



Statement of Provisional Findings

Mr Robert Blackman MP
Member of Parliament for Harrow East
(C1415-011)

3 February 2015

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Introduction

1. This Statement of Provisional Findings is issued in accordance with Section 9 and 9A of the Parliamentary Standards Act 2009 (as amended) and the Second Edition of the Procedures for Investigations of the Compliance Officer for the Independent Parliamentary Standards Authority (IPSA).
2. On 15 October 2014, following the receipt of a request for an investigation from IPSA, the Compliance Officer opened an investigation into claims submitted by Bob Blackman MP under the Fourth, Fifth and Sixth Editions of the MPs' Scheme of Business Costs and Expenses ('the Scheme'). These claims related to constituency mileage under Chapter Nine: Travel and Subsistence Expenditure.
3. Paragraph 9.12 of the Scheme states "private cars, motorcycles or bicycles may be used as an alternative to public transport where there is a specific need or it is cost-effective to do so." The reimbursement rates for mileage incurred are the standard rates set by Parliament and administered by HMRC; 45p per mile for the first 10,000 miles and 25p per mile thereafter.
4. The investigation has now been concluded. In accordance with the Procedures for Investigation, both IPSA and Mr Blackman have been provided with the documentation and representations submitted by the other party (where applicable). The MP has taken the opportunity to submit his representations while IPSA have indicated they do not wish to make any representations.
5. The MP was notified of his right under Paragraph 36 of the Procedures for Investigation to make his representations at a hearing to which IPSA and the public would have been invited. He has not requested a hearing.

Summary of the investigation

6. IPSA wrote to the MP as early as 14 October 2011 to point out that his mileage claims were "around twice the average for constituency mileage across the UK and some six times higher than other suburban London area constituencies where mileage is claimed".
7. In December 2012, in accordance with Section 9(2) of the Parliamentary Standards Act 2009, IPSA submitted a request for an investigation to the Compliance Officer alleging there were possible irregularities in the mileage claims submitted by the MP for travel within his constituency.

8. The basis for their referral which I included in my correspondence to Mr Blackman on 19 December 2012 was as follows:
 - a. There appears to be a standard mileage for certain journeys, e.g. 15 miles for “Edgware return”. The consistency of these claims contradicts the explanation you provided in 2011 that; “these do not always provide a logical journey from one to another or fit in sequential times”;
 - b. The majority of mileage claims appear to be rounded to the nearest 5 miles;
 - c. A comparison of your claims against the distances quoted by *Google maps* would suggest a pattern of over-claiming. On average, your claims are almost twice the distance shown on *Google maps* and in some cases, significantly more. The examples provided by IPSA were as follows:
 - “Stanmore return”, shown as 5 miles on *Google maps* but 15 miles claimed;
 - “Edgware return”, shown as 11 miles on *Google maps* but 15 miles claimed; and
 - “Harrow Weald” shown as 2 miles on *Google maps* but 10 miles claimed.
 - d. A comparison with mileage claims submitted by MPs in constituencies with similar demographics has identified that your claims are in excess of three times the average and more than twice the mileage claimed by the second highest claimant.
9. In accordance with paragraphs 8 to 12 of the Procedures for Investigation, the Compliance Officer undertook an assessment of the case during which he met with the MP. The following are the salient points from that meeting:
 - a. The MP conceded that, on occasions, he did not make a record of the miles incurred until the end of the month when completing his claim. This could lead to inaccuracies but probably to his detriment as he would neglect to claim for journeys made due to memory lapses;
 - b. He acknowledged the possibility that he rounded individual claims up or down;
 - c. He did not claim from home to his constituency office as this was a commute;
 - d. The MP agreed that he needed to review the accuracy of his claims and made a commitment to do so. A discussion took place as to how this could best be achieved.

