Wiggin could be said to have been in breach of Green Book rules, his actions were inadvertent and the Department’s failure to question those actions had given him security that he was doing nothing wrong. In January 2007, however, an official of the Department said that Mr Wiggin had given the impression that he had applied the ACA rule in a “*fairly cavalier manner ...*”

¹²⁰ WE 42

¹²¹ WE 42

¹²² £304 excludes charges for gas services, which Mr Wiggin claimed under another heading in 2008–09.

¹²³ WE 42

119. The Department accepts that Mr Wiggin was paid £285 more than his council tax bills in 2005–06, and that he should not have over-claimed by £716 for his council tax liability in that year. Nevertheless, they note that in March 2006 Mr Wiggin made a number of claims for other items which were not met because he had already exceeded his allowance. On the assumption that these were legitimate claims, they consider that his overpayment for council tax should be deemed to have been offset by these other unmet claims. In respect of his telephone calls, the Department considers that Mr Wiggin may not have incurred telephone charges of £240 a month during recesses, but notes that Mr Wiggin might have thought this acceptable if the annualised bill exceeded an average of £240 a month.

120. Mr Wiggin has said that the mistaken designation of his constituency home as his second home from January 2004 to January 2007 and on his claim forms from May 2004 to December 2006 was a “*form-filling error*” which gave him no financial benefit: all his claims were on his London home. Mr Wiggin does not consider that his error reveals a “*cavalier manner*” in applying the ACA rules, as suggested by an official at the time. His view is that he at no time claimed for more than the costs he had incurred in accordance with his parliamentary duties (except inadvertently in 2005–06 for council tax). Members were not required to provide receipts or invoices for claims, such as his, which came below the monthly threshold of £250. He has not retained and cannot now find all these receipts. On council tax, he apologises for his over-claim in 2005–06, but notes the Department’s view that the amount he was over-paid should be offset against his unmet claims. He did not apply for any council tax discount because he was not eligible for a single occupancy discount and needed a resident’s parking permit which the council did not allow for second homes.

121. On his telephone claims, Mr Wiggin considers that his use amounted to at least £240 a month, including in the recesses. His wife’s use in the course of her business was extra. Mr Wiggin’s evidence is that the business made no other use of the home and so Mr Wiggin considers that there should be no suggestion of parliamentary allowances benefiting his wife’s business. He believes that it would have been deceptive to have varied the amounts he claimed. On utilities, Mr Wiggin notes that his bills are currently above the £240 a month he charged in 2004–05 and 2005–06, despite steps taken by him to use energy more economically. He believes his later claims were too low. On service and maintenance, Mr Wiggin notes that he was entitled to claim for the work of electricians and plumbers, including dealing with incidents at the home: the repairs were “*worthwhile and sensible*”.

122. Mr Wiggin’s case is that he claimed the right amounts. He believes his bills were higher than the amounts he claimed and that he should not be penalised for this.

Conclusions

123. The principal issue I am to resolve is whether, over the financial years 2004–05 and 2005–06, Mr Wiggin acted within the rules in claiming routinely £240 a month from his Additional Costs Allowance for a range of services. That amount was just £10 below the limit established by the Department for claims not backed by invoices or receipts.

124. If Mr Wiggin made these claims when his actual costs were in fact less than £240 a month, or they were not incurred as a result of his parliamentary duties, then Mr Wiggin was in breach of the rules.

125. There is an ancillary question about whether Mr Wiggin was in breach of the rules for designating his London property as his main home from January 2004 to January 2007 while continuing to claim parliamentary allowances for that home.

126. I consider, therefore, the following questions:

1. Was it permissible between 2004 and 2006 for Members to claim £240 a month for a range of services without producing invoices or receipts if their actual costs were above that level?
2. Were Mr Wiggin's claims justified by the expenditure he actually incurred?
3. Did Mr Wiggin wrongly designate his London home as his main home from January 2004 to January 2007?

127. I address each of these questions in turn.

Was it permissible between 2004 and 2006 for Members to claim £240 a month for a range of services without producing invoices or receipts if their actual costs were above that level?

128. The Green Book rules in force at the time stated that invoices or receipts must be provided for all items of expenditure of £250 or more. This was repeated on the forms which Members completed and signed in order to make the claims.

129. It follows that Members were not required to produce invoice or receipts for items of less than £250. And that was the arrangement followed by Members and the House authorities at the time.

130. This arrangement was clearly unsatisfactory. That has subsequently been pointed out by many others and the House itself stopped the practice from April 2008. After then any claims over £25 had to be backed by invoices. The consequences of the former arrangement are well illustrated by this inquiry. It allowed the Member the choice of claiming the full amount with invoices where the sum exceeded £250, or claiming less than £250 even when the actual costs were higher and so being relieved of the obligation of justifying their claims. As a result, substantial sums of money were claimed and paid to Mr Wiggin without any invoices being produced and therefore without Mr Wiggin being required at the time to demonstrate the validity of his claims. And it has meant that neither the House authorities nor Mr Wiggin has evidence of the costs Mr Wiggin incurred for most of these services.

131. A Departmental official at the time noted that Mr Wiggin had what he described as a "fairly cavalier" manner towards the ACA rules. Whether or not that was true at the time, I consider that there have been remnants of that attitude in the information he has given in my inquiry. It is disappointing that Mr Wiggin did not make a greater effort to identify

what he actually paid for the various services for which he claimed, neither from the telephone or utility companies nor from his bank.

132. Nor has Mr Wiggin explained why he decided to claim routinely £240 a month for a range of items, other than saying that he thought they were “*the right amounts*”. It is difficult to avoid the conclusion that Mr Wiggin was influenced in that decision by the fact that he was not required to produce invoices for claims at that level.

133. It would not be right for me, however, to find that Mr Wiggin was in breach of the rules of the House solely because he pitched his claims at £240 a month and, in so doing, did not produce—as he did not need to produce—invoices or receipts. That was allowed at the time. Many Members apparently did the same. There was no requirement that, if the actual bills were higher, the Member had to claim the full amount and so produce the invoice/receipt. While the rules were, in my judgement, far too lax, it would be wrong to hold that Mr Wiggin was at the time in breach of the rules in adopting this approach. My conclusion, therefore, is that, provided the costs claimed were actually incurred, Mr Wiggin did not breach the rules in routinely claiming £240 a month for some services without presenting invoices or receipts for those services, even if the actual costs were above that amount.

134. But routine monthly claims of £240 would only be justified if the actual expenditure Mr Wiggin incurred as a result of his parliamentary duties was at least at this level in each of the months for which he claimed. And it is to that question I now turn.

Were Mr Wiggin’s claims justified by the expenditure he actually incurred?

135. Other than for council tax, it is not possible for me to give a definitive answer to the question of whether Mr Wiggin actually incurred the costs he routinely claimed (£240 a month each for utilities, telephone, and service and maintenance). Mr Wiggin has provided very little evidence to substantiate his claims. There is some strength in his argument that he did not expect to be asked for invoices or receipts (since the rules at the time did not require them) and it is now some years after the event. I suggested that Mr Wiggin check with his service providers and his bank to see whether any relevant records existed. He chose not to do so. And the calculations are complicated because of the Dissolution of Parliament in 2005 for the General Election and because Mr Wiggin’s overall claims regularly exceeded his ACA ceiling, so they could not all be met. But the significantly lower level of similar claims for utilities which he made in the calendar year 2007 does provide some circumstantial evidence against which to judge the higher claims in the previous years.

136. Taking account of the limited and largely circumstantial evidence available, I have had to form a judgement on the balance of probabilities of whether it is more likely than not that Mr Wiggin actually incurred the costs for which he claimed for each of the relevant items. My conclusions are as follows:

1. **Council tax.** Mr Wiggin has noted that he was not eligible for a single person discount on his council tax and decided that he would not claim a second home discount since he needed the resident’s parking permit which he could not get if he claimed that discount. The rule did not require a Member to claim any available

discount and I consider that Mr Wiggin was not in breach of the rules in deciding, with reason, not to do so. Taking the year 2004–05 as a whole, Mr Wiggin claimed less than his full council tax bill, mainly because he did not claim for the last four months as he had already exceeded his ACA budget for the year. But there is no doubt that Mr Wiggin over-claimed on his council tax bill for 2005–06. The over-claim was £716. But £431 of this was not met. So he was over-paid by £285. And the Department have pointed out that other claims could have been met had the budget allowed, so this overpayment could be set against those. I accept that it is reasonable to conclude that, had he not been overpaid by £285 for council tax, that sum could have been used to meet some of Mr Wiggin’s unmet claims for March 2006. This provides some reassurance that Mr Wiggin did not benefit overall from his council tax over-claims. But it does not, in my view, detract from the fact that the result of Mr Wiggin routinely claiming £240 a month for council tax whenever he considered the ACA budget would allow it, meant that he received £285 more for this item than he should have done. He was, therefore, in my judgement, in breach of the rules in receiving this amount for his council tax in 2005–06. I therefore uphold this part of the complaint.

2. Utilities. Mr Wiggin claimed a total of £1,856 for his utility costs in 2004–05, and £2,880 in 2005–06. Mr Wiggin has told me that in November 2009 his monthly utility costs were £329 (or £304 if gas services are excluded). That is above—but in my view not markedly above—the £240 he claimed for seven months in 2004–05 and twelve months in 2005–06: some three to five years earlier. And £240 a month was significantly more than the £149 he claimed in 2007 for each of the five months in which he itemised his bills. I accept that Mr Wiggin, like others, may well have been able to use his energy more economically in more recent years. But I find it hard to accept that such savings would not have been more than offset by the marked increase in utility costs in the last five years. On the balance of probabilities, I find that it is more likely than not that Mr Wiggin’s actual utility costs in 2005–06 were less than the £2,449 he received that year (after a reduction to take account of the Dissolution period). On balance, I do not make the same finding for 2004–05, when he received £1,856: there is insufficient evidence to suggest that that was excessive. I therefore uphold this part of the complaint for the £2,449 Mr Wiggin received for his utilities bills in 2005–06, but not in 2004–05.

3. Telephone/telecommunication costs. Mr Wiggin claimed £240 a month for seven months in 2004–05 (a total of £1,680 over the year) and £240 a month for each of the 12 months in 2005–06 (a total of £2,880). Mr Wiggin had three telephone lines to his home and shared them with a business run by his wife, Wiggin Public Relations. Mr Wiggin’s evidence is that his wife conducted that business on the telephone. The three lines coming into the home were therefore used both by Mr Wiggin and by Wiggin Public Relations. It would have made much more sense for there to have been separate lines separately billed and charged. I accept that the total telephone bill for the property was considerably higher than £240 a month. But £240 is a lot to spend on a home telephone in a month. And Mr Wiggin would not have been there for substantial periods—he would have spent a considerable amount of time in his main home in his constituency, particularly in the recesses. And, when Parliament was sitting, he would have been in the House. I therefore find it hard to accept that Mr Wiggin’s telephone costs when staying in his London home on parliamentary duties reached £240 each

month. I am reinforced in this conclusion by the considerably lower telephone claims Mr Wiggin made in 2007–08, when he claimed for five months at £190, two months at £75, one month at £60 and one month at £50. He made no claims at all in 2008–09. On the balance of probabilities, therefore, I find that Mr Wiggin’s domestic telephone bills were more likely than not to have cost less than £240 in each of the 19 months in which he claimed at that level. Even on an annual basis, based on the balance of probabilities, I find it more likely than not that the total bill claimable from parliamentary expenses would not have come to the £1,680 Mr Wiggin received in 2004–05, or the £2,449 he received (after a reduction to take account of the Dissolution period) in 2005–06. I therefore uphold this part of the complaint.

I have no reason to doubt Mr Wiggin’s evidence that his wife made no significant use of the property, other than its telephone, in respect of her business. I make no finding of breach, therefore, in respect of the other claims which Mr Wiggin made which took no account of his wife’s business. This was not a matter raised by the complainant.

4. Service and maintenance. This claim was not specifically identified by the complainant. But it was the only other regular £240 a month claim made by Mr Wiggin in 2004–05 and 2005–06. In 2004–05, he claimed and received £240 a month for six months (a total of £1,440), in addition to some major items for which he claimed a total of £4,458. In 2005–06 he claimed £240 a month for each of the 12 months. He received, after a reduction to take account of the Dissolution period, £2,449 in total. I considered that the questions this raised were the same as the questions raised by the complainant in respect of the expenditure he had identified. I thought it right and fair, therefore, that it should be considered alongside them. Mr Wiggin has told me that he was “entitled” to claim for electricians and plumbers, for maintenance for the burglar alarm and “similar items”, and that he would have been entitled to claims for DIY materials. But, on the balance of probabilities, and without further evidence, I find it hard to accept, even given London rates, that the costs of such incidental and routine maintenance could—and should—have come every month to at least £240. That in my judgement is not credible, particularly as major items were claimed for separately. On the balance of probabilities, therefore, I find that Mr Wiggin’s service and maintenance bills were more likely than not to have cost less than the £1,440 he received on 2004–05 and the £2,449 he received in 2005–06.

