

Committee on Standards

Oral evidence: [Outside employment and interests](#),
HC 620

Tuesday 18 March 2025

Ordered by the House of Commons to be published on 18 March 2025.

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Members present: Alberto Costa (Chair); Paula Barker; Sir Francis Habgood; Professor Michael Maguire; Mehmuda Mian; Dr Rose Marie Parr; Anna Sabine; Victoria Smith; Gareth Snell; Dr David Stirling; Carys Williams; Michael Wheeler.

Questions 31-60

Witness

I: Daniel Greenberg CB, Parliamentary Commissioner for Standards, Office of the Parliamentary Commissioner for Standards.

Written evidence from witnesses:

- [Parliamentary Commissioner for Standards](#)

Examination of witness

Witness: Daniel Greenberg.

Q31 Chair: Welcome to the Committee on Standards public session on outside interests and employment. This session is in respect of the inquiry that the Committee has undertaken at the invite of Parliament's new Modernisation Committee. Commissioner, would you like to make an introductory statement on outside interests and employment? I will then invite the Committee to ask questions.

Daniel Greenberg: Where we are is that this Committee has been asked by the Modernisation Committee to work up some proposals and recommendations on the outside employment and interests of Members. I sent some thoughts to the Modernisation Committee at an early stage, which it has published, and which this Committee has seen. This Committee asked me to work up those original ideas into something that gives you a little more to think about when working towards your substantive recommendations, without interfering with or trespassing on your substantive responsibility for the recommendations. I have tried to do that by identifying three areas for the Committee to think about. I have set those out in written evidence that the Committee has. I will be very happy to assist in any discussion of those today.

The first of those areas is the issue of principles-based rules. As the Committee already knows, I am in favour of rules being kept simple, short and principles-based, where that is reasonably possible. My view is that certainty and simplicity generally go together. While it is important to give clarity on detail, it is also important for Members to be able to step back and see a principle and a purpose for every rule across the code of conduct. It should be very clear, and Members should be able to ask: "Why am I doing this? Which of the Nolan principles does this speak to? Is it transparent? Is it accountable?" So principles-based rules is the first area that I am inviting the Committee to think about. I am very happy to help you on that.

The second area is transparency. As well as being one of the founding Nolan principles—which underpin the code of conduct and the commitment of public servants generally in our activities—transparency is relevant to the way that the rules are formulated. I invite the Committee to consider whether in this context transparency goes further and can actually be part of the substantive solution, as it is in other areas of the code of conduct, most notably in chapter 1—and indeed in chapter 2 on declarations. Finally, I have invited the Committee to think about issues of enforceability. When the Modernisation Committee first sought my advice to them on this matter, Chair, you will remember that they asked me to think about practicability. I do think that is important; to some extent it puts the cart before the horse, because I cannot give you careful advice



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on how to enforce rules until I know what the rules are, which is a matter for you.

I do think it right that we start thinking from the beginning how we enforce whatever rules we come up with. Will they, therefore, add to trust, which is what this is fundamentally about. To remind the Committee, if I may, this is about amending or reinforcing and supporting trust between the public and Members of Parliament, so that anything we come up with for enforceability should be about making sure that what we do is going to be good for trust between us and the public. That is all I wanted to say, Chair, and I am now very much in the hands of the Committee.

- Q32 **Chair:** My question touches on an issue you raised in your introductory comment to do with principles-based rules. You specifically suggested a qualified prohibition on outside interests and employment, following a principles-based approach. That could be an option that the House might agree to. Can you give a further overview on what you mean by a qualified prohibition on outside interests, and how that might interrelate clearly with a principles-based approach?

Daniel Greenberg: Yes. Just to be clear on the decision, insofar as a decision has been or is being reached. In her evidence to your Committee, the Leader of the House in her capacity as Chair of the Modernisation Committee, underlined her position that there should not be a blanket, complete ban on outside jobs or outside paid interests.

I am resting on her evidence to this Committee in taking the idea that a balance needs to be struck, therefore, between principles and the rules. I think it is this. If the Committee were to recommend an absolute ban on outside interests, we would not need any principles. The principle would be that you cannot do it. As you say we are going to have a qualified, balanced position, the question arises: "Okay, what are the principles?"

The Leader has discussed with you the advantages of drawing on the principles that I first adumbrated for the Modernisation Committee, including the idea that Members should not accept offers that appear to detract from their ability to pay full attention to their parliamentary responsibilities, or that create a conflict of interest, or that appear to be derived only from the fact that they are Members of Parliament, so that they should not be seen to be profiting simply from their capacity as Members.

- Q33 **Chair:** Monetisation of the role, presumably.

Daniel Greenberg: Yes. Again, that is a principle available to the Committee, to recommend articulating that Members should not profit from their membership in ways that are clearly not relatable. I remember that early on in my tenure a Member of Parliament came to talk to me about whether he could properly take an advisory role to a financial services organisation. It so happened that he did have considerable relevant experience. He was very clear that he was being offered the job, not because he was an MP but because of his professional experience.



