

**IMPORTANT NOTICE**

This judgment is covered by the terms of various orders made pursuant to Practice Direction 4C – Transparency. It may be published on condition that the anonymity of the incapacitated persons must be strictly preserved. Failure to comply with that condition may warrant punishment as a contempt of court.

**Neutral Citation Number: [2020] EWCOP 41**

Case No: Various

**COURT OF PROTECTION**

**MENTAL CAPACITY ACT 2005**

First Avenue House  
42-49 High Holborn,  
London, WC1V 6NP

Date: 4<sup>th</sup> September 2020

**Before :**

**Her Honour Judge Hilder**

**THE PUBLIC GUARDIAN**

Applicant

**and**

**ANDREW RIDDLE**

Respondent

**(No. 2)**

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Hearing: 11<sup>th</sup> August 2020  
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Ms. Sutton (instructed by the Public Guardian) for the Public Guardian  
Ms. van Overdijk (instructed by Blake Morgan LLP) for the Respondent

The hearing was conducted in public subject to transparency orders made on various dates. The judgment was formally handed down to the parties by e-mail on 4<sup>th</sup> September 2020. It consists of 10 pages, and has been signed and dated by the judge.

The numbers in square brackets and bold typeface refer to pages of the hearing bundle.

A. These proceedings

1. The history of these proceedings is set out in a judgment now reported at [2020] EWCOP 41.
2. The hearing which had been listed on 3<sup>rd</sup> July 2020 was vacated, with the consent of both parties, because of a bereavement. The matter was relisted today, being the next available date. The hearing was conducted in public by attendance at First Avenue House, not remotely.
3. In advance of this hearing, Mr. Riddle filed statements dated 12<sup>th</sup> June 2020 and 25<sup>th</sup> June 2020, and Counsel for each party filed a position statement.
4. Mr. Riddle confirmed that he does wish to retain his deputyship appointments and does not seek anonymity in the published judgment. Accordingly, the first judgment was formally handed down to the parties at the outset of the hearing. I then heard oral submissions from both Counsel.
5. The Public Guardian confirmed that the estate of each of the protected persons with whom these proceedings are concerned was properly restored by 26<sup>th</sup> June in accordance with the first judgment. (In so far as the Public Guardian sought particular confirmation of the source of funds for such restoration, Mr. Riddle has provided a statement from his business account and the Public Guardian does not challenge that. In so far as there is a minor discrepancy across 11 cases about the precise sum required to make full restoration – to the effect that Mr. Riddle may now have repaid too much - the parties agree that such can be resolved between them following the conclusion of these proceedings.) The Public Guardian no longer opposes the appointment of Andrew Riddle in the Schedule 1 cases.
6. Mr. Riddle confirmed that he does still wish to be appointed in the Schedule 1 cases, in the Schedule 2 cases where his current appointment is only interim, and also in 13 other matters in which new applications have been made whilst these proceedings have been underway. He explained that he has employed an assistant and therefore does not have the ‘resource issues’ which were previously relied upon. He has confirmed that he understands the Public Guardian’s position that ‘resource issues’ will not be accepted as a legitimate reason for any non-compliance issues in the future.
7. Accordingly, I made orders refusing Mr. Riddle’s applications for authorisation to charge fees at the solicitors’ rate, refusing his applications for relief from liability for past charges, and refusing the Public Guardian’s applications for revocation of his appointment.

8. Going forwards, the Public Guardian has set out in writing the particular supervision arrangements for Mr. Riddle's deputyship appointments, to be attached as an appendix to today's order. The terms of that appendix are as follows:

1. Andrew Riddle must provide the Public Guardian with the full invoices for his costs.

2. Andrew Riddle understands that the position of the Public Guardian is that it is his responsibility to ensure that he is properly resourced to act as deputy for his clients and that staff shortages (etc) will not be an acceptable reason to submit to the Public Guardian for failing to comply with his statutory obligations.

3. The Public Guardian will ensure that Andrew Riddle's cases are managed by one Executive Case Manager supported by 2 General Case Managers, so that there is a small team who will become 'expert' in his cases.

4. Andrew Riddle's supervision team will have regular calls with him, and a formal meeting (by telephone) will be scheduled for 6 months after the date of this order. If required an assurance visit will also be arranged whereby a Court of Protection visitor will visit selected clients, followed by a visit to Andrew Riddle.

5. Andrew Riddle must provide an annual report for each case after 6 months of the date of this order.

6. The Public Guardian will review the situation at the end of the first year. If, in the meantime, the Public Guardian has any concerns that Andrew Riddle does not immediately resolve, an application for discharge will be made.

7. As an internal issue, Andrew Riddle's supervising team will have a swift escalation route to proceed with a discharge application, if appropriate, to ensure that there is no delay in restoring the matter back to court."

9. Any further application to discharge any appointment of Andrew Riddle as deputy for reasons of non-compliance with deputyship duties will be reserved to me. Any new applications for his appointment, other than the 13 which have already been filed during the course of these proceedings (on which, for convenience, I will make orders), will be dealt with by the judges and Authorised Officers of the Court of Protection as usual.

10. The issues remaining for consideration at this hearing were:

- a. Ms. van Overdijk's request for clarification of the first judgment in two respects; and

- b. costs.

#### B. Clarification of the first judgment

11. Hybrid/tailored rate of fees: As set out in paragraphs 86 and 87 of the first judgment, Mr. Riddle's primary position was that he should be authorised to charge fees at the

solicitor's rate but he also had a secondary position, namely that he should be authorised to charge fees at a tailored rate, somewhere between public authority and solicitor rates.

12. The decision in respect of Mr. Riddle's authority to charge fees was summarised at paragraph 108 of the first judgment in the following terms:

"My conclusions in respect of each individual case in which Mr. Riddle seeks authority to charge fees at the solicitors' rate are therefore in line with the earlier, general observations as to remuneration: I am not satisfied that it is appropriate to authorise Mr. Riddle to charge fees at the solicitors' rate, or indeed at any rate other than the public authority rate."

13. For absolute clarity, at the request of Ms. van Overdijk, I now confirm that the last sentence of that extract was indeed intended to convey that Mr. Riddle's application in the alternative (ie, that he be authorised to charge fees in each of those cases in Schedules 1, 2 and 3 at a tailored/hybrid rate) is refused and for broadly the same reasons as was his application for authority to charge at the solicitors' rate.

14. In particular:

a. **Generally**, I am not satisfied that Mr. Riddle's account of his qualifications and experience justify any conclusion that he should be remunerated at a higher rate than public authority deputies. Public authorities commonly acquire and demonstrate a broadly comparable expertise. I am not satisfied that Mr. Riddle's business structure leads to such conclusion either. There are other organisations in a comparable position authorised only to charge fees at the public authority rate. The Court's determination of fees authorisation must be determined in the best interests of the protected person, not the business interests of the potential deputy. Mr. Riddle has not offered any account of services which he would offer over and above what a public authority might be expected to provide. I am satisfied that the standards of Mr. Riddle's undisputed conduct as considered in these proceedings do not support authorisation of any higher rate than the public authority rate.

b. **Specifically**,

i. **Schedule 1 cases FA 13350587, RB 12900752, DR 1337225T, OW 13399393 and MA 13359773**: there is a public authority willing to act, and no complexity in the estates such as would justify the protected person incurring costs at a higher rate than the public authority would charge (as set out in paragraph 107(a)(i) of the first judgment.) There has been no evidence filed on which I could reach a conclusion that it was in the best interests of each or any of these persons to pay fees any higher than public authority rates.

ii. **Schedule 1 cases MF 13351659, MW 13326558, ML 13349488, JM 1337112T, JA 13351106 and AA 13271495**: no public authority has confirmed its willingness to act in these matters so the alternative deputy proposed by the Public Guardian would be a solicitor from the

Public Guardian's panel. The absence of a public authority willing to act is not itself sufficient to justify Mr. Riddle being authorised to charge fees at a rate higher than the public authority rate. If that were to be the case, the fees charged for his deputyship would effectively be more a reflection of a 'postcode lottery' than the service provided.

In respect of MF 13351659, MW 13326558, ML 13349488 and JM 1337112T, if the alternative options are paying a solicitor at the solicitors' rate, or paying Mr. Riddle at a tailored/hybrid solicitor's rate somewhat higher than the public authority rate but lower than the solicitors' rate, then the additional safeguard of regulation by a professional body and the 'kitemark' of membership of the Public Guardian's panel would be factors which each protected person would be likely to consider if they were able to do so and, in my judgment, such factors would outweigh any relative saving in fees.

In the matters of JK 13351106 and AA 13271495, the estates are so modest that the imperative to minimise costs of management is strong. Although neither of the relevant public authorities has confirmed their willingness to act in these two matters, they have not positively declined to act – they have simply not responded to the Public Guardian's request. If an alternative deputy needs to be identified for these persons, the next step would be to require the Public Guardian to renew his request to the relevant public authority. I am not satisfied that it is appropriate, necessary or in the best interests of JK or AA that a deputy be appointed with authority to charge higher than the public authority rate. (In reality, given Mr. Riddle's position today, it is not necessary to make further enquiry of the relevant public authority.)

- iii. **Schedule 2:** GEH has now died but there is no basis on which I could conclude that, during the five months of his deputyship, Mr. Riddle was required to resolve any complex issues such as to justify any rate of fees higher than the public authority rate.

Although Mr. Riddle says that he had to clear outstanding care fees and rationalise 15 accounts in the estate of JD 13115978, neither of those requirements can really, in my judgment, be described as a "complexity." The relevant public authority is willing to act as replacement deputy. I am satisfied that the management burden to date does not justify higher than public authority rate fees, and management going forwards can be secured at the public authority rate. It would not be in JD's best interests to authorise any higher rate of charging.

In the matter of MJM 13044984, Mr. Riddle describes a need to liaise with MJM's spouse, in particular to determine apportionment of liquid assets held by MJM. I am not satisfied that this amounts to complexity sufficient to justify Mr. Riddle being authorised to charge fees higher than the public authority rate. If the alternative options are paying a panel deputy at the solicitors' rate, or paying Mr. Riddle at a

tailored/hybrid solicitor's rate somewhat higher than the public authority rate but lower than the solicitors' rate, then the additional safeguard of regulation by a professional body and the 'kitemark' of membership of the Public Guardian's panel would be factors which MJM would be likely to consider if she were able to do so. Having regard to the size of the estate, in my judgment, such factors would outweigh any relative saving in fees.

In the matter of BD 13168184, Mr. Riddle says he was required to do a considerable amount of work prior to the sale of the property. The estate now is very modest. In ID 13075764, there is a small balance of funds held from a damages award but managing it is said to be complicated because ID has unsettled living arrangements. I am not satisfied that, in either of these cases, the factors identified by Mr. Riddle amount to complexity sufficient to justify him being authorised to charge fees higher than the public authority rate. The modesty of the estates is a keen imperative to minimise costs. If the relevant Local Authority is indeed unwilling to act, the next step would be to invite the Public Guardian to approach a third sector deputyship provider with a request to act, with authorisation to charge fees at the public authority rate. (In reality, given Mr. Riddle's position today, such enquiry is not necessary.)

- iv. **Schedule 3:** in the matter of KT 13160251 the estate is very modest and the relevant Local Authority indicated its willingness to act as replacement deputy. I am satisfied that there is no basis for Mr. Riddle to be authorised to charge fees any higher than the public authority rate. (By COP9 application dated 29<sup>th</sup> June 2020, the Court has now been informed that KT died on 26<sup>th</sup> June 2020.)

- 15. Liability for past charging prior to the OPG letter dated 13<sup>th</sup> December 2016: My decision in respect of liability for past charging was set out in paragraphs 109 – 113 of the first judgment. For clarity, I now confirm that the decision to “hold [Mr. Riddle] to the terms of the authority he was granted” applies to charging both before and after the OPG sent him the letter dated 13<sup>th</sup> December 2016.
- 16. The reasons given at paragraph 111(a), (b) and (c) of the first judgment apply just as much to charging practices before December 2016 as afterwards. The overall impression of Mr. Riddle's approach set out in paragraph 112 of the first judgment specifically refers to his approach “from the outset.” I do not accept that Mr. Riddle was ever – even before December 2016 - in such doubt as to charging authorisations as to justify relief from liability for excess charging. The OPG's letter of December 2016 did not make any difference to his approach because Mr. Riddle had already convinced himself that he could charge fees at the rate which he considered appropriate, irrespective of actual authorisations.

### C. Costs

17. The Public Guardian's position: The primary position of the Public Guardian is that there should be no order as to costs in respect of these proceedings. For the avoidance of doubt, it was confirmed that he means by this that the Public Guardian would pay his own costs, Mr. Riddle would pay his own costs, and no protected person would pay any costs other than the fixed costs for making the application in the Schedule 1 cases.
18. In response to Mr. Riddle's position, the Public Guardian adopts a secondary position that his costs of instructing counsel should be paid by Mr. Riddle.
19. Mr. Riddle's position: Mr. Riddle agrees (**position statement paragraph 25**) that there should be no order (ie he should bear his own costs) in respect of the following:
  - a. all Schedule 1 applications "beyond the costs deemed necessary and proportionate in applying to be appointed as deputy";
  - b. all Schedule 2 applications;
  - c. any time spent on Schedules 3 and 4 matters in relation to establishing the overpayment of legal fees ("as a consequence of the court rejecting his application for retrospective authorisation");
  - d. any time spent in relation to the issue of Mr. Riddle paying his legal fees from the estates of protected parties and restoring the estates in this regard.
20. However, Mr. Riddle contends that the Public Guardian should pay his costs associated with responding to the revocation applications save for those costs addressed in (c) and (d) above.
21. The Legal Framework: Each party has set out in their position statement extensive submissions as to the legal framework as to costs. There is broad agreement between them. I summarise the following points of reference:
  - a. Section 55 of the Mental Capacity Act 2005 ("the Act") provides that costs are in the discretion of the court.
  - b. Section 51 of the Act allows for rules to be made in respect of the practice and procedure of the court. The applicable rules are the Court of Protection Rules 2017 ("the Rules").
  - c. The general rule in respect of property and affairs applications is set out in Rule 19.2:

*"Where the proceedings concern P's property and affairs the general rule is that the costs of the proceedings, or that part of the proceedings that concerns P's property and affairs, shall be paid by P or charged to P's estate."*
  - d. The court may depart from the general rule as provided in Rule 19.5:

“(1) The court may depart from rules 19.2 to 19.4 if the circumstances so justify, and in deciding whether departure is justified the court will have regard to all the circumstances including –

- (a) the conduct of the parties;
- (b) whether a party has succeeded on part of that party’s case, even if not wholly successful; and
- (c) the role of any public body in the proceedings.

(2) The conduct of the parties includes –

- (a) conduct before, as well as during, the proceedings;
- (b) whether it was reasonable for a party to raise, pursue or contest a particular matter;
- (c) the manner in which a party has made or responded to an application or a particular issue;
- (d) whether a party who has succeeded in that party’s application or response to an application, in whole or in part, exaggerated any matter contained in the application or response; and
- (e) any failure by a party to comply with a rule, practice direction or court order.

(3) Without prejudice to rules 19.2 to 19.4 and the forgoing provisions of this rule, the court may permit a party to recover their fixed costs in accordance with the relevant practice direction.”

- e. The Rules apply equally to all court users, including the Public Guardian – *Public Guardian v. DJN* [2019] EWCOP 62. The supervisory function on the Public Guardian is established by section 58(1)(c) of the Act. His obligation of “dealing with representations (including complaints) about the way in which a ...deputy appointed by the court is exercising his powers” is established by section 58(1)(h) of the Act.
- f. Each application should be considered on its own merits – *London Borough of Hillingdon v. Neary & Ors* [2011] EWHC 3522 (COP), *VA & Ors v. Hertfordshire Partnership NHS Foundation Trust* [2011] EWHC 3524 (COP).
- g. Where the court is satisfied that it is appropriate to depart from the general rule, a ‘broad brush’ approach has been approved – *Manchester City Council v. G & Ors* [2011] EWCA Civ 939. The court is not constrained by how the parties frame the argument and may look at the matter as a whole – *London Borough of Hillingdon v. Neary & Ors* [2011] EWHC 3522 (COP). The determination of costs is not a precise science but “an intuitive art reflecting the Judge’s feel for the litigation as a whole” – per Hayden J in *MR v. SR & Bury CCG* [2016] EWCOP 54.



22. It is not in dispute that the circumstances of these proceedings do indeed justify a departure from the general rule as to costs in property and affairs matters. The issues which Mr. Riddle put before the court were entirely concerned with his remuneration. The issues which the Public Guardian put before the court were entirely concerned with Mr. Riddle's conduct as deputy. In those circumstances, in my judgment, it would not be appropriate that any individual protected person should bear the costs. (I note that this approach is consistent with the approach taken by the parties and the then Vice-President in the matter of *Re AR* [2018] EWCOP 8, which was factually different of course but also focussed on a deputy's remuneration across many cases.)
23. I agree with the Public Guardian that each party should bear their own costs, and I reject Mr. Riddle's claim for the Public Guardian to pay any part of his costs, for the following reasons:
  - a. Mr. Riddle was wholly unsuccessful in his applications for authority to charge fees at the solicitors' rate, generally and in each individual case.
  - b. Mr. Riddle was wholly unsuccessful in his applications to be relieved from liability for past charging, generally and in each individual case.
  - c. The Public Guardian's revocation applications were dismissed, but only upon confirmation that Mr. Riddle had restored every estate to its proper level according to the determinations in respect of Mr. Riddle's applications.
  - d. It is not practicable or reflective of the proceedings as a whole to separate Mr. Riddle's costs incurred "responding to the revocation applications" as he suggests. In reality the revocation applications were intrinsically linked with the issues in respect of charging and breaches of duty, on which Mr. Riddle accepts that he should bear his own costs. I am satisfied that it was, as Miss Sutton contends, "the *cumulative* effect of the breaches *and* Mr. Riddle's responses to the same which led to the applications for revocation being pursued."
  - e. It is my sense of these proceedings that the revocation applications were an appropriate response to significant concerns raised with and by the Public Guardian, which Mr. Riddle had not resolved as promptly as may be expected and had in fact been aggravated by his conduct in respect of his own legal costs.
  - f. I am not persuaded by Ms. van Overdijk's description of the Public Guardian as "unnecessarily hostile and disproportionate from the outset." I am not satisfied that the conduct of the Office of the Public Guardian either before or during the proceedings fell so far short of what may be expected as to justify a requirement that it pays even part of Mr. Riddle's costs. In so far as communications between the Office of the Public Guardian and Mr. Riddle may not always have been as constructive as they should be, I am in no doubt that Mr. Riddle's attitude, responses and (in)actions were a significant causative factor to that. Effective co-operation requires engagement on both sides.

- g. The Public Guardian should not be constrained from bringing complex and multi-faceted cases to the attention of the court by a fear of costs risks. These proceedings were procedurally complicated to manage and administer as the number of cases under consideration grew in a piecemeal fashion, as set out in paragraphs 17 to 27 of the first judgment. That context is an important consideration when determining any allegation by Mr. Riddle that the conduct of the Office of the Public Guardian during these proceedings was not appropriate. Any order for costs against the Public Guardian must be clearly based on demonstrable significant failings. I am not satisfied that there were such failings in this matter.
  - h. In the whole context of these proceedings, I am satisfied that the most appropriate order is that each party bears their own costs.
24. For the avoidance of doubt, it follows from my acceptance of the Public Guardian's *primary* position that there is no need for me to consider his *secondary* position. The order will set out that each party bears their own costs and any application for costs against the other party is refused.

D. Conclusions

25. These proceedings are now concluded. There should now be no distraction from the needs of the persons for whom he is appointed deputy being the focus of Mr. Riddle's energies. He has been given an opportunity to demonstrate exactly the kind of specialist service for which he considers himself particularly qualified and experienced.
26. The Office of the Public Guardian functions to protect the needs of vulnerable people, and Mr. Riddle should welcome its oversight of his appointments for that reason. I am sure that both parties fully appreciate the benefits of constructive engagement going forward, so that there is no need for any further proceedings.

HHJ Hilder

18<sup>th</sup> August 2020

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**Neutral Citation Number: [2020] EWCOP41**

Case No: Various

**COURT OF PROTECTION**

**MENTAL CAPACITY ACT 2005**

First Avenue House  
42-49 High Holborn,  
London, WC1V 6NP

Date: 11<sup>th</sup> August 2020

**Before :**

**Her Honour Judge Hilder**

**THE PUBLIC GUARDIAN**

Applicant

**and**

**ANDREW RIDDLE**

Respondent

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Hearing: 19<sup>th</sup> – 21<sup>st</sup> August 2019  
Further written submissions: 19<sup>th</sup> September 2019  
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Ms. Sutton (instructed by the Public Guardian) for the Public Guardian  
Ms. van Overdijk (instructed by Blake Morgan LLP) for the Respondent  
Ms. Kansal (instructed by Carter & Vincent Solicitors) for RE, the son of GE  
BE (granddaughter of GE) appeared in person

The hearing was conducted in public subject to transparency orders made on various dates in respect of each matter. The judgment was formally handed down to the parties in writing at the

subsequent hearing on 11<sup>th</sup> August 2020. It consists of 44 pages plus 5 schedules, and has been signed and dated by the judge.

The numbers in square brackets and bold typeface refer to pages of the hearing bundle.

#### A. These proceedings

1. These proceedings relate to applications made in respect of forty individuals (although since the applications were made, sadly a number of them have died.) The link between them is Andrew Riddle.
2. In 13 of the cases, Andrew Riddle made a COP1 application for appointment as property and affairs deputy, with specific authority to charge fees at the solicitors' rate and to seek assessment of his cost by the Senior Courts Costs Office if he prefers. These cases are identified in **Schedule 1** to this judgment.
3. In 5 of the cases, Andrew Riddle is already appointed as property and affairs deputy and has also applied for specific authority to charge fees at the solicitors' rate and to seek assessment of his cost by the Senior Courts Costs Office if he prefers. These cases are identified in **Schedule 2** to this judgment.
4. In 1 case, Andrew Riddle is already appointed, and seeks specific authority to charge fees at the solicitors' rate and to seek assessment of his cost by the Senior Courts Costs Office if he prefers, but the Public Guardian made a cross-application for the revocation of his appointment. This case is identified in **Schedule 3** to this judgment.
5. In 21 of the cases, Andrew Riddle is already appointed as deputy but proceedings were initiated by the Public Guardian making a COP1 application for revocation of his appointment. Mr. Riddle objects to that application in all of these cases. According to the position statement for this hearing (paragraph 6), he "awaits the court's decision on charging in the Schedule 1,2 and 3 cases before making a request to charge solicitors' costs" in these matters, which are listed in **Schedule 4** to this judgment.
6. In so far as Mr. Riddle may be found to have acted contrary to authority in any case, he has made an application (orally, at the hearing on 18<sup>th</sup> June 2019) for relief from any liability.
7. It is one of the functions of the Public Guardian to maintain a register of deputyships.<sup>1</sup> At an earlier hearing, I asked whether Mr Riddle held any deputyship appointments *in addition* to those which were then before the Court. The purpose of the question was to clarify the Public Guardian's position. At that point, he sought revocation of Mr. Riddle's appointment only where specific application had been made.<sup>2</sup> However in the position statement filed for this hearing (paragraph 7), it has been confirmed that the

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<sup>1</sup> Section 58(1)(b) of the Mental Capacity Act 2005 and paragraph 30(1)(c) of the Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007

<sup>2</sup> As recited in the order made on 18<sup>th</sup> June 2019

Public Guardian now also seeks revocation of *all* Mr. Riddle's appointments as deputy or interim deputy.

8. The parties agreed that the hearing should proceed by oral submissions only.

B. Matters considered:

9. The documents for the hearing were collated into a 'bundle' comprised of 20 lever arch files, all of which I have read. In particular, I have considered the following:

- a. On behalf of the Public Guardian:

Statement by Angela Johnson dated 20<sup>th</sup> August 2019

Position statement by Daryll Howard dated 8<sup>th</sup> August 2019

Position statements by Ms. Sutton dated 16<sup>th</sup> June and 29<sup>th</sup> August 2019

Skeleton arguments by Ms. Sutton dated 13<sup>th</sup> and 21<sup>st</sup> August 2019

- b. On behalf of Andrew Riddle:

Statements by Andrew Riddle in respect of individual cases (as identified in the relevant schedules) and 'general' statements dated 11<sup>th</sup> June 2019 [G1], 13<sup>th</sup> June 2019 [G57], 14<sup>th</sup> August 2019 [B4001/F72] and 20<sup>th</sup> August 2019

Statement by Nicholas Buckman dated 18<sup>th</sup> September 2019

Position statement by Ms. van Overdijk dated 17<sup>th</sup> June 2019

Skeleton arguments by Ms. van Overdijk dated 14<sup>th</sup> and 21<sup>st</sup> August 2019, and 19<sup>th</sup> September 2019

- c. On behalf of RE (in the matter of GE 1270745T)

Position statement by Ms. Kansal dated 19<sup>th</sup> August 2019

- d. A table of positions in respect of the schedule 4 cases, endorsed by both Counsel

Dated 21<sup>st</sup> August 2019

- e. A schedule of agreed facts, endorsed by both Counsel

Dated 23<sup>rd</sup> August 2019

- f. A Schedule on the Relief from Liability Issue (with and without VAT)

By Counsel for the Public Guardian (Miss Sutton), dated 29<sup>th</sup> August 2019

10. I heard oral submissions from each Counsel. I would particularly like to record my thanks to Miss van Overdijk and Miss Sutton, who both maintained consummate professionalism throughout these proceedings, even in the face of intervening health issues arising at various points.