Did Mr Wiggin wrongly designate his London home as his main home from January 2004 to January 2007?

137. The evidence is that Mr Wiggin’s designation of his main home during this period was handled by him in a chaotic way. His evidence is that he always intended that his constituency property should be treated as his main home for allowance purposes, allowing him to claim for his London property as his second home. Nevertheless, in January 2004 he designated his constituency property as his second home on the nominations form (ACA1). That designation lasted three years. Formally, over that period, Mr Wiggin should not have been claiming for his London home; any claims should have been for his constituency property. Mr Wiggin’s monthly claim forms (ACA2) were also a muddle. Most showed the constituency address as his second home, but the London address was sometimes entered. The Department continued to assume that the claim was for the constituency home. Nevertheless, I accept Mr Wiggin’s evidence that he continued to

claim throughout this period for the costs of his overnight stays in his London home. He did not intend to switch his claims to his constituency home in that period and I have no evidence that he did so.

138. My conclusion, therefore, is that Mr Wiggin was in breach of the rules of the House in wrongly designating his London home as his main home from January 2004 to January 2007. This was a careless—but repeated—mistake on his part. He did not intend to switch his designation or to move his claims from his London home to his constituency home; and there is no evidence that he did so. This did not form part of the matters raised by the complainant.

Overall Conclusions

139. My overall conclusion, therefore, is that Mr Wiggin was not in breach of the rules at the time in claiming £240 a month for items of expenditure for which, as a result, he did not need to provide invoices or receipts. But I have concluded that he was, on the balance of probabilities, in breach of the rules in receiving payments as a result of his routine monthly claims which I consider were more likely than not to have been in excess of his actual expenditure. The excessive payments he received were for service and maintenance and for telephones in 2004–05 and 2005–06, and for council tax and utilities in 2005–06 only. Mr Wiggin was also in breach of the rules of the House for mistakenly designating his London home as his main home from January 2004 to January 2007 when he intended it to continue to be his second home for allowance purposes.

140. Mr Wiggin's designation of his London home as his main home appears to have been an unfortunate and unintended muddle. The Department accepts that they should have picked up the error much earlier and should have identified the problem with the Member. That is a strong mitigating factor. But I consider the rest of Mr Wiggin's breaches to have been serious. This is because his claims for some items were, on the balance of probabilities, above the costs he was reasonably likely actually to have incurred. I consider that, even by the standards of the time, the way Mr Wiggin handled his claims was not acceptable since a too casual approach led to him making some excessive claims for his second home costs in 2004–05 and 2005–06. In my judgement, these claims could not be justified by what was likely to have been the actual expenditure he necessarily incurred in support of his parliamentary duties. It is difficult to avoid the conclusion that Mr Wiggin believed that he was entitled to receive the full ACA allowance each year, and submitted his claims accordingly, without always checking that each monthly claim was justified by the expenditure he had actually incurred in each category.

1 July 2010

John Lyon CB

Written evidence received by the Parliamentary Commissioner for Standards

1. Letter to the Commissioner from Mr Jim Miller, 6 November 2009

I have been directed ... to write to you with my complaint against my Member of Parliament, Bill Wiggin, and to send you the evidence supporting that complaint.

The bulk of the evidence I am submitting consists of copies of Additional Cost Allowance claims made by Mr Wiggin. I am submitting all claims for the years 2004–05 and 2005–06. I am also sending an example of that part of the form which Mr Wiggin signed for each month asserting that these expenses were wholly, exclusively and necessarily incurred to enable him to stay away from his main home to perform his Parliamentary duties. I note that part of the forms Mr Wiggin has assented to with his signature says “*you can only claim for costs you have actually paid.*”

My complaint is that Mr Wiggin claimed for costs which were not incurred at his second home for the purposes of his Parliamentary duties, and that he claimed for costs which he had not actually paid.

On the 12 monthly claims for the year from 01/04/2005 to 01/04/2006 he claims the following costs:

Utilities	£240
Council Tax	£240
Telephone	£240

These exact figures are claimed every month for 12 months. They are plainly made-up figures, chosen to avoid the instruction on the form: “*Please list all items costing £250 or more and include receipts.*”

The problem is that utilities, council tax and telephone costs are all a matter of record—in the form of bills. Council tax is in fact a matter of public record: I obtained with ease the record of how much council tax Hammersmith & Fulham Council, where Mr Wiggin has his second home, charged for the relevant years. I enclose this list (my source was H & Fulham Council) and for convenience have only included the figures for the highest tax band, Band H.¹²⁴ In other words, year on year these are the highest tax demands made of anyone in that borough.

In the year 2005/06, Mr Wiggin has claimed £240 a month for 12 months, making a yearly claim of £2,880. However the amount Hammersmith & Fulham Council asked of its highest, band H households for that year was £2,316. Moreover, this is Mr Wiggin’s second home, subject to that Council’s 10% second home discount, so the highest possible figure Mr Wiggin could have been billed for that year was £2,085, yet he has claimed £2,880. Assuming that the Fees Office paid Mr Wiggin’s claim, he personally received £795: money he had never actually paid and contrary to the document he signed.

The other year I have submitted (2004/05) is slightly less clear cut, in that 4 months—December 2005, and January, February and March of 2006¹²⁵ are simply missing from the MPs’ Allowances website. I have asked Parliament’s Information Officer what has become of these claims forms, and hope for a good response soon.

With the eight monthly forms that do exist Mr Wiggin, from 01/04/04 to 31/11/04, has claimed £1,896 in council tax. The Band H charge for that year was £2,262. However this was the last year when H & Fulham Council still had a 50% discount on second homes and so the maximum Mr Wiggin could have been charged was £1,131. He has therefore claimed at the very least £765 which he did not owe to that Council. However, if

¹²⁴ WE 2

¹²⁵ Presumably December 2004 and January, February and March 2005

he claimed £240 a month for the currently missing 4 months—quite likely, as he did so for every subsequent month in 2006—he actually over-claimed £1,725.

I don't want to blind anyone with figures (or use up another ink cartridge printing out partially blacked out forms!) so am sending the figures and evidence for these two years alone. I am happy to send the other evidence I have.

I hope that you might also persuade Mr Wiggin to reveal to you his telephone and utilities bills for these periods; the companies who billed him will have all on record. £2,880 a year for utilities seems very excessive, for telephone bills at a second home, hugely excessive. Mr Wiggin has publicly stated that he spends more than half the year at his main, Herefordshire, home. I am sure, for example, that he will not claim to have spent the parliamentary summer recess of 2005 at his second, London home—yet he has claimed £240 a month for these months of July, August and September for phone calls which simply cannot have been made. That is £720 in one year alone, a sizeable sum and in violation of his signed declaration that these are for costs he has actually paid, and which were necessary in performance of his Parliamentary duties.

I trust very much that I can leave my complaint safely in your hands. There are people in our constituency who have been taken to court for failing to pay council tax sums smaller than the sums Mr Wiggin has wrongly claimed.

I will immediately send you my evidence for the years 2007 and 2008 if you do require them.

6 November 2009

2. Band H council tax charges for Borough of Hammersmith and Fulham

Year	Band H
2004–05	£2,262
2005–06	£2,316
2006–07	£2,411
2007–08	£2,387

3. Letter to Mr Bill Wiggin MP from the Commissioner, 12 November 2009

I would welcome your help on a complaint I have received in respect of the claims you made for certain services against your Additional Costs Allowance.

I enclose a copy of the complainant's letter of 6 November, together with its attachments. In essence, the complaint is that you made claims against your Additional Costs Allowance for utilities, council tax and telephone costs which were not wholly, exclusively and necessarily incurred on your parliamentary duties. The complaint relates to the financial years 2004–05 and 2005–06.

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 parliamentary expenses and allowances which appear to be relevant at the time in question are those in the Green Book published in 2003. In the introduction, the Speaker 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. The Finance and Administration

Department is there to relieve Members of the bulk of the day to day administration of Parliamentary allowances whilst helping Members to provide the necessary accountability.”

Section 3 sets out the provisions in relation to claims against the Additional Costs Allowance. Paragraph 3.1.1 sets out the scope of the 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 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 sets out eligibility provisions as follows:

“You can claim ACA if:

- a You have stayed overnight 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 3.7.2 sets out the following on making a claim:

“If you wish to claim a fixed sum per month in order to cover council tax, mortgage interest or rental costs, you may submit a statement of expected expenditure at the beginning of the allowance year, along with a copy of your latest council tax statement, mortgage interest statement or rental agreement as appropriate. Each month we will pay you a fixed sum, which will not exceed 1/12 of the annual allowance. You must then submit a statement of actual spend at the end of the year, together with documentation (as listed in paragraph 3.6.1.) This will mean that you do not have to submit monthly claims. However, this arrangement is conditional on your providing the required documentary evidence at the end of the year. You cannot claim a fixed sum per month for items other than council tax, mortgage interest or rental costs.”

Paragraph 3.11.1 gives examples of allowable expenditure including:

“•Service Charges

- Utilities*

Heat

Light

Water

- Council tax*
- Telecommunication charges”.*

A subsequent edition of the Green Book was published in April 2005. It contained similar provisions to those set out above, except that paragraph 3.7.2 of the 2003 rules was not repeated in the April 2005 Green Book.

I would be grateful for 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 made claims for utilities, council tax and telephone at the same rate of £240 for each month over the financial years 2004–05 and 2005–06;
2. Whether you have invoices in support of these claims. If so could you forward them to me;

3. If you do not have such invoices, how your utility charges were broken down between each of the utilities. I realise that at this remove you may need to rely on your best estimate;
4. How you have incurred the same telephone costs for each of the 24 months in question, including during parliamentary recesses;
5. Details of your council tax liability for this second home during the years in question, whether you had a second home or single person discount for your council tax and, if not, why not;
6. How on the basis of the complainant's evidence, you apparently claimed for council tax in excess of the maximum charged by Hammersmith and Fulham Council;
7. Whether you at any time consulted the Department of Resources about these matters, and, in particular, whether your council tax claims were subject to the arrangements for claiming fixed sums a month set out in paragraph 3.7.2 of the 2003 rules.

It would be helpful if you could forward, if you have them, copies of the claims relating to the period December 2005 to March 2006 which are missing from the parliamentary website.

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

I enclose a note which sets out the procedure I follow. I have written to the complainant to let him know I have accepted his complaint and I am writing to you about it.

It would be very helpful if you could let me have a response to this letter within the next three weeks. If there is any difficulty about that, or you would like to discuss any other aspect of the complaint, please contact me at the House.

I would be grateful for your help on this matter.

12 November 2009

4. Letter to the Commissioner from Mr Bill Wiggin MP, 16 November 2009

Thank you for your letter of 12 November. I will try to answer all your questions as helpfully as possible.

1. I made claims for utilities, council tax and telephone because to the best of my knowledge, these were what I thought were the right amounts and which fell within the rules which were also wholly, exclusively and necessarily incurred within my parliamentary duties.
2. I am sorry that I do not have the invoices which you have requested. However to try to guide you as to how much I have been spending, my current utility bills break down as follows and are: Gas £174.00, Electricity £80.00, Water £50.27, Gas service £24.94. Total £257.21.¹²⁶
3. While this is more than I have claimed in the past, fuel prices have risen while my home has become more energy efficient.
4. You asked about costs for telephones. My wife and others also used the telephones. My wife paid the bills and there is more than one supplier. We were able to find some bills in the attic from 2004/5 which show that in August 2004 the BT bill was £596.97. The bills for November 2004 come to £502.55 and in February 2005 £551.86.¹²⁷ Therefore in order to fall within the rules, I estimated my usage incurred for parliamentary duties was £240 per month. While I can understand how this estimate could be considered too high in recesses it is much too low at other times of the year.

¹²⁶ Actually £329. Mr Wiggin has informed me that this was a typing error.

¹²⁷ Not included in the written evidence.

5. You asked about my council tax liability. My house is in Band H. I did not receive a discount of any sort for council tax. I live with my family and so I am not eligible for the single occupancy discount and I could not claim the second home discount because Hammersmith and Fulham Council do not allow residents parking permits for second homes. Therefore I was not able to claim any discount.

6. I apologise for accidentally submitting claims for 11 months rather than 10 months. However these claims were not paid. I enclose a spreadsheet demonstrating that although I have put in claims for more than the total amount, I did not receive from the Fees Office that amount, indeed I could not because my allowances ran out before all the claims could be paid.¹²⁸

7. I have always been willing to repay any money which I received in error however you will see that my mortgage claims were not paid in full either and any error on my part in claiming is more than offset against my mortgage which was unpaid.