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That is the kind of balance that you would think about. Why is this job being offered to you? That is what is in my mind. If you go for a qualified approach, which has been identified to you by the leader as the preferable rule, you need principles. I have set forward some that might be appropriate. The Committee may have its own ideas about others that would be better. Again, I would be happy to discuss them.

- Q34 **Chair:** Would that include, using your example, financial services advice? Would your suggested principles-based approach permit a long-serving MP to undertake a new interest that might lead to the acquisition of expertise unrelated to their role as an MP, and then effectively to monetise that interest? If somebody chose to become a financial adviser separately from their role as an MP and then said, "Actually, I would like to be a consultant one day a week," would the principles-based approach be able to accommodate that?

Daniel Greenberg: Potentially. Again, you would be advising the House to look at conflict of interest and conflict of attention first—can I start this other job, can I start this Masters course or vocational course, and still give my constituents the time that they expect of me? Is there inherently any conflict of interest involved? Is it something that will impact my parliamentary activities? If you draw a clear conclusion that there is no conflict of interest and no conflict of attention, you are asking the Member to stop and think: are they only offering this to me because I am an MP and they are trying to buy my influence? In the example that you gave, you would give a clear no. You would say, "I've applied for something that was open to everybody, I've got it on merit and I've decided I want to pursue it as a potential eventual career after I leave the House." Again, that is something that Members have said to this Committee. Members have said to you over the years that MPs have to think about their life after Parliament, and you might decide that it was perfectly reasonable for Members to acquire skills and experience.

- Q35 **Dr Parr:** Lovely to see you again. I have a question in three parts. It follows nicely from your issue around the principles-based approach. If we have that kind of prohibition, do you think a wide range of outside interests could not be allowed anymore? If there were a wide range, what would be prohibited? Could you give us any examples of what might not be allowed?

Daniel Greenberg: It is quite hard for the Committee to tell quite what impact this might have. Obviously, remunerated positions are registered, so we can look at people's register of interests, but it is a bit hard to tell which of those might fail the future test of, "Why have you been offered that position?"

The Committee may want in its deliberations to think about the extent to which this is a natural development of chapter 4 of the code. Chapter 4 was added to the code and has been amended by the House since the election, as the Committee knows. That looked at the particular issue of paid parliamentary advice. I think you could properly regard that as an egregious case of the principle we are talking about: something you would



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not have been given if you were not an MP. It is almost the extreme: "We want you because you are an MP and we will pay you to give us the kind of strategic advice we would not be able to get from anybody who wasn't an MP, and that arguably puts us at an unfair advantage." That was why the House chose to ban that. That is a ban; it is not a principle. That is an absolute ban in chapter 4.

I suppose, if you were trying to answer the question of how much of an impact this would have, you would look at that kind of position, of paid parliamentary adviser, and then you would work backwards and ask yourself, "How many positions are there where I am not being asked to be a paid parliamentary strategic adviser, but the attraction—the reason why I am thought useful—is my parliamentary knowledge, and that might be putting me in that position when they would not otherwise come to me?" I think that would probably put you in a position, as a Committee, to answer the question you raise, through how many classes of registered employment presently on the register you would then be saying would fall afoul of that test.

Q36 Dr Parr: In many ways, we have heard already that there are some areas where MPs, rightly so, have to keep their professional qualifications up to date, and there is something there about what that really means. Do you think that MPs' private and personal lives could be impacted by such an approach? And if they were impacted, how could that be mitigated?

Daniel Greenberg: That is very important, and I remind the Committee that any changes that you make are likely to be added to the code of conduct and the guidance. That is the natural rule for it, and it is a fundamental principle of the code of conduct that it does not seek to regulate what Members do in their purely private and personal lives. That is a fundamental principle of the code, and it is one that perhaps relates to the Chair's earlier question about a Member who wants to develop an entirely new interest as part of their purely private and personal life. I think that is a founding principle of the code, and, in so far as you are suggesting that the Committee wants to be careful about not coming up with rules that stop people developing and pursuing genuine outside personal and private interests, I think that is something that we need to put in place.

Just to try to be a little bit more helpful, do I see that as a fundamental difficulty likely to arise from implementation of the kind of principles that I have set out so far? No, I do not.

Q37 Dr Parr: Thank you, Commissioner. Lastly from me, as a lay Member, I think there is an important question regarding public opinion. Do you think that the principles that we were just speaking about would capture the type of roles that typically attract quite negative public opinion?

Daniel Greenberg: I need to qualify my answer to that: I have not conducted any kind of representative survey of public opinion. Like the Committee, I have looked very carefully at the work done by the Constitution Unit in UCL; we have all read their published reports about public opinions about Members of Parliament and politicians, and their



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activities. I can give you an impression based on the correspondence I receive and what I hear when I go to universities and other places, but it is no more than that—it is the impression that I have received.

Whenever I discuss with members of the public the advantages to the House of having professionals, and indeed people with business experience—people with what you might call real-world experience, if I can put it like that—my experience has been that they are very receptive to that. Again, I do not claim that as statistically reliable proved data, but it has been my consistent experience that members of the public are not just sympathetic to the need for Members of Parliament to maintain their professional qualifications or their business interests, but actually appreciate the idea that having Members of the House with that experience brings additional value to the House. So, to that extent, as you say, this is about building trust, and I would expect that to be a positive feature of trust-building, and not detracting from trust.