10. Following his assessment, the Compliance Officer concluded that the matter could most appropriately be handled by support and advice from IPSA to ensure the MP improved his record keeping and thereafter the standard of his claims; the Compliance Officer wrote to the MP in this regard. An investigation was not opened and IPSA was informed accordingly.
11. IPSA conducts an annual management assurance review that considers, amongst other matters, the mileage claimed by MPs relative to the size of their constituency. During the 2013/14 review, Mr Blackman was again identified as the highest claiming MP, claiming over 400 miles per square mile of his constituency; almost double that claimed by the next 10 highest claiming MPs.
12. As a result of the above, in July 2014 IPSA made a second request for an investigation regarding the constituency mileage claims submitted by Mr Blackman. As a consequence of IPSA's previous referral and the actions of the Compliance Officer thereafter, the resulting assessment was confined to claims made since his meeting with the MP in January 2013.
13. In their request for an investigation, IPSA repeated their earlier allegation regarding standard constituency mileage claims made by Mr Blackman for trips to different locations within frequently visited geographic areas of his constituency.
14. Upon carrying out his initial enquiries as part of the assessment, the Compliance Officer developed concerns regarding constituency mileage claims made by the MP for party political events and travel between his home and constituency office, both of which are in contravention of the Scheme.
15. The correspondence between Mr Blackman and IPSA in October and November 2011; the first request for an investigation by IPSA in December 2012; combined with the commitment made by him following his meeting with the Compliance Officer in January 2013, placed him in a unique position. These factors were influential in the case progressing rapidly from an assessment to a formal investigation.
16. Mr Blackman has cooperated fully with the assessment and subsequent investigation. He has provided the Compliance Officer with all information requested including: copies of the Outlook diary kept by his Senior Parliamentary Assistant from January 2013 to the present day; his paper diaries for the same period; access to his laptop to view a spreadsheet of his mileage claims since 2010 and access to his Parliamentary and constituency office staff.
17. Mr Blackman has also made a number of detailed submissions.

18. In the course of the investigation the Compliance Officer has held three meetings with the MP. He has also held meetings with four members of his constituency staff and his Senior Parliamentary Assistant.
19. Having considered the information provided by IPSA, the submissions made by the MP and all other evidence accrued as a result of the investigation, the Compliance Officer notes the following.
20. Every single claim for constituency mileage examined during the period under investigation is from the home address of the MP, located outside his constituency.
21. Although the MP has registered a 'home office' with IPSA, the Compliance Officer does not accept that on no occasion during a period of twenty months did the MP begin a journey from his constituency office.
22. Further, during the period under investigation, all but two of the 734 mileage claims submitted by Mr Blackman were from his home to a single venue before returning home. The MP provided valid reasons why, for part of the period under investigation, it was necessary to return home between appointments. This does not however explain why, during the entire twenty month period, there were only two occasions when he was able to travel from one venue to the next without the need to return home.

Summary of the Provisional Findings

23. The investigation has concluded that there are claims falling into four categories which are not allowable under the Scheme, as follows:
24. **Home to office mileage** – following meetings with constituency office staff it became clear that the MP regularly conducts surgeries at his constituency office in Harrow Weald on a Monday morning. A subsequent examination of his diaries showed entries referring to a 'surgery' corresponding to that time and day of the week.
25. In addition, the MP submitted a number of claims for journeys from his home to Harrow Weald (the location of his constituency office) for the same time and day of the week, where there were no corresponding entries (other than 'Harrow Weald') in either diary or calendar, with the mileage claimed always being the same.
26. Mr Blackman states that the surgeries are entered into his Outlook diary in advance, in order to reserve the time. Frequently they are cancelled and he utilises the time to

conduct Parliamentary business in his constituency without the need to visit his constituency office.

27. Without a corresponding diary entry or where the Outlook diary and/or paper diary refers specifically to Harrow Weald and where the length of the journey claimed is the same as that to his constituency office, the Compliance Officer does not accept the MP's explanation and must conclude that the claims were for travel to his constituency office.
28. Home to office mileage is not allowable under the Scheme.
29. **Canvassing** – A number of mileage claims were accompanied by a 'tweet' posted either by the MP or his wife (Constituency Office Manager) or posts were placed on his website directly referring to his involvement in 'canvassing' or 'campaigning'. In each case the tweet is accompanied by a photograph of the MP with a group of party activists. The Compliance Officer considers all such claims to be party political.
30. Throughout the investigation, Mr Blackman has maintained the position that, while others were involved in party political activity, on each occasion, he was undertaking a street surgery in support of his Parliamentary function. It is unfortunate therefore that Mr Blackman did not seek to make this distinction in his tweets and posts.
31. Travel claims for party political events are not allowable under the Scheme.
32. **Party political events** – An examination of Mr Blackman's calendar and diaries combined with internet research revealed a number of party political events, with apparent corresponding mileage claims. As an example, a claim was submitted for a return journey to Harrow Weald on 22 February 2014 when the only event in his diary for the corresponding time and date was a "Harrow Weald Ward Fish & Chip Quiz Supper" held at the MP's constituency office for the benefit of the local party association.
33. There are a number of events on the [Harrow East Conservatives](#) website which, when cross referenced with Mr Blackman's diary, reveal corresponding mileage claims. There are also other entries in his diary that refer to "campaign meetings" alongside a corresponding mileage claim.
34. The Compliance Officer has concluded that all the associated mileage claims were for the purpose of attending party political fundraising events and therefore were not allowable under the Scheme.