8. You asked about consulting the Department of Resources. I have made mistakes in the past for which I have apologised. So in 2006 I asked the Fees Office to check my ACA and ensure that my claims were in order. They did this in 2007.

9. I have not claimed the maximum amount and I have not varied it as that could have been misconstrued.

10. I have enclosed copies of all my claims between December 2005 and March 2006.¹²⁹ You will of course appreciate that I have no control over what may be put on the parliamentary website. I made no claims for this period in the previous year.

11. Mr Miller has suggested in his letter that he would like to complain again and so to prevent the need for this I have included my council tax records for every year.

12. I also enclose a series of articles one of which appeared in the *Daily Telegraph* following the receipt of your letter by my constituent. He also appeared with his message on television.¹³⁰

If I have in any way claimed more than I should, I am very willing to pay back any money due. However, I do not believe this to be the case and I hope you will confirm this.

16 November 2009

5. Mr Bill Wiggin's schedule of claims made and amounts received for council tax under the Additional Costs Allowance, 2004–05 and 2005–06

2004–05 ACA

Date of Claim Period	Amount Claimed	Amount Received	Notes
Apr 04	£240	£240	
May 04	£240	£240	
Jun 04	£240	£240	
Jul 04	£240	£240	
Aug 04	£240	£240	

¹²⁸ WE 5

¹²⁹ Not included in the written evidence

¹³⁰ Not included in the written evidence

Sep 04	£240	£240	
Oct 04	£240	£240	
Nov 04	£216.69	£216.69	ACA budget ran out this month
Dec 04	No Claim	£0	
Jan 05	No Claim	£0	
Feb 05	No Claim	£0	
Mar 05	No Claim	£0	
Total	£1,896.69	£1,896.69	
Council tax	£2,262.80	£366.11	Under-claim

2005–06 ACA

Date of Claim Period	Amount Claimed	Amount received	Notes
Apr 05	£240	£88	£88—overall ACA claim reduced by 11/30 due to General Election period
May 05	£240	£201	£201.29—overall ACA claim reduced by 26/31 due to General Election period
Jun 05	£240	£240	
Jul 05	£240	£240	
Aug 05	£240	£240	
Sep 05	£240	£240	
Oct 05	£240	£240	
Nov 05	£240	£240	
Dec 05	£240	£240	
Jan 06	£240	£240	
Feb 06	£240	£240	
Mar 06	£240	£0	ACA budget ran out
Total	£2,880	£2,449	
Council tax	£2,316.08	-£132.92	Offset against mortgage

16 November 2009

6. Letter to Mr Bill Wiggin MP from the Commissioner, 3 December 2009

Thank you for your letter and enclosures dated 16 November responding to mine of 12 November about this complaint in respect of certain claims you made against your Additional Costs Allowance. I received your letter on 2 December.

I was most grateful for this response.

I have it in mind to consult the Department of Resources about this matter, but would be most grateful if you could first provide me with the following further information:

1. Could you explain a little more about how you arrived at the figures of £240 a month as being “*the right amounts*” for your claims in each of the categories of utilities, council tax, telephones?
2. Could you give me the same information for your service/maintenance claim which is not part of the complaint but which is identified on your ACA claim forms, along with what that claim covered?
3. Your letter gives the figures for your recent gas, electricity and water bills. Could you clarify for me the period to which these refer?
4. I am grateful to you for forwarding examples of your telephone bills for 2004–05. I see that these appear to relate to a public relations consultancy and appear to cover three different telephone lines. Could you confirm that these were the lines that you used, and if they were indeed shared with a business, how your share of the usage was calculated?
5. The spreadsheets attached to your letter give a list of the monthly claims made and amount received from the ACA for 2004–05 to 2008–09. They show a monthly claim of £240 only. It is not clear, however, what this monthly claim represents. They would not appear to summarise your ACA2 claims forms which, for example, for December 2005 identified claims of £240 each for utilities, council tax and telephone (as well as £240 for service/maintenance). Can you explain the figures on the spreadsheet?
6. Could you let me have a response to the suggestion that it was your practice to claim £240 for different categories of ACA expenditure even when your bills were in excess of that figure, so that you did not have to produce invoices for each of your claims?
7. In view of your reference to your mortgage payments, it would be helpful if you could let me know how much mortgage interest you paid for the relevant years 2004–05 and 2005–06; what you claimed for mortgage interest in those years and how far these claims were met.
8. In relation to your council tax, it would be useful if you could tell me how much council tax you were charged for each year covered by the complaint. I see that you believe you have accidentally claimed for eleven months rather than ten months. I would be grateful to know in which year this happened, and whether you claimed a fixed sum each month for your council tax, with a statement of actual spend at the end of the year as set out in paragraph 3.7.2 of the Green Book rules.

Finally, you have said that you no longer have copies of the relevant invoices, but if it were possible to obtain copies of any of these, or to obtain from your bank statements or business records details of the payments you made to any of these suppliers, that would be most helpful. (I see that one phone bill was paid by direct debit.)

If you could let me have a response to this letter within the next two weeks, then I would hope to be in a position to seek the advice of the Department of Resources on this matter.

Thank you again for your help on this complaint.

3 December 2009

7. Letter to the Commissioner from Mr Bill Wiggin MP, 7 December 2009

Thank you for your letter of 3 December.

I promised to be as helpful as possible and have answered your questions in the order you asked them. I would be grateful for resolution as soon as possible bearing in mind the close proximity of the General Election.

Q1 +2. I have nothing further to add to my previous answers and respectfully draw your attention to point 11 of the Procedural Note which accompanied your first letter.

Q3. The figures I have given for my utility bills are monthly.

Q4. I confirm that all and any of these phone lines were used by me.

Q5. The amount expressed on the spreadsheet is the amount of council tax which you enquired about. I think the Fees Office would be better placed to explain the ACA claim forms and this is true for my mortgage payments and receipts too.

Q6. I am sure that is what my constituent wrongly believes however I have shown that I have not claimed more than the phone and utility bills or received more council tax than I should.

Q7+8. This information is held by the Fees Office or is in the public domain.

7 December 2009

8. Letter to Mr Bill Wiggin MP from the Commissioner, 10 December 2009

Thank you for your letter of 7 December responding to mine of 3 December.

I was grateful for the further information you have provided. I apologise that I did not spot that the summary you annexed to your letter of 16 November dealt only with council tax. I should have picked that up from your answer to point 6 in your letter of 16 November.

The purpose of my letter of 3 December was to ask for information and relevant explanations to assist me in the resolution of this inquiry. I note your reference to paragraph 11 of Procedural Note 3 which I sent you. I was, I believe, acting within the expectations of that paragraph in asking for your account of matters which have given rise to the complaint. I know that you are ready to cooperate at all stages with my inquiry, as provided for in the Guide to the Rules at paragraph 110.

I will, therefore, if I may, take it from your letter of 16 November that you arrived at the figures of £240 a month, even though on occasions the bills came to more than that, because you considered that that figure was the right amount, but you are not able to help me with any more detailed recollection of why you came to this conclusion. I assume also that you are not able to provide the documentary evidence I requested about the payments you actually made to these suppliers, because you cannot obtain this information from your own records, from the suppliers, or from your bank. If any of this is wrong, please let me know.

I am now seeking the advice of the Department of Resources and will come back to you once I receive their response. If they are not able, as you think they will be, to provide the information which I have sought from you, I may need to ask again for your help in providing me with the necessary material.

I do assure you that I will, as with all complaints I receive, deal with this matter with as much dispatch as I can, consonant always with arriving at a fair and accurate conclusion.

10 December 2009

9. Letter to the Director of Operations, Department of Resources from the Commissioner, 10 December 2009

I would welcome your help and advice on a complaint I have received against Mr Bill Wiggin MP in respect of certain claims he made against his Additional Costs Allowance for the financial years 2004–05 and 2005–06.

I enclose a copy of the complainant's letter of 6 November together with its attachments. I enclose also: a copy of my letter to Mr Wiggin of 12 November; his letter to me which I received on 2 December; my response to him of 3 December; his reply to me of 7 December, and my letter to him of 10 December.

In essence, the complaint is the Mr Wiggin made claims against his Additional Costs Allowance for utilities, council tax and telephone costs which were not wholly, exclusively and necessarily incurred on his parliamentary duties.

I would welcome your comments on this complaint. In particular, it would be helpful to have your views in the light of Mr Wiggin's explanation about his decision to claim £240 a month for utilities (gas, water, electricity), council tax, telephones (and maintenance and services) because he considered that these were the right amounts to claim even though, on the basis of his evidence, the actual costs may have been different.

It would also be helpful if you could let me have any information you hold about Mr Wiggin's mortgage interest claims for the relevant financial years, including how much mortgage interest he paid and how much he claimed in those years. In addition, it would be helpful if you could confirm Mr Wiggin's council tax claims, including the amount of council tax he was charged for each year covered by the complaint, which he says is held by you; and whether he lodged a statement of actual spend at the end of the year, as apparently required by paragraph 3.7.2 of the Green Book rules at the time.

I should also be grateful to know about any discussions Mr Wiggin may have had with the Department about the ACA claims he made for these two years which are the subject of the complaint. Mr Wiggin says in his letter to me of 16 November that at his request, the Fees Office checked his claims in 2007. And he notes on the spreadsheet which he forwarded with that letter that £132.92 from his council tax claim was offset against his mortgage for 2005–06.

Any other information or comments that you may be able to provide to help me with this inquiry would be most welcome.

As you will see, Mr Wiggin is anxious that this matter should be resolved as soon as possible, and so it would be very helpful if you could let me have any comments by the end of the first week in January.

Thank you for your help.

10 December 2009

10. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 11 January 2010

Thank you for your letter of 10 December to [the Director of Operations]. I have been asked to reply on behalf of the Department of Resources. I apologise for the delay in doing so.

Claims under the Additional Costs Allowance (ACA) were only permitted to be made in respect of costs incurred by Members personally when staying overnight away from their main home for the purpose of performing parliamentary duties. Reimbursement could only be made when an expense had already been incurred and the bill paid by the Member.

Receipts were required for any item of expenditure greater than £250. Some Members were in the habit of submitting regular rounded monthly claims at a lower level than £250 because they considered that they had spent this amount or more in total on the service in question in that month. In so doing they were certifying that they had incurred at least that cost in that month for that service. Members were permitted to claim a fixed sum per month for council tax, mortgage interest or rental costs so that payments were evened out

through the year. This was not allowed in respect of other items. It was not the practice of the Department to query Members' claims when they were below £250.

You ask about Mr Wiggin's statement that the amounts he claimed were the "*right amounts*". If Mr Wiggin means that he incurred costs of at least £240 per month on the services for which he claimed £240, then those were indeed "*right*" amounts for him to claim. However, from Mr Wiggin's letter to you of 16 November, I infer that he may not have incurred telephone charges of £240 during recess months for which he claimed this amount, though, averaged over the year, his costs would have been £240 per month. Strictly this was not in accordance with the rules, though I can understand why he may have thought this acceptable if his cumulative totals exceeded a monthly £240 average.

The rules on mortgage interest and council tax were, as I explain above, slightly different at the time. A Member was permitted to claim a fixed sum per month in order to cover these costs. To benefit from this, he or she was required to submit a statement of expected expenditure at the beginning of the allowance year, along with a copy of his or her latest council tax statement or mortgage interest statement. Each month the Department would pay a fixed sum, which would not exceed one twelfth of the annual allowance. The Member was required to submit a statement of actual spend at the end of the year, together with a copy of the latest statement of mortgage interest from his or her lender. The arrangement to pay fixed amounts was conditional on the Member providing the required documentary evidence at the end of the year.

On council tax, I confirm the figures which Mr Wiggin has provided to you for the claims he made and the amounts he received. We have no record of the submission of statements of expected expenditure on council tax at the beginning of the year, or of statements of actual expenditure at the end of the year, in respect of either of the two years in question and a file note from 2007 indicates that no such records were held at the time. We cannot therefore confirm the amounts he actually paid. Furthermore, Mr Wiggin should not have claimed for more council tax than his liability, as he appears to have done in 2005–06, albeit that the excess of what was claimed over what was paid was offset against other costs which he properly incurred.

On mortgage interest, I enclose a table setting out the amounts claimed by Mr Wiggin during the two financial years. We do not have on file either the estimate required at the beginning of the year, or the statement or documentation required at the end of the year, in respect of either of the two years in question. However, a file note from 2007 suggests that mortgage interest documentation was held at the time, and that approximate monthly mortgage payments of £500 were being made. We cannot however confirm the amounts he actually paid.

There is a further complication; Mr Wiggin nominated his Herefordshire home as his second home from January 2004 to January 2007 and his claims were made in respect of that home (except in respect of April 2004: we do not hold the forms for January to March 2004). However, following a discussion with Mr Wiggin in January 2007, the Department accepted that this had been an administrative error, and that the nomination should have been for his London address in respect of which the costs were in fact incurred, and in respect of which the claims should have been made.