- Q38 **Dr Stirling:** Good morning, Commissioner. Earlier, we had the phrase “conflict of interest or conflict of attention”. Could you tell us how you envisage Members being able to test whether an outside interest might appear to detract from their ability to pay full attention to their parliamentary responsibilities, in addressing that appearance of detraction?

Daniel Greenberg: In a number of places in the code already, the House treats separately the actuality and the importance of avoiding perceptions that are damaging to trust. That is the bottom line. The ways in which the code already does that—I allude to this in my written evidence—could provide useful models. I keep coming back to paragraph 6 of chapter 2 of the guide, which is the rule about declaration of Members’ interests. The rule there is the relevance test, and it is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member. In one sense, that is a really vague test, because you have to think. “How would other people feel?” In practice, it works very well. The reason I know that is that I get questions from Members and I talk to them. The registrar is often approached by Members who also want to discuss the same thing. We just work it through with Members and say, “If someone was watching and they saw this and they saw you do that”, what do you think? And they answer the question themselves and they go away saying, “Yeah, you are right. I think I should err on this side of caution” or “I think this is clearly okay”. I think you are likely to come up with something similar here if that is the line you decide to go down for a qualified regulation based on principles, and if one of the principles is conflict of attention.

What I certainly do not want and I think would clearly be bad from lots of points of view is to be put in charge of deciding how many hours a week someone can spend on their work. That would be an extremely bad idea for all sorts of obvious reasons. Equally, I have said in my evidence to the Committee, and the Leader of the House said when she came here to report the feeling for the Modernisation Committee, charts and tables are not going to be the answer. It will not be, “You can spend up to six hours,



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you can spend up to this many days.” That is not going to work. Getting the principles clearly articulated in a way that Members understand them and that are transparently relayed to the public will be capable of producing the kind of answer that we get for declarations under chapter 2: think for yourself; is this compatible with being a Member of Parliament? And would one of your constituents watching regard it as being compatible? You do not look terribly convinced.

Q39 Dr Stirling: I am trying to follow through how that might lead to potential enforcement if it is built into your conduct and standards, and how we would apply that reasonable person test if someone brings a complaint against a Member of Parliament who is, for instance, spending three days a week on other business.

Daniel Greenberg: Perhaps I can help a little on that, again by using paragraph 6 of chapter 2 as a model. When Members write to me and ask whether they should declare something under that rule, my first response is always, “It is your responsibility in the first instance to make that decision for yourself.” That is really important, partly because the House is self-regulating—the House should make its own rules for itself—but also because the best person to make that judgment is always the Member. That is why I do not want to be in the position of saying, “Yes, you can,” and “No, you can’t.”

The key words, from the perspective of your question, are “in the first instance”. Members are very clear if they make a decision about declaration and, to use judicial review kind of language, it is a decision that no reasonable Member could have come to. So they say, “Yeah, I am going to go off for a year and you will not see me for a year because I am going to be in another country earning money.” I will have no difficulty if there is a complaint in saying, “That is not something that could reasonably have been thought by others to be compatible with your duties as a Member.”

If that has dealt with your question based on that model, that brings me to another point on enforceability that I want to put very carefully. A number of provisions of the code have, for enforceability purposes, what I habitually describe as a high threshold. The obvious example is rule 11 on reputational damage to the House. I am required by the House under the procedural protocol to consider proportionality and justification before I start any investigation. It is quite common that I get a complaint about something that might be thought to damage the reputation of the House. I will think about it, and I will say, “You know what? No, it’s not great. Reputationally, that’s not wonderful,” but I need to protect the threshold of rule 11, because the House has to be satisfied that its decisions under rule 11 are absolutely beyond reproach—that they do not impact people’s personal lives or people’s free speech as Members. A lot of that is very important, so it is a justified high threshold.

Can I point to a chart to say where the threshold is? I cannot. Does it work? I believe it works rather well. We have used it. It is not a case of saying, “It has a high threshold so the Committee can never use it.” You



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have used it, and you have been upheld in your use of it by the Independent Expert Panel. If you end up recommending some principles that do not lend themselves to objective benchmarks enabling every question to be answered with either "Yes, that is permitted," or "No, that is not permitted," that will not mean that you cannot enforce the system in the same way as you enforce it under paragraph 6.

- Q40 **Dr Stirling:** It does suggest that your office may find itself in that position of having to make a judgment about whether someone's outside interests are breaching that threshold, where they have that lack of attention or a conflict of attention with their duties in the House.

Daniel Greenberg: If I may, I would slightly rephrase that. I might be in the position where I have to decide whether a breach of that principle is so clear and so egregious that I can bring it to the Committee, and the Committee will be clear that it is not consistent with the principles laid down by the House. I think you see that that is a significant difference. I imagine that this would not be part of the rectification package, but I am never in the position of telling Members what they can and cannot do. That is not my role. I am sometimes in the position of telling Members that if they were they to do X, I would recommend to this Committee that it recommends to the House that the House tells them that they should not do it. That is an important difference. Have I helped us a bit on enforceability?