### C. The Background

11. Mr. Riddle has been the Managing Director of Professional Deputies, a firm which he established, since 2011. By this means he offers services to manage the property and financial affairs of adults who lack capacity to do this for themselves, acting as appointee (through the Department of Work and Pensions), deputy (through appointment by the Court) and attorney (through Lasting Powers of Attorney). He also assists lay applicants with making applications to the Court. He charges fees for such services, which is how he makes his living.
12. Mr. Riddle is not a solicitor or working under the supervision of a solicitor. He holds an Advanced Diploma in Business & Financial Management from the Chartered Institute of Public Finance & Accountancy, and describes himself as a “part-qualified accountant” [B2112]. In terms of deputyship services, he says that he has “specialist experience” made up of ten years working as a consultant to local authorities in respect of Court of Protection services, sixteen months as a consultant to a law firm, and more than six years as managing director of his own firm, Professional Deputies.
13. Professional Deputies is neither a solicitors’ practice nor a not-for-profit organisation. The firm has professional indemnity insurance up to £2 million for any single claim for “managing and administering the property and financial affairs of vulnerable adults.” [D61(46)]
14. The Public Guardian has statutory responsibilities to supervise court-appointed deputies and to deal with representations (including complaints) about the way in which a deputy is exercising his powers.
15. When he was in the process of setting up Professional Deputies, Mr. Riddle contacted the Office of the Public Guardian for discussion about “fees to be charged.” After a telephone conversation, Angela Johnson (then Head of Practice and Compliance at the OPG) gave the following information by e-mail timed at 13.35 on 19<sup>th</sup> April 2011:

*“...I mentioned that there are no set figures for fees and that you have the option of either asking the court to direct that you take fixed costs as set out in practice direction B to Part 19 of the Court Rules, or to direct that you have your costs assessed by the Senior Courts Costs Office.*

*Practice Direction B explicitly covers fixed costs for solicitors and public authorities but it does also provide that the court can direct it to apply to other professionals acting as deputy. So there is nothing to prevent you from asking the court to direct fixed costs in line with either of the rates outlined in the practice direction if you want to opt for fixed costs.*

*If you choose to ask to have your costs assessed, then the SCCO will look at a range of precedents and analogous costs to reach a judgment on whether they are fair.*

*I will ask my contact in SCCO if there is anything he can provide that may help, but I suspect your best approach will be to work out what you will reasonably need to charge and take it from there.*

*I hope that helps.*

16. When Professional Deputies had been operating for approximately five years, the Office of the Public Guardian sent Mr. Riddle a letter dated 13<sup>th</sup> December 2016 [P84], drawing his attention to a recent decision<sup>3</sup> of the Court in respect of costs. In particular, it was spelled out in the letter that Mr. Riddle should check the specific terms of the deputyship order to ensure that he was charging in line with the order, should consider taking legal advice, should consider applying to the Court for reassessment of costs of their services on a case by case basis, should make any decision in the best interests of clients on a case by case basis, and could contact the OPG's Professional Deputy Team if he had any questions about fee charging.
17. From March 2017 (the application in respect of MJM 13044984 [D84]), whenever Mr. Riddle made an application to the Court for appointment as property and affairs deputy, he included a request for authority to charge fees at the solicitors' rate and to seek SCCO assessment if preferred.
18. A number of orders were made by different judges and Authorised Court Officers of the central registry of the Court of Protection, none of them granting the application in respect of higher rate costs authorisation<sup>4</sup>, but not entirely consistent in their terms. On 6<sup>th</sup> October 2017, Mr Riddle made a COP9 application [for example D356] for these various matters to be "joined up" and for a "co-ordinated approach from the court on this costs issue."
19. On 8<sup>th</sup> November 2017, I made an order [D360] linking together 4 applications, and directing that the Public Guardian file a statement in respect of the costs application.
20. The protected person in one of the linked cases died but the Public Guardian filed in respect of each of the other three linked matters, a report by Etienne Le Grange (in respect of JD 13115978 at [D366]; in respect of ID 13075764 at [D290]; and in respect of MJM at [D127].) The conclusion of each report was that the Public Guardian "can find no justified reason why Mr. Riddle would claim the higher rate or a rate midway between the public authority and the solicitors' fixed rate..."
21. On 18<sup>th</sup> June 2018 directions were given [D364, D288 & D125] which required the Public Guardian to confirm whether the relevant Local Authority was willing to act as deputy in each matter; and required Mr. Riddle to file a statement setting out his response to the Public Guardian's report, in particular whether he sought an attended hearing. The matter was to be referred for further consideration on the papers on 30<sup>th</sup> July 2018 but Mr. Riddle made two applications for an extension of time to file the statement required of him [D368 & D376, D293 & D298, D133 & D135].

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<sup>3</sup> *The Friendly Trust's Bulk Application* [2016] EWCOP 41

<sup>4</sup> One order which did authorise costs as sought by Mr. Riddle was made by a regional judge on 15<sup>th</sup> June 2017 in the matter of HLR 12464234.

22. In the meantime, the Office of the Public Guardian began to consider a number of concerns raised in respect of Mr. Riddle's conduct since around May 2018. In this context, there was some e-mail correspondence between Mr. Riddle and the Office of the Public Guardian:

- a. by e-mail sent at 16.04 on 1<sup>st</sup> July 2018 [B2934] Mr. Riddle provided an explanation of fees charged in the following terms:

*“As you may be aware there is the ongoing costs issue with my firm which is now entering its 20<sup>th</sup> month (a bit more to follow on this at the end of this e-mail), thus I am not sure why you are stating that we should be taking non-solicitors costs? We will continue to take solicitors costs (as explained to the OPG on a number of times already) until the final ruling from the court arrives.... Please accept my apologies for the late submission of the information originally requested. With the ongoing costs issue which is still being deliberated on by the court (now entering its 20<sup>th</sup> month), this has put a halt on any planned expansion plans for my firm. Thus over the past 20 months I have not been in a position or prepared to employ further staff until the costs issue is finally resolved. With only two of us at present, and workloads increasing in all areas of the business (not just where we act as a professional deputy) it has meant long working hours to ensure that all work is conducted to a satisfactory level. Unfortunately this has meant that sometimes I need to prioritise some work over other areas of work, and as a result not everything has been able to be completed on time....”*

- b. By e-mail timed at 10.45 on 9<sup>th</sup> July 2018 [B2934], an officer from the OPG replied in the following terms:

*“.... I have noted your intention to charge Solicitors costs until the court gives its final ruling and confirm the Office of the Public Guardian do not have a problem with this...”*

- c. Three days later, at 11.19 on 12<sup>th</sup> July 2018, a further e-mail was sent to Mr. Riddle by a different officer of the OPG to confirm the OPG's position:

*“We acknowledge that we have not previously challenged the costs you have taken but following further guidance, it is the OPG's position that you should not be taking the solicitors rate until the Court of Protection (COP) makes an Order to state otherwise. We are obligated to request refunds to all clients who have been overcharged, and the OPG do not have authority to make an exception in this case.*

*We have also spoken with Daryll Howard from the OPG Investigations Team who has confirmed that until the Court makes a decision regarding your costs, you must continue to follow the terms of the current Orders in place.*

*Therefore, the OPG must request that you refund your clients the difference between the solicitors and the public authority rates where you have taken fixed costs. Please be advised that where individual orders allow you to have your costs assessed, you have the authority to submit your costs to the Senior Courts Costs Office (SCCO) for approval instead of arranging a refund.*



*We also request that going forward, you only charge the public authority rates until the Court makes a decision about your costs."*

23. In this period of extended time for Mr. Riddle to comply with directions, he filed several more applications including a request for authorisation to charge fees at the solicitors' rate and to seek SCCO assessment if preferred. Two (BD 13168184 and KT 13160251) were stayed pending the determination of the existing proceedings. Mr Riddle made a COP9 application [D203] for another matter (GEH 13119271) to be linked with the existing proceedings. On 30<sup>th</sup> November 2018 I made an order [D404] lifting the stays and listing all matters - now six - for hearing on 17<sup>th</sup> January 2019.
24. On 12<sup>th</sup> December 2018 Mr. Riddle sent an e-mail to the Court Enquiries Service (but made no formal application) asking that the hearing be rescheduled. On 9<sup>th</sup> January 2019 the Public Guardian made a COP9 application formally requesting that the hearing be vacated, on the basis that Mr. Riddle had not complied with the directions so the Public Guardian "is not in a position to prepare for the hearing on 17<sup>th</sup> January 2019." On 15<sup>th</sup> January 2019 I made an order [D408] which relisted all six matters on 26<sup>th</sup> March 2019.
25. On 23<sup>rd</sup> January 2019 (in the cases of JB 12635601 and VH 12710721) the Public Guardian began making applications to revoke Mr. Riddle's appointments as deputy.
26. On 8<sup>th</sup> March 2019 Blake Morgan LLP came on the record as Mr. Riddle's legal representatives.
27. Mr. Riddle then made an application to vacate the hearing listed for March, which was agreed by the Public Guardian. I made an order on 22nd March 2019 [unsealed version at A357] by consent. The order identified 29 cases in four schedules, on the basis of the classification which has been retained in these proceedings ever since. Mr. Riddle agreed not to charge fixed costs at the solicitors' rate in *any* of the matters listed pending determination by the Court. The Public Guardian took on the role of Applicant in all matters, and agreed to inform the Court and Mr. Riddle by 4pm on 2<sup>nd</sup> April 2019 if he intended to make any further revocation applications. Directions were given in respect of filing further evidence, including a particularised schedule of allegations from the Public Guardian; and all 29 matters were listed for hearing together on 18<sup>th</sup> June 2019.
28. Subsequently, three COP9 applications were filed, none of which was agreed between the parties:
  - a. an application by the Public Guardian dated 12<sup>th</sup> June 2019 requested that the next hearing be used to address only the Public Guardian's applications, with consideration of Mr. Riddle's fees applications being adjourned;
  - b. an application by Mr. Riddle dated 13<sup>th</sup> June 2019 [G53] requested that orders be made to restrain publication of details identifying either him personally or his firm pending further order at the conclusion of proceedings;

- c. a further application by Mr. Riddle dated 14<sup>th</sup> June 2019 requested permission to file statements and a direction that the hearing be used to address all aspects of the Public Guardian's applications except those relating to fees charged, with consideration of all other matters adjourned.
29. By order made on the papers on 17<sup>th</sup> June 2019 [A403] I:
  - a. refused the application for anonymity for Mr Riddle or his firm;
  - b. directed that the revocation applications (including allegations about past charging) would be considered first at the hearing on 18<sup>th</sup> June; and
  - c. provided that any other directions would be considered as a preliminary issue at the outset of the hearing.
30. At the hearing on 18<sup>th</sup> June, Mr. Riddle sought reconsideration of the order made on the papers in respect of his application for anonymity. Submissions were heard but I then confirmed the order, with an additional direction that Mr. Riddle may renew the application before any judgment is published, by filing a COP9 application with a COP24 statement in support.
31. At the conclusion of the hearing, separate orders were made permitting Mr. Riddle to disclose information about the proceedings to his legal expense insurers [A416], and in respect of GME 1270745T [A414]. The main narrative order [A405] included recitals to record various matters agreed or clarified:
  - a. Mr. Riddle agreed not to charge costs at the rate fixed for solicitors in any matter, pending determination of these applications by the Court;
  - b. the Public Guardian does not pursue any allegation that Mr. Riddle held himself out to be a legal representative in the context of purchasing funeral plans;
  - c. Mr. Riddle confirmed his understanding that it is a criminal offence for an unqualified person to hold himself out as a solicitor and, in the light of an explanation provided, the Court was satisfied that no findings were required in respect of this issue;
  - d. the Public Guardian confirmed his position that "based on the current evidence" each matter is being considered by him on an individual basis, and he does not contend that, as evidenced by the individual cases, Mr. Riddle is generally unsuitable for appointment as deputy;
  - e. The Public Guardian raised with the Court a need for Mr. Riddle to provide accounts in ten other cases (which would be added to Schedule 1); and
  - f. Mr. Riddle made an oral application for relief from liability for all matters.
32. The matter was adjourned, and relisted for this further hearing. Issues for determination were identified as:

- a. Should Mr. Riddle be authorised to charge fees at solicitor rates (both general and on a case specific basis)?
  - b. If he should be so authorised, should he be relieved of any liability for past charging at that rate without specific authority? (For the avoidance of doubt, should the answer to (a) be positive, that does not necessarily mean that the answer to (b) will also be positive.)
  - c. On the basis of facts found regarding past conduct and conclusions as to charging rates, should appointments currently held by Andrew Riddle be discharged?
  - d. On the basis of facts found regarding past conduct and conclusions as to charging rates, should Mr. Riddle be appointed in those matters where he has made an application for appointment?
33. Almost exactly a month later, by COP9 application dated 17<sup>th</sup> July 2019 [A422], the Public Guardian applied, with the agreement of Mr. Riddle's representatives, to vary the timetable for filing of further evidence.
34. On 23<sup>rd</sup> July I made interim deputyship orders in eleven of the Schedule 1 matters granting limited authority to Mr. Riddle to deal with matters of immediate need, and a narrative order setting out the new timetable [A450].
35. On 14<sup>th</sup> August 2019 Mr. Riddle made a COP9 application [A456] seeking permission to file further evidence.
36. In Ms. Sutton's position statement for this hearing, two new issues were raised:
- a. The Public Guardian had identified four cases not currently before the Court in which he now had concerns. After the June hearing, the Public Guardian had written to Mr. Riddle requesting reports/bank statements in these cases by 9<sup>th</sup> July. To date nothing had been received. One of those cases is now deemed 'non-compliant' (as the reporting period was 4<sup>th</sup> January 2018 to 3<sup>rd</sup> January 2019), and the three others are now overdue. The Public Guardian's conclusion is that "it is now the case that all deputyship orders held by [Mr. Riddle] have raised a concern." (**position statement paragraphs 81 – 84**)
  - b. The Public Guardian had understood that Mr. Riddle was funding his litigation via legal expense insurance but "[f]urther to an analysis of various bank accounts by the investigator following the hearing on 18 June 2019, it emerged that [Mr. Riddle] charged 21 clients for his legal fees by debiting their accounts on 5<sup>th</sup> June 2019." The total sum removed from accounts of protected persons was said to be £69 678. It was observed that "[t]his has been raised in correspondence between the parties and will be considered further in advance of the hearing." (**position statement paragraph 85**)

37. I began this hearing with further questions about this final ‘observation’ in Miss Sutton’s position statement because, in my preliminary view, it was by far the most serious allegation in the case. The parties requested time to consider this issue further.
38. I took formal undertakings (on form N117) from Mr. Riddle that he would not take any further funds from protected persons, and made clear to him that he was at risk of imprisonment if he breached that undertaking. I also directed that Mr. Riddle file a statement providing explanation of his actions.
39. On the final morning of the hearing Ms. Sutton submitted a skeleton argument addressing this issue. By then it was known that Mr. Riddle had also, on 8<sup>th</sup> August 2019, removed further funds from the accounts of persons for whom he was appointed deputy. After arithmetical correction, the total amount which is agreed to have been removed from twenty-two persons is £118 359.60 (as itemised in **Schedule 5** to this judgment.) The chronology of events is as follows:

**7 August at 09.29:** The PG Investigator e-mails Mr. Riddle directly and asks him to confirm what the highlighted ‘legal fee disbursements’ on the disclosed bank statements relate to.

**10 August at 20.20:** Mr. Riddle e-mails the PG investigator, confirming that the highlighted sums were legal fees paid to his solicitors. (*There is no mention in this e-mail of the further sums withdrawn on 8<sup>th</sup> August*)

**12 August at 11.47:** PG investigator asks for further explanation, saying that PG had understood that Mr. Riddle’s legal costs were funded through insurance.

**13 August at 11.34:** holding e-mail from Mr. Riddle’s solicitors.

**13 August at 16.56:** e-mail from Mr. Riddle’s solicitors to the PG investigator explaining that the insurance had not yet been confirmed and a decision from the insurers was awaited.

**13 August at 17.29:** e-mail from PG investigator to Mr. Riddle’s solicitor asking for confirmation that he had charged his clients to pay his fees in the interim.

**14 August at 11.01:** e-mail from Mr. Riddle’s solicitors confirming that he has used protected persons’ funds to cover part of his legal costs.

**19 August at the hearing:** in discussions between counsel it was disclosed that Mr. Riddle had withdrawn a further £45 600 from the funds of protected persons on 8<sup>th</sup> August.

40. Mr. Riddle has filed a statement in which he explained his actions in the following terms:

*“the only way I could keep my legal team was to pay part of their legal costs from the protected persons funds” [para 13]*

He outlined various sources of funds potentially available to him from which the sums withdrawn might be repaid.

41. At the conclusion of the hearing, a number of matters still needed to be addressed. An order was made on 21<sup>st</sup> August 2019 which gave directions for:
  - a. Mr. Riddle to file and serve specific proposals in respect of a specified rate of fees, and copies of the judgments relied on;
  - b. The Public Guardian to file
    - i. an agreed Schedule of Facts;
    - ii. a summary of his position in respect of Schedule 4 cases;
    - iii. his response to Mr. Riddle's secondary position that he should be authorised to charge fees at a specified rate;
    - iv. his position as to how funds said to be becoming available to Mr. Riddle should be apportioned between the 22 protected persons from whose accounts he had withdrawn funds to cover his legal costs;
    - v. his position as to whether VAT should be added to the public authority fixed rates set out in PD19B for non-solicitor deputies, with a table setting out the alleged overcharge of fees with and without VAT;
    - vi. further information as to common practice among solicitor deputies in respect of independent visitor services;
    - vii. confirmation from relevant Local Authorities as to whether they were willing to act as deputy in place of Mr. Riddle.
  - c. Mr. Riddle to file a further skeleton argument in response.
42. The matter was provisionally listed for further hearing on 24<sup>th</sup> September 2019.
43. Further COP9 applications were subsequently filed:
  - a. from Mr. Riddle, dated 13<sup>th</sup> September 2019, seeking an extension of time to file the skeleton argument, his response in respect of VAT and the factual update directed at the conclusion of the hearing;
  - b. from the Public Guardian, dated 24<sup>th</sup> September 2019, requesting that the reserved hearing date of 24<sup>th</sup> September be vacated as not needed;
  - c. from the Public Guardian, dated 7<sup>th</sup> November 2019, informing the Court that LD (case number 12767855) died on 16<sup>th</sup> October 2019;
  - d. from Mr. Riddle, dated 3<sup>rd</sup> April 2020, informing the Court that VH (case number 12710721) died on 3<sup>rd</sup> April 2020.

#### D. The Legal Framework

44. It is a fundamental principle of the Mental Capacity Act 2005 ("the Act"), set out in section 1(5), that any decision made under the Act for a person who lacks capacity must be made in their best interests.

45. When determining a person's "best interests", section 4 of the Act provides that consideration must be given to various matters, including:

- pursuant to subsection (2), "all the relevant circumstances"
- pursuant to subsection (6), the person's past and present wishes and feelings, beliefs and values, and any other factors he would be likely to consider if he were able to do so
- pursuant to subsection (7), the views of specified others including "anyone engaged in caring for the person or interested in his welfare," if it is practicable and appropriate to consult them.

46. The Court's general powers are set out in sections 15 and 16 of the Act:

***15 Power to make declarations***

*(1) The court may make declarations as to –*

*(a) ....*

*(b) ....*

*(c) the lawfulness or otherwise of any act done, or yet to be done, in relation to that person.*

*(2) 'Act' includes an omission and a course of conduct.*

***16 Powers to make decisions and appoint deputies: general***

*(1) This section applies if a person ('P') lacks capacity in relation to a matter or matters concerning –*

*(a) P's personal welfare, or*

*(b) P's property and affairs.*

*(2) The court may –*

*(a) by making an order, make the decision or decisions on P's behalf in relation to the matter or matters, or*

*(b) appoint a person (a 'deputy') to make decisions on P's behalf in relation to the matter or matters.*

*(3) The powers of the court under this section are subject to the provisions of this Act and, in particular, to sections 1 (the principles) and 4 (best interests).*

*(4) When deciding whether it is in P's best interests to appoint a deputy, the court must have regard (in addition to the matters mentioned in section 4) to the principles that*

- (a) a decision by the court is to be preferred to the appointment of a deputy to make a decision, and*
- (b) the powers conferred on a deputy should be as limited in scope and duration as is reasonably practicable in the circumstances.*

*(5) The court may make such further orders or give such directions, and confer on a deputy such powers or impose on him such duties, as it thinks necessary or expedient for giving effect to, or otherwise in connection with, an order or appointment made by it under subsection 2.*

*(6) Without prejudice to section 4, the court may make the order, give the directions or make the appointment on such terms as it considers are in P's best interests, even though no application is before the court for an order, directions or an appointment on those terms.*

*(7) An order of the court may be varied or discharged by a subsequent order.*

*(8) The court may, in particular, revoke the appointment of a deputy or vary the powers conferred on him if it is satisfied that the deputy –*

- (a) has behaved, or is behaving, in a way that contravenes the authority conferred on him by the court or is not in P's best interests, or*
- (b) proposes to behave in a way that would contravene that authority or would not be in P's best interests.*

47. It is to be noted that the Court's powers under section 16 are delineated at subsection 3 by reference to other provisions of the Act. The same approach is taken in respect of the authority conferred on a deputy:

*s20 (6) The authority conferred on a deputy is subject to the provisions of this Act and, in particular, sections 1 (the principles) and 4 (best interests).*

### Duties of a deputy

48. In order to help everyone understand the workings of the Act, a Code of Practice was drawn up. That Code is "an aid to the interpretation of the law, not a primary source of law."<sup>5</sup> Nonetheless section 42(4)(b) of the Act imposes on a court-appointed deputy a duty to have regard to the Code. Furthermore, section 42(5) of the Act imposes an obligation on the court to take into account any failure to comply with the Code if such failure is relevant to a question arising in the proceedings.

49. The Code sets out duties imposed on deputies by the Act in paragraphs 8.50 - 8.54. It further sets out "other duties" imposed on deputies in paragraphs 8.55 – 8.67. The

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<sup>5</sup> *Re Lawson, Mottram & Hopton* [2019] EWCOP 22 Hayden J at paragraph 16

“other duties” which appear most relevant to the issues in these proceedings are as follows:

- a. **8.56 Deputies must carry out their duties carefully and responsibly. They have a duty to**
    - act with due care and skill (duty of care)
    - not take advantage of their situation (fiduciary duty)
    - .....
    - act in good faith
    - .....
    - comply with the directions of the Court of Protection
  - b. **Duty of care 8.57** ‘Duty of care’ means applying a certain standard of care and skill – depending on whether the deputy is paid for their services or holds relevant professional qualifications
    - ... A deputy who claims to have particular skills or qualifications must show greater skill in those particular areas than a person who does not make such claims.
    - If deputies are being paid for their services, they are expected to demonstrate a higher degree of care or skill when carrying out their duties.
    - Deputies whose duties form part of their professional work (for example, solicitors or accountants) must display normal professional competence and follow their profession’s rules and standards.
  - c. **Fiduciary duty 8.58** A fiduciary duty means deputies must not take advantage of their position. Nor should they put themselves in a position where their personal interests conflict with their duties. For example, deputies should not buy a property that they are selling for the person they have been appointed to represent. They should also not accept a third party commission in any transactions. Deputies must not allow anything else to influence their duties. They cannot use their position for any personal benefit, whether or not it is at the person’s expense.
  - d. **Duty of good faith 8.63** Acting in good faith means acting with honesty and integrity. For example, a deputy must try to make sure that their decisions do not go against a decision the person made while they still had capacity (unless it would be in the person’s best interests to do so.)
  - e. **Duty to comply with the directions of the Court of Protection 8.65** The Court of Protection may give specific directions to deputies about how they should use their powers. It can also order deputies to provide reports (for example, financial accounts or reports on the welfare of the person who lacks capacity) to the Public Guardian at any time or at such intervals as the court directs. Deputies must comply with any direction of the court or request from the Public Guardian.
50. When an application for appointment as deputy is made, the applicant is required to submit form COP4. This document is made up of a series of declarations and



undertakings designed to ensure that the Court can assess the suitability of the applicant for appointment, and that the applicant understands the requirements of the role he or she is seeking. Section 4 of that form includes the following undertakings:

“2. I will act within the scope of the powers conferred on me by the court as set out in the order of appointment and will apply to the court if I feel additional powers are needed.

4. I will make decisions on behalf of the person to whom the application relates as required under the court order appointing me. I will not delegate any of my powers as a deputy unless this is expressly permitted in the court order appointing me.

8. I will comply with any directions of the court or reasonable requests made by the Public Guardian, including requests for reports to be submitted.

9. I will visit the person to whom the application relates as regularly as is appropriate and take an interest in their welfare.”

#### What if a deputy acts beyond his authority?

51. If a deputy is found to have acted beyond the scope of his authority, what power does the Court have to ratify such actions after the event?
52. The Act makes specific provision at section 23(3)(d) for the Court of Protection to relieve an attorney wholly or partly from any liability which he has or may have incurred on account to a breach of his duties as donee. There is no equivalent provision in respect of deputies but section 16 has generally been construed as incorporating the equivalent power. It is commonly referred to as “retrospective authorisation.”
53. Miss van Overdijk has formulated a legal basis for this generally accepted approach by reference to sections 15 and 19(6) of the Act. The latter provides that “[a] deputy is to be treated as P’s agent in relation to anything done or decided by him within the scope of his appointment and in accordance with this Part.” The law of agency generally provides that an act done for another by a person not assuming to act for himself but for such other person, though without any precedent authority, may rank as the act of the principal if subsequently ratified by him. The doctrine of ratification presupposes that the principal could validly have done the act at the time it was done and the relevant act was voidable rather than void. Ms. van Overdijk contends that section 15 (c) of the Act enables the Court of Protection to adopt the same approach; and in doing so the court will be guided by the best interests of P having regard to all the circumstances surrounding the relevant act. She acknowledges that there is no equivalent of section 61 of Trustee Act 1925, which requires the trustee seeking relief from breach of trust to have acted “honestly and reasonably” but says the same approach should be adopted, given the similar nature and scope of trustee and deputyship functions. Miss Sutton has not challenged this reasoning.