You ask about Mr Wiggin's contacts with the Department about his claims for 2004–05 and 2005–06 under ACA. We have no records of such contacts, but this does not mean that they did not occur. You also ask about Mr Wiggin's request to the Department to check his claims in 2007. I believe this is a reference to the discussion which led to the regularisation of his affairs to which I refer in the previous paragraph.

Please let me know if I can help further.

11 January 2010

11. Mr Bill Wiggin MP: Department of Resources' schedule of claims for mortgage interest and council tax, 2004–05 and 2005–06

Details of Mr Bill Wiggin's ACA claims

Address of 2nd home	Mortgage interest	Council tax
Apr-04 [London home]	£453.91	£240.00

May-04	[Constituency home]	£568.81	£240.00	
Jun-04	[Constituency home]	£568.81	£240.00	
Jul-04	[Constituency home]	£568.81	£240.00	
Aug-04	[Constituency home]	£610.48	£240.00	
Sep-04	[Constituency home]	£576.07	£240.00	
Oct-04	[Constituency home]	£576.07	£240.00	
Nov-04	[Constituency home]	£0.00	£216.69	Claim reduced—insufficient funds
Dec-04	[Constituency home]	£0.00	£0.00	
Jan-05	[Constituency home]	£0.00	£0.00	
Feb-05	[Constituency home]	£0.00	£0.00	
Mar-05	[Constituency home]	£0.00	£0.00	
		£3,922.96	£1,896.69	
Apr-05	[Constituency home]	£207.90	£88.00	Claims reduced—Dissolution
May-05	[Constituency home]	£475.56	£201.29	Claims reduced—Dissolution
Jun-05	[Constituency home]	£567.01	£240.00	
Jul-05	[Constituency home]	£567.01	£240.00	
Aug-05	[Constituency home]	£567.01	£240.00	
Sep-05	[Constituency home]	£567.01	£240.00	
Oct-05	[Constituency home]	£567.01	£240.00	
Nov-05	[Constituency home]	£567.01	£240.00	
Dec-05	[Constituency home]	£567.01	£240.00	
Jan-06	[Constituency home]	£567.01	£240.00	
Feb-06	[Constituency home]	£567.01	£240.00	
Mar-06	[Constituency home]	£0	£0	Insufficient funds
		£5,786.55	£2,449.29	

12. Letter to the Director of Strategic Projects, Department of Resources, from the Commissioner, 14 January 2010

Thank you for your letter of 11 January responding to my letter to the Department of 10 December about this complaint in respect of certain claims made by Mr Bill Wiggin MP against his Additional Costs Allowance for the financial years 2004–05 and 2005–06.

I was most grateful for this response. I would be grateful if you could confirm my understanding of the way the Department operated the rules at the time. My understanding is as follows:

1. It was allowable for Members to claim up to £250 monthly on each of their utilities without producing receipts, provided that they had spent this amount or more on the relevant service that month;
2. Mr Wiggin was in breach of the rules in apparently claiming during the recess for the cost of telephone calls which he did not make at that time. I would be grateful if you could confirm my assumption that it would otherwise have been open to Mr Wiggin to claim in excess of £250 for his telephone bills at other times of the year as long as he presented with those claims a copy of the telephone company's invoice and as long as he had incurred those costs in the performance of his parliamentary duties and had capacity in his allowance for the claim to be met.
3. The Department has no record of any council tax invoice or end of year statement on actual end of year spend on council tax for the two financial years in question. It would be very helpful to have your confirmation that the Department would have expected to have retained copies of such statements on its files and to know whether it is possible at this remove to say whether such statements were submitted by Mr Wiggin at the relevant times.
4. Mr Wiggin is correct in saying that the Department did not in fact meet his council tax claim for the 11th month in 2005–06;
5. As the Department has no record or knowledge of the council tax bills which the local authority sent Mr Wiggin during this period it is not possible, to say with certainty how Mr Wiggin's annual payment from the allowance, related to his actual council tax liabilities.
6. With the exception of April 2004, Mr Wiggin's ACA forms from January 2004 to January 2007¹³¹ stated that his claims were for the costs of his Herefordshire home which due to an administrative error he had nominated as his second home, but in fact you consider that his claims for utilities, telephone and council tax were made in respect of his costs incurred on his London property which he had intended to nominate as his second home. It would be helpful to know why you take this view and if you have any information you can give me about how this mistake occurred and who is responsible for the administrative error you refer to, how it was resolved and whether you consider that Mr Wiggin was in breach of the Green Book rules in making these claims over that period.

I would be very grateful if you could confirm or modify my understanding of the position and, if possible, provide the additional information I have sought. I am most grateful for your continued help with this.

14 January 2010

13. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 25 January 2010

Thank you for your letter of January 14th. Please find below the Department's response to each of your questions.

1. Yes.
2. Your assumption is correct.
3. The Department has no record of council tax invoices or end-of-year statements. Any such statements should have been retained on file for four years. We cannot say whether statements were ever submitted—but please see the final paragraph of this letter.
4. In 2005–06 Mr Wiggin submitted claims for council tax every month. However, the Department did not meet his total ACA claim in the twelfth month because the ACA limit had been reached: he claimed £2,077.01 that month but £437.34 was paid.

¹³¹ Mr Wiggin's last claim under his Herefordshire nomination was in December 2006.

5. Correct.

6. A file note indicates that a discrepancy was noticed between the second home address nominated by Mr Wiggin (Herefordshire) and the location of the claims which could be geographically identified (London). These geographically identifiable claims were in respect of mortgage interest and works. Utility and telephone claims were not geographically identifiable. This discrepancy was discussed with Mr Wiggin in January 2007 and the position was rectified. Mr Wiggin confirmed the accuracy of his claims in respect of his London home. The administrative error was on the part of the Department in not noticing this discrepancy earlier, and on the part of Mr Wiggin in not aligning his address with the claims. In strict terms, Mr Wiggin could be said to have been in breach of Green Book rules, but the view was taken that his actions were inadvertent and that the Department's failure to question those actions had given him security that he was doing nothing wrong. On a small point, we know what Mr Wiggin's nomination of second home was for January to March 2004, but the claim forms for those months are no longer held.

Your letter has given me the opportunity to discuss the interpretation of paragraph 3.7.2 of the Green Book in effect from June 2003 with staff who dealt with claims during the period. I now understand that paragraph 3.7.2 of the Green Book at the time was only applied to Members who did not submit monthly claims. These Members could send in a statement of expected expenditure at the beginning of the year and a twelfth of this would then be paid to them monthly without further claims. Mr Wiggin was not in this category (he claimed monthly) and therefore statements under this paragraph were not expected from him. He would, however, have been required to produce the mortgage statement (and other documentation) required under paragraph 3.6.1. The fifth paragraph of my letter to you of 11th January, while correct, did not therefore apply to Mr Wiggin, and the sixth and seventh paragraphs of that letter ought not to have implied that statements under paragraph 3.7.2 of the 2003 Green Book were required of him. I apologise, but I was not aware of this when I wrote to you on 11th January. I can confirm that we do not have on file any mortgage documentation from the two years in question (though I have asked that we continue to search our records which have been disturbed as the result of recent events), but that we did hold mortgage documentation in January 2007. I should also point out that paragraph 3.7.2 of the Green Book in effect from June 2003 was omitted from the Green Book which took effect in April 2005.

Please let me know if I can help further.

25 January 2010

14. Letter to Mr Bill Wiggin MP from the Commissioner, 27 January 2010

I have now heard back from the Department of Resources with their advice on this complaint about certain of your claims against the Additional Costs Allowance.

I enclose a copy of my letter to the Department of 10 December; their response of 11 January; my letter to them of 14 January; and their response of 25 January.

You will see from the Director's letter that you may have been making your claims for utilities and telephone costs on a home, your London home, which you had designated as your main home. If so, this would appear to have been in breach of the rules of the House. You will see also that the Department has no information relating to the amount of council tax you were charged in each of the years in question. I am asking the Department for copies of the relevant nomination and claim forms.

In the meantime, I would be very grateful if you could let me know as soon as possible:

1. Your explanation of why you identified, apparently wrongly, your main home as being in London when you had intended to claim against your ACA for that property.
2. Whether you have any evidence to substantiate your belief that your claims for utilities and for the telephone bills for 2004–05 and 2005–06 were for your London property. If so it would be helpful if you could let me see that evidence.

3. Whether you accept the council tax figures given by the complainant in the annex to his letter of 6 November which, when compared with the sums you received for council tax included in the annex to your letter of 16 November, suggest that you over claimed on this tax by £133 in 2005–06.

4. Whether the Department is correct in noting that, for some months at least of the period covered by this complaint, your claims (for example, for telephone bills) were likely to have been greater than the amount you actually incurred that month.

You will know better than I where you might be able to obtain the relevant information if it is not already available to you, but other Members have been able to assist me by checking their bank records, or with their bank, particularly in cases where there is a standing order.

I do need this information if I am to resolve this complaint because I need to be able to form a conclusion on whether your claims were made against your London property (despite you having nominated that property as your main home) and whether any claims you made in 2004–05 and 2005–06, were greater than the amount you were in fact charged in each relevant month.

Once I have your response to this letter, I hope to be able to consider how best to resolve this complaint. Thank you for your help.

27 January 2010

15. E-mail to the Commissioner from Mr Bill Wiggin MP, 28 January 2010

Thank you for your letter which I received today.

I list the answers to your questions.

1. I filled out the nomination forms wrongly. I have always and only claimed for my London house.
2. I have only ever claimed for my London house. The telephone bills I submitted to you already have the address on them. You can also tell that they are for London by the 020 7 telephone area code.
3. Mr Miller wrongly accused me of over claiming several thousand pounds. I provided you with the correct and accurate figures in my spread sheet and while apologising for over claiming £133 it is clear from the letters from the Department that I did not get the money.
4. Yes¹³²

In your final paragraph you asked if I have claimed greater amounts than I spent and the answer is no.

28 January 2010

16. Letter to the Department of Finance and Administration from Mr Bill Wiggin MP, received 12 January 2007

Thank you for this form. Following our discussion it is clear that I should have filled this out earlier as my mortgage is on [the London property] and not on my [Herefordshire] home. I am sorry and realise that I cannot claim mileage for travel in London.

I am most grateful to you for your help.

12 January 2007

¹³² Mr Wiggin has confirmed that, in answer to my fourth question (see WE 14), he intended to say “No”.

17. Letter to the Director of Strategic Projects, Department of Resources, from the Commissioner, 2 February 2010

Thank you for your letter of 28 January with the relevant forms to help me with my consideration of this complaint against Mr Bill Wiggin MP in respect of some of his expenses claims.

I have now heard further from Mr Wiggin. I attached a copy of my letter to him of 27 January and his e-mail response of the following day.

In the light of your letter and Mr Wiggin's e-mail, I would welcome some further help.

You included with the forms a copy of a letter from Mr Wiggin which you received on 12 January 2007 about his ACA1 nomination forms. It refers to a discussion with House officials. Is there any record of that discussion? And could you throw any light on the words: "*it is clear that I should have filled this out earlier as my mortgage is on [the London property]*" ("*this*" presumably being a reference to the nomination form ACA1).

As I read the ACA1 forms, Mr Wiggin identified his London home ([...]) as being his second home in July 2003; he changed the second home designation to his [Herefordshire] home in January 2004 and did not change it back again until January 2007. Mr Wiggin's evidence is that he has always and only claimed for his London home.

I note, however, that on the second page of the ACA2 forms for October and November 2004, the address of Mr Wiggin's second home has twice been changed in manuscript, and it would appear that the mortgage claim was disallowed. It would be most helpful to know the circumstances in which those changes were made, whether they were made by officials or the Member, and—if you can tell me this—whether there were any discussions with the Member at that stage about his nomination.

The matter on which I need your help is whether the statement in Mr Wiggin's letter of 12 January 2007, taken together with the alterations made to the ACA2 claim forms of October and November 2004, could in your view be taken as evidence to suggest that in these months at least Mr Wiggin made claims or intended to make claims for his [Herefordshire] home.

Once I have a response to these further points, I will copy our correspondence to Mr Wiggin for any comments he may wish to make before I bring this inquiry to a conclusion.

Thank you again for your help.

2 February 2010

18. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 15 February 2010

Thank you for your letter of 2 February. I apologise for the delay in replying. It has been necessary to conduct some inquiries which have taken some time.

The only correspondence between Mr Wiggin and the Department about his nominated main/second homes which we have on file is the letter which you already have. This letter followed contact which the Department made with Mr Wiggin after officials had discovered that his addresses for main home for travel and main home for ACA purposes did not match, as required by rules introduced in 2005. The Department holds a file note from January 2007 which partially records discussions with Mr Wiggin on this matter, draws inferences from those discussions, and records actions taken and to be taken.