- Q41 **Gareth Snell:** The difference is that for conflicts of interest and declarations at the moment, there is a well-established body of precedent and context. That gives Members an understanding of the expectations placed upon us, because of what has come before and what we can read. Going down the line of what becomes part of our full attention is brand new.

There are five MPs in the room, and I would wager that each one of us runs our office differently, and puts different emphasis on the time we spend in the Chamber, or doing Committee or APPG work. We have all structured how we feel we are doing the job. I am conscious that without there being an accepted and enumerated list of duties, somebody somewhere is going to have to have a pro forma of what our responsibilities are, to judge whether we are giving our full attention to those duties. If that is not a responsibility that you see yourself as having in your role, as you have said, while we might be able to recommend to the Government and the House what we feel would be appropriate for the attention of Members, if a complaint comes in, somebody is still going to have to judge whether the actions that I take as a Member of Parliament are compatible with what the expectations are. Who is going to be the arbiter of that? How do you look at the things that we do in our own offices that meet the demands of our very different constituencies, but also the way in which we wish to use Parliament as Members of Parliament?

Daniel Greenberg: This is obviously entirely a matter for the Committee and ultimately the House, but I would advise against ever trying to list



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what the role of a Member is and is not. In the back of the stationery rules, you will remember, we have a non-exhaustive list of things that are features of a Member's role, and that is designed to give Members confidence to make their own decisions, but I strongly agree with the point that you have made that every Member sees their role differently. I have always understood that to be a fundamental part of your capacity as individual office holders. You are not employees with a contract that tells you how many hours to spend on this and how many hours to spend on that. You submit yourself to your constituents at each election and say, "This is how I have done the role," or, "This is how I intend to do the role." Your constituents decide whether they agree with that, and accordingly send you back to Parliament or don't.

I would advise against that, but I think you may want to draw on some of the principles that have been discussed today in moving towards your report and in listening to other witnesses. You are obviously at a very early stage of your inquiry and this is something that you can do. Rather than laying down lists of what you can and cannot do, those could be helpful in coming at enforceable decisions. For example, if I were a Member, the question for me would not be whether I could accept this outside employment and still go to Select Committees and write to my constituents. The point to answer is, why have I been offered it? If I have been offered it only because I am an MP and it is an attempt to buy influence, that is why it is not permitted—if that is your decision—and not because it would impact on my attention. You may come up with things that are not a conflict of interest or a conflict of attention, but that you still decide to prohibit in the way you have prohibited giving parliamentary strategic advice under chapter 4.

So I would advise against trying to list MPs' duties or, indeed, to list things that are outside their duties, which I think is also potentially unreasonable interference with an MP's autonomy.

The other thing I would say in response to your question is that every five years when the Committee revises the code, it also issues a report and it discusses some of the principles that have underpinned its decision in the new code, and I get great advantage from going back and reading those discussions as set out in the report. I think that for this inquiry, the more you are able to adumbrate and ultimately articulate in your report the kind of thing you want Members to be thinking about, particularly when they are looking at what people will reasonably think, the better. I think that would be of great assistance to Members of Parliament and of course to the public.

So my view on attempting to draw up a list—subject to the fact that the Committee will do what it likes—is that I would not go there, but I would recommend that you do a lot of articulating as clearly as possible what we are trying to encourage and discourage. I think people will find that helpful.

Chair: Thank you. May I just ask for the answers to be shorter, because we have lots of questions?



- Q42 **Professor Maguire:** Good morning, Commissioner. I want to play devil's advocate for a bit. It strikes me that one of the difficulties of having a principle-based approach is that the working assumption is you are dealing with principled individuals. Now, the vast number of MPs are there to represent their constituencies. They are principled, but there are some individuals, some of whom have been in front of this Committee, who are not. If we take a principle like "Members do not accept work that detracts from their ability to do their job," I could create an argument where that would be unenforceable. It falls at the hurdle of enforceability if it comes down to subjective judgments between my work as an MP and your judgment about what falls against that. So how do you deal with that as an issue?

Daniel Greenberg: This takes me back to my answer to David Stirling. You set the bar in a way that the House feels confident in saying to a Member, "Come off it. That is just ridiculous. You cannot say it is fine to go away for a year and do nothing. We are very clear. You may say you think that is fine for a Member of Parliament, but we, the House, do not."

I am particularly mindful of the Chair's concerns about timing; without wanting to in any sense disrespect your question, I find myself answering in very similar terms. I completely agree and say regularly in public that the vast majority of Members are deeply committed to the Nolan principles in public life. When a Member turns around, thumbs their nose at the House and says, "Well, I've decided it is reasonable and members of the public will understand," the House will need to be able to say, "We disagree." It will not be for me to decide that. It will be for me to bring that to the attention of the House. It will be for the House to decide that as a self-regulating body.

- Q43 **Carys Williams:** I am afraid you are going to give me feedback that it is the same question again, but I am putting a slightly different tint on it. Like you, I believe in principle-based rules, but we have had Members of Parliament in front of us previously saying that in some areas specifics can be helpful to give clarity. That also helps build trust in the public. If we were to put reasonable limits in place in relation to conflict of attention—say, two days a week for paid or unpaid attention elsewhere that takes you away from being an MP being your primary employment—what do you think the downside of that would be?