54. At the opposite end of the spectrum, what power does the Court have to terminate the appointment of a deputy?
55. Pursuant to section 16(8) as set out above, if the Court is satisfied that a deputy has behaved in a way which contravenes the authority conferred on him, the Court may revoke the appointment.
56. I was referred by Miss van Overdijk to an unreported decision by Senior Judge Lush in the matter of *Re B* No. 11579443, dated 15<sup>th</sup> August 2011. Considering an application to revoke the appointment of a deputy, Senior Judge Lush had regard to a number of principles derived from the Australian case of *Holt v. Protective Commissioner* (1991) 31 NSWLR 227. (Copies of both reports were subsequently provided.)
57. Ms. Sutton contends that the Court should disregard the *Holt* decision because it comes from a different jurisdiction, applying a different statutory regime. Moreover it is made plain elsewhere in the judgment that each case needed to be considered on an individualised basis having regard to its specific facts.
58. I have read the judgments in both *Re B* and *Holt* carefully:

(i) In the Australian case, Kirby P noted (at page 241D):

*“The parties both, for their respective interests, urged upon the Court the provision of “guidelines” to assist the judge in the protective Division in any future case in which an application might be made to replace the Protective Commissioner or another person appointed to manage the estate of a protected person. In my opinion it is inappropriate that the discretion to appoint or remove the manager of the estate should be confined by rigid rules or even “guidelines” expressed in general terms. This case should not be one for imposing upon the practice of the Protective Division the kinds of shackles which were denounced by Theobald in the text on Lunacy practice. The only general guideline is that, in any such application, the court is bound, as in exercising any other power of which it is the donee of power by legislation, to consider all relevant circumstances.*

*Nevertheless, by way of suggesting a framework of approach to any such application, and not to limit the other applicable considerations to be taken into account, the following checklist of considerations might be kept in mind: ...”*

Kirby P then went on to enumerate seven considerations to be borne in mind.

(ii) In *Re B*, Senior Judge Lush noted (at paragraph 43):

*“Apart from section 16(8) itself there is no modern authority in English Law that consider the criteria to be applied by the court when considering applications for the removal of a deputy for property and affairs purposes. However, various guidelines were set out by the Court of Appeal of New South Wales in *Holt v The Protective Commissioner* (1993) 31 NSWLR 227*

*and these have generally been applied by judges of the Court of Protection in the past.”*

He went on (at paragraph 46) to say that “[t]he actual guidelines that the Court of Appeal of New South Wales set down can be summarised in the following manner:

- (i) an application for the removal of a deputy may be made by any interested person, including P himself;*
- (ii) the burden of proof is on the person seeking a change in status quo;*
- (iii) it is normally necessary for the person seeking the change to show some reason why the court should remove the existing deputy and appoint someone else in his or her place;*
- (iv) where the existing deputy is unsuitable to act as P’s deputy for property and affairs, the court will terminate the appointment and appoint some other suitable person as deputy;*
- (v) if unsuitability of the existing person is not an issue, or the applicant fails to prove that the existing deputy is unsuitable, it must be shown forensically that P’s best interests will in some way be advanced or promoted by discharging the existing deputy and appointing someone else in his place;*
- (vi) the standard of proof is the usual civil standard;*
- (vii) in deciding what is in P’s best interests the court will have regard to all the circumstances of the case.”*

59. I agree with Kirby P that it is inappropriate to add any type of gloss to the plain words of the statute. “Guidelines” may be a helpful reminder of relevant considerations but they go no further than that. I agree with Miss Sutton that caution is required when considering guidelines derived from a different jurisdiction, almost 30 years ago. The Court’s power to revoke or vary the appointment of a deputy is set out in section 16(7) and (8) of the Act, and must be exercised in accordance with the principles set out in section 1. In my judgment, those are the provisions which guide the determination of the Court.

#### Remuneration

60. These proceedings are focused on the remuneration of an appointed deputy. The Act makes provision for this in section 19(7):

*(7) The deputy is entitled -*

- (a) to be reimbursed out of P’s property for his reasonable expenses in discharging his functions, and*
- (b) if the court so directs when appointing him, to remuneration out of P’s property for discharging them.*

61. It is clear from this provision that, whilst a deputy has a statutory right to reimbursement of expenses, it is the court order which provides any legal authority for remuneration. The authorisation of remuneration is a “best interests” decision by the Court, made by reference to the individual facts of a particular case.<sup>6</sup>

62. The Court of Protection Rules 2017 make further provision in respect of remuneration at Rule 19.13:

*(1) Where the court orders that a deputy...is entitled to remuneration out of P’s estate for discharging functions as such, the court may make such order as it thinks fit including an order that:*

*(a) the deputy...be paid a fixed amount;*

*(b) the deputy be paid at a specified rate; or*

*(c) the amount of the remuneration shall be determined in accordance with the schedule of fees set out in the relevant practice direction.*

*(2) Any amount permitted by the court under paragraph (1) shall constitute a debt due from P’s estate.*

*(3) The court may order a detailed assessment of the remuneration by a costs officer in accordance with Rule 19.10(b).*

63. “Detailed assessment” is defined in Rule 19.1(1). It means ‘the procedure by which the amount of costs or remuneration is decided by a costs officer in accordance with Part 47 of the Civil Procedure Rules 1998 (which are applied to proceedings under these Rules, with modifications, by Rule 19.6)’.

64. The “relevant practice direction” setting out the schedule of fees for the purposes of Rule 19.13(1)(c) is Practice Direction 19B, which takes a largely binary view of deputyship providers. At paragraphs 8 – 15, the Practice Direction sets out fixed rates of remuneration for “solicitors”<sup>7</sup>; and at paragraphs 16 – 21 it sets out rates for “public authority deputies”. At paragraph 2 it is provided that “... *the court may direct that its provisions shall also apply to other professionals acting as deputy including accountants, case managers and not-for-profit organisations.*”

65. One of the distinctions between the provisions relating to solicitors and the provisions relating to public authorities is that only the former include a paragraph relating to assessment of costs. The standard approach has always been that public authorities, which generally manage lower asset cases, are not entitled to costs assessment. For obvious reasons of proportionality, a solicitor’s ability to seek assessment is also constrained in low-asset cases. It is provided in paragraph 12 of PD19B that:

*“In cases where fixed costs are not appropriate, professionals may, if preferred, apply to the SCCO for a detailed assessment of costs. However, this does not*

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<sup>6</sup> As noted by the then Vice-President, Charles J in *Re AR* [2018] EWCOP 18 at paragraph 24.

<sup>7</sup> No person is qualified to act as a Solicitor unless he or she meets the requirements of section (1) of the Solicitors Act 1974.

*apply if P's net assets are below £16 000 where the option for detailed assessment will only arise if the court makes a specific order for detailed assessment in relation to an estate with net assets of a value of less than £16 000."*

66. Another distinction between the provisions in the Practice Direction relating to solicitors and to public authorities is in respect of disbursements. In respect of solicitors, specific provision is made (at paragraphs 14 – 15) in respect of conveyancing. In respect of public authority deputies, paragraph 20 provides as follows:

*"20. Public Authorities are allowed to use P's funds to pay for specialist services that P would have normally been expected to pay if P had retained capacity such as conveyancing, obtaining expert valuations and obtaining investment advice."*

67. In addition to the Rules and the Practice Direction, the Office of the Public Guardian has published - in July 2016 - "good practice guidance" on professional deputy costs. That guidance is freely accessible via the OPG website. In respect of the costs of visits to the person for whom a deputy acts, that guidance states as follows:

*"The SCCO's usual practice is to allow one home visit in each 12-month period, which is considered to be appropriate in cases which are stable.*

*It is accepted that more visits may be necessary to meet the particular needs of the case, but deputies should be prepared to justify this with reference to their duties under the Mental Capacity Act.*

*The SCCO allows the cost of one fee earner to visit in all except the most exceptional cases. Professional deputies should try to limit excessive contact with all parties, including the client, their family members and case workers.*

*In all cases, professional deputies are expected to use their judgment in deciding the most cost effective method of communication, and take a balanced approach to meeting the client's needs against incurring excessive costs."*

68. The Court of Protection has had cause to consider the approach to be taken in determining the remuneration of deputies on a number of occasions:

- a. In *The Friendly Trust Bulk Application* [2016] EWCOP 40 District Judge Eldergill considered whether a not-for-profit organisation should be authorised to charge costs at the solicitors' rate, on the basis of its contention that "the local authority rate is so low as to be uneconomic."

It was in response to this judgment that the Public Guardian sent to Mr. Riddle the letter dated 13<sup>th</sup> December 2016, as described in paragraph 15 above. For that reason, it is important to note the following observations made in the judgment:

*“23...Who is ‘a solicitor’ is defined by statute (see eg Solicitors Act 1974) and the work undertaken by the Friendly Trust is not undertaken by or under the supervision of a solicitor. ...the practice direction leaves the issue of whether to extend its provisions to not-for-profit organisations at the court’s discretion. The best a non-solicitor can hope for is that, when making a deputy order, the court will exercise its discretion to allow a non-solicitor deputy fixed costs at the solicitor rate...”*

*89. With regard to their representations about the affordability of deputy work, the prescribed rates of remuneration set out in the practice direction involve public and court policy considerations that are not properly within my remit. If I were to extend generally the solicitor’s rate to The Friendly Trust, out of sympathy for their general submission that local authorities and organisations which accept their outsourced work are finding the local authority rates to be uneconomic, then inevitably all other such organisations would expect to be treated equally and to be authorised to take fixed-costs up to the solicitor’s rate. That would undermine and defeat the practice direction.”*

- b. In *The London Borough of Enfield v. Matrix Deputies Limited, DW, OM & the Public Guardian* [2018] EWCOP 22, I considered a number of questions about how orders in respect of remuneration should be interpreted, including:
    - i. if an order merely authorises “fixed costs” without specifying at what rate, does that necessarily imply fixed costs at the lower, public authority rate? At paragraphs 39 – 44, I concluded that it did.
    - ii. if an order merely authorises “fixed costs” without specifying at what rate but also authorises the deputy to obtain assessment from the SCCO, what is the effect of the second limb of the order? At paragraphs 45 – 59, I concluded that provision for SCCO assessment was compatible with implication of fixed costs at the lower, public authority rate and did not imply fixed costs at the higher, solicitors’ rates.
69. Of course, it is not just the Court of Protection which considers issues of professional costs. I invited the parties in these proceedings to consider the decision in *G (by her mother and litigation friend M) v. Kingston upon Hull City Council* 18 September 2013 Case No. 9KH02927. That matter concerned an appeal from a detailed costs assessment by a District Judge in the County Court. One of the matters considered was the hourly rate of payment for legal representatives of different levels, on which His Honour Judge Jeremy Richardson QC, articulating the unanimous judgment of the three-person court, said (at paragraph 52):

*“In terms of experience, whilst there may well be situations where...an unqualified but very experienced individual could justify an hourly rate approaching – or possibly even equalling – the rate for a qualified fee earner, such situations are in our view likely to be relatively infrequent....a qualification as a solicitor, barrister or legal executive is a significant and important matter. It is not only a qualification of which those who achieve it may be justifiably proud. It is a mark that the individual concerned has achieved a certain standard recognised by his or her professional body. They are subject to that body’s disciplinary procedures. Solicitors have a status as officers of the court. It is also not without significance that such individuals must satisfy further requirements in terms of ongoing training, CPD points and the like, in order to be able to continue in practice. There is a value to all of that which ought to be reflected in the hourly rate.”*

## Costs

70. The Act makes provision for costs at section 55 and 56 in the following terms:

### **55 Costs**

- (1) Subject to Court of Protection Rules, the costs of and incidental to all proceedings in the court are in its discretion.*
- (2) The rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives.*
- (3) The court has full power to determine by whom and to what extent the costs are to be paid.*
- (4) ....*

### **56 Fees and costs: supplementary**

- (1) Court of Protection Rules may make provision –
  - (a) as to the way in which, and funds from which, fees and costs are to be paid;*
  - (b) for charging fees and costs upon the estate of the person to whom the proceedings relate;*
  - (c) ...**

71. The “general rule” as to costs in matters concerning property and affairs is set out in Rule 19.2:

*“Where the proceedings concern P’s property and affairs the general rule is that the costs of the proceedings, or that part of the proceedings that concerns P’s property and affairs, shall be paid by P or charged to P’s estate.”*

72. Specific provision for costs following the death of a protected person is made in Rule 19.11:

*“An order or direction that costs incurred during P’s lifetime be paid out of or charged on P’s estate may be made within 6 years after P’s death.”*

73. In *Re AR* [2018] EWCOP 8 Charles J considered the question of costs incurred by a deputy in proceedings which related to his own fee regime (as opposed to proceedings for the benefit of P). It was the Court, rather than the deputy, which was the subject of criticism in that matter but at paragraph 103 Charles J observed that

*“it is difficult to see how those costs could be recovered from the relevant P’s who have no responsibility for the causes of the review.”*

74. In respect of litigants incurring legal costs, Miss Sutton reminded me of specific provisions in the Court of Protection Rules 2017 as follows:

#### **1.1 Overriding objective**

- (1) These rules have the overriding objective of enabling the court to deal with a case justly and at proportionate cost, having regard to the principles contained in the Act*
- (2) The court will seek to give effect to the overriding objective when it –*
  - (a) exercises any power under the Rules; or*
  - (b) interprets any rule or practice direction.*
- (3) Dealing with a case justly and at proportionate cost includes, so far as is practicable –*
  - (a) ensuring that it is dealt with expeditiously and fairly;*
  - (b) ensuring that P’s interests and position are properly considered;*
  - (c) ...*
  - (d) ensuring that the parties are on an equal footing*

.....

#### **1.4 The duty of the parties**

*(1) The parties are required to help the court to further the overriding objective.*

*(2) Without prejudice to the generality of paragraph (1), each party is required to –*

*(a) ask the court to take steps to manage the case if –*

*(i) an order or direction of the court appears not to deal with an issue; or*

*(ii) if a matter including any new circumstances, issue or dispute arises of which the court is unaware.*

...

*(f) be full and frank in the disclosure of information and evidence to the court ...*



*(4) If the court determines that any party has failed without reasonable excuse to satisfy the requirements of this rule, it may under rule 19.5 depart from the general rules about costs in so far as they apply to that party.*

....

### **3.2 Case management – unrepresented parties**

*(1) This rule applies to any proceedings where at least one party is unrepresented.*

*(2) When the court is exercising any powers of case management, it must have regard to the fact that at least one party is unrepresented.*

*(3) The court must adopt such procedure at any hearing as it considers appropriate to further the overriding objective.*

*(4) At any hearing when the court is taking evidence, this may include –*

*(a) ascertaining from an unrepresented party the matters about which the witness may be able to give evidence or on which the witness ought to be cross-examined; and*

*(b) putting or causing to be put to the witness such questions as may appear to the court to be proper.*

## **E. The Public Guardian’s Position**

75. By the beginning of this hearing the Public Guardian’s position<sup>8</sup> was that Mr. Riddle should not be authorised to receive fees at the solicitors’ rate, or relieved of any liability for having done so in the past; all appointments currently held by him should be revoked, and no further appointments should be made.

76. That position is based on specific concerns across twenty-six of the cases presently before the Court. Those concerns can be grouped into five categories:

- a. overcharging of fees;
- b. receiving of commission;
- c. passing on of bank charges;
- d. charging for independent visitor services; and
- e. failing promptly to make annual returns to the OPG.<sup>9</sup>

77. The Public Guardian contends that, when he raised these concerns with Mr. Riddle, they were not rectified promptly but only after some “chasing,” and this is itself contrary to Mr. Riddle’s assertions that he provides a service “on a par with that offered by other professionals.” [B/3038] The Public Guardian contends that it is impracticable for him to put in place measures of enhanced supervision of Mr. Riddle, effectively to

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<sup>8</sup> Paragraph 7 of Ms. Sutton’s skeleton argument

<sup>9</sup> An additional complaint that Mr. Riddle had failed to pay supervision fees when they fell due was withdrawn at the beginning of the second day of the hearing.

“chase” him as necessary on a permanent basis. The onus is, he says, on deputies to demonstrate that they are acting appropriately, not on the Public Guardian as supervising body to enforce required standards. Having failed in this so far, the Public Guardian says that Mr. Riddle should not be appointed any further.

78. Taking each of the Public Guardian’s concerns in turn:

a. Overcharging of fees:

- (i) Mr. Riddle has been charging £229 per hour for his deputyship services. This is the top of the £172 – £229 bracket for Band B (London 3) Solicitors and Legal Executives with 4+ years’ experience. Effectively, therefore, he has been charging for his services at the solicitors’ rate.
- (ii) Mr. Riddle is neither a solicitor nor a Legal Executive. He is not working under the supervision of a solicitor and he is not subject to any ethical code or regulation by any professional body.
- (iii) Mr. Riddle’s non-solicitor, non-charity provision of deputyship services on a commercial basis is not unique. In 2011 (when Professional Deputies was established) the Office of the Public Guardian already supervised 51 non-charity, non-solicitor cases.
- (iv) Mr. Riddle did contact the OPG prior to setting up Professional Deputies in connection with what costs he could charge. The e-mail sent on 19<sup>th</sup> April 2011 demonstrates that his claim that he was told anything which gave him authority to charge specific rates is “wholly misconceived.” (**statement of Angela Johnson para 6**)
- (v) Those cases where the Court exercises its discretion to authorise non-solicitors to charge fees at the solicitors’ rate will be relatively infrequent (as stated in *Kingston Upon Hull* case), and any person claiming such unusual benefit should be expected to demonstrate why it is appropriate. Mr. Riddle’s standards, even on the basis of the agreed facts, have fallen short.
- (vi) None of the orders appointing him as deputy included authority to charge fees at the solicitors’ rate<sup>10</sup>. Mr. Riddle was specifically told by the Public Guardian on 13<sup>th</sup> December 2016 [P/84] that he was not entitled to charge fees at the solicitors’ rate unless specifically authorised to do so. From September 2018 at the latest (publication of the *Matrix* judgment), Mr. Riddle should have been clear that, in respect of the 17 matters where the order did not specify a rate, given that he is not a solicitor, the public authority rate applied; and in the 12 cases where the order did not specify a rate and did permit assessment of fees by the SCCO, that solicitors’ rates cannot be implied.
- (vii) Two of the orders appointing Mr. Riddle (in KT 13160251 and LC 13071671) were not made until *after* the December 2016 letter and

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<sup>10</sup> As noted in footnote 4 above. this is not quite right.

specifically authorised fees only at public authority rates but nonetheless he charged fees at the solicitors' rate.

- (viii) Mr. Riddle cannot simultaneously hold himself out as full engaged in developing practice in respect of deputyship and so "equivalent" to a solicitor, and yet contend that he was unaware of the developments in *Matrix*.
- (ix) In any event all but two of Mr. Riddle's cases involve small, uncomplicated estates such as would commonly be managed by the relevant Local Authority. Only the cases of MW 13326558 and MF 13351659 involve estates and issues such as would normally be considered appropriate for management by a panel deputy.
- (x) Mr. Riddle had not (until the June 2019 hearing) made any application for relief from liability in respect of fees charged in excess of authorisation. He has not complied with any requests from the Public Guardian to rectify over-charged fees. He should not now be relieved of any liability in respect of such fees because he has been aware for a considerable time that he was not entitled to charge as he was, but he made no application to vary any of the orders. It is not in the best interests of any of the affected persons to be financially disadvantaged by Mr. Riddle's failure to regularise his charging practice – particularly where he holds himself out as an expert on COP matters.
- (xi) The Public Guardian accepts that the Court may authorise Mr. Riddle to charge fees at a specific rate but he does not support such an approach. His general position is that decisions on levels of remuneration are for the court to make (and he does not generally take part in such determination) but in order to assist he points out that:
  - Mr Riddle has not identified in any case *why* it would be in the best interests of the individual concerned to be charged a hybrid rate;
  - relevant factors to consider are the conduct of the parties, the amount/value of the money/property concerned, the particular complexity of the matter or novelty of any questions raised, and the skill, effort, specialised knowledge and responsibility involved;
  - Mr. Riddle's conduct as demonstrated in the agreed facts of these proceedings is unacceptable to the extent that revocation of his appointments is sought;
  - only 2 of the 40 cases involve estates of a size where any argument for fees above the public authority rate is possible (MW 13326558 and MF 13351659)
- (xii) the Public Guardian's position has always been and remains that VAT should not be added to the public authority fixed rates set out in PD19B. The Practice Direction is silent on the point in respect of public authority rates, (whereas it fixes solicitors' rate fees as 'plus VAT'). It is not appropriate to speculate as to why this might be the case, although it is apparent from VAT

Notice 749 that it is not as simple as Local Authorities being 'not liable' to pay VAT. The deputyship order is determinative. Unless authority to charge VAT to the protected person is specifically granted (for example 'fixed costs at public authority rates, plus VAT'), a deputy who has a VAT registered business cannot simply assume that VAT can be added to the fee authorised in the order.

- (xiii) overcharged fees should be refunded. If Mr Riddle is unable or unwilling to do this, consideration should be given to calling in the security bond in each matter for the appropriate amount.

b. Commission on funeral plans

- (i) In 13 cases Mr. Riddle received commission on the arrangement of a funeral plan. Communications with his accountant [**B3014 and B3010**] confirm that the accountant understood that Mr. Riddle was "receiving commission."
- (ii) These commission payments have now (mostly) been repaid to the relevant person's estate but only after the Public Guardian raised concern, and even then not promptly. The time taken between the Public Guardian pointing out the issue to the payment being credited to the protected person has varied across the cases from 7 weeks to 1 year and 8 months.
- (iii) Receiving the commission in the first place was in breach of paragraph 8.58 of the Code. Failure to credit the commission payments to the protected person promptly was a failure to act in the best interest of that person, contrary to section 1(5) and section 4 of the Act, and in breach of paragraph 8.57 of the Code.

c. Bank charges:

- (i) In 21 cases Mr. Riddle passed bank charges back to P. These sums have now been repaid but only after the Public Guardian raised concerns.
- (ii) Mr. Riddle chose the accounts in question. He could have chosen accounts which did not charge fees. It is not satisfactory to say that a person with capacity would have had to pay charges.
- (iii) Mr. Riddle now accepts that solicitors do not charge bank fees to protected persons [**B/2100**], an arrangement which is reflected in their higher fee rates. It was never open to Mr. Riddle to claim both that he should be able to

reclaim bank charges from protected persons, and that he should be remunerated at solicitors' rates.

d. Independent Visitors' charges

- (i) In 12 cases, Mr. Riddle has passed independent visitors' fees on to the protected person.
- (ii) Fundamentally, the Public Guardian's position is that costs of independent visitors are not included within the fixed fees regime. An independent visitor is not a disbursement because it is not a specialist service. Paragraph 20 of Practice Direction 19B is not exhaustive but a visitor is not a service for which P would normally have been required to pay if he or she retained capacity. So, specific authority from the court is required to reclaim independent visitors' fees from the protected person, such fee must be assessed, and no such authority has been granted. (The Public Guardian holds this position in respect of solicitor deputies as well and confirms, after checking, that he is not aware of any common practice where solicitor deputies use independent visitor services and charge them to P as a disbursement. If a solicitor deputy is working with the fixed costs regime and uses the services of an independent visitor, the cost would be incorporated within the fixed fee for "general management.")
- (iii) Moreover, there is no evidence as to why Mr. Riddle could have considered it in the best interests of any of the 12 individuals to instruct a visitor. He points out that the COP4 undertaking of a deputy includes promises to visit P as regularly as appropriate, at minimum annually. If Mr. Riddle considered it in the best interests of an individual to commission the services of an independent visitor instead, he should have made an application for specific authority, supported by evidence setting out the time it would take the deputy to travel to P and how long a visit would take and, for comparison, the expense of the visitor's fee.
- (iv) The Public Guardian emphasises that his function to supervise deputies is distinct from authorising any actions of a deputy outside the fixed costs regime – which remains a matter for the court.

e. Late returns to OPG

- (i) In several matters, Mr. Riddle "failed to comply with the basic requirement of submitting annual reports on time," and has not given any satisfactory explanation as to why.
- (ii) Additionally in two matters (WH, TF) Mr. Riddle has failed to comply with a request by the Public Guardian to confirm whether costs were being/had been assessed.

79. In respect of Mr. Riddle having withdrawn funds from the accounts of protected persons in order to fund this litigation, the Public Guardian observes that “[t]o the knowledge of the Head of Supervision and Investigations, this issue has never happened during litigation involving the PG previously.”
80. Ms. Sutton submits that a court order is required for a deputy to charge his costs to the estate of the person for whom he is appointed. No such order having been made, Mr. Riddle acted beyond his powers, in breach of his fiduciary duties and without honesty and integrity. Furthermore, the general rule “*does not directly apply to these proceedings, as [Mr Riddle] is not acting for the relevant Ps in these proceedings (it is about him, his conduct and his fees), and the relevant Ps have no responsibility for the cause of the proceedings.*”
81. The Public Guardian points out that no attempt has been made to explain *why* funds were taken as they were – “*What (for example) was his criteria? Why (for example) has KT suffered a significant loss of £7 800 and HLR £6 600 when other cases were less? And how did his removal of their funds affect their estates?*” Save for 3 cases (VH 12710721, SRB 10309320 and TF 12475946) the estates from which funds were withdrawn are all small.
82. Fear of appearing in court without representation does not justify Mr. Riddle’s actions. It is a common occurrence for parties in Court of Protection litigation to be unrepresented. However regrettable, such reality is specifically addressed in the Rules. There is no reason why Mr. Riddle should be placed in a ‘special’ position over and above other Court of Protection litigants.
83. The Public Guardian characterises Mr. Riddle’s use of protected person’s funds in this way as “*using his position for personal benefit, even in circumstances where he was acutely aware that his conduct as deputy was under scrutiny.*” He emphasises that, even at the hearing on 18<sup>th</sup> June, Mr. Riddle failed to disclose that 13 days earlier he had taken significant sums from 22 of the persons whose cases were before the court, and he failed to seek authorisation or relief from liability for having done so, even when such applications were made in respect of other aspects of the matters before the court. These matters only come to light when “found out” – as opposed to there being any transparency in Mr. Riddle’s actions.
84. If this had occurred in a panel deputy case, the Public Guardian “*would have made a safeguarding referral to the SRA as he has abused his position and taken advantage of the incapacitated and the vulnerable.*” Mr. Riddle’s explanation of his actions “*illustrates [his] continued lack of insight*” into the expectations of deputyship – “[Mr. Riddle] *will put himself before the persons he has been tasked to care for.*” It is not even clear that he understands why his actions were wrong. Again, it is submitted, this undermines his central contention that he is due higher rates of payment because of his specialist expertise.