You are correct in your analysis of the identifications of second homes made by Mr Wiggin between July 2003 and January 2007.

Mr Wiggin's claims for ACA for October 2004 and November 2004 were both dated 20th December 2004. I believe that we have identified the official who dealt with these forms, but he cannot be sure of what happened six years ago.

On the October claim, Mr Wiggin denoted his London address as his second home on the back on the claim form and added “*unchanged*”. Given that he had previously entered his constituency address on his earlier claims and that this was the address on his most recent nomination form, the official believes that he manually crossed through the London address and entered the constituency address. We do not know whether or not Mr Wiggin was consulted about this change.

The recollection of the official who processed the claims is that the mortgage amount of £576.07 for October was crossed through by him (or a colleague) because there was uncertainty over how much money remained in the budget. This was compounded by the fact the two claims had been submitted at the same time. Although the amount was crossed through, the full amount of mortgage interest was, in fact, paid as part of a total payment of £2036.07. Why the amount under the “*Cleaning*” category was amended is not clear since the amount paid appears to match the total as originally entered (ie before the amendment in respect of cleaning).

On the November claim, Mr Wiggin entered both the London and constituency addresses on the back on the claim form, further adding “*unchanged*”. As with the October claim, the official believes he manually amended the address on the form. The reason for the alterations to the front of the form is unclear. I cannot confirm for certain whether or not Mr Wiggin was consulted about these changes, though the official concerned believes that, if he made the alterations, he would have been.

You ask if Mr Wiggin’s letter of 12th January 2007 and the alterations referred to could suggest that he was intending to make claims against his [Herefordshire] home. I do not think that this inference can be drawn. The alterations to the amounts do not seem to me to give any reason for such a conclusion. The alterations to the addresses, so far as they were made with Mr Wiggin’s agreement or by him, tend to confirm the view that he continued to confuse his designations of second and main homes. Evidence which corroborates the view that claims made for these months were for the London property is that the amounts claimed for mortgage interest in October and November 2004 were identical to a mortgage interest claim made in September 2004.

Please let me know if I can help further.

15 February 2010

19. Letter to the Director of Strategic Projects, Department of Resources, from the Commissioner, 18 February 2010

Thank you for your letter of 15 February responding to mine of 2 February about the ACA forms which Mr Wiggin submitted in 2004 and 2005 in respect of his ACA claims.

I was most grateful to receive this. You refer to a file note from January 2007. It would be very helpful if you could let me have sight of this note so that I can fully understand the position.

I have also reviewed your letter of 11 January in the course of summarising the factual information I have received. In that context, it would be very helpful to have a little fuller explanation of the process by which Mr Wiggin’s over-claim of £133 in his council tax claim for 2005–06 was offset against other costs—according to Mr Wiggin his mortgage interest. It would be helpful to know if this was the normal practice in the Department at the time the action was taken, and whether it was suggested by the Department or by Mr Wiggin.

I would be very grateful for your help with this.

18 February 2010

20. Letter to Mr Bill Wiggin MP from the Commissioner, 18 February 2010

Thank you for your e-mail of 28 January responding to my letter of 27 January asking for some further information to help me in my consideration of this complaint.

When I wrote to you on 27 January, I said that I would be asking the Department for copies of the relevant nomination and claim forms which you signed in 2004 and 2005. I have now heard back from the Department. I enclose: a copy of my letter of 27 January to the Department; their response of 28 January with copies of the relevant forms; my follow-up letter to them of 2 February; and their response of 15 February. As a result of that response, I am asking the Department for a copy of the file note of January 2007 referred to in the Department's latest letter, and for a little more information about the process for off-setting your council tax over-claim in 2005–06 against your mortgage interest costs.

I would now like to move towards a resolution of this complaint. I will need to consider whether it is a matter which I can resolve by: (i) not upholding the complaint or (ii) agreeing with you to resolve it through the rectification procedure; or (iii) submitting a memorandum to the Committee on Standards and Privileges for their consideration. If I decide on the last of these, you should draw no inferences from that.

I think that it would be helpful at this stage to have an agreed understanding of the facts and the evidence and information you have provided. I enclose a note summarising the position as I understand it.¹³³ I would be very grateful if you could confirm that this is an accurate and fair summary of what you have told me and of the evidence provided by the Department. If you would like to add to this information and evidence, that would be very welcome.

I would be very grateful if you could let me have a response to this within the next two weeks so that I can decide on the best way forward. Thank you for your help with this.

18 February 2010

21. Mr Bill Wiggin MP: Commissioner's statement of facts, 18 February 2010

Complaint

Mr Wiggin put in monthly claims on his London property of £240 in 2004–05 and 2005–06 for each of utilities, council tax and telephone costs when his actual monthly expenditure was less than this. He “*made up*” the figures for these services in order to avoid having to produce invoices for these claims, which under the rules of the House, were required for all claims over £250.

The Facts

1. Mr Wiggin made claims apparently against his London home for utilities, council tax and telephone, maintenance and service costs, as well as other items, including mortgage interest.
2. He had mistakenly designated his London home as his main home on his ACA 1 designation form of January 2004 and each month in his ACA 2 claim form throughout this period—May 2004 to March 2006.
3. Mr Wiggin has retained no evidence of his utility costs for that period and is unable to provide any corroboratory information. He has not responded to the suggestion that he seek such information from the utility companies or his bank.
4. Mr Wiggin has declined to give any information about his claims for property maintenance and services on the grounds that he is not required to prove his innocence.
5. Mr Wiggin has declined to explain his decision to claim £240 in a month for those items other than to say that he considered they were the “*right amounts*” on the grounds that he is not required to prove his innocence. Mr Wiggin has stated that he has not claimed for more than the sums necessary to meet his telephone and utility bills or received more payment for his council tax than necessary to cover his costs.

6. There is no direct evidence to support Mr Wiggin's claim for his gas, water and electricity bills, but some circumstantial evidence that his combined monthly utility bills are currently a little above the £240 he claimed in 2004 and 2005 (£257).¹³⁴

7. There is evidence that some of Mr Wiggin's telephone bills for his London address in 2004 exceeded the £240 a month he claimed. These telephone bills were in the name of Wiggin Public Relations. There were three or more lines and they were used by his wife and others. Mr Wiggin has estimated his usage for parliamentary duties at £240 a month, but has not provided any basis for this estimate.

8. While Mr Wiggin's telephone usage did not come to £240 a month in the recesses—some four months of the year—he believes that this evened out over the year.

9. Mr Wiggin has confirmed that his council tax bill for his Band H property was £2,263 in 2004–05 and £2,316 in 2005–06. He claimed no discounts.

10. Mr Wiggin made council tax claims for 8 months in 2004–05 (one reduced to £216.70 because the budget ran out); and for 12 months in 2005–06, one month of which was not met because the ACA budget had run out. (There was a further reduction in 2005 to take account of the General Election.) The £133 which he over-claimed in 2005/06 was put towards meeting some of the costs of his mortgage interest.

11. Other than for telephone usage, Mr Wiggin appears not to have taken any account of the use of his home by Wiggin Public Relations in his claims for utilities and council tax (or for maintenance and servicing).

18 February 2010

22. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 23 February 2010

Thank you for your letter of 18 February.

I enclose a copy of the file note. It was written by two officials of the Department (one responsible for the typescript; the other for the manuscript). We are, of course, happy for you to see this internal document, but would be grateful if you could consult us again if you are minded to give it wider circulation.¹³⁵

You ask about the offsetting of Mr Wiggin's over-claim of £133 for council tax in 2005–06. The Department did not know at the time that Mr Wiggin was claiming more in respect of council tax than he had expended. However, the Department was aware that his annual ACA would have been exceeded by his March claim. The Department therefore allowed Mr Wiggin the total sum remaining to him for that month, but did not determine the services to which that amount should be applied. Therefore £133 was not offset against his mortgage claims. I emphasise that Mr Wiggin was not paid any more than he was entitled to have received.

This process described in the previous paragraph was one for which the Department was responsible and Mr Wiggin is very unlikely to have been informed of anything other than the total payable. Had Mr Wiggin made the Department aware that his claim for council tax was greater than the amount he actually paid, the Department would have looked at his total claims and would have determined that the amount he was over-claiming was offset by the significantly greater difference between his legitimate claims for March 2006 and the amount of the allowance remaining to him. In these circumstances, for the convenience of all concerned, it would not have been the practice to ask a Member to refund an overpayment and then to pay the same amount to the Member.

Please let me know if I can help further.

23 February 2010

¹³⁴ Mr Wiggin has informed me that £257 was a typing error. The correct figure was £329.

¹³⁵ The Director subsequently confirmed that the Department was content for this note to be shown to Mr Wiggin.

23. File Note, Department of Resources, 12 January 2007

Bill Wiggin MP—ACA and Travel Claims

1. Bill Wiggin has had his main home registered as London [...] and his second home in the constituency, [...]. His last nomination form was signed on 26th January 2004. All DFA records, including the CAF and ACA compliance spreadsheet, accurately reflect this. (The details have now been changed.)

This arrangement should allow him to claim ACA costs on his [constituency] home as well as being able to claim travel between Westminster and his London home.

2. However, all ACA documentation (mortgage interest statements etc) relate to his London address. Although this appears to have been on file for a number of years, the discrepancy has not been noticed until recently. (He has now submitted a revised, and correct, nomination form, reversing the details that were previously on file.)

3. Mr Wiggin's most recent claims (ie back to April 05) do correspond with the detail on the mortgage interest documentation on file (approximately £500 a month). However, there are other items on his claim forms for which no documentation has been provided and which total around £1,500 a month (food, utilities, council tax etc).

4. Mr Wiggin has given the impression that he has applied the ACA rule in a fairly cavalier manner and that he believes that as he uses both homes on an equal basis, he can, in effect, claim for both of them (although there is no outstanding loan on his constituency property).¹³⁶ As such, there can be no guarantee that the additional costs claimed all relate to his London home.

5. We will need to write to Mr Wiggin to determine whether these costs did/do relate to his London property. Additionally, the journeys he has claimed (and been paid for) between Westminster and SW6 will need to be recovered. This totals £394.74. We will need to inform him that such journeys can be claimed for in the future.

[In manuscript] 25.01.07 [Official in department] spoke to MP. Explained that mortgage interest claims must exclude any additional payments MP makes. (MP is paying off his mortgage early.)

[Official] explained that interest claim for Oct/Nov/Dec will be reduced to match [building society] statements. MP confirmed that all other expenditure claimed are [sic] accurate and represent the minimum sums MP has paid each month. [Official] confirmed that claims will be paid. [Official] to ask [other official in department] to recover costs at (5).

12 January 2007

24. Letter to Mr Bill Wiggin MP from the Commissioner, 3 March 2010

I last wrote to you about this complaint on 18 February with copies of the correspondence which I had had with the Department of Resources, and a statement of facts as I understood them. This letter is to let you have the further responses which I have received from the Department.

I said in my letter to you of 18 February that I was asking the Department for a copy of the file note of January 2007 referred to in their letter of 15 February, and for a little more information about the process of offsetting the council tax over-claim in 2005–06.

I now enclose a copy of the Department's response of 23 February, together with a copy of a file note from January 2007.

¹³⁶ In commenting on 28 June 2010 on the factual sections of this draft memorandum, Mr Wiggin told me, 'I believe that it is actually the National Audit Office who picked up my error and that this quote is being used to defend the Fees Office, who failed to spot my error. It is a personal comment about me from a file note which I feel is being given more weight than it deserves.'

In the light of the Department's explanation of the council tax over-claim, I suggest that the final sentence of point 10 of the statement, which I enclosed with my letter to you of 18 February, might be revised to read: "Mr Wiggin over-claimed £133 in 2005–06, but, since claims for claimable expenditure exceeded his ACA allowance, this sum was deemed to have been offset by his other legitimate claims."

I would welcome any comments you may wish to make on this further correspondence, perhaps when you respond to my previous letter of 18 February. I look forward to hearing from you.

3 March 2010

25. Letter to the Commissioner from Mr Bill Wiggin MP, 4 March 2010

Thank you for sending me a copy of your facts as you find them. Given that it is possible such a document will find its way into the public domain and given the proximity of the General Election I hope you will accept some additions so that you can proceed with your report.

Incidentally the complainant Mr Miller has announced that he will be standing against me at the General Election.

Fortunately there are some points which I have been able to add to assist you and I have also been able to find two water bills which I will send through the post, although for 2007/8/9.¹³⁷

I will also send you the latest press cuttings and freedom of information act requests which fit with questions asked by you. I hope you find them useful too.

I stand by to help in case there are any other points with which I can assist.

4 March 2010

26. Mr Bill Wiggin MP: Member's statement of facts, 4 March 2010

Mr Wiggin put in monthly claims on his London property of £240 in 2004–05 and 2005–06 for each of utilities, council tax and telephone costs when his actual monthly expenditure was less than this. He "made up" the figures for these services in order to avoid having to produce invoices for these claims, which under the rules of the House, were required for all claims over £250.