Daniel Greenberg: I suppose it is always the unintended consequences and the anomalies either side, isn't it? The first thing to say is that doing nothing outside Parliament does not guarantee that I am doing anything inside Parliament. You can have a Member who has no other interests, and does not serve their constituents particularly well. To slightly digress, but I hope this is helpful, when I talk in my note about transparency being part of the potential solution, it is about asking, "What arrangements do I put in place to make sure that my constituency work is being done when I am not available? What arrangements do I make to ensure that I can be contacted in an emergency?" Those things can help Members give themselves clarity about the compatibility of certain things with their role as Members of Parliament.



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Returning to your question directly, anything that has specificity of that kind will inevitably create anomalies on both sides. You will have somebody who needs to spend more than two days in a particular week—maybe not every week—maintaining their experience in a professional or business capacity, and they will not be able to do that while producing a result that was sensible in principle-based terms.

I am not telling you not to do it. It is absolutely a matter for the Committee. I think you will come up with some rules that are not just principles, such as “Don’t take it if you are only being paid because you are an MP.” That is a rule. It’s based on a principle, but it is a fixed rule. With two hours or three hours, I see that creating more anomalies than are helpful, but ultimately that will be a matter for the Committee.

- Q44 **Anna Sabine:** What do you think MPs should consider when they take on outside roles, to avoid any perception that they have been offered that role because they are a Member of Parliament? I ask that because, since becoming an MP, I am struck that when you tell people you are an MP, they normally have quite a strong reaction. Whether it is positive or negative, it is rarely indifferent. Even if you are being offered a role where you feel you are well qualified, and you feel that they are not offering it to you because of your MP status, there may be an element of that. They may like your status and think you have access, even if that is not articulated as part of that discussion.

Daniel Greenberg: That is very helpful because it brings me to another aspect of chapter 4. Chair, this is again something that you will want to look at as your inquiry proceeds. In paragraph 3 of chapter 4, you imposed a rule. The rule is that if you take on formal paid employment with an outside body, you must obtain a written contract or written statement of particulars detailing the duties. In part, that is to avoid exactly the kind of lack of clarity that you referred to. The MP needs to make it very clear to the employer, “I am coming here as a financial analyst or as a doctor. You are going to get nothing out of me as an MP.”

In the same way that you have written that into chapter 4, and the template for employers that I produced at the request of the Committee, it makes it clear that employers are not allowed to ask and MPs are not allowed to do anything that would conflict with chapter 4. You could extend that, were you to decide to make a rule that you do not take a job that is given to you because you are an MP. You could extend that and say it must be part of the contract that, “I am not here to provide anything other than my professional experience, professional knowledge and capacity as doctor/lawyer/lecturer/nurse or whatever it happens to be.”

- Q45 **Anna Sabine:** I used to do a lot of work coaching women in business, as I came from a business background. I can see a situation in future where someone might approach me and say, “We would love to pay you to do some work in coaching women in public speaking.” I would consider that related to my professional expertise but, clearly, the fact that I am an MP might make me seem more appealing in that than if I were not. As an MP, I wonder what factors I try to take into account, and whether that would



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be perceived as being a reasonable thing to take on or not.

Daniel Greenberg: Drawing on your experience as an MP, if you are coaching someone in public speaking, of course you are going to gain from experience you have acquired in your political life. The question here is why you were offered the role.

If the Committee recommends to the House, and the House eventually enacts a provision of the code that you should not profit from your capacity as an MP, you might end up turning down a role where you thought, "That's a shame because I would be good in it and be helpful. I would have been good in it, even if I weren't an MP." But if you come to the conclusion that a reasonable observer would conclude that it has been offered to you because you are an MP, you might turn it down.

What might be an indicator of that? Procurement. How was the role advertised? How was the role procured? Most of us are now accustomed to recruitments where there are unnamed candidates; you look at their experience and their work, without a name on the top. If you went through that process, and were chosen, you would be able to say to the world, "I was chosen without anybody even knowing I was an MP when they offered it to me."

Were you given the role because someone phoned you up and said, "We are not procuring it because we would really like you."? You look at the circumstances, I think. I know I'm the problem, Chair, with the answers not the questions. To put it a different way: could an employer protect themselves against an imputation?

That goes back to David Stirling's question, because the imputation redounds to the employer as much to as to the MP. Could an employer protect themselves through the procurement regime from the imputation that they had only chosen you because you were an MP? Yes, they could, by setting up the selection process in a way that means that the board never knew who was an MP or who was not.

Q46 **Anna Sabine:** I suppose the fact of being an MP touches every aspect of your life, whether it is your personal life, or whether you are being invited to a dinner party because you are an MP. It is very hard to detach the aura of being an MP.

Daniel Greenberg: That might be why you applied for the job. The question would be, "Was it why you got the job?"