85. In respect of how funds, less than the total amount removed from protected person's accounts but then said to be imminently available to Mr. Riddle, should be used to reimburse the 22 persons affected, the Public Guardian emphasises the unprecedented nature of the problem. After careful consideration, he suggested that:
- a. It would *not* be in the best interests of each protected person if the position of any one of them (for example an urgent need) was to effectively 'trump' the others. Urgent need should be addressed if necessary by calling in the security bond.
  - b. It would *not* be in the best interests of each protected person for there to be equal apportionment between them, as this would disadvantage those from whom more had been taken;
  - c. It would not be appropriate for Mr. Riddle's solicitors to retain funds belonging to persons who are not their clients;
  - d. Each case should be considered on an individual basis, having specific regard to the amount taken. A formula is suggested:  $\pounds 60\,000/\pounds 118\,390 \times 100 = 51\%$ , amount to be repaid = 51% of money taken.

#### F. Mr. Riddle's position

86. Mr. Riddle's position is that he should be authorised to receive fees at the solicitors' rate in the Schedule 1, 2 and 3 cases (his position on that issue being reserved in the respect of the Schedule 4 cases); and he should be relieved of any liability for having charged at that rate to date without specific authorisation. His current appointments should continue, and he should be appointed as deputy in those matters in which his application for such appointment is outstanding.
87. In the alternative, and very much as a reserve position, Mr. Riddle contends that he should be authorised to receive fees at a tailored rate, somewhere between public authority and solicitor rates. (On the last day of the hearing a table was provided setting out proposals for fees in each matter at a midway point between solicitors and public authority rates, exclusive of VAT.)
88. In respect of the Public Guardian's specific concerns:
- a. The overcharging allegation:
    - (i) Mr Riddle vigorously contends that expectations in respect of fee rates were not clear until publication of the *Matrix* decision. He says that, when he set up his Professional Deputies business, he was assured by the OPG that his proposed charging levels were appropriate. For five years, he charged at solicitors' rates without any question being raised, and financial commitments were entered into in reliance on that approach. Only with developing case law has clarity been reached about the position in respect of charging by professional deputies who are neither solicitors nor deputies. It is the expectations of others which have changed, not his practice.

- (ii) He explains that he did not deliberately disregard orders but acted bona fides with the intention of providing a bespoke and professional service for appropriate remuneration and he should be “afforded the benefit of the doubt.”
- (iii) Mr. Riddle points out that legal qualification is not a prerequisite for appointment as a deputy. Whilst legal qualification denotes a level of experience and expertise in legal services it does not, he says, guarantee specialised knowledge of mental capacity law. Skill, effort, specialised knowledge and responsibility in carrying out deputyship duties are, he says, central to the issue of what a deputy should be authorised to charge. His qualifications and experience merit remuneration at the solicitors’ rate.
- (iv) While it is accepted that the SCCO will have regard to the legal qualification of the resident fee earner when considering the hourly rate, this does not seamlessly apply to work carried out in the (non-litigation based) deputyship context.
- (v) The SCCO has recognised that the services offered by Mr. Riddle are those of an experienced yet not legally qualified professional. In two matters (CC 12442820 and JG 12797321, where the order did not specify which fixed rate applied and allowed SCCO assessment if preferred) assessment has resulted in a blended rate being afforded to the overall bill.
- (vi) The nature of the work Mr. Riddle does is, he says, more complicated than matters handled by public authorities or not-for-profit organisations. It often includes the management and selling of real property and management of investment portfolios. While his firm receives referrals from public authorities, it has not contracted with any public authority to take on its deputyship work. The level of service which he provides is higher than that offered by local authorities, and on a par with that offered by other professionals such as solicitors or accountants.
- (vii) In terms of company structure and overheads, Mr. Riddle says that he has filed with the Office of the Public Guardian Professional Deputies “Articles for Private Companies Limited by Shares” [B3038]. The overheads of his business mean that it is not viable to continue if his fees are limited to public authority rates.
- (viii) As solicitors’ firms do, Mr. Riddle’s firm has professional indemnity insurance which, in conjunction with the security bond required by the Court, provides a similar level of protection to persons for whom he is appointed.
- (ix) If the Court is not persuaded that he should be authorised to receive fees at the solicitor’s rate, the past charging is not in itself sufficient to warrant discharge of his appointment, particularly where payment rates have been “ambiguous for some time.”
- (x) The Court should ratify past fees. To penalise Mr. Riddle retrospectively would be unjust.



- (xi) If any overcharging needs to be rectified, “the proportionate approach is to resolve that between himself and the OPG.”

b. Commission on funeral plans

- (i) Mr Riddle maintains that he made individual “best interests” decisions in each of the 12 cases where a funeral plan was taken out. Family members were asked what type of funeral the protected person would like, and this was taken into account when researching funeral plan providers. The policies were taken out through four different providers and four different agencies.
- (ii) Commission was never a major consideration but “*if the net cost of providing the funeral plan was beneficial to the client without reducing the overall funeral proposals arrangement, then the commission was advantageous to the client.*” Mr. Riddle asked providers if the commission could be deducted from the cost price but was told this was not possible.
- (iii) Mr. Riddle accepts that there was some delay in passing the commission to the relevant person’s estate [G8] but says that this was because he needed to raise a VAT enquiry with his accountant, and the lack of support staff to whom he could delegate the task of chasing the accountant.
- (iv) In any event all commission has now been paid to the relevant protected person, so this issue does not merit revocation of his appointment.

c. Bank charges:

- (i) Mr. Riddle claims that bank charges would commonly have been incurred by P if they had capacity to deal with their own finances. There is no guidance as to whether bank charges are recoverable or not.
- (ii) He is now in discussions with the bank involved as to waiver of charges.
- (iii) If he is authorised to receive fees at the solicitors’ rate, he says he would absorb any bank charges without passing them on to protected persons. [G9]

d. Independent Visitors’ charges

- (i) Mr Riddle says that there is no specific guidance in respect of using the services of independent visitors but it is akin to “an expense for performing deputyship duties.”
- (ii) He uses appropriate visitors to keep in regular contact with P, with costs and proportionality in mind.
- (iii) It does not justify revocation of his appointment.

- (iv) He relies on a statement by Nicholas Buckman dated 18<sup>th</sup> September 2019, which exhibits an e-mail from Caroline Bielanska timed at 11.37 on 16<sup>th</sup> September 2019, expressing the opinion that “it would be wrong for either the OPG or the SCCO to have a blanket policy that they will not allow the costs of instructing an independent visitor or independent social worker, as it is ultimately a best interests decision. The deputy should explain why they have to instruct someone else to visit as a ‘significant decision’ in their annual report.”

e. Late returns to OPG

- (i) Mr. Riddle says that delay in filing annual reports is primarily because the OPG sent the incorrect invoice (AJR 1 e-mail 19 June 2017), in respect of which Mr. Riddle has raised a complaint.
- (ii) He says that some delay was due to staffing issues, and he was unable to take on additional staff because of uncertainty in respect of these proceedings. He has now taken on a new assistant and he is working to adopt the Public Guardian’s “digital deputy reporting” service.
- (iii) All supervision fees are now paid up to date.
- (iv) Balancing the disruption to P in changing deputy, these concerns do not justify revocation.

89. In respect of VAT, the Public Guardian’s account of Practice Direction 19 is accepted but the suggestion that “silence” equates to a finding that Mr. Riddle should not be able to charge his clients VAT is said to have “a number of difficulties.” Firstly, Mr. Riddle has a legal obligation to register his business for VAT once the relevant threshold is reached. Secondly, this issue has been raised extremely late in the proceedings. It is not being suggested that Mr. Riddle breached the terms of any order by charging VAT. Rather, the issue arises in the context of assessing actual loss to P. The Court should approach this exercise “on a restitutionary basis taking professional Deputies as a VAT charging company and carrying out the assessment on a like for like basis (ie using the comparator of local authority rates with VAT added).”

90. In respect of having withdrawn funds from the accounts of protected persons to meet his legal costs, Mr. Riddle has now explained in a written statement that “[t]he circumstances in which I have found myself defending these proceedings left me with no alternative (other than having to represent myself as litigant in person)...” He suggests that acting without representation “would be traumatic for me and put me under greater pressure and would in any event deny me access to legal representation and access to the courts (as covered by Article 6 of the Convention).”

91. On his behalf, it is accepted by Counsel that costs are in the discretion of the Court, and that this discretion can only be exercised at the end of proceedings once the issues in

dispute have been resolved or determined. The Court is informed that “[i]f the Court makes an order departing from the general rule....he is fully aware of the liability to reimburse to each P the legal costs already charged to their respective estates” but he “does not anticipate matters progressing this far.” This is apparently because of “avenues he has already undertaken to ensure that these sums are reimbursed to P before the proceedings conclude”, including a claim against his insurance for legal expenses, an “imminent payment of £60 000 from a family member”, and requests for a loan from his bank. He sought a further opportunity to provide an update on these matters before judgment is handed down.

92. Following receipt of the Public Guardian’s skeleton argument of 21<sup>st</sup> August 2019, Mr. Riddle informs the Court that he has repaid a total of £60 000, apportioned between the various protected persons as the Public Guardian suggested. The balance yet to be repaid is therefore £58 359.60. His insurers have now, after much chasing, confirmed that they will meet his legal fees from 20<sup>th</sup> August. (This date is still being challenged.)
93. Whilst accepting that costs are in the discretion of the Court, to be determined at the end of proceedings, Mr. Riddle nonetheless contends that the Public Guardian’s submission as to costs is “premature.” If the Public Guardian’s applications to revoke his appointments are unsuccessful, he (Mr. Riddle) would be entitled to argue that neither he (Mr. Riddle) nor the protected person should be required to meet the costs – “Therefore, while it is accepted that [Mr. Riddle] ought not to have charged P’s estate for legal fees associated with this litigation before the conclusion of proceedings, it is submitted that it is wrong to assume that he will have no basis to do so once judgment is handed down and the issue of costs determined.”
94. Mr. Riddle rejects the suggestion that the general rule in respect of costs for property and affairs matters does not apply because he is effectively arguing for himself, rather than for the protected person’s in these proceedings. Any comment by Charles J suggestive of that approach in *Re AR* is said to be obiter only, where the costs issue arose in circumstances where the Court, rather than the deputy, was the subject of criticism, and no revocation applications had been made (which this deputy is required to answer.)
95. Mr. Riddle challenges any “assumption” on the part of the Public Guardian that he was funding the litigation by insurance. It was explained at the hearing on 18<sup>th</sup> June that a claim had been submitted to insurers but further information was required by them, and hence a third party disclosure order was sought (and made.) Mr. Riddle refutes the Public Guardian’s assertion that he has put himself first, pointing to the “many hours” he has worked to ensure that clients were not adversely affected despite “the significant additional work associated with these proceedings.” He asks the Court to bear in mind that “the PG decided to pursue these proceedings on largely untested areas of law and practice without engaging with [him] on many of the issue beforehand.”

## G. Discussion

96. Should Andrew Riddle be authorised to charge fees at the solicitors' rate (both generally and on a case specific basis)?
97. At present, Mr. Riddle's application for authority to charge fees at the solicitors' rate is limited to the cases in Schedules 1, 2 and 3.
98. As a general approach I am mindful, as noted on earlier occasions,<sup>11</sup> of the rapid development there has been in the legal and commercial landscape from which deputyship applications are made in the first decade of the Mental Capacity Act. There is wider variety of paid deputyship providers than the binary concept of solicitors and public authorities suggests. Increasingly I am mindful too that some public authorities, responding no doubt to increasing pressure on their resources, are less willing than they once were to take on the functions of deputyship. It is simply uneconomic for solicitors to take on small asset cases, and not every person in need of deputyship has a family member suitable and willing to discharge that responsibility, so there is a particular need for other organisations or individuals to provide reliable deputyship services for modest estates at reasonable cost.
99. With ten years of experience as a consultant to local authorities, it would be surprising if Mr. Riddle were not aware of this rapid development and this particular need. Presumably, it was such awareness that led him to establish Professional Deputies. It is important to be clear that his initiative in doing so was welcomed and encouraged by the Office of the Public Guardian. Diversity in deputyship service providers is in principle a positive development.
100. However, Mr. Riddle does not see himself in terms of filling a gap in service provision. I am in no doubt of his strongly held view that his services are every bit as 'professional' as those provided by solicitors, and should be recognised as such in all respects, including remuneration. He has held that view for a long time, certainly since 2011, and he is aggrieved by any suggestion otherwise. To him, it is absurd to suggest that there has been any 'overcharging' and he should be allowed to carry on providing the important services which he does provide, without further obstruction from the Public Guardian or the Court.
101. The Public Guardian, who supervises all deputyships in England and Wales, does not share Mr. Riddle's own view of his professionalism. Nor does he share Mr. Riddle's view of the complexity of matters in which he is appointed. It has to be acknowledged that the Public Guardian's supervisory function gives him a much wider perspective from which to form views of relative professionalism, and relative complexity than Mr. Riddle can have. Like the Court, the Office of the Public Guardian sees the full range of deputyships, whereas Mr. Riddle sees only those in which his services are sought.
102. I agree with the Public Guardian's assessment that the range of cases in these proceedings is quite narrow, and does not include the high asset estates or the more

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<sup>11</sup> For example, paragraph 10 of the decision in *Various Incapacitated Persons and the Appointment of Trust Corporations as Deputies* [2018] EWCOP 3; and paragraph 55 of *The London Borough of Enfield v. Matrix Deputies Ltd, DW, OM & the Public Guardian* [2018] EWCOP 22.

complex issues which a full perspective on deputyship appointments takes into account. There is, for example, nothing in Mr. Riddle's description of his own experience and expertise which claims familiarity with cases involving significant awards of damages, business interests or multiple property holdings. His claim to be treated as equivalent to solicitors has to be assessed against this full range of cases, in which solicitors (and Trust Corporations linked to solicitors' firms) do commonly act.

103. Even if I accept Mr. Riddle's own description of his experience at its highest, and even if there is some overlap in the estates of individual cases which Mr. Riddle may be asked to manage and applications which are made by solicitors, it does not follow that the service he provides is to be treated as equivalent, in financial terms, to the service provided by solicitors. As noted in the *Kingston upon Hull City Council* case, formal qualification as a solicitor is a significant and important matter. Not least, it is a mark that the individual concerned is subject to a code of ethics and the disciplinary procedures of a professional body. Solicitors have a status as officers of the court, and they must satisfy further requirements in terms of ongoing training, CPD points and the like, in order to be able to continue in practice. There is a value in all of that to the person who engages the services of a solicitor. There is also a consequence in the cost of providing the service - solicitors tend to have some inescapably high overheads which are not borne by other deputyship providers. All of these factors mean that a reasonable and proper distinction can be drawn between solicitor and non-solicitor deputies, and such distinction can be reflected in the costs which each is authorised to charge for their services.
104. In my judgment, it would be appropriate to exercise the Court's discretion to extend the solicitors' costs provisions to a non-solicitor deputy where that deputy demonstrates that he/she/it is also subject to professional obligations comparable to those integral to being a solicitor; and where the non-solicitor deputy accepts being held to the same standards as a solicitor.
105. I have considered carefully all that Mr. Riddle says about his qualifications and experience but I am satisfied that he fulfils neither of these benchmarks for exercise of the Court's discretion to authorise remuneration at solicitors' rates:
  - a. he is not subject to any professional code of ethics, or the disciplinary procedures of any professional body. He is not subject to ongoing, cumulative and monitored training requirements. He does hold professional indemnity insurance, which is an important consideration in any appointment made, but this alone does not signify that his overheads are equivalent to those of a solicitors' firm.
  - b. The standards of his undisputed conduct to date falls short of standards to be expected of solicitors. In my judgment, a solicitor can ordinarily be expected to demonstrate such a grasp of fiduciary duties generally, and the provisions of the Code specifically, as to understand that accepting commission on a transaction for a protected person is a breach of his or her obligations. Moreover, if it were to be necessary for the Public Guardian to point this out, a

solicitor can ordinarily be expected to address the concern very promptly. It is simply contradictory for a person claiming to be ‘on a par’ with solicitors both to accept that solicitors do not pass bank charges to protected persons, and yet to do exactly that whilst taking fees at the solicitors’ rate. Using a client’s funds for their own purposes would be a very serious breach of solicitors’ professional obligations, and action by their professional body may be expected to follow. In my judgment, Mr. Riddle’s undisputed conduct in each of these respects falls a long way short of demonstrating that his services are ‘equivalent’ to those which may be expected of solicitors.

106. Mr. Riddle asserts that it is uneconomic for Professional Deputies to continue unless he is entitled to charge fees at the same rate as solicitors. I have not made any enquiry into the accuracy of this claim. I acknowledge that Mr. Riddle is not alone in calling for a review of the fixed rates under the Practice Direction. The rates have not increased since 2010 and The Professional Deputies Forum argues that rates are now therefore 31% lower in real terms than they were in 2010. As of March 2020, a subcommittee of the Civil Procedure Rules Committee, with the agreement of the Master of the Rolls, is engaged in a review of solicitors’ guidelines rates in civil cases, which have also not been increased since 2010. There is undoubtedly force in the argument that the rates of Practice Direction 19B should be similarly reviewed. However, in my judgment, that does not provide any basis for unilaterally behaving as if the rates are other than as they are. Until there is a review – which, as already set out in *The Friendly Trust’s Bulk Application*, is beyond the remit of proceedings such as these – I cannot give any weight to this part of Mr. Riddle’s argument. To do so would simply be to subvert the Practice Direction.
107. So much for general observations on the appropriate rate of remuneration. As required on a ‘best interests’ issue, each case must be considered individually. In the schedules to this judgment I have set out for each protected person a summary of relevant facts and considerations. The individual conclusions can be summarised as follows:
  - a. **Schedule 1:**
    - i. In five cases (FA 13350587, RB 12900752, DR 1337225T, OW 13399393 and MA 13359673), there is a public authority willing to act, and no complexity in the estate such as might justify the protected person incurring costs at the higher rate than they would charge. Mr. Riddle himself accepts this in relation to RB 12900752, to which the estates in three of the other matters are broadly comparable. In FA 13350587 there is the additional matter of a property to be sold but no indication that this process would be complicated or beyond the competence of a public authority deputy.
    - ii. In the other six cases, the relevant public authority is not willing to act and the alternative deputy proposed is a solicitor from the Public Guardian’s panel. Two cases (MF 13351659 and MW 13326558)

involve estates such as might not uncommonly be managed by a solicitor; two cases (ML 13349488 and JM 1337112T) are at best marginal because they involve a property; and two cases (JK 13351106 and AA 13271495) are such as would commonly be managed by public authorities.

If the only available options involve appointment of a deputy with authority to charge at the higher, solicitors' rate, then the additional safeguard of regulation by a professional body and the 'kitemark' of membership of the Public Guardian's panel – neither of which are offered by Mr. Riddle - are factors which each protected person would be likely to consider if able to do so.

From the panel deputy's point of view, occasionally being asked to act as a deputy of last resort in cases which may not be economic is the downside of membership of a panel which brings benefits on other occasions. In reality, these are cases where there is a genuine need for deputies who can provide a reliable service at lower cost than solicitors can.

**b. Schedule 2:**

- i. The largest of the estates is GEH's which includes a substantial property. GEH was already living in residential care when Mr. Riddle was appointed as deputy and sadly she died less than six months after his appointment. There is no claim that he was required to resolve any matters of complexity in her estate.
- ii. The other four estates in this schedule are modest and without complications such as would ordinarily require the higher remuneration of solicitors' rates.
- iii. The relevant local authority is willing to be appointed as replacement deputy for JD 13115978.
- iv. The proposed replacement deputy for each of the other three cases (MJM 13044984, BD 13168184 and ID 13075764) is a panel deputy. The same considerations apply as in paragraph 107(a)(ii) above.

**c. Schedule 3**

KT's estate is modest and the relevant public authority is willing to act as replacement deputy.

108. My conclusions in respect of each individual case in which Mr. Riddle seeks authority to charge fees at the solicitors' rate are therefore in line with the earlier, general observations as to remuneration: I am not satisfied that it is appropriate to authorise Mr. Riddle to charge fees at the solicitors' rate, or indeed at any rate other than the public authority rate.
109. Should Mr. Riddle be relieved of any liability for past charging?
110. Mr. Riddle's application for relief from liability rests on his assertion that there has previously been a lack of clarity in the meaning of remuneration authorisations, which means that he should be given "the benefit of the doubt" and makes it unjust now to penalise him for an approach adopted in those circumstances.
111. I do not accept Mr. Riddle's assertion, for the following reasons:
- a. It has always been clear under the Act (see paragraphs 60 and 61 above) that the authority for remuneration rests in the court order.
  - b. It has always been clear from the COP4 undertakings required of an applicant for deputyship that, if appointed, a deputy must act within the scope of the authority in the order and should make an application to the court if he feels that additional powers are needed (see paragraph 50 above.)
  - c. The communications from the Office of the Public Guardian, in particular the e-mail from Angela Johnson (paragraph 15 above), at the time when Mr. Riddle was still setting up Professional Deputies, cannot reasonably be interpreted as any kind of assurance that Mr. Riddle would be free to charge any particular rate of remuneration he chose, or the fixed rate for solicitors.
  - d. Mr. Riddle's own e-mail communication of 1<sup>st</sup> July 2018 (paragraph 22(a) above) demonstrates his determination to charge fees at the rate which he considered appropriate even in the face of actual requirements being pointed out to him.
  - e. The charges raised in KT 13160251 and LC 13071671 were beyond the rates authorised in the deputyship orders, even though his application in each matter and therefore the order of appointment, had not been made until *after* he had specifically been alerted by the Office of the Public Guardian to requirements in respect of fee charging.
  - f. In seventeen of the cases, it is demonstrably possible that an alternative deputy could have been appointed at public authority charging rates or with no charges at all. In none of the cases was any application for relief from liability made until this was raised by the Court in the June hearing.
112. Overall it is regrettably clear that, from the outset, Mr. Riddle charged fees at a rate which he personally considered to be appropriate. I am satisfied that he did so



*irrespective* of information he had been given by the Public Guardian whilst he was still in the process of setting up Professional Deputies. At no point can he realistically claim to have been uninformed of the need for authorisation of fees which he charged. That he continued to charge in excess of authorisations even after the December 2016 letter and after the *Matrix* decision was published is, in my judgment, confirmation that he knew what he was doing all along, not mitigation of his earlier conduct. I have no doubt that Mr. Riddle *felt* justified in charging at the solicitors' rate but his own conviction is not sufficient basis for being given "the benefit of the doubt." Such conviction rests in his own estimation of himself and his firm, rather than any genuine lack of clarity or opportunity for clarification.

113. I do not accept that there would be injustice to Mr. Riddle in holding him to the terms of the authority he was granted. I do not consider it appropriate to relieve him of any liability for past overcharging.
114. On the basis of facts found regarding past conduct and conclusions as to charging rates, should appointments currently held by Andrew Riddle be discharged?
115. It follows from my conclusions in respect of charging rates in the Schedule 1, 2 and 3 matters that Mr. Riddle is liable to repay to protected persons any sums he has overcharged them. It is yet necessary to consider other concerns raised by the Public Guardian before any conclusion can be reached as to whether his appointments should be discharged.
116. Charging rates feature in the Public Guardian's concerns about Schedule 4 cases as well. The parties have reached an agreed position as to the amounts which Mr. Riddle has actually charged to the protected person in each of the Schedule 4 matters but, in the context of quantifying any overcharge, an issue remains in respect of VAT. To summarise, the Public Guardian contends that Mr. Riddle may only charge that which is expressly authorised by the deputyship order, so it is not permissible for him to pass on to the protected person any VAT for which he is liable as an addition to the authorised fee. Mr. Riddle on the other hand contends that he should effectively be permitted to pass the VAT which he is obliged to pay on the services he provides to the person who benefits from the service in addition to the authorised fee.
117. This issue was only raised in the course of the hearing, and therefore very late in proceedings. Practice Direction 19B makes specific provision for VAT in respect of the solicitors' rate fixed costs. On each occasion, the fixed fee is stated followed by "(plus VAT)". In contrast, there is no mention at all of VAT in the provisions relating to public authority rate fixed fees. It seems likely that the possibility of deputyship services being provided at public authority rates but by a provider who is VAT liable was simply not considered by those who framed the Practice Direction.
118. I am told that the Public Guardian's position "has always been" that VAT should not be added to public authority rates, but I have not been told that this position has ever been put into practice before. I assume from the lateness of raising the issue in these proceedings that in so far as there "has always been" any position at all taken on this issue, it has been in theory only.