35. The Compliance Officer is grateful to Mr Blackman for acknowledging errors in the submission of these claims and the offer of repayment.
36. **Claims using a standard mileage** – In submitting any claim under the Scheme, it is incumbent upon an MP to adhere to the Fundamental Principles of the Scheme as well as the individual rules. These principles underpin all areas of the Scheme.
37. The Fundamental Principles require an MP to accept personal responsibility and accountability for their expenses and to behave with probity. An MP must not exploit the system and all claims must relate to expenses wholly, exclusively and necessarily incurred in the performance of their Parliamentary function.
38. A thorough examination was undertaken of the diaries, calendar and spreadsheets provided by the MP, which were compared with the constituency mileage claims submitted. Details of locations and meetings were extrapolated for the entire period under review.
39. The requests for investigations received from IPSA in 2012 and 2014 both alleged that Mr Blackman was using standard claims for journeys to areas of his constituency that he visited on a regular basis, albeit that he was visiting different venues within that area. In addition, they believed that the mileage claimed was excessive.
40. As already noted, the Compliance Officer did not open an investigation into constituency mileage claims following the first request for an investigation in 2012, largely due to Mr Blackman providing assurances that he would improve the accuracy of his record keeping and resultant claims.
41. In a meeting with Mr Blackman on 21 October 2014, he voluntarily provided a paper copy of a spreadsheet which he informed the Compliance Officer was used to record details of journeys undertaken. The MP argues that the spreadsheet provides sufficient evidence of accurate record keeping.
42. During a meeting with the MP on 8 December 2014, he asserted that he had acted on the advice offered by the Compliance Officer during their meeting of 23 January 2013 and, as a direct result, had created the aforementioned spreadsheet to record individual journeys. Mr Blackman disputes that he made such a statement.
43. Following the meeting, Mr Blackman allowed the Compliance Officer access to the laptop containing the relevant Excel spreadsheet and as a result he was able to see that the spreadsheet had in fact been created in July 2010 and not, as he stated, in response to his

meeting with the Compliance Officer. The information contained in the spreadsheet after the meeting in January 2013 did not differ from that recorded before the meeting.

44. The only alteration in the claims pattern of the MP following their meeting was that standard claims for regular journeys were each reduced by one mile, for example:

- Stanmore reduced from 15 miles to 14;
- Edgware reduced from 15 miles to 14; and
- Harrow Weald reduced from 10 miles to 9.

45. As a result of his enquiries, the Compliance Officer has concluded that mileage claims submitted by Mr Blackman are, in almost every instance, not accurate and greater than the distance travelled. This is disputed by Mr Blackman.

46. The Compliance Officer has reached the above conclusion based upon the following:

- a. The claims wrongly submitted by Mr Blackman in the categories above headed 'home to office mileage', 'canvassing' and 'party political events' demonstrate a pattern of incorrect claiming and a laissez-faire attitude to the submission of constituency mileage in general;
- b. The decision by the MP to reduce his standard claims to frequently visited areas of his constituency by one mile following his meeting with the Compliance Officer in January 2013 is not action indicative of someone making accurate claims;
- c. During a meeting with the MP's wife (his Constituency Office Manager) on 22 October 2014 she informed the Compliance Officer that Mr Blackman does not make timely records of the distance travelled on each occasion;
- d. On 29 October 2014, during a meeting with the Compliance Officer Mr Blackman stated that the practice of using the odometer on his car to provide a distance for each journey travelled and thereafter recording that journey contemporaneously was overly bureaucratic. Mr Blackman points out that to do so is not a requirement of the Scheme; he is correct. The Compliance Officer was merely seeking to understand how (when Mr Blackman states he updates his spreadsheet on a weekly basis but individual journeys fluctuate dependent upon prevailing traffic conditions and road works) he ensures his claims are accurate;
- e. If, as stated above, the spreadsheet is only updated on a weekly basis, it can be of limited value in preparing his claims;

- f. During the same meeting he informed the Compliance Officer that the reason for the claims to each area of his constituency always being the same was that his claims were an 'average' of the distance travelled. This is not indicative of accurate timely record keeping and conflicts with other statements made that journeys are dependent on the traffic conditions pertaining at the time of travel;
- g. The MP stated that he did not always use the most direct route or shortest route when travelling in his constituency but utilised his local knowledge to identify the route which he believed would be the quickest. If this were the case then journeys would show distinct variations.
- h. In order to assess the validity of this explanation the Compliance Officer examined the diaries provided by the MP and in every case where a precise location for his visit was given, this was cross-referenced with his claims. Using online mapping tools, the Compliance Officer measured the distances in each claim and rounded up to the nearest mile to take account of unknown variables. In 165 of the 169 claims, the distance was greater than that given by the mapping tool and on some occasions substantially greater. For example, the MP made a claim for a 54 mile return journey to the new Tottenham Hotspur Training Ground in Enfield, which *Google Maps* stated should have been 33 miles¹.
- i. If Mr Blackman were to vary his route using local knowledge, cognisant of prevailing traffic conditions and road works, a proportion of those journeys would be shorter than that indicated by online mapping tools.
- j. The MP has provided a number of spreadsheets in an attempt to demonstrate why his claims to different locations within geographic areas of his constituency were the same. Using Stanmore as an example, the spreadsheets provided by the MP make reference to twelve separate locations he had visited, yet on 66 consecutive occasions between July and December 2013 visits to Stanmore all amounted to claims for 14 miles. This as a further demonstration of why the claims should be different and not uniform.
- k. On 1 December 2014 Mr Blackman provided the Compliance Officer with maps and further spreadsheets again designed to demonstrate why there were standard claims for journeys to various locations in a given geographic area and why the length of the journeys was greater than that calculated using online mapping tools. The Compliance Officer has concluded that maps of journeys prepared months and, in many instances,