Chair: I am reminded of some MPs who are able to write very interesting books that clearly make use of their experience as an MP, maybe looking at things historically, and some of those books might then be offered to television programmes, for example. There is a complex issue, in relation to Anna's point, about where the delineation is between Member of Parliament as a factual title that you have and you using the position of Member of Parliament to acquire the outside interest.



Q47 Michael Wheeler: The code of conduct, which was updated in 2022, already contains several rules that regulate and provide transparency on MPs' outside interests and earnings. Do you see any arguments in favour of maintaining the status quo?

Daniel Greenberg: I agree that the present code does require transparency as to remunerated interests. Again, I stress the word "remunerated", because one of the aspects of my written evidence that the Committee may want to think about as it progresses in its inquiry is the ability of non-paid positions to be as obstructive to a Member's ability to serve whatever they decide their parliamentary responsibilities are as paid positions.

You are presently required to register your paid positions. Is that an argument for the status quo? No. Let us remind ourselves why we are here: because the Labour party manifesto for the last election included an express reference to impact on outside employments and interests. So the decision was taken by the incoming Government that part of its policy offering, so to speak, was to change the status quo.

If the Government decided not to pursue this and you asked me to put together a paper showing how far the existing system regulates the outside interests of MPs, of course I could do that. But the decision was taken that some change was going to be made, and that is why you are here trying to provide that advice to the House, because that is what you have been asked to do.

Q48 Sir Francis Habgood: I am going to return to enforceability. You have suggested that the principle will need to be turned into some sort of rules contained in the code. If that is the case, how different will that be, compared with taking a rules-based approach, from an enforceability perspective?

Following on from that and the comment you made to Michael, if the bar is so high, because the act has to be so bad and so egregious—as I think you said in your written submission—that it is very unlikely that you have breaches by people, is that going to capture some of the cases that others might be concerned about? Perhaps they are not quite at such a high level and are not quite so obvious, but actually, there is a lot of concern about these interests.

Daniel Greenberg: If I may, I will take the two points in reverse order. I think rule 11—on not damaging the reputation of the House—works really well. How often do I report a breach to you? Extremely rarely, but I think the rule works brilliantly because Members think about it. I am tempted to use the word "deterrence" but I think that that is the wrong word, and you would probably have a better one. It is more about incentivising positive behaviour than deterring bad behaviour.

The fact that a rule has a high threshold and does not have a strong degree of specificity does not necessarily make it an ineffective rule. I certainly think rule 11 is one example. If I may give you other examples of rules that are very much not granular and specific, but that work really



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well based on my experience, I would give the example of rules 2 and 3: the requirement for Members to base their conduct on consideration of the public interest and to avoid bribes of any sort.

The reason I know that they work well in that sense is that although it is very rare for me to report for a breach of either of those, I see them working daily because I get Members saying, "What do you think about this? Can you help me to think it through? Would this be a conflict of interest? Would this be a personal interest?" I am not setting these rules up to get lots of breaches, I am setting these rules up to get no breaches and they are working well and being effective and enforceable without having breaches.

To come to the first part of your question, to give a very blunt response, if you and the House decide, in the way that Carys Williams was opening for discussion, to say, "No Member can spend more than two hours a week on another interest" that would be fairly easy to enforce—although actually it would be quite difficult to get evidence. But let us say that I get the evidence, then it would be quite easy to enforce, and it would have a low threshold in the sense that there is no tolerance around that.

I have given my reasons why I think that that might not be the most incentivising and helpful approach, and that it will produce anomalies. But it is absolutely for the Committee to decide. If it decides to prioritise enforceability in the way that you are talking about, then that could be one of the reasons why you are pushed back towards lists, timelines, charts and so on.

That is absolutely something that the Committee could do and of course I would enforce that. Could you come up with rules that are very far from principles and are absolutely enforceable in a very rigid way? Of course you could. If you do not, does that mean we cannot enforce the system? I do not think that it does, because incentivising good can also work very effectively. Have I answered you?

Q49 Sir Francis Habgood: What support do you think we should provide to MPs who are going to be asked to do a degree of self-regulation as they are in other aspects of the rules? Also, going back to your example of the relevance test—you said in your email responses that you started in the first instance, but I bet you go on to then give some advice, and you were also talking about advice—are you concerned about the amount of advice you will be giving in what we have heard is going to be a very complex and challenging area?

Daniel Greenberg: That is a very important question. If I was now giving advice in this new area, I would want to sit carefully with my team and think, how do I do it in a way that scrupulously avoids telling MPs what they should and should not do? I have some experience of that, in particular in relation to rule 8 of the code, where Members come to me for advice on whether use of facilities is in support of their parliamentary activities.



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Although I am not rejecting the word “advice”, and you are right that I use it myself, the advice I give is very much in the nature of thinking it through with them and helping them to analyse it for themselves.

If a Member turns to me and says, “Stop waffling, Commissioner, do you think it is or is not part of my Parliamentary duties to attend conference X?” I will not answer. I will tell them it is not for me to tell you. I will help you identify criteria that you can use to determine whether this is part of your Parliamentary activities, but it is not for me to decide.

Q50 Sir Francis Habgood: And on other support for MPs in terms of training?