119. Whilst there is logic in the Public Guardian's position, in my judgment its effect is unduly harsh. VAT is a matter of legal obligation on the part of the service provider whose turnover reaches the relevant threshold. The sums raised as VAT are not for the benefit of the service provider, who is obliged to pass them directly to HM Revenue and Customs. If VAT due is to be paid from the fixed sums specified in the Practice Direction, then effectively any type of service provider obliged to raise VAT but authorised only to charge public authority rates would receive *less* in remuneration than the deputyship provider to which they are tied as comparator. No justification has been proffered for this expectation. In my judgment, it is more in keeping with the way the Practice Direction as a whole is conceived to regard the incidence of VAT as a cost which is additional to the fixed fee specified.
120. Going forwards, so that there is absolute clarity from the outset, any non-solicitor applicant for deputyship who operates on a basis which involves VAT liability should specifically seek in their deputyship application authority to pass onto the protected person any VAT in respect of deputyship fees at the public authority rate. Specific provision can then be made in the appointment order.
121. In these proceedings, I am satisfied that Mr. Riddle did not act inappropriately in respect of the VAT due on fees authorised at the public authority rate. In so far as there is any argument that raising VAT payments due in respect of fees charged at the public authority rate as an additional cost to the protected person was a breach of his authority as deputy, I am satisfied that Mr. Riddle should be relieved of liability to the extent of the VAT due.
122. In two of the Schedule 4 cases (HLR 12464234 and GMY 13106324) there is no charging beyond authorisation. Across all of the other cases, in the light of my conclusion about VAT, the charges in excess of authorised levels range from £250 to £4 126.80, to a total of £31 348.12.
123. Whilst it might at any point have had serious consequences for any of the protected persons to have had their funds reduced by these levels, there has been no evidence that it actually did. Potentially, therefore, restitution may be possible. Before reaching any conclusions as to whether Mr. Riddle's appointments should be discharged, it is necessary to consider the Public Guardian's other concerns as well.
124. Commission on funeral plans: Mr. Riddle accepts that he received commission in respect of his arrangement of funeral plans for thirteen protected persons. His account of 'holding' these sums whilst he clarified VAT questions with his accountant is not compelling. The tardiness of his crediting to the protected persons the commission sums, only after the Public Guardian raised the issue and even then not promptly, indicates rather that he considered, as his accountant seems to have, that the payments were his to keep. As spelled out in the Code very plainly, accepting such commission is a breach of a deputy's fiduciary duties.
125. It is agreed that Mr. Riddle has now passed most of the commission payment to the relevant protected person. In eleven of the cases £100 has yet been retained, and in the other two £133.33, making a total of £1 366.66.

126. It is a serious matter that Mr. Riddle received any commission at all for discharging his functions as deputy. However, I accept that the commission was not the motivating factor for taking out the funeral plan. The Public Guardian does not dispute Mr. Riddle's assertion that in each case a proper and individual "best interests" decision was taken in respect of taking out a funeral plan at all. The breach of duty is somewhat mitigated by the fact that Mr Riddle has now passed to the relevant person most of the funds received in commission. He must also now pay to the relevant person the outstanding balance.
127. Bank Charges: Mr. Riddle selected the bank accounts to be used in deputyship. He does not contest the Public Guardian's basic assertion that he could have chosen accounts for which no charges would have been incurred. Indeed, he has informed the Court that he is in discussions with the relevant bank to waive any charges. Setting up a system which left the individual protected person liable for bank charges at all when there was an option for charge-free banking amounts to a clear failure to act in each person's best interests. Mr. Riddle's explanation that there is no express guidance in respect of bank charges is, in my judgment, not compelling. By the nature of deputyship, it is not reasonable to expect explicit guidance on every small aspect of managing a person's financial affairs. A sensible application of the principles of the Act can be expected from a deputy who considers themselves sufficiently expert in this type of work as to charge fees for discharging the functions of deputyship.
128. In all twenty-one cases where bank charges were passed on to the protected person, the relevant sums have now been repaid (In some, there has been an over-repayment.)
129. Independent Visitors' charges: In eleven of the matters currently before the Court, Mr. Riddle used Independent Visitors and passed the costs to the individual so visited. The sums vary between £150 and £300, and add up to £2 000 in total.
130. I do not accept Mr. Riddle's assertion that using the services of an Independent Visitor is akin to "an expense for performing deputyship duties." The appointment of a deputy is a personal one, and the starting point in respect of visits is clearly addressed in the COP4 undertaking filed with the application for appointment. Where a deputy visits the protected person himself, the expense of the visit is part of the rates specified in the Practice Direction (including at paragraph 21 in respect of travel.) The issue in these proceedings is not whether there is any "blanket policy" against allowing the use of Independent Visitors (there is not), but rather whether costs of an Independent Visitor can be claimed from the protected person's estate *in addition* to the rates specified in the Practice Direction.
131. In my judgment, the Public Guardian's position is correct. If a deputy acting under the fixed fee regime at the public authority rate wishes to reclaim from the protected person the costs of an Independent Visitor *in addition to* the fees set out in paragraph 16 of PD19B, specific authority is required. An Independent Visitor does not provide "specialist services that P would normally have been expected to pay if P had retained capacity," and so any charges incurred do not fall within the 'disbursements' permitted by paragraph 20 of the Practice Direction.

132. I agree with Mr. Riddle's assertion (as set out most fully in the statement by Nicholas Buckman) that the decision to use an Independent Visitor to visit a person for whom a deputy is appointed will be a "best interests" decision on the part of the deputy. However, Mr. Riddle has not set out any evidence as to why it was in the best interests of each of the persons from whose estate he has drawn Independent Visitor fees to have instructed the Visitor in the first place. He has not explained whether such a decision was actually taken at all, or if so on what basis. I therefore cannot be satisfied that it was in the best interests of each of the protected persons that the costs of an Independent Visitor be incurred; and I cannot be satisfied that Mr. Riddle should be relieved of any liability in claiming such costs from the protected person in addition to the fees authorised.
133. Late returns: It is an obligation of all deputies, as standardly set out in deputyship orders, to report to the Public Guardian as and when required. The Public Guardian commonly adopts an annual reporting process, although it is open to him to ask for information more or less frequently if he thinks appropriate. The Public Guardian is concerned that, in several matters, Mr. Riddle has failed to meet reporting dates without any adequate explanation. Mr. Riddle accepts that he has been late on some occasions but explains that as either a reflection of a dispute (now resolved) with the OPG about incorrect invoices having been sent, or due to limited staff resources at Professional Deputies.
134. It is obviously important that returns are made to the OPG in a timely fashion. The very purpose of supervision of deputies is to protect the interests of vulnerable persons, so a deputy's failure to meet its obligations to the supervising body inevitably triggers concern. A deputy cannot fail to meet their obligations and then complain that questions are asked about their management of a protected person's estate. The onus is on the deputy to demonstrate that he is acting properly, and not on the Public Guardian to enforce compliance. Inadequate staffing resources is not an acceptable reason for failing to comply with reporting obligations but rather itself a cause for legitimate concern. It is part of the obligations of a paid deputy not to take on more appointments than he has resources to manage properly.
135. I note however that Mr. Riddle is now up to date with all supervision fees and any previous concerns in that regard are not pursued.
136. Cumulative effect: The Public Guardian raises a network of concerns which together give a clear impression of commercial imperative in Mr. Riddle's approach to deputyship, at the expense of diligent observation of his duties. To a degree, since the Mental Capacity Act specifically permits the charging of fees by a deputy, a commercial imperative is not inherently objectionable but the essential nature of deputyship and the vulnerability of persons for whom deputies are appointed mean that the Court and the Office of the Public Guardian must take seriously any incidence of a deputy using a protected person's funds beyond his proper authority.
137. In mitigation, it might be said that the sums by which Mr. Riddle has exceeded his authority in the five domains of concern on which the Public Guardian's revocation

applications were originally based are, in each individual case, relatively small. There is no evidence that the circumstances or experience of any individual actually were negatively affected by this unauthorised use of their funds. The commissions and the bank charges have now mostly been repaid; and the remaining amounts and the excessive charging (including of Independent Visitors' fees) could in principle similarly be rectified. If that were to be done, in comparison to the inevitable costs and upheaval involved in a change of deputyships, there is a plausible argument that it would be in the best interests of each protected person to allow Mr. Riddle's appointment to continue.

138. However, at the final hearing of these applications it became apparent – not because Mr. Riddle felt any compulsion to put the full facts before the Court but only because of the Public Guardian's continuing supervision – that Mr. Riddle had used further funds of persons to whom he owes fiduciary duties, to meet his own costs. (The total amount so used was £118 359.60, of which £58 359.60 remains unrepaid.) It is hard to imagine a clearer example of a deputy "us[ing] their position for personal benefit."
139. I accept that litigation is indeed stressful but, in my judgment, there is simply no basis on which Mr. Riddle could reasonably have considered it acceptable to use protected persons' funds to meet the costs of his legal representation. I reject firmly any argument to the effect that he was merely taking an "advance payment" of funds which he would be able to recoup on account of the general rule as to costs in property and affairs proceedings. The general rule is not an entitlement. As (to her credit) Mr. Riddle's own Counsel explicitly accepts, costs are in the discretion of the Court and determination of where they fall will be reached at the end of these proceedings, with full regard to the conclusions reached. Mr. Riddle cannot rely on the possibility of an exercise of discretion in his favour as justification for having used protected persons' funds as he has.
140. Moreover, in so far as Mr. Riddle excuses his conduct by reference to the stress of litigation, it must be borne in mind that these proceedings are entirely the result of his own actions. It was his actions and omissions which lead to the Public Guardian's revocation applications, and his decision to pursue his own applications for costs at the solicitors' rate (long after it became clear that it would be contentious.)
141. Such a clear breach of deputyship obligations points very clearly towards revocation of Mr. Riddle's appointment as deputy. However, I must have regard to other factors too. Mr. Riddle seems to accept an obligation to repay these sums, and has indicated an intention to pursue plausible avenues of funding to do so. He has repaid most of the other misuses of funds which caused the Public Guardian concern and just over half of the sums used for his legal fees, which lends some weight to his words and gives ground for optimism that there is limited risk of Mr Riddle repeating his mistakes. Indeed he has given a formal undertaking not to do so. There is no evidence before me that the circumstances or experience of any of the affected individuals have actually been adversely impacted, and there would be disruption and expense caused to them by a change of deputy.

142. By a narrow margin, having now set out clear conclusions in respect of matters in issue, I consider that the best interests of each protected person require Mr. Riddle to be allowed a very short further period of time to make good his words and restore each estate to its rightful level.
143. By 4pm on 12<sup>th</sup> June 2020 Mr. Riddle must file at Court and copy to the Public Guardian written proposals for how the estate in each of the matters presently before the Court shall be fully restored by no later than 26<sup>th</sup> June 2020. I shall list this matter for further hearing (to be conducted remotely because of the current circumstances of covid-19 pandemic) before me at 2pm on 3<sup>rd</sup> July 2020. The parties must be able to confirm at that hearing an agreed position as to whether all sums identified in the Schedules to this judgment as requiring repayment have indeed been repaid.
144. If every estate is fully restored by 26th June 2020 then, on the basis of the conclusions now set out in this judgment and provided that Mr. Riddle does not seek his own discharge in the light of his application for authority to charge fees at the solicitors' rate not having succeeded, I am presently minded that it will be possible to extend to Mr. Riddle "the benefit of the doubt" and allow his current appointments to stand. His applications for appointment in respect of the Schedule 1 matters will be determined in the light of the standing at that time of the estates in which funds are to be repaid.
145. On the other hand, if any estate is not fully restored, I am likely to be satisfied that the best interests of each protected person requires that Mr. Riddle's appointments are revoked, security bonds are called in to restore the estates, and replacement deputies are appointed.
146. I will hear any submissions as to costs and any application in respect of anonymisation of this judgment at the hearing on 3<sup>rd</sup> July, after the decision on revocation has been given.
147. Position statements should be filed by each party not less than 2 working days before the hearing.

HHJ Hilder  
14<sup>th</sup> May 2020

Schedule 1

Application for appointment as deputy, including authority to charge fees at solicitors' rate

FA 13350587

AW 13343469

RB 12900752

MF 13351659

JK 13351106

ML 13349488

JM 1337112T

DR 1337225T

MS 1340119T

MW 13326558

OW 13399393

MA 13359673

AA 13271495

FA 13350587

|                             |   |
|-----------------------------|---|
| Personal details            | FA is now 75 (DOB 15 <sup>th</sup> June 1944 )<br>COP3 dated 15 <sup>th</sup> November 2018 [D528]: dementia.<br>Has lived in residential care since 2016. [D541]<br>Has a son.   |
| Estate                      | Income - state benefits only [D548]<br>Property - sole owner, £103 000 [D551]   |
| These proceedings           | COP1 application by Andrew Riddle [D538], dated 16 <sup>th</sup> November 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by orders made on 1 <sup>st</sup> March 2019 [D565] and 19 <sup>th</sup> March 2019 [A383]<br>Transparency order made on 4 <sup>th</sup> March 2019 [D567]<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3307] <ul style="list-style-type: none"> <li>• limited authority to authorise direct debit payments and market (but not sell) property</li> <li>• costs at public authority rate</li> </ul> <p><u>Statements:</u><br/>Andrew Riddle 11<sup>th</sup> June 2019 [G34]<br/>Daryll Howard 6<sup>th</sup> August 2019 [B3298]</p> |
| Proposed alternative deputy | Staffordshire County Council, willing to act  |
| <b>Conclusions</b>          | Fixed fees at public authority rates would be appropriate   |



AW 13343469

|                             |  |
|-----------------------------|--|
| Personal details            | AW is now 73 (DOB 12 <sup>th</sup> July 1946)<br>COP3 dated 24 <sup>th</sup> October 2018 [D482]: acquired brain injury and Korsakoff's dementia.<br>Has lived in residential care since 2018. [D495]<br>Has a sister.<br><b>Died</b> on 15 <sup>th</sup> March 2020 (according to COP9 by Andrew Riddle dated 3 <sup>rd</sup> April 2020.)  |
| Estate                      | Income - state benefits only [D502]<br>Accounts - £37 130 [D504]<br>Tenancy extant<br>Entitled to s117 aftercare   |
| These proceedings           | COP1 application by Andrew Riddle [D492], dated 31 <sup>st</sup> October 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by orders made on 1st March 2019 [D519] and 19 <sup>th</sup> March 2019 [A347]<br>Transparency order made on 4 <sup>th</sup> March 2019 [D521]<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3693?] <ul style="list-style-type: none"><li>• limited authority to authorise direct debit payments and market (but not sell) property</li><li>• costs at public authority rate</li></ul><br><u>Statements:</u><br>Andrew Riddle 11 <sup>th</sup> June 2019 [G40]<br>Daryll Howard 7 <sup>th</sup> August 2019 [B3685] |
| Proposed alternative deputy | Derbyshire County Council, willing to act  |
| <b>Conclusions</b>          | Authorisation of fixed fees at public authority rates was appropriate.   |

RB 12900752

|                             |  |
|-----------------------------|--|
| Personal details            | <p>RB is now 26 (DOB 7<sup>th</sup> January 1994)<br/>COP3 dated 13<sup>th</sup> November 2018 [E2]: schizophrenia and learning disability.<br/>Supported living arrangements since 2016. [E17]<br/>Mother visits weekly (safeguarding concerns about parents managing RB's estate)</p>  |
| Estate                      | <p>Income - state benefits only [E29]<br/>Accounts - £18 735 [E31]<br/>Professional Deputies have been appointee since 2016</p>  |
| These proceedings           | <p>COP1 application by Andrew Riddle [E14], dated 21<sup>st</sup> November 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment. (At the hearing, Mr. Riddle accepted that public authority rates would be appropriate in this matter.)</p> <p>Directions by orders made on 12th March 2019 [E56] and 16<sup>th</sup> April 2019 [E61]<br/>Transparency order made on 19<sup>th</sup> August 2019<br/>Interim deputyship order made on 23<sup>rd</sup> July 2019 [B3789]</p> <ul style="list-style-type: none"><li>• limited authority to authorise direct debit payments</li><li>• costs at public authority rate</li></ul> <p><u>Statements:</u><br/>Andrew Riddle 29<sup>th</sup> July 2019 [F1]<br/>Daryll Howard 5<sup>th</sup> August 2019 [B3781]</p> |
| Proposed alternative deputy | <p>Thameside Metropolitan Borough Council, willing to act</p>  |
| <b>Conclusions</b>          | <p>Fixed fees at public authority rate are appropriate.</p>  |

MF 13351659

|                             |  |
|-----------------------------|--|
| Personal details            | MF is now 74 (DOB 11 <sup>th</sup> November 1945)<br>COP3 dated 15 <sup>th</sup> November 2018 [E63]: Alzheimer's dementia.<br>Lives in his own home. [E76] Vulnerable to exploitation [E85].<br>Homecare package costs approx. £12 000pa [F12]<br>Neighbour previously acted as attorney [E77]. Disclaimed [E88]  |
| Estate                      | Income - state benefits only [E89]<br>Accounts - £907 105 [E91]<br>Property – sole owner, £335 000   |
| These proceedings           | COP1 application by Andrew Riddle [E73], dated 20th November 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment.<br><br>Directions by orders made on 4th March 2019 [E116] and 28 <sup>th</sup> March 2019 [E130]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3358] <ul style="list-style-type: none"><li>• limited authority to authorise direct debit payments and market (but not sell) property</li><li>• costs at public authority rate</li></ul><br><u>Statements:</u><br>Andrew Riddle 29 <sup>th</sup> July 2019 [F7]<br>Daryll Howard 6 <sup>th</sup> August 2019 [B3350] |
| Proposed alternative deputy | Stuart Bradford of Coles Miller Solicitors (panel deputy), willing to act  |
| Conclusions                 | Size of estate is such as might commonly be managed by a solicitor.  |

JK 13351106

|                             |  |
|-----------------------------|--|
| Personal details            | JK is now 58 (DOB 9 <sup>th</sup> August 1961)<br>COP3 dated 15 <sup>th</sup> November 2018 [E166]: Downs syndrome and learning disability.<br>Lives in supported housing [E145]<br>Has a sister. Said to have expressed a wish not to have family involvement in his finances   |
| Estate                      | Income - state benefits only [E157]<br>Accounts - £7 087 [E159]<br>Interest in trust holding inheritance from his mother - £41 083 [E159]  |
| These proceedings           | COP1 application by Andrew Riddle [E142], dated 16th November 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment.<br><br>Directions by orders made on 4th March 2019 [E196] and 28 <sup>th</sup> March 2019 [E202]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3406] <ul style="list-style-type: none"><li>• limited authority to authorise direct debit payments</li><li>• costs at public authority rate</li></ul><br><u>Statements:</u><br>Andrew Riddle 15 <sup>th</sup> March 2019 [E204], 15 <sup>th</sup> April 2019 [E198] and 29 <sup>th</sup> July 2019 [F14]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3398] |
| Proposed alternative deputy | Swindon Borough Council has not replied to OPG. Richard Martin of Andrew Martin Solicitors is willing to act   |
| <b>Conclusions</b>          | Small estate such as would commonly be managed at public authority rates.  |

ML 13349488

|                             |  |
|-----------------------------|--|
| Personal details            | ML is now 89 (DOB 24 <sup>th</sup> September 1930)<br>COP3 dated 30 <sup>th</sup> October 2018 [E213]: mixed dementia.<br>Has lived in residential care since February 2018. [E228]<br>Has a nephew, who does not wish to manage her finances [E216].  |
| Estate                      | Income - state benefits plus private pension [E240]<br>Accounts - £53 331 [E242]<br>Property – sole owner, £167 000  |
| These proceedings           | COP1 application by Andrew Riddle [E225], dated 13 <sup>th</sup> November 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 1st March 2019 [E267]<br>COP9 application dated 23 <sup>rd</sup> May 2019 [E271]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>No interim appointment yet made. ML has now been notified.<br><br><u>Statements:</u><br>Andrew Riddle 29 <sup>th</sup> July 2019 [F21]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3457] |
| Proposed alternative deputy | Derbyshire County Council unwilling to act. Ian Potter of Wrigley's Solicitors has confirmed he is willing to act.   |
| <b>Conclusions</b>          | Modest estate.   |

JM 1337112T

|                             |   |
|-----------------------------|---|
| Personal details            | JM is now 75 (DOB 23rd April 1945)<br>COP3 dated 24 <sup>th</sup> December 2018 [E277]: vascular dementia and Charles Bonnet syndrome.<br>Has lived in residential care since September 2018. [E290]<br>Has a cousin and a cousin-in-law  |
| Estate                      | Income - state benefits only [E302]<br>Accounts - £20 519 [E304]<br>Property – sole owner, £139 000   |
| These proceedings           | COP1 application by Andrew Riddle [E287], dated 2 <sup>nd</sup> January 2019, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 27th March 2019 [E329]<br>COP9 application dated 23 <sup>rd</sup> May 2019 [E271]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3509] <ul style="list-style-type: none"><li>• Limited authority to authorise direct debits and market (but not sell) property</li><li>• Costs at public authority rates</li></ul><br><u>Statements:</u><br>Andrew Riddle 23 <sup>rd</sup> April 2019 [E331] and 29 <sup>th</sup> July 2019 [F28]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3501] |
| Proposed alternative deputy | Derbyshire County Council unwilling to act. Andrew Cusworth of Linder Myers Solicitors has confirmed he is willing to act.  |
| Conclusions                 | Modest estate.  |

DR 1337225T

|                             |  |
|-----------------------------|--|
| Personal details            | DR is now 66 (DOB 19 <sup>th</sup> November 1953)<br>COP3 dated 21 <sup>st</sup> December 2018 [E336]: dementia<br>Lives in residential care since July 2019. [F40]<br>Has a sister  |
| Estate                      | Income - state benefits only [E360] May possibly have occupational pension entitlement [F39] PIP of £12 003<br>Accounts - £26 823 [E362]<br>Premium bonds  |
| These proceedings           | COP1 application by Andrew Riddle [E345], dated 4th January 2019, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 27th March 2019 [E387]<br>Transparency order made on 19 <sup>th</sup> August 2019 [D521]<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3556] <ul style="list-style-type: none"><li>• Limited authority to authorise direct debits</li><li>• Costs at public authority rates</li></ul><br><u>Statements:</u><br>Andrew Riddle 23 <sup>rd</sup> April 2019 [E331] and 29 <sup>th</sup> July 2019 [F35]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3548] |
| Proposed alternative deputy | Derbyshire County Council willing to act.  |
| <b>Conclusions</b>          | Fixed fees at public authority rates would be appropriate.   |

## MS 1340119T

|                             |  |
|-----------------------------|--|
| Personal details            | MS is now 89 (DOB 17 <sup>th</sup> June 1930)<br>COP3 [E393]: dementia/cognitive impairment<br>Lives in residential care since December 2018. [E406]<br>Has a daughter, who does not wish to manage MS's estate.<br>MS died on 30 <sup>th</sup> December 2019, according to COP9 dated 13 <sup>th</sup> January 2020   |
| Estate                      | Income - state benefits and private pension [E418]<br>Accounts - £6 691[E420]  |
| These proceedings           | COP1 application by Andrew Riddle [E403], dated 20th February 2019, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 27th March 2019 [E387]<br>Transparency order made on 4 <sup>th</sup> March 2019 [D521]<br>No interim appointment (order was made on 20 <sup>th</sup> May 2019 but not issued because the bond was not put in place)<br><br><u>Statements:</u><br>Andrew Riddle 29 <sup>th</sup> July 2019 [F41]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3595] |
| Proposed alternative deputy | Derbyshire County Council willing to act.  |
| <b>Conclusions</b>          | No issues for determination  |



MW 13326558

|                             |   |
|-----------------------------|---|
| Personal details            | MW is now 98 (DOB 20 <sup>th</sup> January 1922)<br>COP3 dated 17 <sup>th</sup> September 2018 [E449]: Alzheimer's dementia<br>Lives in residential care since July 2018. [E464]  |
| Estate                      | Income - state benefits only [E476]<br>Accounts – £13 958 [E505]<br>Property – sole owner, £200 000 [E479]/£150 000 [F52]<br>Investments - £215 565 [E505]<br>Interest in deceased husband's estate - £531 000 [E477/E509]  |
| These proceedings           | COP1 application by Andrew Riddle [E461], dated 28th September 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 21 <sup>st</sup> January 2019 [E503]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3646] <ul style="list-style-type: none"><li>• Limited authority to authorise direct debit payments and market (but not sell) property</li><li>• Costs at public authority rate</li></ul><br><u>Statements:</u><br>Andrew Riddle 28 <sup>th</sup> February 2019 [E504] and 29 <sup>th</sup> July 2019 [F47]<br>Daryll Howard 5 <sup>th</sup> August 2019 [B3638] |
| Proposed alternative deputy | Andrew Cusworth (panel deputy) of Linder Myers Solicitors.  |
| <b>Conclusions</b>          | Estate such as would commonly be managed by a solicitor.  |

OW 13399393

|                             |   |
|-----------------------------|---|
| Personal details            | OW is now 25 (DOB 13 <sup>th</sup> March 1995)<br>COP3 dated 16 <sup>th</sup> February 2019 [E513]: autism<br>Lives in residential placement since June 2015. [E526]  |
| Estate                      | Income - state benefits only [E538]<br>Accounts – £16 416 [E540]<br>Professional Deputies currently act as DWP appointee [E538]   |
| These proceedings           | COP1 application by Andrew Riddle [E523], dated 20th February 2019, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment ( <b>at the hearing Mr. Riddle accepted that public authority rates were appropriate.</b> )<br><br>Directions by order made on 21 <sup>st</sup> January 2019 [E503]<br>Transparency order made on 19 <sup>th</sup> August 2019<br><br>No appointment yet made. Notice periods have expired without objection.<br><br><u>Statements:</u><br>Andrew Riddle 29 <sup>th</sup> July 2019 [F54]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3737] |
| Proposed alternative deputy | Kirklees Metropolitan Council has confirmed willingness to act.   |
| <b>Conclusions</b>          | Fixed fees at public authority rates appropriate.   |

MA 13359673

|                             |   |
|-----------------------------|---|
| Personal details            | MA is now 31 (DOB 1 <sup>st</sup> November 1988)<br>COP3 dated 29 <sup>th</sup> November 2018 [E566]: schizophrenia<br>Lives in residential placement since June 2015. [E526]   |
| Estate                      | Income - state benefits only [E591]<br>North Manchester General Hospital acts as DWP appointee [E593]<br>- currently hold approx. £10 000 [F65]<br>CFO holds £15 000 damages award [F65]  |
| These proceedings           | COP1 application by Andrew Riddle [E576], dated 3 <sup>rd</sup> December 2018, for appointment with authority to charge fees at the solicitors' rate and seek SCCO assessment<br><br>Directions by order made on 22 <sup>nd</sup> March 2019 [E618] and 18 <sup>th</sup> April 2019 [E624]<br>Transparency order made on 19 <sup>th</sup> August 2019<br>Interim deputyship order made on 23 <sup>rd</sup> July 2019 [B3230] <ul style="list-style-type: none"><li>• Limited authority to authorise direct debit payments</li><li>• Costs at public authority rate</li></ul><br><u>Statements:</u><br>Andrew Riddle 29 <sup>th</sup> July 2019 [F60]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3222] |
| Proposed alternative deputy | Manchester City Council has confirmed willingness to act.   |
| <b>Conclusions</b>          | Fixed fees at public authority rates appropriate.   |