The Facts

1. Mr Wiggin made claims against his London home for utilities, council tax and telephone, maintenance and service costs, as well as other items, including mortgage interest. In 2004–05 According to the rules Mr Wiggin was not expected to produce receipts or records for claims below £250. Mr Wiggin's claims of £240 were below the maximum allowable without receipts. Mr Wiggin was not challenged at any time on what he claimed and six years later it is hard to find evidence which was not required at the time.
2. He had mistakenly designated his London home as his main home on his ACA 1 designation form of January 2004 and each month in his ACA 2 claim form throughout this period—May 2004 to March 2006. This was recognised in 2006 and corrected. This was a form filling mistake which gave him no financial benefit.
3. In 2006–07 Mr Wiggin asked the Fees Office to ensure that he had not taken any money to which he was not entitled. This was done. Mr Wiggin apologised for his form filling error. All the money claimed was spent on his London house and his [building society] mortgage.

¹³⁷ Not included in the written evidence.

4. Mr Wiggin has retained no evidence of his utility costs for that period and is unable to provide corroboratory information. Six years ago Mr Wiggin was not required to produce utility bills and so has not kept helpful records. The sort of corroboratory evidence which might assist in this enquiry is simply not available.

5. Mr Wiggin has given the following information on property maintenance. Mr Wiggin was entitled to claim for electricians or plumbers who did work on electrical or plumbing incidents. Leaks, heating repairs, gas repairs etc. There is a burglar alarm and similar items which require maintenance. Mr Wiggin believes such repairs are both worthwhile and sensible. Major jobs which required a receipt were reported and are shown in the records so Mr Wiggin does not have records for items under £250. Mr Wiggin carries out some maintenance jobs himself and would have been entitled to claim items such as paint, wall filler and materials for ensuring repairs were done.

6. Mr Wiggin has stated that he has not claimed for more than the sums necessary to meet his telephone and utility bills or received more payment for his council tax than necessary to cover his costs.

7. Mr Wiggin's claims for utilities are significantly less than he currently pays which includes gas services (£24.94 per month), water (£402.16 per annum), gas (£174.00 per month) and electricity (£80.00 per month) and accurately reflect what he believes he was charged six years ago. The water bill amount is not monthly and Mr Wiggin was able to find 2008 and 2009 bills.

8. There is evidence that some of Mr Wiggin's telephone bills for his London address in 2004 exceeded the £240 a month he claimed. These telephone bills were in the name of Wiggin Public Relations. There were three or more lines and they were used by his wife. Mr Wiggin has estimated his usage for parliamentary duties at £240 a month, but has not provided any basis for this estimate.

9. The amount Mr Wiggin claimed for telephone bills is £240. He was able to find some telephone bills from that period which show monthly figures of £596.97, £502.55, £551.86, a great deal more than the amount claimed. Because Mrs Wiggin also used the telephone for her business Mr Wiggin estimated his usage and did not vary it. It would have been deceptive to have varied the amount and while the figures could have been altered to reflect recesses this would have been as difficult to justify as altering the amount. As it is impossible to give exact figures so Mr Wiggin claimed what he believed was the right amount.

10. Mr Wiggin has confirmed that his council tax bill for his Band H property was £2,263 in 2004–05 and £2,316 in 2005–06. He claimed no discounts. Mr Wiggin did not claim second home discount because he would not have been allowed a residents parking permit.

11. Mr Wiggin made council tax claims for 8 months in 2004–05 (one reduced to £216.70 because the budget ran out); and for 12 months in 2005–06, one month of which was not met because the ACA budget had run out. (There was a further reduction in 2005 to take account of the General Election.) The £133 which he over claimed in 2005–06 was put towards some of the costs of his mortgage interest.

4 March 2010

27. Letter to Mr Bill Wiggin MP from the Commissioner, 10 March 2010

Thank you for your letter of 4 March, responding to my letter of 18 February with my summary of the facts as I believe you had then told me.

You have provided additional information which I will need to separate out from the statement so that it can be identified as evidence for this inquiry. I would be very content to receive a letter from you with this additional information. Alternatively, I attach a schedule which identifies this information and, if you agree it, I will enter it as the evidence which you provided me with your letter of 4 March.

You have helpfully provided me with information about your property maintenance claims. It would be very helpful if you could just confirm the implication of the final sentence in your paragraph on property maintenance, which is that you did not claim for the materials for the maintenance jobs which you carried out yourself.

I think I now have a clear enough understanding of the circumstances of your claims, to give you the opportunity to respond briefly to the principal points which have been raised during this inquiry. It would be helpful to know:

1. Whether you accept that you were in breach of the rules of the House in identifying your London home as your main home from January 2004 to March 2006 when you made claims for that property against your Additional Costs Allowance.
2. Whether you accept that the reason that you decided that £240 was the right amount to claim for each of these items was because it avoided you having to keep or submit receipts for this expenditure.
3. Whether you accept that it is not possible at this remove and in the absence of receipts to say for certain whether your expenditure on utilities, telephone and property maintenance in each case exceeded the £240 which you claimed each month for each item.
4. Whether you accept that your telephone usage did not come to £240 a month in the recesses (some four months of the year), although you believe that it exceeded that sum in other months, thus evening it out over the 12 month period.
5. Whether you accept that you should have reduced your utility, council tax and maintenance claims (as well as your claims for telephone bills) to take account of the apparent use of this property by Wiggin Public Relations—and if not, why not.

I am putting these points to you not to suggest that I have myself come to a conclusion, but because I need to be clear whether or not you accept that you were in breach of the rules in respect to any of the allegations which have arisen from this inquiry.

Once I have your response, I will consider whether I should prepare a memorandum to the Committee on Standards and Privileges. At present, I think I do need to prepare such a memorandum, although you should draw no inferences from that. If I do prepare such a memorandum, then I will draw on the statement of facts which I sent you, taking account of the additional points which you have made in explaining those facts, which I will be likely to put in a separate paragraph so that there is a clear distinction between the facts and your explanation and interpretation of them. I do not myself think I need to invite you to give oral evidence but if you wish to do so, please let me know.

It would be very helpful, therefore, if you could let me know whether you are content with the attached schedule (or would like to submit a separate letter on these points), and to have your response to the allegations against you described in this letter which have come out of this inquiry.

I look forward to hearing from you about this, and for any comments you may wish to make to my letter to you of 3 March, which I suspect you had yet to receive before you e-mailed me. If you could let me have these responses within the next two weeks I would be most grateful.

Thank you for your help with this.

10 March 2010

28. Letter to the Commissioner from Mr Jim Miller, 23 March 2010

I wish to make a complaint against my Member of Parliament, Bill Wiggin, for claiming money from the Parliamentary Fees Office to which he was not entitled. These claims were not for monies actually paid as the rules require, and were not wholly and necessarily incurred in pursuit of his Parliamentary duties as the rules also require.

The complaint relates specifically to 29 monthly claims made for “*utilities*” in the three years 2004–05, 2005–06 and 2006–07. I enclose supporting evidence of my complaint in the form of Additional Costs Allowance forms published on Parliament’s website.

In these years Mr Wiggin habitually claims £240 a month for utilities. This figure is clearly not the true amount of his utilities bills for those months: he has claimed this figure in order to benefit from the parliamentary rule which requires no receipts be provided for any claim less than £250.

In 2004–05 he makes the claim of £240 a month for 8 months (there are several months worth of claims missing from the Parliamentary website for this year).

In 2005–06 he makes the £240 claim for 12 months.

And in 2006–07 he makes the £240 claim for the first 9 months.

I enclose a printout of a typical month from each of these years, in evidence.

The first time that Mr Wiggin actually itemises what he really paid for utilities is in the first few months of 2007–08: I enclose a printout of the first of these itemised Additional Cost Allowance claims as evidence.

One can see that he specifies the following:

Gas	£71.50
Electricity	£46.75
Water	£30.47
Total Utilities:	£148.72

I have no reason not to believe these were the true amounts Mr Wiggin was paying per month for his utilities at his second home.

Now it is of course likely that Mr Wiggin's utilities bills in years previous to 2007–08 would have been somewhat less than this (gas, electricity and water charges do tend to rise over time!). My own belief is that the best thing Mr Wiggin could do would be to hand his Additional Costs claims and all his utilities bills to an auditor who might then assess exactly how much he has over-claimed by.

But it is easy to calculate the very least Mr Wiggin has over-claimed by.

If we assume that his utilities bills did not increase over these three years, and instead assume that he was charged £ 148.72 per month for utilities, as he was in 2007–08, the minimum discrepancy can be calculated.

In 2004/05 he claimed £240 a month for 8 months a total of £1,920.00

If he were charged £148.72 for those 8 months he should have paid £1,189.76 He has therefore over-claimed by at least £730.24

In 2005–06 he claimed £240 a month for 12 months, a total of £2,880.00 If he were charged £148.72 for 12 months he should have paid £1,784.64 He has therefore over-claimed by at least £1,095.36

In 2006–07 he claimed £240 a month for 9 months a total of £2,160.00 If he were charged £148.72 for 9 months he should have paid £1,338.48. He has therefore over-claimed by at least £821.52

Mr Wiggin has in these three years claimed at least £2,647.12 more for utilities than he was entitled to.

Since the rules require that expenses are only claimed for monies paid, and Mr Wiggin was never asked by the utilities companies to pay this excess of £2,647.12, I hope you will understand why I am requesting you to instruct Mr Wiggin to pay this sum back.

23 March 2010

29. Letter to Mr Jim Miller from the Commissioner, 30 March 2010

Thank you for your letter of 23 March about your complaint against Mr Bill Wiggin MP.

Some of this letter appears to go over ground already covered in your complaint of 6 November which, as you will know from my letter to you of 12 November, I am currently inquiring into. Your letter does, however, appear to seek to extend my inquiry to 2006–07.

I do not propose to extend my inquiry beyond the two years covered in your original complaint. I think that it would be right for me to conclude my work on that complaint without the inevitable delay which would occur if I were to extend it into further years.

Your letter does however compare Mr Wiggin's claims for 2007–08 to his claims for earlier years. Since that may be relevant to my current inquiry, I am copying your letter for Mr Wiggin for his comments.

Finally, following any report which I make to the Committee on Standards and Privileges, it would be for that Committee rather than for me to consider penalties and to make recommendations to the House. My remit does not extend to penalties.

30 March 2010

30. Letter to the Commissioner from Mr Jim Miller, 31 March 2010

Thank you very much for your letter of March 30th.

I fully appreciate that, in order to conclude your enquiry speedily, you do not wish to extend it beyond the two years of my original complaint.

I would wish therefore to amend my complaint about Mr Wiggin's Utilities claims to cover just 2004/05 and 2005/06. In these twenty months (four months are missing from the MPs allowances website) Mr Wiggin claimed £4,800 for utilities. Had he claimed for the actual bills as he revealed them to be in 2007 (not £240 a month but £148.72) he would have claimed, at most, £2,974.40.

My complaint is that he therefore over-claimed at least £1,825.60 in the period concerned.

You say in your letter that comparing Mr Wiggin's claims in later years may be of relevance, and I would therefore like to mention the relevance of the allowances record for 2008–09, which has been published since my complaint in November about Mr Wiggin's claims for "Telephone" costs.

My complaint was that Mr Wiggin in 2004–2006 claimed £4,800 for telephone costs at his second home when these could not have been "*wholly, necessarily and exclusively*" for parliamentary duties. Mr Wiggin in those years claimed a Communications Allowance which would cover all costs made at his Westminster office, mobile phone etc: that is, the overwhelming majority of telephone costs incurred in pursuit of his duties.

Might I draw attention to the fact that in 2008–09 Mr Wiggin makes absolutely no claim for telephone costs? This is in fact honest and correct as the amount of calls made on parliamentary duty at one's second home and out of parliamentary hours must be negligible.

I hope the fact that Mr Wiggin has now honestly ceased to claim telephone costs at his second home reinforces my original complaint that he was wrong in 2004–2006 to claim £4,800 for this.

Thank you for your time and attention.

31 March 2010

31. Letter to the Commissioner from Mr Bill Wiggin MP, 25 March 2010

Thank you for both your letters.

I agree with the letter dated 3 March and I accept your conclusion that due to offsetting I have not benefited from my error on council tax.

With regard to your letter of the 10th March, let me answer the five questions you have asked.

1. No. I am not in breach of the rules. My main home has always been in Herefordshire and my second home on which I claim the ACA has always been in London. This has not changed from 2001 to the present day.

No claims have ever been made for Herefordshire at any time, on anything. All mortgage statements and my receipts support this. All claims were made on my house in London.

2. No. This is a smear. The rules were clear and were not broken. I did not claim the maximum amount. I did not seek to alter amounts or to deceive.