Daniel Greenberg: As the Committee knows, I believe very strongly in giving Members support in the form of advice and explanatory notes. The more the Committee articulates its reasoning in its own reports, the more I would be able to draw on that in materials I produce for Members. As I say, I would want to sit with my team and think very carefully about how we can help Members navigate principles and rules both that the Committee recommend the House enacts.

Q51 Gareth Snell: The analogy there you gave to Francis is that if someone comes to you for advice to say, “Is this within the rules?” you do not say yes or no. It is a judgment for us to consider whether it meets the threshold. However, if I come to you and say, “I would like to do X on the estate; is that allowed?” you would say to me, quite rightly, “That is for you to decide, Mr Snell. You have to make that consideration.” But if someone then complains about what I have done and it comes back to you, you make a judgment on whether what I did was within the rules or not, because it is then a complaint to be considered. I am at a loss as to what point that judgment comes in as a complaint rather than advice.

Daniel Greenberg: We need to unpack it slightly differently, if I may say so. I do not tell people what is within the rules. In the example you gave, I help them decide whether they think this is part of their parliamentary activities—that is what they are deciding. The rule is that they must only use the facilities of Parliament in pursuit of their parliamentary activities. I will not have advised them either way but have thought it through with them.

Sometimes—I know that the Chair has referred to this on more than one occasion—there is what I would call an informal safe harbour equivalent. There is formal safe harbour under the guide in relation to certain things. If a Member comes to me and I say, “I think that is fine, actually. For various reasons I can tell you that is a parliamentary activity”, and a member of the public later complains, even if I later come to the decision that I had been wrong, it would clearly not be in accordance with the procedural protocol. It would not be justifiable for me to start an investigation into a Member who followed my advice, were that to happen. I think that is very important.

Chair: Unless the Member had misled you.



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Daniel Greenberg: Of course. That is in the formal safe harbour rules as well. But there is another aspect that needs to be unpacked here. Again, I do not decide whether Members have broken the rules. I initiate an investigation, make findings of fact based on that investigation and present them to the Committee. The Committee makes a decision and submits it to the House, which then decides. This is not a case of, "How would Greenberg advise and then decide?" because I am not a decision maker.

Q52 **Gareth Snell:** In cases where you make a rectification, you are.

Daniel Greenberg: No, I am not. If you will forgive me, I am not. What I do is say to the Member, "I think this is something that may have breached the rules. You have a choice. You can agree with me that it possibly did, or maybe that it actually it did, and agree that, based on all of the circumstances, it is not necessary to go to the Committee. You can accept that it was or may have been a breach of the rules, depending on the circumstances, and you can apologise to the House through me and we can agree a rectification package to avoid recurrence." That is absolutely consensual, and at any stage, a Member can turn around and say, "No." That has happened, although only once that I can think of. It has happened that a Member has said, "I do not want to be rectified because I do not agree with you. I want to go to the Committee." In a rectification case, I am not deciding; I am offering a consensual outcome.

Q53 **Victoria Smith:** You have suggested that MPs should or could be required to produce a contract or a written document to confirm their compliance with the proposed rules, but how would that work in practice?

Daniel Greenberg: It could work in the same way that chapter 4 has worked. Perhaps it will help if I explain a bit about what I have done about paragraphs 3 and 4 of chapter 4 since it was introduced in 2023. First, there has to be a written contract, and paragraph 3 provides that it must be made available to me on request, but Members do not need to lodge a copy of the contract when registering employment.

That has worked in practice in two ways. Shortly after the implementation of that new provision by the House, I decided to call for contracts to check compliance. We carried out that project in early 2024. The aim was simply to check from a purely factual perspective that that provision had been complied with.

There is a second way in which that could become important. Were I to be investigating someone for an alleged breach of the provisions of paragraphs 2 of chapter 4, the prohibition on advising outside organisations from a parliamentary strategic perspective, that contract would become evidence. As I said in answer to Anna Sabine, that could be very important evidence to protect an employer and to show that the employer had complied with all the relevant policy principles and rules when entering into the commitment with the Member.

Will you forgive me, Chair? I know I always take too long, but I wanted to add something very quickly to the answer I gave Gareth Snell a moment



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ago. I want to point out that with rectification it works as I said, but with words of advice it works at one stage higher. Words of advice are wholly confidential. The words advice template I use says at the end, "If you prefer not to accept these words of advice, that is absolutely up to you and you can write to me and say you do not accept the advice, in which case it is treated as not having been given."

Q54 **Chair:** Has that template been given to the Committee, incidentally? I do not think I have seen that template. I may be wrong.

Daniel Greenberg: I don't know that it has.

Q55 **Chair:** It would be interesting to see the template if possible.

Daniel Greenberg: I cannot see any reason why it shouldn't be shared. It will not help you a lot because it is very much topping and tailing.

Chair: As a template, it would be helpful to know how that is exercised by you.

Q56 **Mehmuda Mian:** Moving on to media appearances, as we are all aware, the only remaining exemption in the prohibition in the code to providing paid parliamentary advice is in relation to media appearances, journalism, books, public lectures and speeches. Would you suggest any changes to that exemption?