AA 13271495

|                             |  |
|-----------------------------|--|
| Personal details            | AA is now 43 (DOB 1 <sup>st</sup> April 1977)<br>COP3 dated 25 <sup>th</sup> May 2018 [E626]: schizophrenia and mild learning disability – may regain capacity<br>Lives in half-brother’s home. [E639]   |
| Estate                      | Income - none disclosed [E651]<br>Legal Aid Agency holds £99 519 damages award in respect of unlawful immigration detention [E653]   |
| These proceedings           | COP1 application by SJ (‘half-brother’)[E636], dated 31 <sup>st</sup> May 2018, for appointment of SJ – Mr. Riddle assisted SJ to make the application<br><br>Directions by order made on 1st March 2019 [E674] – Special Visitor report required pursuant to s49 [E675]<br>Order 29 <sup>th</sup> April 2019 – SJ appointed as deputy.,<br>Order 5 <sup>th</sup> June 2019 [E685] – order appointing SJ not issued because he failed to put security bond in place. Directions to file evidence to confirm address<br>Order 27 <sup>th</sup> June 2019 [E691] – extension of time<br>Order 23 <sup>rd</sup> July 2019 [E700] – SJ now seeks appointment of Andrew Riddle instead. Matter linked to these proceedings.<br>Transparency order made on 19 <sup>th</sup> August 2019<br><br><u>Statements:</u><br>Andrew Riddle 13 <sup>th</sup> August 2019 [F66]<br>Daryll Howard 8 <sup>th</sup> August 2019 [B3222] |
| Proposed alternative deputy | Waltham Forest Council has not yet replied to OPG.   |
| <b>Conclusions</b>          | Fixed fees at public authority rates would be appropriate.   |

Schedule 2

Existing appointment as deputy; application for authority to charge fees at solicitors' rate

JD 13115978

MJM 13044984

BD 13168184

GEH 13119271

ID 13075764

JD 13115978

|                    |   |
|--------------------|---|
| Personal details   | <p>JD is now 95 (DOB 27<sup>th</sup> December 1924)<br/> COP3 dated 27<sup>th</sup> July 2017 [D317]: mixed type dementia<br/> Lives in residential care, since April 2017. Cost - £690 pw [D343]</p>   |
| Deputyship order   | <p>Interim appointment made on 30<sup>th</sup> November 2018 [D406]</p> <p><u>Costs permitted:</u> (paragraph 4) fixed costs at the public authority rate.<br/> <u>Security requirement:</u> (paragraph 5) £250 000</p>   |
| Estate             | <p>Income - state and private pensions<br/> Accounts - £145 818 [D339]<br/> Investments - £70 441 [D339]</p> <p>Mr Riddle says: Has cleared outstanding care fees. Fifteen different types of accounts/investments</p>  |
| These proceedings  | <p>COP1 application by Andrew Riddle [D327], dated 31<sup>st</sup> July 2017, seeking appointment as deputy with authority to charge fixed costs at the solicitors' rate and to seek SCCO assessment</p> <p>Directions by order made on 16<sup>th</sup> August 2017 [D354], 8<sup>th</sup> November 2017 x 2 [D360, D362], 18<sup>th</sup> June 2018 [D364]<br/> COP9 requests for extensions of time by Mr Riddle – 26<sup>th</sup> July 2018 [D368] and 12<sup>th</sup> September 2018 [D376]<br/> Further directions by order made on 26<sup>th</sup> September 2018 [D378]<br/> COP9 request for interim appointment 11<sup>th</sup> October 2018 [D379]<br/> Further directions by order made on 30<sup>th</sup> November 2018 [D404]<br/> <b>Transparency order</b> made on 30<sup>th</sup> November 2018 [D399]<br/> Requests to vacate hearing, from both Mr. Riddle and PG<br/> Further directions by order made on 15<sup>th</sup> January 2019 [D408]</p> <p><u>Statements:</u><br/> Daryll Howard 25<sup>th</sup> April 2019 [B2010]<br/> Andrew Riddle 6<sup>th</sup> October 2017 [D356], 11<sup>th</sup> October 2018 [D384], [D397]</p> |
| PG concerns        | <ol style="list-style-type: none"> <li>1. Report to 20/6/19 omitted the costs insert (OPG105)</li> <li>2. Review of bank statement shows that Mr. Riddle took £1 140 in fees but then refunded £246 on 29<sup>th</sup> July 2019, which brings fees to the amount authorised.</li> <li>3. Distance between Mr. Riddle's base and where JD lives</li> </ol>  |
| Proposed deputy    | <p>new<br/> Derbyshire County Council willing to act</p>  |
| <b>Conclusions</b> | <p>No uncorrected misuse of JD's funds. No great complexity in the estate, and Local Authority is willing to act as alternative deputy. Application for authority to charge fees at the solicitors' rate and seek SCCO assessment refused.</p>  |

MJM 13044984

|                   |   |
|-------------------|---|
| Personal details  | <p>MM is now 74 (DOB 31<sup>st</sup> May 1945)<br/>           COP3 dated 8<sup>th</sup> March 2017 [D72]: dementia + Korsakoff syndrome<br/>           Lives in residential care, since December 2016.<br/>           Married – husband lives in family home. [D99]</p>   |
| Deputyship order  | <p>Interim appointment made on 8<sup>th</sup> November 2017 [D121]</p> <p><u>Costs permitted:</u> (paragraph 4) fixed costs at the public authority rate.</p> <p><u>Security requirement:</u> (paragraph 5) £60 000</p>   |
| Estate            | <p>Income - state pension only<br/>           Accounts - £102 000 [D96]<br/>           Property – joint tenant with husband, £103 000</p> <p>Mr Riddle says: MJM’s husband has health issues and is now seeking to reclaim from her approximately half of the liquid funds she holds.</p>   |
| These proceedings | <p>COP1 application by Andrew Riddle [D84], dated 17<sup>th</sup> March 2017, seeking appointment as deputy with authority to charge fixed costs at the solicitors’ rate and to seek SCCO assessment</p> <p>Directions by order made on 11<sup>th</sup> July 2017 [D113], 8<sup>th</sup> November 2017 [D124], 18<sup>th</sup> June 2018 [D125]<br/>           COP9 requests for extensions of time by Mr Riddle – 26<sup>th</sup> July 2018 [D133] and 12<sup>th</sup> September 2018 [D135]<br/>           Further directions by order made on 26<sup>th</sup> September 2018 [D140]<br/>           COP9 request for interim appointment 11<sup>th</sup> October 2018 [D379]<br/>           Further directions by order made on 30<sup>th</sup> November 2018 [D154]<br/> <b>Transparency order</b> made on 30<sup>th</sup> November 2018 [D156]<br/>           Requests to vacate hearing, from both Mr. Riddle and PG<br/>           Further directions by order made on 15<sup>th</sup> January 2019 [D161]</p> <p><u>Statements:</u><br/>           Daryll Howard 25<sup>th</sup> April 2019 [B2054] &amp; 8<sup>th</sup> August 2019 [B3987]<br/>           Andrew Riddle 6<sup>th</sup> October 2017 [D115], 11<sup>th</sup> October 2018 [D141], [D153a]</p> |
| PG concerns       | <p>4. Andrew Riddle’s management of other cases.<br/>           5. Distance between Mr. Riddle’s base and where MJM lives.</p>  |
| Proposed          | new   |
|                   | Lancashire County Council not willing to act. Colin Warner of   |

|                    |   |
|--------------------|---|
| deputy             | Waddington & Son has confirmed willingness to act.  |
| <b>Conclusions</b> | Application for authority to charge fees at the solicitors' rate and to seek SCCO assessment refused. |

**BD 13168184**

|                   |  |
|-------------------|--|
| Personal details  | BD is now 78 (DOB 25th May 1941)<br>COP3 dated 7 <sup>th</sup> November 2017 [D411]: 'probable mixed dementia'<br>Lives in residential care, since July 2017. [D427]<br>Has a nephew [D428]  |
| Deputyship order  | Made on 7 <sup>th</sup> March 2018 [D452]<br><br><u>Costs permitted:</u> (paragraph 4) fixed costs at the public authority rate.<br><br><u>Security requirement:</u> (paragraph 5) £50 000   |
| Estate            | Income - state and private pensions<br>Accounts - £1 162 [D436]<br>Property – sold on 14 <sup>th</sup> September 2018 for £87 871<br><br>Mr Riddle says: considerable amount of work done prior to sale of property.   |
| These proceedings | COP1 application by Andrew Riddle [D424], dated 10 <sup>th</sup> November 2017, seeking appointment as deputy with authority to charge fixed costs at the solicitors' rate and to seek SCCO assessment<br><br>Directions by order made on 7 <sup>th</sup> March 2018 [D451]<br>COP9 request by Mr Riddle for matter to be linked with other applications, 11 <sup>th</sup> October 2018 [D454]<br>Further directions by order made on 26 <sup>th</sup> September 2018 [D140]<br><b>Transparency order</b> made on 30 <sup>th</sup> November 2018 [D477]<br>Requests to vacate hearing, from both Mr. Riddle and PG<br>Further directions by order made on 15 <sup>th</sup> January 2019 [D479]<br><br><u>Statements:</u><br>Daryll Howard 25 <sup>th</sup> April 2019 [B1993] & 8 <sup>th</sup> August 2019 [B3859]<br>Andrew Riddle 11 <sup>th</sup> June 2019 [D459/G46] |
| PG concerns       | 6. Annual report to 6 <sup>th</sup> March 2019 was not submitted until 13 <sup>th</sup> August 2019 – 15 weeks late (agreed).<br>7. Failed to comply with request (agreed at hearing on 18 <sup>th</sup> June 2019) to file report to OPG by 9 <sup>th</sup> July 2019.  |



|                    |   |
|--------------------|---|
|                    | 8. Distance between Mr. Riddle's base and where BD lives.   |
| Proposed deputy    | new<br>Derbyshire County Council not willing to act. Beverley Beale of Weightmans has confirmed willingness to act. |
| <b>Conclusions</b> | Application for authority to charge fees at the solicitors' rate and to seek SCCO assessment refused.               |

### GEH 13119271

|                   |   |
|-------------------|---|
| Personal details  | Born on 14 <sup>th</sup> December 1937; died on 30 <sup>th</sup> August 2018, aged 80.<br>COP3 dated 27 <sup>th</sup> July 2017 [ <b>D164</b> ]: dementia<br>Lived in residential care from July 2017   |
| Deputyship order  | Made on 7 <sup>th</sup> March 2018 [ <b>D200</b> ]<br><br><u>Costs permitted</u> : (paragraph 4) fixed costs at the public authority rate.<br><br><u>Security requirement</u> : (paragraph 5) £700 000  |
| Estate            | Income – state and private pensions [ <b>D183</b> ]<br>Accounts £3 826 [ <b>D185</b> ]<br>Modest shares/National Savings Certificate/premium bond holdings<br>Property – sole owner, £750 000 [ <b>D186</b> ]   |
| These proceedings | COP1 application by Andrew Riddle [ <b>D174</b> ], dated 2 <sup>nd</sup> August 2017, seeking appointment as deputy with authority to charge fixed costs at the solicitors' rate and to seek SCCO assessment<br><br>Directions by orders made on 7 <sup>th</sup> March 2018 [ <b>D202</b> ] and 18 <sup>th</sup> June 2018 [ <b>D288</b> ]<br>COP9 request by Mr. Riddle for matter to be linked with other applications, 11 <sup>th</sup> October 2018 [ <b>D203</b> ] – so that decision can be made as to costs, and a bill submitted to GEH's executor.<br>Further directions by order made on 30 <sup>th</sup> November 2018 [ <b>D226</b> ]<br><b>Transparency order</b> made on 30 <sup>th</sup> November 2018 [ <b>D221</b> ]<br>Requests to vacate hearing, from both Mr. Riddle and PG<br>Further directions by order made on 15 <sup>th</sup> January 2019 [ <b>D228</b> ]<br><br><u>Statements</u> :<br>Daryll Howard 25 <sup>th</sup> April 2019 [ <b>B2002</b> ], 8 <sup>th</sup> August 2019 [ <b>B3978</b> ]<br>Andrew Riddle 20 <sup>th</sup> July 2017 [ <b>D281</b> ], 11 <sup>th</sup> October 2018 [ <b>D208</b> ] |
| PG comments       | No evidence that concerns in other cases apply.<br>Any Executors of GEH's estate "may wish to consider if AR acted in GEH's best interests and consider any appropriate steps to be taken if they are of the view that he didn't."  |

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| <b>Conclusions</b> | No evidence of any complexity in the five months of the deputyship appointment. Fixed fees at the public authority rate were appropriate. |

ID 13075764

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| Personal details  | <p>ID is now 30 (DOB 15<sup>th</sup> March 1990)<br/> COP3 dated 14<sup>th</sup> February 2017 [D231]: schizophrenia<br/> Lives in LA-arranged temporary hotel placement [D248].<br/> In the UK since the age of 14. Several hospital admissions, both formal and informal. Marked behavioural issues, including antisocial traits and severe self-neglect. [D244]<br/> Has a brother but he is considered unsuitable to manage ID's finances [D239]</p>   |
| Deputyship order  | <p>Interim appointment made on 11<sup>th</sup> July 2017 [D279]</p> <p><u>Costs permitted:</u> (paragraph 4) fixed costs at the public authority rate.</p> <p><u>Security requirement:</u> (paragraph 5) £35 000</p>   |
| Estate            | <p>Income – none disclosed [D255]. Entitlement varies [D262/summary of evidence]<br/> At time of deputyship application, the Legal Aid Agency held £57000 damages from a claim in respect of unlawful immigration detention. [D257]. Balance held by Mr Riddle at 4<sup>th</sup> October 2018 - £43 467.</p> <p>Mr Riddle says: Has moved ten times in a year, including homelessness and prison. ID has no bank account so cash deliveries required [summary of evidence]</p>   |
| These proceedings | <p>COP1 application by Andrew Riddle [D245], dated 16<sup>th</sup> May 2017, seeking appointment as deputy with authority to charge fixed costs at the solicitors' rate and to seek SCCO assessment</p> <p>COP9 application to expedite application due to imminent expiry of leave to remain in UK, 30<sup>th</sup> June 2017 [D272]<br/> 11<sup>th</sup> July 2017 – directions [D277] and interim appointment as deputy [D279]<br/> Directions by orders made on 8<sup>th</sup> November 2017 x 2 [D285, D286], and 18<sup>th</sup> June 2018 [D288]<br/> COP9 requests for extensions of time by Mr Riddle – 26<sup>th</sup> July 2018 [D293] and 12<sup>th</sup> September 2018 [D298]<br/> Further directions by orders made on 26<sup>th</sup> September 2018 [D303] and 30<sup>th</sup> November 2018 [D307]<br/> <b>Transparency order</b> made on 30<sup>th</sup> November 2018 [D309]<br/> Requests to vacate hearing, from both Mr. Riddle and PG<br/> Further directions by order made on 15<sup>th</sup> January 2019 [D314]<br/> COP1 application by PG to revoke the interim appointment, 23<sup>rd</sup> January 2019 [A367]<br/> Directions by order made on 7<sup>th</sup> February 2019 [A381]<br/> COP9 application for directions by PG, 20<sup>th</sup> March 2019 [A352]</p> |

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|                    |     | <p><u>Statements:</u><br/> Daryll Howard 25<sup>th</sup> April 2019 [<b>B2015</b>], 8<sup>th</sup> August 2019 [<b>B3934</b>]<br/> Andrew Riddle 20<sup>th</sup> July 2017 [<b>D281</b>], 11<sup>th</sup> October 2018 [<b>D304</b>]</p> |
| PG concerns        |     | <p>9. In the period 2017/2018, Mr. Riddle passed bank charges of £7.42 on to ID [<b>B3954</b>] No repayment made.<br/> 10. Distance between Mr. Riddle's base and where ID lives.</p>  |
| Proposed deputy    | new | <p>Croydon Council unwilling to act. Holly Chantler of Morrisons Solicitors is willing to act.</p>   |
| <b>Conclusions</b> |     | <p>Application for authority to charge fees at the solicitors' rate and seek SCCO assessment refused.</p> <p><b>£7.42</b> to be repaid to ID's estate</p>  |

Schedule 3

Application for appointment as deputy including authority to charge fees at the solicitors' rate; cross-application by PG to revoke interim appointment

KT 13160251

KT 13160251

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| Personal details         | <p>KT is now 90 (DOB 20<sup>th</sup> February 1930)<br/> COP3 dated 19<sup>th</sup> October 2017 [B1390/D2]: “No diagnosis at present. diagnosis of hyperactive delirium and assumption of not having mental capacity on admission to [W] Hospital on 01/08/2017.”<br/> Has lived in residential care since September 2017 [A146]<br/> Has a niece and nephew-in-law [B1379]</p>   |
| Interim Deputyship order | <p>Made on 3rd January 2018, appointing Andrew Riddle [B1385]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management at the prevailing local authority rate or rates as set out in the relevant practice direction.</p> <p><u>Security requirement:</u> (paragraph 5) £40 000</p>   |
| Estate                   | <p>Income = state benefits only [D24]<br/> Assets = £55 467 [D26]</p>  |
| These proceedings        | <p>COP1 application by Andrew Riddle [D14], dated 25<sup>th</sup> October 2017, seeking appointment as p&amp;a deputy with authority to charge fixed costs at the solicitors’ rate and seek SCCO assessment.</p> <p>COP1 application by the Public Guardian [A143], dated 7<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by orders made on 3<sup>rd</sup> January 2018 [B1388], 1<sup>st</sup> March 2019 [A208], 30<sup>th</sup> November 2018 [D62], 15<sup>th</sup> January 2019 [D69]<br/> Transparency order made on 30<sup>th</sup> November 2018 [A265/D64]</p> <p><u>Statements:</u><br/> Daryll Howard 16<sup>th</sup> January 2019 [B1377], 25<sup>th</sup> April 2019 [B2020]<br/> Andrew Riddle 11<sup>th</sup> October 2018 [D49], 17<sup>th</sup> May 2019 [B3144]</p> |
| Agreed facts             | <p><u>Fees charged at solicitors’ rate:</u></p> <p>2018/2019: £1 140 (public authority rate = £745, so excess of £395 if VAT cannot be passed on/£250 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (with VAT allowed) <b>£250</b></p> <p><u>Funeral plan commission</u><br/> Commission of £800 received by Mr. Riddle on 12<sup>th</sup> March 2018 [B1403]<br/> £666.67 was passed to KT on 6<sup>th</sup> July 2018<br/> Total outstanding: <b>£133.33</b></p>  |

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| Use of funds to pay Mr. Riddle's legal costs: | £7 800 withdrawn on 5 <sup>th</sup> June 2019<br>£3 954.05 repaid in September 2019<br><b>£3 845.95</b> remains outstanding                                       |
| Proposed deputy                               | new<br>Derbyshire County Council willing to act.  |
| <b>Conclusions</b>                            | The application for authority to charge fees at the solicitors' rate and to seek SCCO assessment is refused.<br><br><b>£4 229.28</b> to be repaid to KT's estate. |

Schedule 4

Existing appointment of Andrew Riddle as deputy; application by PG to revoke

JB 12635601

RB 12582319

SRB 10309320

STB 12664087

CC 12442820

DC 12131886

LC 13071671

LD 12767855

ECE 12881127

GME 1270745T

TF 12475946

JG 12797321

VH 12710721

WH 12630499

WP 12630741

HLR 12464234

PT 1287427T

RT 12874326

AJW 98625842

BW 12833350

GMY 13106324



JB 12635601

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| Personal details  | <p>JB is now 73 (DOB 11<sup>th</sup> September 1946)<br/>COP3 dated 27<sup>th</sup> January 2015 [B59]: dementia.<br/>Has lived in residential care since 2012, and detained under s3 MHA some time before deputyship application was made. [B62]</p>   |
| Deputyship order  | <p>Made on 4<sup>th</sup> June 2015, appointing Andrew Riddle [B56]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [JB]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis.</p> <p><u>Security requirement:</u> (paragraph 5) £21 000</p>  |
| Estate            | <p>Income = state benefits only<br/>Assets = £15 240 at June 2018 [B/113]</p> <p>Mr Riddle says: estate not complex but "presentation of JB's impairment was complex" and DLA overpayments had to be resolved.</p>  |
| These proceedings | <p>COP1 application by the Public Guardian [A8], dated 23<sup>rd</sup> January 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 7<sup>th</sup> February 2019 [A38]<br/>Transparency order made on 8<sup>th</sup> February 2019 [A51]</p> <p><u>Statements:</u><br/>Daryll Howard 15<sup>th</sup> January 2019 [B47]<br/>Andrew Riddle 20<sup>th</sup> May 2019 [B2446]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u></p> <p>2015/2016: £1 800 (public authority rate = £700, so excess of £1 100 if VAT cannot be passed on/£960 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.<br/>2016/2017: £1 902 (public authority rate = £866, so excess of £1 036 if VAT cannot be passed on/£862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.<br/>2017/2018: £1 902 (public authority rate = £866, so excess of £1 036 if VAT cannot be passed on/£862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (Allowing VAT) <b>£2 685.60</b></p> |

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|   | <p><u>Funeral plan commission</u><br/>Commission of £500 received by Mr. Riddle on 16<sup>th</sup> January 2017<br/>£400 was passed to JB on 6<sup>th</sup> July 2018<br/>Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/>2016/2017: £28.05<br/>2017/2018: £23.43<br/>Sum of £66.11 was refunded to JB on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/>2016/2017: <b>£192</b></p>                                      |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/>£2 400 withdrawn on 8<sup>th</sup> August 2019<br/>£2 772.60 repaid in September 2019<br/><b>£2 696.90</b> remains outstanding</p>  |
| Proposed deputy                               | new Elizabeth Young of Roythornes Ltd. (Relevant Local Authority unable to act.)   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of £2 685.60.</p> <p><u>Funeral plan commission</u><br/>£100 is still to be repaid</p> <p><u>Bank charges</u><br/>Have now been repaid.</p> <p><u>Independent visitor fee</u><br/>£192 has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/>£2 696.90 remains to be repaid</p> <p><b><u>Overall</u></b><br/><b>£5 494.50</b> of JB's funds to be restored.</p> |

RB 12582319

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| Personal details  | <p>RB is now 69 (DOB 28<sup>th</sup> May 1950)<br/>           COP3 dated 27<sup>th</sup> September 2014 [B424]: dementia.<br/>           Has a history of sexual offending, in hospital since before the deputyship application for assessment and treatment pursuant to s37 of the Mental Health Act. [B427]</p>   |
| Deputyship order  | <p>Made on 12<sup>th</sup> January 2015, appointing Andrew Riddle [B421]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [RB]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis.</p> <p><u>Security requirement:</u> (paragraph 5) £25 000</p>   |
| Estate            | <p>Income = state benefits only<br/>           Assets = £12 917 at March 2019 [B2765] plus £15 240 ISA</p> <p>Mr Riddle says: 'medium' estate, 'not straightforward to manage.'</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A71], dated 5<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A190]<br/>           Transparency order made on 1<sup>st</sup> March 2019 [A220]</p> <p><u>Statements:</u><br/>           Daryll Howard 30<sup>th</sup> January 2019 [B411]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B2652]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u></p> <p>2015/2016: £1 080 (public authority rate = £670, so excess of £410 if VAT cannot be passed on/£216 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.</p> <p>2016/2017: £2 082 (public authority rate = £895, so excess of £1 187 if VAT cannot be passed on/£1 008 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £1 704 (public authority rate = £780, so excess of £924 if VAT cannot be passed on/£768 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2018/2019: £1 902 (public authority rate = £866, so excess of £1 036 if VAT cannot be passed on/£966 otherwise.) Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£2 958</b></p> |

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|   | <p><u>Funeral plan commission</u><br/>Commission of £500 received by Mr. Riddle on 23<sup>rd</sup> December 2016<br/>£400 was passed to RB on 6<sup>th</sup> July 2018<br/>Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/>2015/2016: £13.87<br/>2016/2017: £66.11<br/>Sum of £73.17 was refunded to RB on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/>2016/2017: <b>£192</b></p>                             |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/>£2 400 withdrawn on 8<sup>th</sup> August 2019<br/>£2 772.60 repaid in September 2019<br/><b>£2 696.90</b> remains outstanding</p>  |
| Proposed deputy                               | new<br>Kelly Grieg of Irwin Mitchell LLP. (Relevant Local Authority failed to respond to the Public Guardian.)   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of £2958.</p> <p><u>Funeral plan commission</u><br/>£100 is still to be repaid.</p> <p><u>Bank charges</u><br/>Have now been repaid.</p> <p><u>Independent visitor fee</u><br/>£192 has been charged without authority.</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/>£2 696.90 remains to be repaid.</p> <p><b>Overall</b><br/><b>£5 754.90</b> of RB's funds to be restored.</p> |

SRB 10309320

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| Personal details  | <p>SRB is now 67 (DOB 22<sup>nd</sup> October 1952)<br/> <b>No COP3 on file</b><br/>                 Lives in his own home; has a brother.</p>   |
| Deputyship order  | <p>Made on 9<sup>th</sup> May 2013, discharging the prior appointment of Niall Baker of Irwin Mitchell, and appointing Andrew Riddle [B1858]</p> <p><u>Costs permitted:</u> (paragraph 5) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [SRB]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis.</p> <p><u>Security requirement:</u> (paragraph 6) £30 000</p>   |
| Estate            | <p>Income = state benefits only<br/>                 Liquid assets = £15 330 at May 2019 [B1892/1906]<br/>                 Property in which SRB lives: £229 000</p> <p>Mr Riddle says: 'high value estate, not straightforward to manage...complex case involving a lot of work due to SRB's needs, care package eligibility ongoing issues with North Lincolnshire council'</p> <p>[B1913] By e-mail to OPG timed at 14.42 on 28<sup>th</sup> October 2016, in response to concerns raised about equity release proposals (which were subsequently not pursued), Mr. Riddle said that the previous deputy "<i>relinquished their role due to the fact that the thought it was not 'in [SRB]'s best interests' for them to continue as his deputy due to the fees charged by them. With a wry smile on my face I would turn this around and say it was 'not in their best interests' to continue to act for [SRB] due to the fact that his funds were reaching a point where he would simply not be able to meet their costs.... We received a balance transfer from IM for [SRB] of approximately <b>£9 000</b>. That was it. Since we have taken on the case we have charged fixed fees as set by the court which is our normal charging method. Presently [SRB] has just below £1 000 with us. His funds are at a critical level, with hardly any spare money available – either to pay his overall bills, let alone discretionary spending....</i>"</p> |
| These proceedings | <p>COP1 application by the Public Guardian [A295], dated 26<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 5th March 2019 [A311]<br/>                 Transparency order made on 5th March 2019 [A315]</p>  |

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|   | <p><u>Statements:</u><br/> Daryll Howard 17<sup>th</sup> January 2019 [B1848]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [B2822]</p>  |
| Agreed facts                                  | <p><u>Fees charged at solicitors' rate:</u><br/> 2013/2014: £3 211.80 unspecified (solicitors rate = £1 800 inclusive of VAT; public authority rate = £700; so excess of £2 511.80 if VAT cannot be passed on/£2 371.80 otherwise.) Report submitted before 13<sup>th</sup> December 2016 letter.<br/> 2017/2018: £318 (public authority rate = £216, so excess of £102 if VAT cannot be passed on/£58.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.<br/> On 8<sup>th</sup> May 2019 Mr. Riddle refunded SRB £2 693.92 for the period 2014-2018<br/> Total excess: (VAT allowed) £2 430.60 but higher sum has been refunded so <b>£263.32 is due back to Mr. Riddle</b></p> <p><u>Funeral plan commission</u><br/> Commission of £500 received by Mr. Riddle on 23<sup>rd</sup> December 2016<br/> £400 was passed to RB on 6<sup>th</sup> July 2018<br/> Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/> 2013/2014: £29.64<br/> 2014/2015: £38.47<br/> Sum of £148.09 was refunded to SRB on 16<sup>th</sup> April 2019</p> |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.60 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |
| Proposed new deputy                           | <p>Daniel Lumb of Stonegate Legal Limited. (Relevant Local Authority declined to accept any new clients.)</p>  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> Mr. Riddle took on this matter for the very reason that solicitors' rate fees were disproportionate, and in 2016 he was scathing of such charging rate.<br/> Overcharged fees of £2 430.60 have been paid back, with an excess 'refund' of <b>£263.32 due back to Mr. Riddle.</b></p> <p><u>Funeral plan commission</u><br/> <b>£100</b> is still to be repaid.</p> <p><u>Bank charges</u><br/> Charges have now been repaid, with an excess 'refund' of <b>£79.98</b></p>  |

**due back to Mr. Riddle.**

Use of funds to pay Mr. Riddle's legal costs

**£2 696.90** must be repaid to SRB.

**Overall**

Given that SRB lives in his property, the deputyship order should be varied so that the deputy is prohibited from selling the property without further order of the Court. On that basis, there is no immediate need to vary the security requirement.