¹ Mr Blackman has accepted that this claim was an error. He contends that the correct claim should have been 39 miles.

more than a year after the journeys took place cannot include recollections of historic traffic conditions and road works. The Compliance Officer considers them to be contrived and an attempt to justify a pattern of standard claims;

- l. During a meeting on 29 October 2014, the Compliance Officer informed Mr Blackman that in light of the fact that the accrued evidence strongly supported his view that the claims were inaccurate, he was minded to reduce the allowable part of each claim to the distance between his home and each location as provided by *Google Maps*. The MP responded by stating that this method was not accurate as some of his claims related to destinations within a large geographic area and would inevitably be longer. Again, this is a contradiction of his contention that he does not submit standard claims for all his frequently visited locations;
 - m. Having received the current request for an investigation from IPSA, the Compliance Officer approached them for a list of MPs who could be used as comparators, in order to provide context for the claims submitted in this case. As previously stated, IPSA informed the Compliance Officer that as part of their annual assurance review for 2013/14 (that considers the mileage claimed by MPs relative to the size of their constituencies), he was again identified as the highest claiming of all MPs, claiming over 400 miles per square mile of his constituency, almost double the level of the average claimed by the other 10 highest claiming MPs. Therefore comparators were not possible; and
 - n. A small number of journeys claimed are not supported by entries in either the MP's Outlook diary or paper diary, making it impossible to submit an accurate claim.
47. In light of the strength of evidence that Mr Blackman submits standard inaccurate claims for frequently made journeys within his constituency, there is justification in disallowing all the claims within the period subject of the investigation.
48. Nevertheless, in pursuit of proportionality, the Compliance Officer has utilised the specific locations extrapolated from the MP's diaries and calendar (referred to above) to calculate an average distance for each frequently visited location. For example, the Compliance Officer has identified 53 claims the MP has made from his home to Stanmore that could be matched to specific locations in Stanmore. Of these 53 claims, he found that, on average, the direct distance was only 79% of the distance actually claimed (14 miles). The Compliance Officer has therefore reduced all claims from the MP's home to Stanmore to

12 miles² of the distance claimed. An exercise that has been repeated for all frequently visited locations.

Conclusions

49. The total number of claims not allowable under the Scheme on the grounds that they constitute a home to office commute is 14 and the total repayment required is **£56.70**.
50. The total number of claims not allowable under the Scheme on the grounds that the MP was canvassing or campaigning is 15 and the total repayment required is **£70.20**.
51. The total number of claims not allowable under the Scheme on the grounds that they are associated with party political fundraising events is 18 and the total repayment required is **£97.65**.
52. The total number of claims that are inaccurate and therefore in breach of the Fundamental Principles of the Scheme is 687. Partial repayment is required in each case totalling **£781.65**.
53. The total number of claims that are either incorrect or not allowable is 734. The total repayment required is **£1,006.20**.

Representations and case resolution

54. Section 9(5) of the Parliamentary Standards Act and paragraph 26 of the investigative procedures permit Mr Blackman and IPSA a further opportunity to make representations in writing to the Compliance Officer in respect of these provisional findings. Whilst the MP has already submitted his representations, in order to comply with this requirement, both parties will be given fifteen working days from the date of this statement to submit any further representations. Further representations must therefore be received by 24 February 2015.
55. If representations are received, the Compliance Officer will consider these before preparing a Statement of Findings.
56. In accordance with Sections 9(5), 9(7) and 9(8) of the Parliamentary Standards Act and paragraph 29 of the Procedures for Investigation, the Compliance Officer may determine

² Representing 79% of the distance claimed rounded up to the nearest whole mile.

not to prepare a Statement of Findings if no further representations are received. However, if this proves to be the case he will publish a Closure Report.

A handwritten signature in black ink, appearing to read 'Peter Davis', is centered on a light gray rectangular background.

Peter Davis

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