Daniel Greenberg: I am not suggesting any changes to anything.

Q57 **Mehmuda Mian:** Your views, then?

Daniel Greenberg: I am not dodging the question, but I need to predicate it genuinely by saying that, on this particularly, if I say I do not have a view, I am not being precious—I do not have a view. What I want to do is to help the Committee to identify the factors that it will want to consider in deciding whether it has a view. In relation to the media, I think one of the ideas that the Committee will want to reflect on is the question of influence.

Early on, I had this represented to me by a journalist who was discussing the issue with me. The journalist was saying that, from their perspective, inviting an MP on to a news programme or a current affairs programme to comment happens all the time. It really should happen because you want to hear from Members of Parliament what they think about their activities and politics. This is not my view but genuinely what the journalist said to me, "Once you put them in the presenter's chair, you are changing the dynamic between them and the public. You are presenting them to the public as having an authority."

There are two words for the Committee to reflect on: influence and authority. You are presenting them as having an authority. The Committee will want to ask itself: if an MP gains influence by virtue of having access to the kind of authority that comes from presenting a news programme or reading and commenting on the news, is there an issue of fairness as far as the House is concerned?

Again, one of the issues you might like to consider is electoral law. These are ideas for you to develop, Chair, as your inquiry progresses. Quite a lot



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of electoral law is about levelling playing fields. Why do we have rules about donations to political parties? They are not just rules; they are laws. They are not your rules; they are the law. They are policed or enforced by the Electoral Commission. My understanding over the years is that they are not exactly about levelling the playing field, because we do not have, "You must spend this and you mustn't spend this." They are about avoiding the grosser inequalities. They are about keeping an eye on the playing field rather absolutely levelling it.

You and the House might take the view that there is a similar issue here. You might decide that for one Member to have the public's ear as a presenter for three hours a week creates an influence imbalance of a kind you want to look at. I think you are taking evidence from media organisations. This is something they will be able to give you a lot more information about what it looks like from their perspective, which is what you really care about. Those are the kind of issues I would expect you to want to ponder upon as your inquiry progresses: influence and authority.

- Q58 Chair:** Given what you said in response to earlier questions, what if a well-known chat show host, for example, on broadcast mainstream media is elected as an MP? Would you have a different view? The influence has already been garnered prior to coming to the legislature. Would you say that, in looking at this, we have to take in the new situation, whereby that person has been elected to the legislature and has a distinctive role? Do you have any view of that?

Daniel Greenberg: I think two things about that. The first is that you have correctly identified how this line of reasoning might be an exception to the line that we followed earlier in discussion with other Members of the Committee. If you are invited on as an MP to comment on a news programme, you are clearly being invited because you are an MP, and that is quite right. That is an exception to the idea that you should not do anything when you are being approached only because you are an MP. Whether you have to be paid for that is an entirely separate question.

On the specific example that you give, if you have articulated the principle that there must be a level or level-ish playing field between Members of Parliament, that is the point that you have to keep applying. Any Member of Parliament who acquires a position in the media will have got it for all sorts of different reasons. If your principle is that there has to be parity or not gross disparity between Members, then that is the principle. The fact that someone got it entirely reasonably because they used to be on the chat show six times a day, you might decide was neither here nor there.

- Q59 Michael Wheeler:** I have a quick question. I understand that you are not suggesting the pursuit of promoting changes, and I found your answer interesting. To circle back to the question and to press on it slightly, do you see this exemption as potentially incompatible or out of step—that it exists and perhaps continues to exist, given what we might propose—with that principles-based set of rules?

Daniel Greenberg: When you say "exemption", you mean—



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Michael Wheeler: Around media—if the existing exemption were to continue. Even in the context of the current rules, do you think it is out of step with those principles?

Chair: As a paid parliamentary adviser in that process.

Daniel Greenberg: I think two things. First, if I may say so, there are different ways of construing the present paragraph 2 of chapter 4. It says, “The following is not parliamentary advice”, and you can read that as a statement of fact—that writing a book, as the Chair alluded to, is not parliamentary advice. But paragraph 4(a) and (b) are a little more contentious, which is why the House voted to remove them in July last year. I therefore do not think that you have to see what was paragraph 2(c) as necessarily an exemption from the principle.

I accept this point, however: when you frame, for example, a provision about conflict of interest or conflict of attention, you will need to decide whether the exemption from the rule against taking a position that is only offered to you because you are an MP interferes with conflict of interest or of attention. To take that example—trying to be as helpful as possible—I imagine you would decide that it did impact on conflict of attention to the extent that you permitted it under the exemption, but that it did not impact on conflict of interest. I cannot imagine you wanting to permit Members to indulge a conflict of interest simply because they were taking advantage of an exemption to allow themselves to appear on a media programme.

Q60 **Chair:** If there are no other questions in this public session, commissioner, do you have any closing statement to make?

Daniel Greenberg: You will be relieved to hear that I do not.

Chair: Why do you think I would be relieved to hear that? We are on time. Commissioner, thank you very much giving evidence in public. I am very grateful for your time and for you carefully answering those questions. Your answers have given all of us a great deal to think about and consider in a complex issue.