Deducting from the sums withdrawn in respect of legal fees and unrefunded commission (£2 796.90) the amount of previous excess refunds (£343.30), **£2 453.60** of SRB's funds are to be restored.

STB 12664087

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| Personal details  | <p>STB is now 71 (DOB 30<sup>th</sup> August 1948)<br/>           Capacity report dated 31<sup>st</sup> July 2013: moderately severe Alzheimer's dementia [B15]<br/>           Lives in Italy.</p>   |
| Deputyship order  | <p>Made on 8<sup>th</sup> June 2015, appointing Andrew Riddle and STB's husband, jointly and severally [B10]</p> <p><u>Costs permitted:</u> (paragraph 4) The lay deputy is entitled to be reimbursed for reasonable expenses. Mr. Riddle is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [STB]'s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £10 000</p>  |
| Estate            | <p>Income = state benefits only<br/>           Liquid assets = £13 228.89 at June 2018<br/>           Property in which STB lives, jointly owned : £200 000</p> <p>Mr Riddle says: 'not a small estate, not straightforward to manage, joint (<i>sic</i>) deputyship with other deputy resident in Italy, P resident in Italy. P jointly owned property (located in Italy) worth approx. £200000.'</p> <p>[B43] By e-mail to OPG timed at 16.41 on 28<sup>th</sup> February 2017 Mr. Riddle said that "we do not manage any of [STB]'s finances at this point in time. This is handled by her husband who resides in Italy with her. There were initially a number of administrative functions that could only be undertaken by a deputy in this country..."</p> |
| These proceedings | <p>COP1 application by the Public Guardian [A295], dated 26<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 7th February 2019 [A36]<br/>           Transparency order made on 8th February 2019 [A46]</p> <p><u>Statements:</u><br/>           Daryll Howard 22nd January 2019 [B1]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B3022]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u><br/>           2016/2017: £1 584 (public authority rate = £585, so excess of £999 if VAT cannot be passed on/£58.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£882</b></p>   |



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| Use of funds to pay Mr. Riddle's legal costs: | £3 069.60 withdrawn on 5 <sup>th</sup> June 2019<br>£1 556.07 repaid in September 2019<br><b>£1 513.53</b> remains outstanding  |
| Proposed new deputy                           | STB's husband may be willing to act as sole deputy. Relevant Local Authority did not respond to the OPG. Response awaited from Michael Stirton of Greenhouse Stirton & Co   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of <b>£882</b>.</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£1 513.53</b> remains to be repaid.</p> <p><b><u>Overall</u></b><br/>Mr. Riddle has confirmed that he is not actively engaged in this deputyship, and has not been since less than 2 years after his appointment. His appointment should be discharged. The Public Guardian should liaise directly with STB's husband to establish whether he is willing to act as sole deputy now that arrangements have been established.</p> <p><b>£2 395.53</b> of STB's funds to be restored.</p> |

CC 12442820

|                   |  |
|-------------------|--|
| Personal details  | <p>CC is now 79 (DOB 27<sup>th</sup> June 1940)<br/> COP3 dated 31<sup>st</sup> December 2013 [B632]: severe mixed dementia.<br/> Lives in residential care. [A90]<br/> Has a son [A92]</p>  |
| Deputyship order  | <p>Made on 7<sup>th</sup> April 2014, appointing Andrew Riddle [B629]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [CC]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis.</p> <p><u>Security requirement:</u> (paragraph 5) £70 000</p>   |
| Estate            | <p>Income = state benefits only<br/> Assets = £36 250 at April 2010</p> <p>Mr Riddle says: "medium/large estate, not straightforward to manage. Property valued at £90 000 sold, including clearance and selling contents at auction. CHC funding arranged. Will search undertaken."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A87], dated 6<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A194]<br/> Transparency order made on 1<sup>st</sup> March 2019 [A230]</p> <p><u>Statements:</u><br/> Daryll Howard 30<sup>th</sup> January 2019 [B619]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [B2128]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u><br/> 2014/2015: £2 088 (public authority rate = £700, so excess of £1 388 if VAT cannot be passed on/ £1 248 otherwise.) Report submitted before letter of 13<sup>th</sup> December 2016</p> <p>2015/2016: £3 882 but conveyancing fee was refunded on 16<sup>th</sup> April 2019 (public authority rate = £1 050, so excess of £1032 if VAT cannot be passed on/£1 248 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.</p> <p>2016/2017: £1 704 (public authority rate = £780, so excess of £924 if VAT cannot be passed on/£768 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £1 902 (public authority rate = £866, so excess of £1</p> |

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|   | <p>036 if VAT cannot be passed on/£862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£4 126.80</b></p> <p><u>Funeral plan commission</u><br/>Commission of £500 received by Mr. Riddle<br/>£400 was passed to CC on 6<sup>th</sup> July 2018<br/>Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/>2014/2015: £38 47<br/>2015/2016: £28.50<br/>2016/2017: £28.05<br/>2017/2018: £23.53<br/>Refunded to CC on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/>2016/2017: <b>£160</b></p> |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/>£2 400 withdrawn on 8<sup>th</sup> August 2019<br/>£2 772.60 repaid in September 2019<br/><b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | <p>new<br/>Wrigleys Trustees Limited (Sheffield City Council has not responded to PG.)</p>  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of <b>£4 126.80</b></p> <p><u>Commission</u><br/><b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/>Have been refunded</p> <p><u>Visitor fee</u><br/><b>£160</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£2 696.90</b> remains to be repaid.</p> <p><u>Overall</u><br/><b>£7 083.70</b> of CC's funds to be restored</p>  |

DC 12131886

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| Personal details  | <p>DC is now 65 (DOB 1<sup>st</sup> December 1954)<br/>           COP3 dated 13<sup>th</sup> February 2016 [B557]: severe learning disability and autism.<br/>           Lives in supported living accommodation. [A90]<br/>           Has a sister-in-law [A84]</p>  |
| Deputyship order  | <p>Made on 14<sup>th</sup> April 2016, appointing Andrew Riddle [B554]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [DC]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis.</p> <p><u>Security requirement:</u> (paragraph 5) £20 000</p>   |
| Estate            | <p>Income = state benefits only<br/>           Assets = approx. £19 000 at April 2018</p> <p>Mr Riddle says: "small estate. Fraud investigation undertaken after bank card held by care organisation..."</p>  |
| These proceedings | <p>COP1 application by the Public Guardian [A79], dated 8<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A192]<br/>           Transparency order made on 1<sup>st</sup> March 2019 [A225]</p> <p><u>Statements:</u><br/>           Daryll Howard 14<sup>th</sup> January 2019 [B545]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B2170]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u><br/>           2016/2017: £1 020 (public authority rate = £670, so excess of £350 if VAT cannot be passed on/£216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£216</b></p> <p><u>Funeral plan commission</u><br/>           Commission of £500 received by Mr. Riddle<br/>           £400 was passed to CC on 6<sup>th</sup> July 2018<br/>           Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/>           2016/2017: £28.05<br/>           Refunded £51.48 to DC on 16<sup>th</sup> April 2019</p> |

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|   | <u>Independent visitor fee</u><br>2016/2017: <b>£300</b>   |
| Use of funds to pay Mr. Riddle's legal costs: | £3 069.60 withdrawn on 5 <sup>th</sup> June 2019<br>£2 400 withdrawn on 8 <sup>th</sup> August 2019<br>£2 772.60 repaid in September 2019<br><b>£2 696.90</b> remains outstanding  |
| Proposed deputy                               | new<br>London Borough of Bexley willing to act.  |
| <b>Conclusions</b>                            | <u>Fees:</u><br>There has been an overcharge of <b>£216</b><br><br><u>Commission</u><br><b>£100</b> is still to be repaid<br><br><u>Bank charges</u><br>Have been refunded<br><br><u>Visitor fee</u><br><b>£300</b> has been charged without authority<br><br><u>Use of funds to pay Mr. Riddle's legal costs</u><br><b>£2 696.90</b> remains to be repaid.<br><br><u>Overall</u><br><b>£3 289.47</b> of DC's funds to be restored |

LC 13071671

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| Personal details    | <p>LC is now 50 (DOB 3<sup>rd</sup> August 1969)<br/>           COP3 dated 21<sup>st</sup> April 2017 [B146]: schizophrenia<br/>           Detained under s3 MHA at time of deputyship application [B149]<br/>           Has a mother [A19]</p>  |
| Deputyship order    | <p>Made on 7th July 2017, appointing Andrew Riddle [B143]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [LC]'s affairs at the prevailing local authority rate.</p> <p><u>Security requirement:</u> (paragraph 5) £21 000</p>  |
| Estate              | <p>Income = state benefits only<br/>           Assets = approx. £29 400</p> <p>Mr Riddle says: "small estate. Not complex to manage but presentation of LC's impairment was complex."</p>  |
| These proceedings   | <p>COP1 application by the Public Guardian [A15], undated but stamped as received by the court on 28<sup>th</sup> January 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 7<sup>th</sup> February 2019 [A40]<br/>           Transparency order made on 8<sup>th</sup> February 2019 [A56]</p> <p><u>Statements:</u><br/>           Daryll Howard 22nd January 2019 [B135]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B2552]</p>  |
| Agreed facts        | <p><u>Fees charged at solicitors rate:</u><br/>           2017/2018: £1 140 (public authority rate = £745 so excess of £395 if VAT cannot be passed on/£250 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£250</b></p> <p><u>Funeral plan commission</u><br/>           Commission of £800 received by Mr. Riddle on 21<sup>st</sup> February 2018<br/>           £666.67 was passed to LC on 6<sup>th</sup> July 2018<br/>           Total outstanding: <b>£133.33</b></p> <p><u>Bank charges</u><br/>           2017/2018: £7.42<br/>           Refunded to LC on 16<sup>th</sup> April 2019</p> |
| Use of funds to pay | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019</p>   |

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| Mr. Riddle's legal costs: | £2 400 withdrawn on 8 <sup>th</sup> August 2019<br>£2 772.60 repaid in September 2019<br><b>£2 696.90</b> remains outstanding   |
| Proposed deputy           | new<br>Rebecca Parkman of Wards Solicitors. (West Sussex County Council unwilling to act.)  |
| <b>Conclusions</b>        | <u>Fees:</u><br>There has been an overcharge of <b>£250</b><br><br><u>Commission</u><br><b>£133.33</b> is still to be repaid<br><br><u>Bank charges</u><br>Have been refunded<br><br><u>Use of funds to pay Mr. Riddle's legal costs</u><br><b>£2 696.90</b> remains to be repaid.<br><br><u>Overall</u><br><b>£3 080.23</b> of LC's funds to be restored |

LD 12767855

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| Personal details  | LD was born on 17th April 1934 and died on 16 <sup>th</sup> October 2019 (85)<br>COP3 [B763]: dementia  |
| Deputyship order  | Made on 24th November 2015, appointing Andrew Riddle [B760]<br><br><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application in accordance with Practice Direction 19B, and to receive fixed costs for the general management of [LD]'s affairs.<br><br><u>Security requirement:</u> (paragraph 5) £21 000  |
| Estate            | Income = state and private pensions<br>Assets = approx. £14 000 in November 2018 + shareholding of approx. £3 000.<br><br>Mr Riddle says: "medium estate. Not straightforward to manage. Work involved ending of tenancy and clearing out LD's property and selling items at auction."  |
| These proceedings | COP1 application by the Public Guardian [A95], dated 8 <sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy<br><br>Directions by order made on 1 <sup>st</sup> March 2019 [A196]<br>Transparency order made on 1 <sup>st</sup> March 2019 [A235]<br><br><u>Statements:</u><br>Daryll Howard 7 <sup>th</sup> February 2019 [B751]<br>Andrew Riddle 20 <sup>th</sup> May 2019 [B2604]  |
| Agreed facts      | <u>Fees charged at solicitors' rate:</u><br>2015/2016: £2 215.20 (public authority rate =£670 so excess of £1545.20 if VAT cannot be passed on /£1411.20 otherwise.) No evidence that fees were assessed. Report submitted after letter of 13 <sup>th</sup> December 2016<br>2016/2017: £1 735 (public authority rate = £895 so excess of £840 if VAT cannot be passed on/£661 otherwise). Report submitted after letter of 13 <sup>th</sup> December 2016.<br><br>£1 195.20 refunded on 2 <sup>nd</sup> May 2019<br><br>Total excess: (VAT allowed) <b>£877</b><br><br><u>Funeral plan commission</u><br>Commission of £500 received by Mr. Riddle on 29 <sup>th</sup> December 2016<br>£400 was passed to LD on 6 <sup>th</sup> July 2018 |



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|   | <p>Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/> 2015/2016 £6.44<br/> 2016/2017: £51.48<br/> Refunded to LD on 16<sup>th</sup> April 2019</p> <p><u>Independent Visitor Fees</u><br/> 2016/2017 fee of £160</p>  |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.60 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£877</b></p> <p><u>Commission</u><br/> <b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/> Have been refunded</p> <p><u>Visitor fee</u><br/> <b>£160</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 696.90</b> remains to be repaid.</p> <p><b>Overall</b><br/> <b>£3 833.90</b> of LD's funds to be restored</p> |

ECE 12881127

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| Personal details  | <p>ECE is now 61 (DOB 5th December 1958)<br/> COP3 dated 10<sup>th</sup> May 2016 [B854]: “brain atrophy”<br/> Lives in own home [A106]<br/> COP5 by ECE [A335] informs the Court of his wish that his daughters manage his finances.<br/> COP5s by TE and NE (daughters) [A339, A363] inform the Court that daughters wish to be appointed jointly and severally. COP4s filed.</p>  |
| Deputyship order  | <p>Made on 11th July 2016, appointing Andrew Riddle [B852]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [LD]’s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £10 000</p>  |
| Estate            | <p>Income = state benefits only<br/> Assets = approx. £5 506 in July 2018<br/> 25% interest in property, valued at approx. £34 000<br/> Loan of £3 791.48</p> <p>Mr Riddle says: “medium estate. Not straightforward to manage. Labour intensive case due to ECE’s needs.”</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A103], dated 14<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 28th March 2019 [A386]<br/> Transparency order made on 1<sup>st</sup> March 2019 [A240]</p> <p><u>Statements:</u><br/> Daryll Howard 8<sup>th</sup> February 2019 [B843]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [B2240]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors’ rate:</u><br/> 2016/2017: £2 215.20 (public authority rate = £670 so excess of £1545.20 if VAT cannot be passed on/£1411.20 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.<br/> 2017/2018: £2 004 (public authority rate = £650 so excess of £1 354 if VAT cannot be passed on/ £1224 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£2 635.20</b></p> <p><u>Bank charges</u><br/> 2016/2017 £7.10<br/> Refunded £30.53 to ECE on 16<sup>th</sup> April 2019</p> |

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| Use of funds to pay Mr. Riddle's legal costs: | £3 069.60 withdrawn on 5 <sup>th</sup> June 2019<br>£1 556.07 repaid in September 2019<br><b>£1 513.53</b> remains outstanding   |
| Proposed new deputy                           | Wrigleys Trustees Ltd has confirmed willingness to act. (Derbyshire County Council unwilling to act.)<br>Daughters wish to be appointed  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of <b>£2 635.20</b></p> <p><u>Bank charges</u><br/>Have been refunded</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£1 513.53</b> remains to be repaid.</p> <p><u>Overall</u><br/><b>£4 148.73</b> of ECE's funds to be restored<br/>Public Guardian to clarify his position as to whether ECE's daughters should be appointed as replacement deputies.</p> |

GME 1270745T

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| Personal details  | <p>GME is now 96 (DOB 14th April 1924)<br/> COP3 dated 28<sup>th</sup> May 2015 [<b>B207</b>]: Alzheimer's dementia<br/> Lives in residential care in Australia [<b>A24</b>]<br/> Previous proceedings involving dispute between GME's son, RE (in UK) and daughter, SW (in Australia) as to who should manage her affairs. Registration of a p&amp;a LPA appointing RE and BE was cancelled on 28<sup>th</sup> May 2015.<br/> COP5 from son RE [<b>A348</b>] seeking joint and several appointment of self and sister (if she wishes). Sister objects to appointment of RE.</p> |
| Deputyship order  | <p>Made on 26th February 2016, appointing Andrew Riddle [<b>B203</b>]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application in accordance with Practice Direction 19B, and to receive fixed costs for the general management of [GME]'s affairs. If prefers, may seek SCCO assessment</p> <p><u>Security requirement:</u> (paragraph 5) £100 000</p>  |
| Estate            | <p>Income = state benefits only<br/> Assets = approx. £77 000 in February 2018 plus aged care bond in Australia.</p> <p>Mr Riddle says: "Not a straightforward estate.... Legal proceedings due to a boundary dispute. A number of GME's assets are abroad. Purchase of an aged care bond abroad..."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [<b>A22</b>], dated 24<sup>th</sup> January 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 7<sup>th</sup> February 2019 [<b>A42</b>], 26<sup>th</sup> March 2019 [<b>A384</b>]<br/> Transparency order made on 8<sup>th</sup> February 2019 [<b>A61</b>]</p> <p><u>Statements:</u><br/> Daryll Howard 22nd January 2019 [<b>B193</b>]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [<b>B2292</b>]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u><br/> 2016/2017: £1 020 (public authority rate = £670 so excess of £350 if VAT cannot be passed on/£216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £2 082 (public authority rate = £895 so excess of £1 187 if VAT cannot be passed on/ £1 008 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p>   |

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|   | <p>Total excess: (VAT allowed) <b>£1 224</b></p> <p><u>Bank charges</u></p> <p>2016/2017 £19.30</p> <p>2017/2018 £23.43</p> <p>Refunded to GME on 16<sup>th</sup> April 2019</p>   |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£1 906.80 withdrawn on 5<sup>th</sup> June 2019</p> <p>£2 400 withdrawn on 8<sup>th</sup> August 2019</p> <p>£2 183.24 repaid in September 2019</p> <p><b>£2 123.56</b> remains outstanding</p>   |
| Proposed deputy                               | <p>new</p> <p>Nigel Jones of JMD Law Solicitors has confirmed willingness to act. (London Borough of Barnet did not respond to PG.)</p>  |
| <b>Conclusions</b>                            | <p><u>Fees:</u></p> <p>There has been an overcharge of <b>£1 224</b></p> <p><u>Bank charges</u></p> <p>Have been refunded</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u></p> <p><b>£2 123.56</b> remains to be repaid.</p> <p><u>Overall</u></p> <p><b>£3 347.56</b> of GME's funds to be restored</p> |

TF 12475946

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| Personal details  | TF is now 79 (DOB 31st May 1940)<br>COP3 dated 14 <sup>th</sup> February 2014 [ <b>B893</b> ]: Alzheimer's dementia<br>Lives in hospital since May 2012 [ <b>A114</b> ]   |
| Deputyship order  | Made on 7th November 2014, appointing Andrew Riddle [ <b>B890</b> ]<br><br><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive "fixed costs in accordance with s15 of practice direction 19B" in relation to this application, and to receive fixed costs for the general management of [TF]'s affairs. If prefers, may seek SCCO assessment<br><br><u>Security requirement:</u> (paragraph 5) £100 000   |
| Estate            | Income = state benefits only<br>Assets = approx. £28 464 in accounts + £142 040 Standard Life investment in November 2018<br><br>Mr Riddle says: "Large estate. Not straightforward to manage....Inheritance dealt with from late brother in Australia. Large amount of work initially tracking down unknown bank accounts."  |
| These proceedings | COP1 application by the Public Guardian [ <b>A111</b> , dated 14 <sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy<br><br>Directions by order made on 1 <sup>st</sup> March 2019 [ <b>A200</b> ], 26 <sup>th</sup> March 2019 [ <b>A384</b> ]<br>Transparency order made on 1 <sup>st</sup> March 2019 [ <b>A245</b> ]<br><br><u>Statements:</u><br>Daryll Howard 11 <sup>th</sup> February 2019 [ <b>B880</b> ]<br>Andrew Riddle 20 <sup>th</sup> May 2019 [ <b>B3092</b> ]  |
| Agreed facts      | <u>Fees charged at solicitors rate:</u><br>2014/2015: £1 260 (public authority rate = £700 so excess of £560 if VAT cannot be passed on/£420 otherwise). Report submitted before letter of 13 <sup>th</sup> December 2016.<br><br>2015/2016: £2 082 (public authority rate = £895 so excess of £1 187 if VAT cannot be passed on/ £1 008 otherwise). Report submitted after letter of 13 <sup>th</sup> December 2016.<br><br>2016/2017: £1 704 (public authority rate = £780 so excess of £924 if VAT cannot be passed on/ £768 otherwise). Report submitted after letter of 13 <sup>th</sup> December 2016.<br><br>2017/2018: £1 902 (public authority rate = £866 so excess of £1 |

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|   | <p>036 if VAT cannot be passed on/ £862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£3 058.80</b></p> <p><u>Funeral plan commission</u><br/> Received commission of £500 on 16<sup>th</sup> January 2017<br/> Paid £400 to TF on 6<sup>th</sup> July 2018<br/> Total outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/> 2014/2015 £13.87<br/> 2015/2016 £14.63<br/> 2016/2017 £28.05<br/> 2017/2018 £23.43<br/> Refunded to TF on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/> 2016/2-17 <b>£192</b></p> |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.70 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | <p>new Kelly Greig of Irwin Mitchell LLP has confirmed willingness to act. (West Sussex Council did not respond to PG.)</p>  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£3 058.80</b></p> <p><u>Commission</u><br/> <b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/> Have been refunded</p> <p><u>Visitor fee</u><br/> <b>£192</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 696.90</b> remains to be repaid.</p> <p><b>Overall</b><br/> <b>£6 047.70</b> of TF's funds to be restored</p>   |