3. No. It is clear from the telephone bills which I have been able to find and from the utility bills which I am currently paying that my expenditure exceeded £240.

4. No. It is not safe to assume that the claims should have been altered in such a way. The suggestion is only theoretical. Just as any good MP should, of course I love to spend as much time as possible in my constituency however it is not always possible to stay there for every recess day. I still have to return to London during recesses and so it would not have been accurate to alter the bills. You might also note that recesses do not fit exactly within calendar or billing months therefore to alter the amounts accurately could be misconstrued as deception.

5. No. My wife's professional activity was on the telephone. The temperature, council tax, water usage and electricity are not in anyway affected by her work. However it is still clear, point 3, that my bills are higher than the amount I claimed. When my wife was not on the telephone at home she would have been looking after my baby daughter. There is no possible taxpayer contribution towards my wife's business.

In your third from final paragraph you mention separating the facts as I see them from the facts as you see them.

I hope that you will look very carefully at the differences. I looked up the original document you sent me and I would like to make the following comments.

Point 1. You used the word "*apparently*" in your version. I have not claimed for any other house and so I hope you will withdraw a word which creates doubt.

Point 3. I do not have the sort of detail which you ask for from my bank or utility company

Point 4. I realised that I was able to be even more helpful and so I have provided more information on maintenance.

Point 5. is somewhat aggressive and looks muddled with point 4 until the second sentence.

Point 6. I did find some water bills which I sent to you.

Point 8. is wrong. I did not say that my bills were less during recess.

Point 11. The only relevant cost was the telephone bill (above No 5.) which I did take into account.

While you ask me to draw no conclusions from your comment that you are minded to write a report for the committee.

I confess my thought is that you are now seeking to justify your enquiry.

Because I feel that this is a very one sided attack on me, through you, by my political opponent.

It may also be worth gently pointing out that you said you intended to write the report using the language in the list of disputed facts which even the most dull-witted journalist can sensationalise.

You have been shown some evidence of his personal campaign against me in the national media.

25 March 2010

32. Letter to Mr Bill Wiggin MP from the Commissioner, 30 March 2010

Thank you for your letter of 25 March responding to my letters to you of 3 and 10 March.

I was grateful to receive this. I should make clear that I have myself come to no conclusion on this matter and will not do so until I have completed work on the factual sections of my memorandum to the Committee, which I will show you. I have not, therefore, come to any conclusions about your council tax claims. The statement in my letter of 3 March was intended to be a statement of the facts as I understand them—your over-claim was deemed (by the Department) to have been offset by your other legitimate claims. I will need to come to a view on that decision.

I will take account of your comments on the original statement of facts which I sent you on 18 February in preparing the factual sections of my draft memorandum. You will, as I say, have an opportunity to comment on the factual accuracy of these when you receive them.

I would welcome clarification of two of the points you make in relation to your telephone bills. First, you say in your letter of 25 March, *“I did not say that my bills were less during recess.”* I have some difficulty in reconciling this with your letter of 16 November (your point 4) where you say, *“While I can understand how this estimate could be considered too high in recesses it is much too low at other times of the year.”* Could you therefore confirm whether you believe that your telephone usage for parliamentary purposes amounted to £240 each month during all recesses in 2004–05 and 2005–06?

Secondly, in your letter of 25 March (point 5) you say that the temperature, council tax, water usage and electricity were not in any way affected by your wife’s work. When not on the telephone at home, she would have been looking after your baby daughter. In your letter of 16 November, however, you say that your wife *“and others”* also used the phones. If there were others in your home using the phones, it could follow that they—and therefore the business—benefited from the various services on which you made your claims. You have said that you believe you took full account of the company’s telephone usage in making your claims for the telephone bill and I will need to come to a conclusion on that. It would appear from your evidence that you took no account of the business’s other usage of utilities—council tax and maintenance and services—and, if so, I will need also to come to a conclusion on that. Any comments or clarification you wish to give me on this would be welcome.

Finally I enclose a copy of a letter of 23 March which I have received from the complainant. Some of this letter appears to go over ground already covered in the complaint which I have accepted. But it does appear to seek to extend it to a further year, 2006–07. I have told Mr Miller that I do not think that it would be right for me, at this stage of the inquiry, to extend my inquiry beyond the two years covered in his original complaint. I am, however, sending you a copy of his letter since he has identified evidence from your 2006–07 claims which could be relevant to the levels on which you made your claims for the previous two years. In particular, it would be helpful if you could let me know why your monthly claims for utility bills (which appear to be for £148.72 a month from April to August 2007, followed by £150 un-itemised for two months, and £240 for two further months) are, in all but the final two cases, lower than the monthly claims of £240 you put in for utilities in 2004–05 and 2005–06. It would also be helpful if you could explain why your telephone and telecommunications charges (where your claims in 2007–08 are for between £50 and £200 a month from April to December 2007) appear to be significantly less than the monthly claims for £240 you put in for these items in 2004–05 and 2005–06.

Subject to your responses to the matters I have raised in this letter, I think we are agreed that there is no need for you to give oral evidence, since you have provided me with everything you wish to in writing and I have at present no particular points I need put to you orally. I would be happy to meet you informally, but we would not, of course, be able to discuss your evidence or my likely conclusions.

I should add that it is for me to judge whether I should prepare a draft memorandum for the Committee on any particular matter, and I can assure you that my decision has nothing to do with any need to justify the inquiry itself, or with the identity of the complainant. The imminent Dissolution of Parliament does, however, mean that it will not be possible for me to have concluded this inquiry before the end of the Parliament. But I will aim, with your co-operation, to have completed this inquiry as soon as possible in the new Parliament.

30 March 2010

33. Letter to Mr Jim Miller from the Commissioner, 6 April 2010

Thank you for your letter of 31 March following my letter to you of the previous day in response to your letter of 23 March about your complaint against Mr Bill Wiggin MP.

I am copying your letter to Mr Wiggin so that he can have your comments on the question of his claims for utility bills which you also covered in your previous letter. I have also drawn his attention to the comparison you make between his telephone costs of 2004–05 and 2005–06 with what you say were his claims for 2008–09.

I have not asked Mr Wiggin to respond to your point about the Communications Allowance, since that allowance was not available to Members in 2004–05 and 2005–06 and did not anyway extend to telephone costs.

6 April 2010

34. Letter to Mr Bill Wiggin MP from the Commissioner, 6 April 2010

I attach a further letter, this one of 31 March, from the complainant, following up his previous letter to me of 23 March. I enclose also a copy of my letter to him of 30 March.

The complainant first compares your utility claims for 2004–05 and 2005–06 with the claims you made in 2007–08. I raised this with you in paragraph six of my letter to you of 30 March.

Additionally, the complainant has compared your claims for telephone bills in 2004–05 and 2005–06 with your claims for 2008–09, when, according to the complainant, you made no claims for telephone calls from your London home that year. I have pointed out to the complainant that the Communications Allowance was not available to Members in 2004–05 and 2005–06—nor did it cover Members' telephone costs.

I would welcome your comments, perhaps when you respond to my letter of 30 March, on the complainant's comparison between your telephone costs for the two years into which I am inquiring and for the later year, 2008–09.

As I said in that letter, I will need to return to this when Parliament resumes, so a response by the end of the first week of the new Parliament would be most welcome.

6 April 2010

35. Letter to the Director of Strategic Projects, Department of Resources from the Commissioner, 15 April 2010

I have been reviewing the evidence in relation to the complaint against Mr Bill Wiggin in respect of his regular claims of £240 in the two financial years from 2004–05, on which you wrote to me on 23 February.

In that letter, you address the question of offsetting the over-claim of £133 which Mr Wiggin said he had made for council tax in 2005–06. You explained how the Departmental processes would not have identified that specific over-claim, but noted that the amount he was over-claiming was offset by the significantly greater difference between his legitimate claims for March 2006 and the amount of the allowance remaining to him.

I have checked the figures which Mr Wiggin produced and which I sent to the Director of Operations on 10 December. I attach a further copy. It seems to me that Mr Wiggin's calculation of his overall claim did not take account of the effect on his claims of the Dissolution period in the first two months of that year. Taking

this into account, it would seem to me that the over-claim was £368. I attach a table showing my calculations.

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It would be very helpful if you could let me know whether you agree with this recalculation and, if so, whether it is your view that Mr Wiggin had legitimate unmet claims of at least £368 for 2005–06.

I would be very grateful if you could let me have a response to this letter by 18 May

15 April 2010

36. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 28 April 2010

Thank you for your letter of 15 April.

Members were not entitled to claim ACA for the period of Dissolution up to and including polling day. Entitlement recommenced on the day after polling day. In fact, therefore, Mr Wiggin was entitled to 11/30 of his council tax in April 2005, and 26/31 of the council tax in May 2005. The table which Mr Wiggin sent you with his letter of 16 November 2009 should therefore have said “*reduced to*” rather than “*reduced by*”.

The total council tax claimable by Mr Wiggin for 2005–06 should therefore be reduced by 24/365, to £2163.79, rather than by 37/365 as in your calculation. This means that the excess claimed was £716.27 and the excess paid was £285.21.

Mr Wiggin’s ACA claim of March 2006 was reduced from £2077.01 to £437.34—a total reduction of £1639.17. So even allowing for the increased over-claim for council tax, Mr Wiggin’s legitimate costs still exceeded the maximum of the allowance.

I therefore believe that all arguments presented in my letter of 23rd February still stand, but that the figure of £285 should be substituted for the figure of £133 in that letter.

Please let me know if I can help further.

28 April 2010

37. Letter to the Director of Strategic Projects, Department of Resources, from the Commissioner, 4 May 2010

Thank you for your letter of 28 April in response to mine of 15 April, about the reimbursement of Mr Wiggin’s council tax in 2005–06. I am grateful for your recalculation, which suggests that Mr Wiggin was repaid for his council tax £285 more than he should have been, having over-claimed by £716.

I would however welcome clarification of one further point. In your letter you say that you believe that Mr Wiggin’s “*legitimate costs*” still exceeded the maximum of the allowance in 2005–06. I would be grateful if you could give me the basis on which you formed this assessment. Given the absence of documentation with Mr Wiggin’s claims, could you identify how you have established that in 2005–06 at least £285 of Mr Wiggin’s claims which exceeded his allowances could otherwise have been met?

It would be very helpful to have a response to this letter by 21 May if possible.

4 May 2010

38. Letter to the Commissioner from the Director of Strategic Projects, Department of Resources, 6 May 2010

Thank you for your letter of 4 May.

You ask about the use of the term “*legitimate costs*” in the following sentence of my letter to you of 28th April: “*so even allowing for the increased over-claim for council tax, Mr Wiggin’s legitimate costs still exceeded the maximum of the allowance.*”

All Mr Wiggin’s claims in the last month of 2005–06 (except for council tax and food) were below the level at which receipts were required. These would therefore have been regarded as legitimate claims. The claim for food did not require receipts but did not exceed the level permitted. Again, this would have been regarded as legitimate. These claims amounted to £1,510 and are what I referred to as “*legitimate costs*”.

Of course, I do not intend the adjective “*legitimate*” to presuppose any finding which the Committee may make about whether Mr Wiggin did, in fact, incur the costs for which he claimed.

Please let me know if I can help further.

6 May 2010

39. Letter to the Commissioner from Mr Bill Wiggin MP, 10 May 2010

Thank you for your letter of the 30th March.

I will try to help to clarify the points you asked me about.

First was the size of my telephone bills six years ago during recess. I believe that my telephone bills were £240 throughout the year irrespective of the recess. That is why I claimed this amount. I can understand why Mr Miller would want you to think otherwise but I think he is wrong.

Next, you are concerned that my wife’s fledgling business might have had some sort of financial advantage from the taxpayer. I really don’t think that is possible given that we are talking about three telephone lines one of which is used for the burglar alarm and fax machine. When I meant “*others*” I meant that we had a nanny who may also have used the phone. I guess that you might have been worried that there were huge numbers of staff which sadly there were not. I am very sorry if I misled you with any such delusions of grandeur. My wife started her little business from home and I cannot imagine how I could have charged her any meaningful amount for our council tax. It is my wife who is allowed to live in our home, not some large multinational firm. The same is true for maintenance and service. If there had been any sort of financial benefit to her business like the telephone bill then I would have made deductions in the same way.

I have read Mr Miller’s letters which seem to focus on mathematical amounts rather than providing any new evidence of any error. Whether Mr Miller’s letter widens or narrows the enquiry, he has not provided anything other than calculations and I am confident that your team could have managed these by themselves with great ease.

Mr Miller’s further complaint seems to depend on the assumption that I should claim more in later months, although this does not actually need to happen as the allowances are fixed amounts. The Nolan principles suggest that under claiming is preferable. I am certain that I have under claimed a great deal in the later years. I know that I cannot now claim the difference because the years are closed and the full amount of the allowance was used in each year. I am now paying considerably more than £240 which means that I should perhaps have claimed larger amounts in the previous periods. The same is true for telephone bills. I am sure you will confirm that I am not in the wrong by claiming too little?