JG 12797321

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| Personal details  | <p>JG is now 83 (DOB 6<sup>th</sup> February 1937)<br/> COP3 dated 18<sup>th</sup> November 2015 [B1039]: vascular dementia<br/> Lives in residential care since July 2015 [A122]</p>  |
| Deputyship order  | <p>Made on 23<sup>rd</sup> February 2016, appointing Andrew Riddle [B1036]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [JG]'s affairs. If prefers, may seek SCCO assessment</p> <p><u>Security requirement:</u> (paragraph 5) £70 000</p>   |
| Estate            | <p>Income = state benefits and private pension<br/> Assets = approx. £22 487 in accounts in February 2019</p> <p>Mr Riddle says: "Medium estate. Not straightforward to manage. JG's property was sold in 2017."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A119], dated 14<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A202], 26<sup>th</sup> March 2019 [A384]<br/> Transparency order made on 1<sup>st</sup> March 2019 [A250]</p> <p><u>Statements:</u><br/> Daryll Howard 8<sup>th</sup> February 2019 [B1027]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [B2522]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors rate:</u><br/> 2016/2017: £1 020 (public authority rate = £670 so excess of £350 if VAT cannot be passed on/ £216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £4 086 but conveyancing costs since repaid (public authority rate = £1165 so excess of £917 if VAT cannot be passed on/ £718 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£934</b></p> <p><u>Funeral plan commission</u><br/> Received commission of £500 on 16<sup>th</sup> January 2017<br/> Paid £400 to TF on 6<sup>th</sup> July 2018<br/> Total outstanding: <b>£100</b></p> |



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|   | <u>Bank charges</u><br>2016/2017 £19.30<br>2017/2018 £23.43<br>Refunded to JG on 16 <sup>th</sup> April 2019  |
| Use of funds to pay Mr. Riddle's legal costs: | £3 069.60 withdrawn on 5 <sup>th</sup> June 2019<br>£2 400 withdrawn on 8 <sup>th</sup> August 2019<br>£2 772.70 repaid in September 2019<br><b>£2 696.90</b> remains outstanding   |
| Proposed deputy                               | new<br>Derbyshire County Council willing to act.  |
| <b>Conclusions</b>                            | <u>Fees:</u><br>There has been an overcharge of <b>£934</b><br><br><u>Commission</u><br><b>£100</b> is still to be repaid<br><br><u>Bank charges</u><br>Have been refunded<br><br><u>Use of funds to pay Mr. Riddle's legal costs</u><br><b>£2 696.90</b> remains to be repaid.<br><br><u>Overall</u><br><b>£3 730.90</b> of JG's funds to be restored. |

## VH 12710721

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| Personal details  | <p>VH was born on 5<sup>th</sup> December 1932 and died on 3<sup>rd</sup> April 2020 (87)<br/> COP3 dated 10<sup>th</sup> June 2015 [<b>B326</b>]: Alzheimer's dementia<br/> Lived in residential care from August 2014 [<b>A32</b>]<br/> Two daughters and three sons [<b>A33</b>]</p>  |
| Deputyship order  | <p>Made on 6<sup>th</sup> August 2015, appointing Andrew Riddle [<b>B323</b>]</p> <p><u>Costs permitted</u>: (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [VH]'s affairs. If prefers, may seek SCCO assessment</p> <p><u>Security requirement</u>: (paragraph 5) £250 000</p>   |
| Estate            | <p>Income = state benefits and private pension<br/> Assets = approx. £16 481 in accounts in January 2019 + £160 721 Friends Life Care Annuity</p> <p>Mr Riddle says: "Not a straightforward estate. VH's property was sold during deputyship to pay care home fees. Significant funds (£352 333.80 realised. Care plan purchased... large amount of work undertaken on viability and purchase of care plan. Negotiations with care home... further reassessments with the local authority following the implementation of the care annuity."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [<b>A29</b>], dated 23<sup>rd</sup> January 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 7<sup>th</sup> February 2019 [<b>A44</b>]<br/> Transparency order made on 8<sup>th</sup> February 2019 [<b>A66</b>]</p> <p><u>Statements</u>:<br/> Daryll Howard 15<sup>th</sup> January 2019 [<b>B314</b>]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [<b>B2862</b>]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate</u>:<br/> 2015/2016: £2 820 but conveyancing fee subsequently refunded on 16<sup>th</sup> April 2019 (public authority rate = £940 so excess of £80 if VAT cannot be passed on/ £74 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.<br/> 2016/2017: £1 420 (public authority rate = £780 so excess of £640 if VAT cannot be passed on/ £484 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.<br/> 2017/2018: £1 585 (public authority rate = £866 so excess of £719 if VAT cannot be passed on/ £545.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£955.80</b></p> |

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|   | <p><u>Bank charges</u><br/> 2015/2016 £6.45<br/> 2016/2017 £28.05<br/> Refunded £57.93 to VH on 16<sup>th</sup> April 2019, so <b>£22.80 to be credited to Mr. Riddle</b></p> <p><u>Independent Visitor fee</u><br/> 2016-17 <b>£192</b> charged</p>   |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 600 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £3 041.58 repaid in September 2019<br/> <b>£2 958.42</b> remains outstanding</p>  |
| Proposed deputy                               | new<br>Dympna Ewings of Ewings & Co Solicitors. (Croydon Council did not respond to PG.)   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£955.80</b></p> <p><u>Bank charges</u><br/> Excess refund of £22.80</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 958.42</b> remains to be repaid.</p> <p><u>Overall</u><br/> <b>£3 891.42</b> of VH's funds to be restored.</p> |

WH 12630499

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| Personal details  | <p>WH is 68 (DOB 13<sup>th</sup> July 1951)<br/>           COP3 dated 21st January 2015 [B1148]: depressive disorder and alcohol related dementia<br/>           Lives in residential since December 2014 [A130]</p>   |
| Deputyship order  | <p>Made on 22<sup>nd</sup> April 2015, appointing Andrew Riddle [B1145]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [WH]'s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £40 000</p>   |
| Estate            | <p>Income = state benefits and private pension<br/>           Assets = approx. £27 519 in accounts in April 2019 + £3 331 shares</p> <p>Mr Riddle says: "Medium estate. Not straightforward to manage. Number of matters that needed dealing with at the initial stage due to the fact that WH's mother had been managing his finances prior to her death."</p>  |
| These proceedings | <p>COP1 application by the Public Guardian [A127], dated 6<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A204]<br/>           Transparency order made on 1<sup>st</sup> March 2019 [A255]</p> <p><u>Statements:</u><br/>           Daryll Howard 30<sup>th</sup> January 2019 [B1136]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B3068]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u></p> <p>2015/2016: £2 215.20 (public authority rate = £670 so excess of £1545.20 if VAT cannot be passed on/ £1411.20 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016. Mr. Riddle refunded £1 195.20 on 2<sup>nd</sup> May 2019</p> <p>2016/2017: £2 034 (public authority rate = £895 so excess of £1139 if VAT cannot be passed on/ £960 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £1 902 (public authority rate = £866 so excess of £1036 if VAT cannot be passed on/ £862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£2 038.80</b></p> |

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|   | <p><u>Funeral plan commission</u><br/> £500 was received by Mr. Riddle on 4<sup>th</sup> November 2016<br/> Repaid £400 on 6<sup>th</sup> July 2018<br/> Outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/> 2015/2016 £21.70<br/> 2016/2017 £28.05<br/> 2017/2018 £23.43<br/> Refunded to WH on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/> 2016/2017 <b>£150</b></p>   |
| Use of funds to pay Mr. Riddle's legal costs: | £3 069.60 withdrawn on 5 <sup>th</sup> June 2019<br>£2 400 withdrawn on 8 <sup>th</sup> August 2019<br>£2 772.70 repaid in September 2019<br><b>£2 696.90</b> remains outstanding   |
| Proposed new deputy                           | Thurrock Council willing to act.  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£2 038.80</b></p> <p><u>Commission</u><br/> <b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/> Have been refunded</p> <p><u>Visitor fee</u><br/> <b>£150</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 696.90</b> remains to be repaid.</p> <p><b>Overall</b><br/> <b>£4 985.70</b> of WH's funds to be restored.</p> |

WP 12630741

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| Personal details  | <p>WP is 77 (DOB 29<sup>th</sup> May 1942)<br/>COP3 dated 19<sup>th</sup> January 2015 [B1269]: paranoid schizophrenia, severe depressive episode, personality disorder, alcohol dependence syndrome<br/>Lives in residential hospital care since November 2009 [A138]</p>  |
| Deputyship order  | <p>Made on 17th April 2015, appointing Andrew Riddle [B1266]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [WP]'s affairs. SCCO assessment if the deputy would prefer.</p> <p><u>Security requirement:</u> (paragraph 5) £30 000</p>   |
| Estate            | <p>Income = state benefits only<br/>Assets = approx. £54 134 in accounts</p> <p>Mr Riddle says: "Medium/large estate. Not straightforward to manage. Funds invested in bonds. Will drafting service engaged. Proposed move to Devon..."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A135], dated 6<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A206]<br/>Transparency order made on 1<sup>st</sup> March 2019 [A260]</p> <p><u>Statements:</u><br/>Daryll Howard 30<sup>th</sup> January 2019 [B1257]<br/>Andrew Riddle 20<sup>th</sup> May 2019 [B2966]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u></p> <p>2015/2016: £1 020 (public authority rate = £670 so excess of £350 if VAT cannot be passed on/ £216 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.</p> <p>2016/2017: £2 082 (public authority rate = £895 so excess of £1187 if VAT cannot be passed on/ £1 008 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £1 902 (public authority rate = £866 so excess of £1036 if VAT cannot be passed on/ £862.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£2 086.80</b></p> |

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|   | <p><u>Funeral plan commission</u><br/> £500 was received by Mr. Riddle on 29<sup>th</sup> December 2016<br/> Repaid £400 on 6<sup>th</sup> July 2018<br/> Outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/> 2015/2016 £21.69<br/> 2016/2017 £28.06<br/> 2017/2018 £23.44<br/> Refunded to WH on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/> 2016/2017 <b>£192</b></p>   |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.70 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | new<br>Kelly Greig of Irwin Mitchell LLP is willing to act. (West Sussex County Council did not respond to PG.)  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£2 086.80</b></p> <p><u>Commission</u><br/> <b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/> Have been refunded</p> <p><u>Visitor fee</u><br/> <b>£192</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 696.90</b> remains to be repaid.</p> <p><b><u>Overall</u></b><br/> <b>£5 075.70</b> of WP's funds to be restored.</p> |

## HLR 12464234

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| Personal details                              | HLR is 62 (DOB 16 <sup>th</sup> March 1958)<br>COP3 dated 19 <sup>th</sup> September 2016 [ <b>B1934</b> ]: schizoaffective disorder<br>Lives in supported housing. [ <b>A306</b> ]  |
| Deputyship order                              | Made on 15th June 2017, appointing Andrew Riddle [ <b>B1930</b> ]<br><br><u>Sale of property</u> : prohibited by paragraph 2(c) of the deputyship order, but further order granted on 16 <sup>th</sup> February 2018 authorising sale [ <b>B2426</b> ]<br><br><u>Costs permitted</u> : (paragraph 4) The deputy is entitled to receive fixed costs <b>at the solicitors rate</b> in relation to this application, and to receive fixed costs <b>at the solicitors rate</b> for the general management of [HLR]'s affairs. SCCO assessment if the deputy would prefer.<br><br><u>Security requirement</u> : (paragraph 5) £60 000 |
| Estate  | Income = state benefits only<br>Assets = approx. £8 147 in accounts (June 2018)<br>Property sold in 26 <sup>th</sup> July 2018 (£73 000)   |
| These proceedings                             | COP1 application by the Public Guardian [ <b>A303</b> ], dated 5 <sup>th</sup> March 2019, to revoke appointment of Andrew Riddle as deputy<br><br>Directions by order made on 11th March 2019 [ <b>A313</b> ]<br>Transparency order made on 11th March 2019 [ <b>A320</b> ]<br><br><u>Statements</u> :<br>Daryll Howard 7 <sup>th</sup> February 2019 [ <b>B1921</b> ]<br>Andrew Riddle 20 <sup>th</sup> May 2019 [ <b>B2382</b> ]  |
| Agreed facts                                  | <u>Bank charges</u><br>2017/2018 £23.43<br>Refunded £30.54 to HLR on 16 <sup>th</sup> April 2019, so excess of £7.11 to be credited to Mr. Riddle  |
| Use of funds to pay Mr. Riddle's legal costs: | £4 200 withdrawn on 5 <sup>th</sup> June 2019<br>£2 400 withdrawn on 8 <sup>th</sup> August 2019<br>£3 345.74 repaid in September 2019<br><b>£3 354.26</b> remains outstanding   |
| Proposed deputy                               | new<br>Hugh Jones of Hugh Jones Solicitors is willing to act. (Tameside Metropolitan Council unwilling to act.)  |
| <b>Conclusions</b>                            | <b><u>Overall</u></b><br><b>£3 347.15</b> of HLR's funds to be restored.   |



PT 1287427T

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| Personal details  | <p>PT is 64 (DOB 30<sup>th</sup> July 1955)<br/>           COP3 dated 19<sup>th</sup> January 2015 [B1420]: moderate learning disability<br/>           Lives in supported living accommodation [A154]<br/>           Has 2 brothers and a sister [A156/B1410]</p>  |
| Deputyship order  | <p>Made on 4th May 2016, appointing Andrew Riddle [B1417]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [PT]'s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £15 000</p>  |
| Estate            | <p>Income = state benefits and private pension<br/>           Assets = approx. £29 000 in accounts in June 2018</p> <p>Mr Riddle says: "Medium estate. Not straightforward to manage. Required work above that expected for LA rates such as arrangements for new tenancy in supported living accommodation."</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A151], dated 8<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A210]<br/>           Transparency order made on 1<sup>st</sup> March 2019 [A270]</p> <p><u>Statements:</u><br/>           Daryll Howard 28<sup>th</sup> January 2019 [B1408]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B2630]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u><br/>           2016/2017: £1 020 (public authority rate = £670 so excess of £350 if VAT cannot be passed on/ £216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £2 322 (public authority rate = £991 so excess of £1331 if VAT cannot be passed on/ £1132.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£1 348.80</b></p> <p><u>Bank charges</u><br/>           2016/2017 £12.88<br/>           2017/2018 £23.43<br/>           Refunded to PT on 16<sup>th</sup> April 2019</p> |

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| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.70 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | new<br>Derbyshire County Council willing to act.   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/> There has been an overcharge of <b>£1 348.80</b></p> <p><u>Bank charges</u><br/> Have been refunded</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/> <b>£2 696.90</b> remains to be repaid.</p> <p><b><u>Overall</u></b><br/> <b>£4 044.80</b> of PT's funds to be restored.</p> |

RT 12874326

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| Personal details                              | <p>PT is 66 (DOB 4<sup>th</sup> July 1953)<br/> COP3 dated 28<sup>th</sup> April 2016 [<b>B1507</b>]: moderate to severe learning disability<br/> Lives in residential care since April 2016 [<b>A162</b>]<br/> Has 2 brothers and a sister [<b>A164/B1497</b>]</p>  |
| Deputyship order                              | <p>Made on 29th June 2016, appointing Andrew Riddle [<b>B1504</b>]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [RT]'s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £30 000</p>  |
| Estate  | <p>Income = state benefits and private pension<br/> Assets = approx. £21 373 in accounts in August 2018</p> <p>Mr Riddle says: "Medium estate. Not straightforward to manage."</p>   |
| These proceedings                             | <p>COP1 application by the Public Guardian [<b>A159</b>], dated 30<sup>th</sup> January 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [<b>A212</b>]<br/> Transparency order made on 1<sup>st</sup> March 2019 [<b>A275</b>]</p> <p><u>Statements:</u><br/> Daryll Howard 30<sup>th</sup> January 2019 [<b>B1495</b>]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [<b>B2806</b>]</p>  |
| Agreed facts                                  | <p><u>Fees charged at solicitors rate:</u><br/> 2016/2017: £1 020 (public authority rate = £670 so excess of £350 if VAT cannot be passed on/ £216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.<br/> 2017/2018: £2 322 (public authority rate = £991 so excess of £1331 if VAT cannot be passed on/ £1132.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£1 348.80</b></p> <p><u>Bank charges</u><br/> 2016/2017 £12.88<br/> 2017/2018 £23.43<br/> Refunded to RT on 16<sup>th</sup> April 2019</p> |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.70 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |

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| Proposed deputy    | new | Derbyshire County Council willing to act.  |
| <b>Conclusions</b> |     | <u>Fees:</u><br>There has been an overcharge of <b>£1 348.80</b><br><br><u>Bank charges</u><br>Have been refunded<br><br><u>Use of funds to pay Mr. Riddle's legal costs</u><br><b>£2 696.90</b> remains to be repaid.<br><br><u>Overall</u><br><b>£4 044.80</b> of RT's funds to be restored. |

AW 98625842

|                   |  |
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| Personal details  | <p>AW is 57 (DOB 28<sup>th</sup> July 1962)<br/>           COP3 dated 13<sup>th</sup> June 2014 [B1595]: severe learning disability<br/>           Lives in residential care since 1991 [A170]<br/>           Has a brother [A172]</p>   |
| Deputyship order  | <p>Made on 8th December 2014, appointing Andrew Riddle [B1593]</p> <p><u>Costs permitted:</u> (paragraph 5) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [AW]'s affairs. SCCO assessment if the deputy prefers.</p> <p><u>Security requirement:</u> (paragraph 6) £21 000</p>   |
| Estate            | <p>Income = state benefits only<br/>           Assets = approx. £17 142 in accounts in December 2018</p> <p>Mr Riddle says: "Medium estate. Not straightforward to manage. Income in 2016 was £24 640. Assets in 2016 were £16 833.89. Successful appeal against ESA award. Handover from previous deputy. Inheritance to deal with... "</p>   |
| These proceedings | <p>COP1 application by the Public Guardian [A167], dated 6<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A214]<br/>           Transparency order made on 1<sup>st</sup> March 2019 [A280]</p> <p><u>Statements:</u><br/>           Daryll Howard 30<sup>th</sup> January 2019 [B1581]<br/>           Andrew Riddle 20<sup>th</sup> May 2019 [B2063]</p>   |
| Agreed facts      | <p><u>Fees charged at solicitors rate:</u><br/>           2014/2015: £2 332.80 but Mr. Riddle refunded £1 195.20 on 2<sup>nd</sup> May 2019 (public authority rate = £670 so excess of £1 662.80 if VAT cannot be passed on/ £1 528.80 otherwise). Report submitted before letter of 13<sup>th</sup> December 2016.</p> <p>2015/2016: £2 082 (public authority rate = £895 so excess of £1187 if VAT cannot be passed on/ £1 008 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2016/2017: £1 704 (public authority rate = £780 so excess of £924 if VAT cannot be passed on/ £768 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£2 109.60</b></p> |

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|   | <p><u>Funeral plan commission</u><br/>Commission of £500 received by Mr. Riddle on 11<sup>th</sup> November 2016<br/>£400 refunded on 6<sup>th</sup> July 2018<br/>Total Outstanding: <b>£100</b></p> <p><u>Bank charges</u><br/>2014/2015 £13.89<br/>2015/2016 £14.63<br/>2016/2017 £51.47<br/>Refunded to AJW on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/>2016/2017 <b>£150</b></p>                                      |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/>£2 400 withdrawn on 8<sup>th</sup> August 2019<br/>£2 772.70 repaid in September 2019<br/><b>£2 696.90</b> remains outstanding</p>  |
| Proposed new deputy                           | Timothy Mutti of Traymans LLP is willing to act. The London Borough of Hackney has not responded to PG.  |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of <b>£2 109.60</b></p> <p><u>Commission</u><br/><b>£100</b> is still to be repaid</p> <p><u>Bank charges</u><br/>Have been refunded</p> <p><u>Visitor fee</u><br/><b>£150</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£2 696.90</b> remains to be repaid.</p> <p><u>Overall</u><br/><b>£5 056.50</b> of AJW's funds to be restored.</p> |

BW 12833350

|                   |  |
|-------------------|--|
| Personal details  | <p>BW is 55 (DOB 11<sup>th</sup> August 1964)<br/>COP3 dated 13<sup>th</sup> February 2016 [B1733]: severe learning disability and autism<br/>Lives in supported living accommodation, since 2012 [A178]<br/>Has parents [A179]</p>  |
| Deputyship order  | <p>Made on 13th April 2016, appointing Andrew Riddle [B1730]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [BW]'s affairs. SCCO assessment if the deputy prefers.</p> <p><u>Security requirement:</u> (paragraph 5) £21 000</p>   |
| Estate            | <p>Income = state benefits only<br/>Assets = approx. £12 715 in accounts in April 2019</p> <p>Mr Riddle says: "Fraud investigation undertaken after bank card held by care organisation – Advance UK found to be fraudulently used. Numerous dealings with LB Bexley re Housing Benefit eligibility."</p>  |
| These proceedings | <p>COP1 application by the Public Guardian [A157], dated 5<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A216]<br/>Transparency order made on 1<sup>st</sup> March 2019 [A285]</p> <p><u>Statements:</u><br/>Daryll Howard 30<sup>th</sup> January 2019 [B1721]<br/>Andrew Riddle 20<sup>th</sup> May 2019 [B2092]</p>  |
| Agreed facts      | <p><u>Fees charged at solicitors' rate:</u></p> <p>2016/2017: £2 215 but Mr. Riddle refunded £1 195.20 on 2<sup>nd</sup> May 2019 (public authority rate = £670 so excess of £349.80 if VAT cannot be passed on/ £216 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>2017/2018: £2 322 (public authority rate = £991 so excess of £1 331 if VAT cannot be passed on/ £1 132.80 otherwise). Report submitted after letter of 13<sup>th</sup> December 2016.</p> <p>Total excess: (VAT allowed) <b>£1 348.80</b></p> <p><u>Bank charges</u><br/>2016/2017 £19.29</p> |

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|   | <p>Refunded £42.73 to BW on 16<sup>th</sup> April 2019</p> <p><u>Independent visitor fee</u><br/>2016/2017 <b>£300</b></p>   |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019</p> <p>£2 400 withdrawn on 8<sup>th</sup> August 2019</p> <p>£2 772.70 repaid in September 2019</p> <p><b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | new<br>The London Borough of Bexley is willing to act.   |
| <b>Conclusions</b>                            | <p><u>Fees:</u><br/>There has been an overcharge of <b>£1 348.80</b></p> <p><u>Bank charges</u><br/>Have been refunded</p> <p><u>Visitor fee</u><br/><b>£300</b> has been charged without authority</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£2 696.90</b> remains to be repaid.</p> <p><u>Overall</u><br/><b>£4 345.70</b> of BW's funds to be restored.</p> |



## GMY 13106324

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| Personal details                              | <p>GYM is 90 (DOB 2<sup>nd</sup> December 1930)<br/> COP3 dated 22<sup>nd</sup> May 2017 [B1828]: dementia<br/> Lives in residential care, since September 2014 [A185]</p>   |
| Deputyship order                              | <p>Made on 19th September 2017, appointing Andrew Riddle [B1825]</p> <p><u>Costs permitted:</u> (paragraph 4) The deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [GMY]'s affairs.</p> <p><u>Security requirement:</u> (paragraph 5) £25 000</p>   |
| Estate  | <p>Income = state benefits and private pension<br/> Assets = approx. £30 704 in accounts in September 2018</p> <p>Mr Riddle says: "No overcharge of deputy costs. Significant amount of documents initially received from care home as the manager was his attorney before she passed..."</p>  |
| These proceedings                             | <p>COP1 application by the Public Guardian [A182], dated 5<sup>th</sup> February 2019, to revoke appointment of Andrew Riddle as deputy</p> <p>Directions by order made on 1<sup>st</sup> March 2019 [A218]<br/> Transparency order made on 1<sup>st</sup> March 2019 [A290]</p> <p><u>Statements:</u><br/> Daryll Howard 30<sup>th</sup> January 2019 [B1818]<br/> Andrew Riddle 20<sup>th</sup> May 2019 [B2348]</p> |
| Agreed facts                                  | <p><u>Funeral plan commission</u><br/> Commission of £800 received by Mr. Riddle on 14<sup>th</sup> May 2018<br/> £666.67 was refunded to GMY on 6<sup>th</sup> July 2018<br/> Still outstanding: <b>£133.33</b></p> <p><u>Bank charges</u><br/> 2017/2018 £7.43<br/> Refunded to GMY on 16<sup>th</sup> April 2019</p>  |
| Use of funds to pay Mr. Riddle's legal costs: | <p>£3 069.60 withdrawn on 5<sup>th</sup> June 2019<br/> £2 400 withdrawn on 8<sup>th</sup> August 2019<br/> £2 772.70 repaid in September 2019<br/> <b>£2 696.90</b> remains outstanding</p>   |
| Proposed deputy                               | <p>new<br/> Derbyshire County Council is willing to act.</p>   |
| <b>Conclusions</b>                            | <p><u>Commission</u><br/> <b>£133.33</b> is still to be repaid</p>   |

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|  | <p><u>Bank charges</u><br/>Have been refunded</p> <p><u>Use of funds to pay Mr. Riddle's legal costs</u><br/><b>£2 696.90</b> remains to be repaid.</p> <p><b><u>Overall</u></b><br/><b>£2 830.23</b> of GMY's funds to be restored.</p> |
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Schedule 5:

Withdrawals from funds of protected persons to meet Mr. Riddle's legal expenses

| Case | Withdrawals   | Total     |
|------|---|-----------|
| KT   | 5 <sup>th</sup> June 2019 £7 800  | £7 800    |
| HLR  | 5 <sup>th</sup> June 2019 £4 200<br>8 <sup>th</sup> August 2019 £2 400    | £6 600    |
| VH   | 5 <sup>th</sup> June 2019 £3 600<br>8 <sup>th</sup> August 2019 £2 400    | £6 000    |
| JB   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August 2019 £2 400 | £5 469.60 |
| LC   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August 2019 £2 400 | £5 469.60 |
| DC   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August 2019 £2 400 | £5 469.60 |
| LD   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| RB   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| GMY  | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| BW   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| RT   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| WP   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| CC   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| AJW  | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| SRB  | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| JG   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| WH   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| TF   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| PT   | 5 <sup>th</sup> June 2019 £3 069.60<br>8 <sup>th</sup> August £2 400      | £5 469.60 |
| GME  | 5 <sup>th</sup> June 2019 £1 906.80<br>8 <sup>th</sup> August £2 400      | £4 306.80 |
| ECE  | 5 <sup>th</sup> June 2019 £3 069.60                                       | £3 069.60 |
| STB  | 5 <sup>th</sup> June 2019 £3 069.60                                       | £3 069.60 |

TOTAL: £118 359.60