Thank you for taking such trouble over this enquiry.

10 May 2010

40. Letter to Mr Bill Wiggin MP from the Commissioner, 18 May 2010

Now that the new Parliament has assembled, I am writing to confirm that I am resuming my inquiries into this complaint. I am grateful for your letter of 10 May in response to my letter of 30 March and, I assume, my subsequent letter to you of 6 April. It was most helpful to have this response.

In the complainant's letters of 23 and 31 March he makes comparisons between your utility claims for 2004–05 and 2005–06 and those for the first few months of 2007–08. He points out that some of these claims for utilities in 2007–08 were itemised. The parliamentary webpages show that in 2007–08, in each of the months in which your utility costs were itemised, you claimed a total of £148.72 for utilities (gas, electricity, water), and that your claims were supported by an annual bill of £365.69 for your water charges, which divided by twelve gives a monthly charge for water of £30.47, the figure which appears on five of your monthly bills. The webpages also show that in 2008–09 your claims for utilities increased to £203 in each month in which they were supported by evidence of your direct debit charges and that they were supported by the invoice for your gas and electricity charges for August 2008 to February 2009.

The complainant believes that it was likely that your utility bills for 2004–05 and 2005–06 were less than your later bills. I shall need to come to a view on this. In the light of the evidence it may be difficult to reconcile the detail of these later utility claims with your suggestion that you under-claimed in the later years (2007–08 and 2008–09) at least for utilities.

In relation to your telephone bills, I note from your letter of 10 May that one of your telephone lines—presumably one of your business lines—was used for a burglar alarm and fax machine. Could you let me know whether that fax machine was used for your wife's business as well as any parliamentary duties, and if so, broadly what was the split between the two?

Finally, I enclose copies of letters of 28 April and 4 May from the Department of Resources, and of my letters to the Department of 15 April and 6 May. As you will see, the Department have recalculated the council tax due to you in 2005–06. This is because your original calculations, set out in the table which you sent me with your letter of 16 November, did not take account of the fact that you were not entitled to reimbursement of council tax incurred during the Dissolution of the House in 2005. The Department now believes that in 2005–06 the amount of your over-claim was £716, and that you were overpaid by £285 for council tax incurred in that year.

If you wished to comment further on any of these matters I would be grateful if you would do so by 7 June. I will then prepare the factual sections of my draft memorandum to the Committee on Standards and Privileges and show them to you so that you can check their factual accuracy. I am grateful for your help with these matters.

18 May 2010

41. E-mail to the Commissioner from Mr Bill Wiggin MP, 26 May 2010

I have received your latest letter and hope we are at the end. You have put three questions to me this time.

1) First, the issue of my bills.

I know you will come to your own view but I still think that my later bills were too low. My direct debit payments have always been drawn on estimated usage. I am currently paying £329.24 through direct debits for my utilities. Even though my house is more energy efficient than it previously was, this sum exceeds the previous £240 per month I was claiming in the months you have questioned following Mr Miller's letters to you.

2) You also asked about the fax services, which in all honesty I do not remember nearly seven years later what faxes were sent or received.

3) The council tax figures have been checked again and although I have already apologised for inadvertently over claiming. Having seen your own difficulties with the calculations it would seem that the amount I received is still less than a single mortgage payment which I forwent due to the allowance having been used

up. As you will know, the mortgage interest payment for March 2006 was £567.01, far exceeding the £285 figure which the calculations now appear I over-claimed and was inadvertently over-paid in respect of the council tax element of my ACA. You will also be aware that the Fees Office accepts that any over-payment inadvertently received in respect of council tax claims offsets other legitimate claims made by me which were reduced due to the ACA running out.

Furthermore, having looked at a sample of claims made by other Members of Parliament, I note that over-claiming due to the Dissolution period appears to have happened inadvertently to other colleagues but not in all circumstances have the amounts been automatically adjusted by the Fees Office. As you will know, the amounts I received were adjusted accordingly by the necessary fractions for my April and May 2005 claims to reflect this.

I look forward to the factual sections you are preparing and I request that they will be very precise and not worded in a sensational way.

26 May 2010

42. Mr Bill Wiggin MP: Claims made in relevant categories of ACA in 2004–05 and 2005–06

2004–05

	utilities	telephone/telecoms	service/maintenance	council tax
April	£240.00	£240.00	£240.00	£240.00
*May	£240.00	£240.00	£0.00	£240.00
June	£240.00	£240.00	£240.00	£240.00
July	£240.00	£240.00	£240.00	£240.00
August	£240.00	£240.00	£240.00	£240.00
September	£240.00	£240.00	£240.00	£240.00
October	£240.00	£240.00	£240.00	£240.00
**November	£176.07	£0.00	£0.00	£216.69
December	£0.00	£0.00	£0.00	£0.00
January	£0.00	£0.00	£0.00	£0.00
February	£0.00	£0.00	£0.00	£0.00
March	£0.00	£0.00	£0.00	£0.00
TOTAL claimed	£1,856.07	£1,680.00	£1,440	£1,896.69
TOTAL received	£1,856.07	£1,680.00	£1,440	£1,896.69

2005–06

	utilities	telephone/telecoms	service/maintenance	council tax
† April	£240.00	£240.00	£240.00	£240.00
† May	£240.00	£240.00	£240.00	£240.00
June	£240.00	£240.00	£240.00	£240.00
July	£240.00	£240.00	£240.00	£240.00
August	£240.00	£240.00	£240.00	£240.00
September	£240.00	£240.00	£240.00	£240.00
October	£240.00	£240.00	£240.00	£240.00
November	£240.00	£240.00	£240.00	£240.00
December	£240.00	£240.00	£240.00	£240.00
January	£240.00	£240.00	£240.00	£240.00
February	£240.00	£240.00	£240.00	£240.00
‡ March	£240.00	£240.00	£240.00	£240.00
TOTAL	£2,880.00	£2,880.00	£2,880.00	£2,880.00
TOTAL received	£2,449.00	£2,449.00	£2,449.00	£2,449.00

* In his May 2004 claim, Mr Wiggin claimed £3,557.90 for work to his roof and water tank, and £900 for redecoration to the front of his house, making a total of £4,457.90.

** Mr Wiggin's budget ran out in November 2004.

† Mr Wiggin's April and May 2005 claims were reduced respectively by 19/30 and 5/31 to take account of the Dissolution period.

‡ Mr Wiggin's allowance ran out in March 2006. He was paid £437.34, but the Department did not allocate this sum to particular claims.

Appendix 2: Written evidence from Bill Wiggin MP to the Clerk of the Committee, 5 September 2010

I would like to comment on the conclusions drawn by the Commissioner on page 39-46. Conclusions 128-134. The conclusion that I was not in breach of the rules for claiming £240 is most welcome and I am grateful to the Commissioner for this.

Conclusions 135-136. The Commissioner is incorrect to say I did not check for records. I did check and in the attic I found several telephone bills and water bills which I submitted to him. The Commissioner's decision to judge on the balance of probability is deeply worrying given that he has admitted to having insufficient evidence.

1. Council tax. I agree with the Commissioner for the line "this provides some reassurance that Mr Wiggin did not benefit overall from his Council Tax over claim." None the less I apologise for submitting an over claim for my council tax in 2005 although I did not benefit from it. This was an election year and so inevitably a great many Members also over claimed.

2. Utilities. I currently pay £329 for my utilities. I believe that £240 six years ago was the right amount. The Commissioner agreed this in 2004-5 but oddly not for 2005-6. As I claimed the same monthly amount in each year this seems at best an inconsistent conclusion.

3. Telephone. I gave bills for the year 2004/5 to the Commissioner they were August 2004 - £596, November 04 - £502.55 and February 05 - £551.86. I cannot remember how many calls I made or to whom but I did use the telephones and estimated my Parliamentary share of the bills. There is no guidance from the Commissioner as to how much he estimates my usage should be, so I do not know how I am supposed to pay a share of a telephone bill except by making a judgement.

137. As many did, I accepted that the Fees Office would raise any concerns and at no stage was I ever asked about my claims. However when the errors on my second home nomination forms for my second home was raised by the NAO in 2006/7. I asked the Fees Office to check all my claims to ensure I had not made any further errors. They did so. I remain certain that I spent more money than I claimed.

139. Overall conclusions. I am glad the Commissioner confirmed that I was not in breach of the rules in my claims but I regret that he has based his upholding of complaints on the balance of probability. The Commissioner would not have investigated so thoroughly if he had not believed this at the outset. This seems to be totally contrary to normal justice. Yet I was not able to find more evidence of receipts to

support my claims from six years ago. It was not a requirement then and I did not retain the sort of records which would have been so helpful.

I accept that the priority for my administration has always been focused on my constituents rather than on myself and I am willing to accept the criticism that in 2004 my administration was casual but I was open in my claim forms and in all my correspondence with the Commissioner.

Given the ten months since the enquiry began, the in depth nature of the questioning, and the consequences of such significant accusations it seems very wrong to be accused of serious breaches purely on the balance of probability.

Appendix 3: Letter from Bill Wiggin MP to the Chair of the Committee, 16 September 2010

While I tried to help the Commissioner, I am more than willing and pleased to do the same for you and your committee.

As you have requested, I have written to my service providers and enclose copies of my letters.¹

I do not know if I will get any replies within the deadline but I am trying to do all that you asked to the best of my ability.

¹ Not printed.

Appendix 4: Letter from Bill Wiggin MP to the Chair of the Committee

Thank you for your letter. I very much appreciate your promise of confidentiality, this is not something that the Commissioner could do and has made things very difficult for me at home, as some bills are in my wife's name.

This was exacerbated by the activities of my constituent, Mr Miller, who is a BBC writer, through the Daily Telegraph and letters in my local press. I enclose the leaflet Mr Miller distributed during the Election.¹ The Commissioner was kind enough to confirm that the allegations in his leaflet are untrue as I was not the only MP being investigated. However this kind of smear is the reason why my wife has had reservations about disclosure.

Thanks to your confidential protection she now feels able to release some bank statements which are in our joint name.² I would have preferred you to have seen these earlier but I have always sought to protect my family as much as possible. I now have my wife's permission to show them to you.

Council Tax

The bank statements confirm that I was spending £241 on council tax.

Utilities

You will see that while I was claiming £240 for all my utilities, in fact I paid my supplier Atlantic £286 each month for Gas and a further £187 for Electricity. Water was £42.83 (for ten months only).

This makes a total of £515.83 per month.

Like many people I do not check my meter readings as often as I should. This means that this large series of payments were reduced in later years which might have misled the commissioner into believing that my real costs were lower.

I believe that my costs for utilities for my house in London are between £250–350 per month and were always in that bracket since I have been an MP.

I have more recent statements showing that the direct debits fell and then rose and I have provided them although it is outside the period in question.

Telephone

I enclose telephone bills for this period these show that I was paying well over £400 pounds even in August 2004 (£596).³

¹ Not printed

² Not printed

³ Not printed.

Maintenance

It has been impossible to provide receipts for redecorating, electrical or plumbing work. We insisted on proper receipts for large bills but six years ago we paid cash for smaller jobs.

I remember two men painting and decorating the interior rooms of my house. They charged about £300–500 per room but I do not have written evidence and we paid them in cash.

When we bought our house in London it was clear that I would have to spend time and effort maintaining it and I used the allowance to help pay for maintenance. You are welcome, as a committee, to visit and see what has been done. You will see that we spent far more than £240 per month on maintenance.

It is worth pointing out that while it is impossible to produce maintenance receipts, the taxpayer will get back any capital gains on my London house and therefore keeping it in good repair is responsible.

I have produced all the evidence that you requested and that I can find going back a considerable time. All the claims were approved by the fees office. I hope this helps to confirm that the balance of probability is that I have spent more than I claimed.

While I am willing to apologise to you fully for my poor administration. I regret that my records have not been kept to the standard of scrutiny that in retrospect they should have been but I am in no doubt that I have not made any personal profit from the allowances that I claimed under the rules that prevailed at the time.

Formal minutes

Tuesday 12 October 2010

Members present:

Mr Kevin Barron, in the Chair

Sir Paul Beresford

Mr Jim Cunningham

Annette Brooke

Mr Oliver Heald

Mr Tom Clarke

Eric Ollerenshaw

Mr Geoffrey Cox

Dr Alan Whitehead

Draft Report (Bill Wiggin), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 17 read and agreed to.

Paragraph 18 read, amended and agreed to.

Paragraphs 19 to 32 read and agreed to.

Paragraph 33 read, amended and agreed to.

Paragraphs 34 to 36 read and agreed to.

Paragraph 37 read, amended and agreed to.

Four Papers were appended to the Report.

Resolved, That the Report, as amended, be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Tuesday 19 October at 9.30 am